

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
31-Jan-19	AR	El Dorado	South Arkansas Rgnl At Goodwin Field.	8/0547	12/18/18	ILS OR LOC RWY 22, Amdt 2D.
31-Jan-19	TX	Alpine	Alpine-Casparis Muni.	8/1332	12/18/18	RNAV (GPS) RWY 19, Amdt 1.
31-Jan-19	MI	New Hudson	Oakland Southwest	8/1839	12/21/18	VOR OR GPS-A, Amdt 3B.
31-Jan-19	OH	Chillicothe	Ross County	8/3004	12/19/18	RNAV (GPS) RWY 23, Amdt 1A.
31-Jan-19	NC	Liberty	Causey	8/3182	12/14/18	RNAV (GPS) RWY 20, Orig.
31-Jan-19	NC	Liberty	Causey	8/3196	12/14/18	RNAV (GPS) RWY 2, Orig.
31-Jan-19	NC	Liberty	Causey	8/3216	12/14/18	VOR RWY 2, Amdt 5.
31-Jan-19	TN	Springfield	Springfield Robert-son County.	8/4576	12/18/18	RNAV (GPS) RWY 4, Amdt 1A.
31-Jan-19	TN	Springfield	Springfield Robert-son County.	8/4577	12/18/18	RNAV (GPS) RWY 22, Amdt 1A.
31-Jan-19	LA	Opelousas	St Landry Parish-Ahart Field.	8/6016	12/19/18	VOR/DME RWY 36, Amdt 1.
31-Jan-19	NC	Wilson	Wilson Industrial Air Center.	8/7170	12/18/18	RNAV (GPS) RWY 33, Orig-B.
31-Jan-19	NY	South Bethlehem	South Albany	8/8856	12/18/18	RNAV (GPS) RWY 1, Orig.
31-Jan-19	NY	South Bethlehem	South Albany	8/8857	12/18/18	RNAV (GPS) RWY 19, Orig.
31-Jan-19	KS	Newton	Newton-City-County	8/8975	12/14/18	VOR/DME-A, Amdt 3.

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 BILLING CODE 4910-13-P

**FEDERAL TRADE COMMISSION**

**16 CFR Part 1**

**Adjustments to Civil Penalty Amounts**

**AGENCY:** Federal Trade Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Trade Commission (“FTC” or “Commission”) is implementing adjustments to the civil penalty amounts within its jurisdiction to account for inflation, as required by law.

**DATES:** Effective February 14, 2019.

**FOR FURTHER INFORMATION CONTACT:** Kenny A. Wright, Attorney (202-326-2907), Office of the General Counsel, FTC, 600 Pennsylvania Avenue NW, Washington, DC 20580, [kwright@ftc.gov](mailto:kwright@ftc.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015<sup>1</sup> directs agencies to adjust the civil penalty maximums under their jurisdiction for inflation every January. Accordingly, the Commission issues annual adjustments to the maximum civil penalty amounts under its jurisdiction.<sup>2</sup>

Commission Rule 1.98 sets forth the applicable civil penalty amounts for violations of certain laws enforced by

the Commission.<sup>3</sup> As directed by the FCPIAA, the Commission is issuing adjustments to increase these maximum civil penalty amounts to address inflation since its prior January 2018 adjustment. The following adjusted amounts will take effect on February 14, 2019:

- Section 7A(g)(1) of the Clayton Act, 15 U.S.C. 18a(g)(1) (premerger filing notification violations under the Hart-Scott-Rodino Improvements Act)—Increase from \$41,484 to \$42,530;
- Section 11(l) of the Clayton Act, 15 U.S.C. 21(l) (violations of cease and desist orders issued under Clayton Act section 11(b))—Increase from \$22,039 to \$22,595;
- Section 5(l) of the FTC Act, 15 U.S.C. 45(l) (unfair or deceptive acts or practices)—Increase from \$41,484 to \$42,530;
- Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. 45(m)(1)(A) (unfair or deceptive acts or practices)—Increase from \$41,484 to \$42,530;
- Section 5(m)(1)(B) of the FTC Act, 15 U.S.C. 45(m)(1)(B) (unfair or deceptive acts or practices)—Increase from \$41,484 to \$42,530;
- Section 10 of the FTC Act, 15 U.S.C. 50 (failure to file required reports)—Increase from \$545 to \$559;
- Section 5 of the Webb-Pomerene (Export Trade) Act, 15 U.S.C. 65 (failure by associations engaged solely in export trade to file required statements)—Increase from \$545 to \$559;
- Section 6(b) of the Wool Products Labeling Act, 15 U.S.C. 68d(b) (failure by wool manufacturers to maintain required records)—Increase from \$545 to \$559;

