

controls including access controls, terminal and transaction logging, and file management software. Online data transmissions are protected by encryption.

#### RECORD ACCESS PROCEDURES:

Requests for access must be made in accordance with the Notification Procedure above and USPS Privacy Act regulations regarding access to records and verification of identity under 39 CFR 266.6.

#### CONTESTING RECORD PROCEDURES:

See *Notification Procedure* below and *Record Access Procedures* above.

#### NOTIFICATION PROCEDURE:

Customers wanting to know if information about them is maintained in this system of records must address inquiries to the system manager in writing. Inquiries should include name, address, and other identifying information.

#### EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

#### HISTORY:

June 27, 2012, 77 *FR* 38342; April 29, 2005, 70 *FR* 22516.

Ruth Stevenson,

Attorney, Federal Compliance.

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BILLING CODE 7710-12-P

## RAILROAD RETIREMENT BOARD

### 2019 Railroad Experience Rating Proclamations, Monthly Compensation Base and Other Determinations

**AGENCY:** Railroad Retirement Board.

**ACTION:** Notice.

**SUMMARY:** As required by the Railroad Unemployment Insurance Act (Act), the Railroad Retirement Board (RRB) hereby publishes its notice for calendar year 2019 of account balances, factors used in calculating experience-based employer contribution rates, computation of amounts related to the monthly compensation base, and the maximum daily benefit rate for days of unemployment or sickness.

**DATES:** The balance in notice (1) and the determinations made in notices (3) through (7) are based on data as of June 30, 2018. The balance in notice (2) is based on data as of September 30, 2018. The determinations made in notices (5) through (7) apply to the calculation, under section 8(a)(1)(C) of the Act, of employer contribution rates for 2019. The determinations made in notices (8)

through (11) are effective January 1, 2019. The determination made in notice (12) is effective for registration periods beginning after June 30, 2019.

**ADDRESSES:** Secretary to the Board, Railroad Retirement Board, 844 N Rush Street, Chicago, Illinois 60611-1275.

**FOR FURTHER INFORMATION CONTACT:** Michael J. Rizzo, Bureau of the Actuary and Research, Railroad Retirement Board, 844 N Rush Street, Chicago, Illinois 60611-1275, telephone (312) 751-4771.

**SUPPLEMENTARY INFORMATION:** The RRB is required by section 8(c)(1) of the Railroad Unemployment Insurance Act (Act) (45 U.S.C. 358(c)(1)) as amended by Public Law 100-647, to proclaim by October 15 of each year certain system-wide factors used in calculating experience-based employer contribution rates for the following year. The RRB is further required by section 8(c)(2) of the Act (45 U.S.C. 358(c)(2)) to publish the amounts so determined and proclaimed. The RRB is required by section 12(r)(3) of the Act (45 U.S.C. 362(r)(3)) to publish by December 11, 2018, the computation of the calendar year 2019 monthly compensation base (section 1(i) of the Act) and amounts described in sections 1(k), 2(c), 3 and 4(a-2)(i)(A) of the Act which are related to changes in the monthly compensation base. Also, the RRB is required to publish, by June 11, 2019, the maximum daily benefit rate under section 2(a)(3) of the Act for days of unemployment and days of sickness in registration periods beginning after June 30, 2019.

Pursuant to section 8(c)(2) and section 12(r)(3) of the Railroad Unemployment Insurance Act (Act) (45 U.S.C. 358(c)(2) and 45 U.S.C. 362(r)(3), respectively), the Board gives notice of the following:

1. The balance to the credit of the Railroad Unemployment Insurance (RUI) Account, as of June 30, 2018, is \$118,064,725.00;
2. The September 30, 2018, balance of any new loans to the RUI Account, including accrued interest, is zero;
3. The system compensation base is \$4,148,935,149.55 as of June 30, 2018;
4. The cumulative system unallocated charge balance is (\$433,831,623.64) as of June 30, 2018;
5. The pooled credit ratio for calendar year 2019 is zero;
6. The pooled charged ratio for calendar year 2019 is zero;
7. The surcharge rate for calendar year 2019 is 1.5 percent;
8. The monthly compensation base under section 1(i) of the Act is \$1,605 for months in calendar year 2019;
9. The amount described in sections 1(k) and 3 of the Act as “2.5 times the

monthly compensation base” is \$4,012.50 for base year (calendar year) 2019;

10. The amount described in section 4(a-2)(i)(A) of the Act as “2.5 times the monthly compensation base” is \$4,012.50 with respect to disqualifications ending in calendar year 2019;

11. The amount described in section 2(c) of the Act as “an amount that bears the same ratio to \$775 as the monthly compensation base for that year as computed under section 1(i) of this Act bears to \$600” is \$2,073 for months in calendar year 2019;

12. The maximum daily benefit rate under section 2(a)(3) of the Act is \$78 with respect to days of unemployment and days of sickness in registration periods beginning after June 30, 2019.

#### Surcharge Rate

A surcharge is added in the calculation of each employer's contribution rate, subject to the applicable maximum rate, for a calendar year whenever the balance to the credit of the RUI Account on the preceding June 30 is less than the greater of \$100 million or the amount that bears the same ratio to \$100 million as the system compensation base for that June 30 bears to the system compensation base as of June 30, 1991. If the RUI Account balance is less than \$100 million (as indexed), but at least \$50 million (as indexed), the surcharge will be 1.5 percent. If the RUI Account balance is less than \$50 million (as indexed), but greater than zero, the surcharge will be 2.5 percent. The maximum surcharge of 3.5 percent applies if the RUI Account balance is less than zero.