- Section 3(e) of the Fur Products Labeling Act, 15 U.S.C. 69a(e) (failure to maintain required records regarding fur products)—Increase from \$545 to \$559;
- Section 8(d)(2) of the Fur Products Labeling Act, 15 U.S.C. 69f(d)(2) (failure to maintain required records regarding fur products)—Increase from \$545 to \$559;
- Section 333(a) of the Energy Policy and Conservation Act, 42 U.S.C. 6303(a) (knowing violations of EPCA § 332, including labeling violations)—Increase from \$449 to \$460;
- Section 525(a) of the Energy Policy and Conservation Act, 42 U.S.C. 6395(a) (recycled oil labeling violations)—Increase from \$22,039 to \$22,595;
- Section 525(b) of the Energy Policy and Conservation Act, 42 U.S.C. 6395(b) (willful violations of recycled oil labeling requirements)—Increase from \$41,484 to \$42,530;
- Section 621(a)(2) of the Fair Credit Reporting Act, 15 U.S.C. 1681s(a)(2) (knowing violations of the Fair Credit Reporting Act)—Increase from \$3,895 to \$3,993;
- Section 1115(a) of the Medicare Prescription Drug Improvement and Modernization Act of 2003, Public Law 108-173, as amended by Public Law 115-263, 21 U.S.C. 355 note (failure to comply with filing requirements)—Increase from \$14,666 to \$15,036; and
- Section 814(a) of the Energy Independence and Security Act of 2007, 42 U.S.C. 17304 (violations of prohibitions on market manipulation and provision of false information to federal agencies)—Increase from \$1,180,566 to \$1,210,340.

**Calculation of Inflation Adjustments**

The FCPIAA, as amended, directs federal agencies to adjust each civil

<sup>1</sup> Public Law 114-74, § 701, 129 Stat. 599 (2015). The Act amends the Federal Civil Penalties Inflation Adjustment Act (“FCPIAA”), Public Law 101-410, 104 Stat. 890 (codified at 28 U.S.C. 2461 note).

<sup>2</sup> 81 FR 42476 (June 30, 2016); 82 FR 8135 (2017); 83 FR 2902 (2018).

<sup>3</sup> 16 CFR 1.98.

monetary penalty under their jurisdiction for inflation in January of each year pursuant to a cost-of-living adjustment.<sup>4</sup> The cost-of-living adjustment is based on the percent change between the U.S. Department of Labor's Consumer Price Index for all-urban consumers ("CPI-U") for the

month of October preceding the date of the adjustment, and the CPI-U for October of the prior year.<sup>5</sup> Based on that formula, the cost-of-living adjustment multiplier for 2019 is 1.02522. The FCPIAA also directs that these penalty level adjustments should be rounded to the nearest dollar. Agencies do not have

discretion over whether to adjust a maximum civil penalty, or the method used to determine the adjustment.

The following chart illustrates the application of these adjustments to the civil monetary penalties under the Commission's jurisdiction.

CALCULON OF ADJUSTMENTS TO MAXIMUM CIVIL MONETARY PENALTIES

Citation	Description	Current penalty (2018)	Adjustment multiplier	Adjusted penalty
16 CFR 1.98(a): 15 U.S.C. 18a(g)(1)	Premerger filing notification violations	\$41,484	1.02522	\$42,530
16 CFR 1.98(b): 15 U.S.C. 21(l)	Violations of cease and desist orders	22,039	1.02522	22,595
16 CFR 1.98(c): 15 U.S.C. 45(l)	Unfair or deceptive acts or practices	41,484	1.02522	42,530
16 CFR 1.98(d): 15 U.S.C. 45(m)(1)(A)	Unfair or deceptive acts or practices	41,484	1.02522	42,530
16 CFR 1.98(e): 15 U.S.C. 45(m)(1)(B)	Unfair or deceptive acts or practices	41,484	1.02522	42,530
16 CFR 1.98(f): 15 U.S.C. 50	Failure to file required reports	545	1.02522	559
16 CFR 1.98(g): 15 U.S.C. 65	Failure to file required statements	545	1.02522	559
16 CFR 1.98(h): 15 U.S.C. 68d(b)	Failure to maintain required records	545	1.02522	559
16 CFR 1.98(i): 15 U.S.C. 69a(e)	Failure to maintain required records	545	1.02522	559
16 CFR 1.98(j): 15 U.S.C. 69f(d)(2)	Failure to maintain required records	545	1.02522	559
16 CFR 1.98(k): 42 U.S.C. 6303(a)	Knowing violations	449	1.02522	460
16 CFR 1.98(l): 42 U.S.C. 6395(a)	Recycled oil labeling violations	22,039	1.02522	22,595
16 CFR 1.98(l): 42 U.S.C. 6395(b)	Willful violations	41,484	1.02522	42,530
16 CFR 1.98(m): 15 U.S.C. 1681s(a)(2)	Knowing violations	3,895	1.02522	3,993
16 CFR 1.98(n): 21 U.S.C. 355 note	Non-compliance with filing requirements	14,666	1.02522	15,036
16 CFR 1.98(o): 42 U.S.C. 17304	Market manipulation or provision of false information to federal agencies.	1,180,566	1.02522	1,210,340

### Effective Dates of New Penalties

These new penalty levels apply to civil penalties assessed after the effective date of the applicable adjustment, including civil penalties whose associated violation predated the effective date.<sup>6</sup> These adjustments do not retrospectively change previously assessed or enforced civil penalties that the FTC is actively collecting or has collected.

### Procedural Requirements

The FCPIAA, as amended, directs agencies to adjust civil monetary penalties through rulemaking and to publish the required inflation adjustments in the **Federal Register**, notwithstanding section 553 of title 5, United States Code. Pursuant to this congressional mandate, prior public notice and comment under the APA and a delayed effective date are not required. For this reason, the requirements of the Regulatory Flexibility Act ("RFA") also do not apply.<sup>7</sup> Further, this rule does not contain any collection of information requirements as defined by the Paperwork Reduction Act of 1995 as amended. 44 U.S.C. 3501 *et seq.*

### List of Subjects for 16 CFR Part 1

Administrative practice and procedure, Penalties, Trade practices.

### Text of Amendments

For the reasons set forth in the preamble, the Federal Trade Commission amends title 16, chapter I, subchapter A, of the Code of Federal Regulations, as follows:

### PART 1—GENERAL PROCEDURES

■ 1. The authority citation for subpart L continues to read as follows:

**Authority:** 28 U.S.C. 2461 note.

■ 2. Revise § 1.98 to read as follows:

#### § 1.98 Adjustment of civil monetary penalty amounts.

This section makes inflation adjustments in the dollar amounts of civil monetary penalties provided by law within the Commission's jurisdiction. The following maximum civil penalty amounts apply only to penalties assessed after February 14, 2019, including those penalties whose associated violation predated February 14, 2019.