The ratio of the June 30, 2018 system compensation base of \$4,148,935,149.55 to the June 30, 1991 system compensation base of \$2,763,287,237.04 is 1.50144911. Multiplying 1.50144911 by \$100 million yields \$150,144,911.00. Multiplying \$50 million by 1.50144911 produces \$75,072,455.50. The Account balance on June 30, 2018, was \$118,064,725.00. Accordingly, the surcharge rate for calendar year 2019 is 1.5 percent.

#### Monthly Compensation Base

For years after 1988, section 1(i) of the Act contains a formula for determining the monthly compensation base. Under the prescribed formula, the monthly compensation base increases by approximately two-thirds of the cumulative growth in average national wages since 1984. The monthly compensation base for months in calendar year 2019 shall be equal to the greater of (a) \$600 or (b) \$600 [1 + {(A

– 37,800/56,700}], where A equals the amount of the applicable base with respect to tier 1 taxes for 2019 under section 3231(e)(2) of the Internal Revenue Code of 1986. Section 1(i) further provides that if the amount so determined is not a multiple of \$5, it shall be rounded to the nearest multiple of \$5.

Using the calendar year 2019 tier 1 tax base of \$132,900 for A above produces the amount of \$1,606.35, which must then be rounded to \$1,605. Accordingly, the monthly compensation base is determined to be \$1,605 for months in calendar year 2019.

#### **Amounts Related to Changes in Monthly Compensation Base**

For years after 1988, sections 1(k), 3, 4(a–2)(i)(A) and 2(c) of the Act contain formulas for determining amounts related to the monthly compensation base.

Under section 1(k), remuneration earned from employment covered under the Act cannot be considered subsidiary remuneration if the employee's base year compensation is less than 2.5 times the monthly compensation base for months in such base year. Under section 3, an employee shall be a "qualified employee" if his/her base year compensation is not less than 2.5 times the monthly compensation base for months in such base year. Under section 4(a–2)(i)(A), an employee who leaves work voluntarily with good cause is disqualified from receiving unemployment benefits until he has been paid compensation of not less than 2.5 times the monthly compensation base for months in the calendar year in which the disqualification ends.

Multiplying 2.5 by the calendar year 2019 monthly compensation base of \$1,605 produces \$4,012.50. Accordingly, the amount determined under sections 1(k), 3 and 4(a–2)(i)(A) is \$4,012.50 for calendar year 2019.

Under section 2(c), the maximum amount of normal benefits paid for days of unemployment within a benefit year and the maximum amount of normal benefits paid for days of sickness within a benefit year shall not exceed an employee's compensation in the base year. In determining an employee's base year compensation, any money remuneration in a month not in excess of an amount that bears the same ratio to \$775 as the monthly compensation base for that year bears to \$600 shall be taken into account.

The calendar year 2019 monthly compensation base is \$1,605. The ratio of \$1,605 to \$600 is 2.67500000. Multiplying 2.67500000 by \$775 produces \$2,073. Accordingly, the

amount determined under section 2(c) is \$2,073 for months in calendar year 2019.

#### **Maximum Daily Benefit Rate**

Section 2(a)(3) contains a formula for determining the maximum daily benefit rate for registration periods beginning after June 30, 1989, and after each June 30 thereafter. Legislation enacted on October 9, 1996, revised the formula for indexing maximum daily benefit rates. Under the prescribed formula, the maximum daily benefit rate increases by approximately two-thirds of the cumulative growth in average national wages since 1984. The maximum daily benefit rate for registration periods beginning after June 30, 2019, shall be equal to 5 percent of the monthly compensation base for the base year immediately preceding the beginning of the benefit year. Section 2(a)(3) further provides that if the amount so computed is not a multiple of \$1, it shall be rounded down to the nearest multiple of \$1.

The calendar year 2018 monthly compensation base is \$1,560. Multiplying \$1,560 by 0.05 yields \$78.00. Accordingly, the maximum daily benefit rate for days of unemployment and days of sickness beginning in registration periods after June 30, 2019, is determined to be \$78.

By Authority of the Board.

**Sylvia Zaragoza,**

*Acting Secretary to the Board.*

[FR Doc. 2018–26927 Filed 12–11–18; 8:45 am]

**BILLING CODE 7905–01–P**

#### **SECURITIES AND EXCHANGE COMMISSION**

**[Release No. 34–84747; File No. SR–NASDAQ–2018–080]**

#### **Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To List and Trade Shares of the BrandywineGLOBAL—Global Total Return ETF, a Series of Legg Mason ETF Investment Trust, Under Nasdaq Rule 5735**

December 7, 2018.

On October 17, 2018, The Nasdaq Stock Market LLC ("Nasdaq" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b–4

thereunder,<sup>2</sup> a proposed rule change to list and trade shares of the BrandywineGLOBAL—Global Total Return ETF, a series of Legg Mason ETF Investment Trust, under Nasdaq Rule 5735 (Managed Fund Shares). The proposed rule change was published for comment in the **Federal Register** on November 5, 2018.<sup>3</sup> The Commission has received no comment letters on the proposed rule change.

Section 19(b)(2) of the Act<sup>4</sup> provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is December 20, 2018. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,<sup>5</sup> designates February 3, 2019 as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NASDAQ–2018–080).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>6</sup>

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2018–26909 Filed 12–11–18; 8:45 am]

**BILLING CODE 8011–01–P**

<sup>2</sup> 17 CFR 240.19b–4.

<sup>3</sup> See Securities Exchange Act Release No. 84505 (October 30, 2018), 83 FR 55416.

<sup>4</sup> 15 U.S.C. 78s(b)(2).

<sup>5</sup> *Id.*

<sup>6</sup> 17 CFR 200.30–3(a)(31).

<sup>1</sup> 15 U.S.C. 78s(b)(1).