(a) Section 7A(g)(1) of the Clayton Act, 15 U.S.C. 18a(g)(1)—\$42,530;

(b) Section 11(l) of the Clayton Act, 15 U.S.C. 21(l)—\$22,595;

(c) Section 5(l) of the FTC Act, 15 U.S.C. 45(l)—\$42,530;

(d) Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. 45(m)(1)(A)—\$42,530;

(e) Section 5(m)(1)(B) of the FTC Act, 15 U.S.C. 45(m)(1)(B)—\$42,530;

(f) Section 10 of the FTC Act, 15 U.S.C. 50—\$559;

(g) Section 5 of the Webb-Pomerene (Export Trade) Act, 15 U.S.C. 65—\$559;

(h) Section 6(b) of the Wool Products Labeling Act, 15 U.S.C. 68d(b)—\$559;

(i) Section 3(e) of the Fur Products Labeling Act, 15 U.S.C. 69a(e)—\$559;

(j) Section 8(d)(2) of the Fur Products Labeling Act, 15 U.S.C. 69f(d)(2)—\$559;

(k) Section 333(a) of the Energy Policy and Conservation Act, 42 U.S.C.

6303(a)—\$460;

(l) Sections 525(a) and (b) of the Energy Policy and Conservation Act, 42 U.S.C. 6395(a) and (b), respectively—

\$22,595 and \$42,530, respectively;

(m) Section 621(a)(2) of the Fair Credit Reporting Act, 15 U.S.C.

1681s(a)(2)—\$3,993;

(n) Section 1115(a) of the Medicare Prescription Drug Improvement and Modernization Act of 2003, Public Law

108-173, as amended by Public Law 115-263, 21 U.S.C. 355 note—\$15,036;

<sup>4</sup> 28 U.S.C. 2461 note (4).

<sup>5</sup> *Id.* (3), (5)(b); Office of Management and Budget, Memorandum M-19-04, *Implementation of Penalty Inflation Adjustments for 2019, Pursuant to the Federal Civil Penalties Inflation Adjustment Act*

*Improvements Act of 2015* (December 14, 2018), available at: [https://www.whitehouse.gov/wp-content/uploads/2017/11/m\\_19\\_04.pdf](https://www.whitehouse.gov/wp-content/uploads/2017/11/m_19_04.pdf).

<sup>6</sup> 28 U.S.C. 2461 note (6).

<sup>7</sup> A regulatory flexibility analysis under the RFA is required only when an agency must publish a notice of proposed rulemaking for comment. *See* 5 U.S.C. 603.

(o) Section 814(a) of the Energy Independence and Security Act of 2007, 42 U.S.C. 17304—\$1,210,340; and

(p) Civil monetary penalties authorized by reference to the Federal Trade Commission Act under any other provision of law within the jurisdiction of the Commission—refer to the amounts set forth in paragraphs (c), (d), (e) and (f) of this section, as applicable.

By direction of the Commission.

**April J. Tabor,**

*Acting Secretary.*

[FR Doc. 2019-02237 Filed 2-13-19; 8:45 am]

**BILLING CODE 6750-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 385

[Docket No. RM19-8-000; Order No. 854]

#### Computation of Time During Emergencies

**AGENCY:** Federal Energy Regulatory Commission, Department of Energy.

**ACTION:** Final rule.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission or Agency) is amending its Rules of Practice and Procedure to update its provisions regarding the computation of time. This final rule will modify the Commission's regulations to cover situations in which the Commission is closed due to adverse conditions—including inclement weather—even though some official duties may continue through telework-ready employees. This change will prevent unintended Commission action by operation of law and will provide clarity as to filing deadlines and deadlines for action by the Commission.

**DATES:** The rule will become effective February 14, 2019.

**FOR FURTHER INFORMATION CONTACT:** Mark Hershfield, Office of the General Counsel, 888 First Street NE, Washington, DC 20426, (202) 502-8597, [mark.hershfield@ferc.gov](mailto:mark.hershfield@ferc.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. Introduction

1. By this final rule, the Federal Energy Regulatory Commission (Commission or agency) is amending 18 CFR 385.2007 (Rule 2007) to cover the computation of time in situations in which the Commission is closed due to adverse conditions—including inclement weather—even though some official duties may be performed by

telework-ready employees. This rule prevents unintended Commission action by operation of law and provides clarity as to filing deadlines and deadlines for action by the Commission. The rule imposes no new obligations on the public and is consistent with prior procedure for computing time.

#### II. Background

2. The Commission's regulations address computing periods of time prescribed or allowed by statute or Commission rule or order. For many years, under Rule 2007, the last day of a time period is not counted if that day is a Saturday, Sunday, "part-day holiday that affects the Commission, or legal public holiday."<sup>1</sup> In December 2003, the Commission issued *Emergency Closures*,<sup>2</sup> which added a provision to Rule 2007 to address the computation of time during closure of the Commission due to weather or other adverse conditions.

3. On April 10, 2018, the Office of Personnel Management (OPM) issued its final regulation implementing the weather and safety leave provisions of the Administrative Leave Act of 2016.<sup>3</sup> Under OPM's regulations, Agencies may only grant weather and safety leave when it is determined that, because of severe weather or another emergency situation, employees cannot safely travel to or from, or perform work at, their normal worksite, a telework site, or other approved location.<sup>4</sup> OPM's regulations further require that employees that are telework-ready continue to perform official duties, even though Federal offices are closed due to severe weather or another emergency situation.<sup>5</sup>

#### III. Discussion

4. The timeframes for certain Commission action, including actions on certain rate proposals filed by natural gas pipeline companies, oil pipeline companies, and public utilities, are set by statute.<sup>6</sup> Although the Commission does not have the authority to change such statutory deadlines, the

Commission has the authority to determine how such deadlines are computed.<sup>7</sup> For example, as noted above, under Rule 2007, the last day of a time period is not counted if that day is a Saturday, Sunday, part-day holiday that affects the Commission, legal public holiday, or a day on which the Commission closes due to adverse conditions and does not reopen prior to its official close of business.<sup>8</sup>

The Commission is amending Rule 2007 to implement the weather and safety leave provisions of the Administrative Leave Act of 2016 whereby the Commission is closed due to adverse conditions, including inclement weather or another emergency situation, even though telework ready employees may continue performing some official duties.

5. In such circumstances, employee and public access to the Commission's physical facilities may be restricted, not all employees may be telework-ready, and not all telework-ready employees may be able to telework due to the adverse conditions.<sup>9</sup> The Commission's ability to accept filings and issue orders thus may be affected when the Commission's facilities are closed due to adverse conditions. Likewise, when the Commission's facilities are closed due to adverse conditions, the public's ability to submit a filing on the last day on which a filing is due may also be restricted. As such, the same justification on which the Commission relied to implement Rule 2007, and later to amend Rule 2007 to address emergency circumstances, is equally applicable to instances in which the Commission is closed, but employees continue some official duties through telework.

6. Furthermore, 18 CFR 385.2007(a)(2) only addresses the "last day of any time period," and this final rule only addresses the computation instances in which the Commission is closed on the last day of a time period. This final rule also does not change the computation of time in instances when the Commission is closed for part of the day, but reopens prior to the official close of business.

<sup>1</sup> 18 CFR 385.2007(a)(2) (2018) (Rule 2007).

<sup>2</sup> Order No. 645, 105 FERC ¶ 61,296 (2003).

<sup>3</sup> Public Law 114-328, 130 Stat. 2000 (December 23, 2016) (enacted under section 1138 of the National Defense Authorization Act for Fiscal Year 2017).

<sup>4</sup> See 5 CFR 630.1603, *et al.*

<sup>5</sup> *Id.* For example, due to inclement weather on January 14, 2019, OPM announced that "FEDERAL OFFICES in the Washington, DC area are CLOSED. Emergency employees and telework employees continue to work."

<sup>6</sup> See, e.g., 16 U.S.C. 824d (2012) (Federal Power Act) (60 days); 15 U.S.C. 717c (2012) (Natural Gas Act) (30 days); 49 App. U.S.C. 6(3) (Interstate Commerce Act) (30 days).

<sup>7</sup> See *Emergency Closures*, Order No. 645, 105 FERC ¶ 61,296, at P. 2 (*citing Tennessee Gas Pipeline Co.*, 95 FERC ¶ 61,169 (Commission may not extend 30-day rehearing deadline, although it can provide rules for computing time)), *aff'd sub nom. Londonderry Neighborhood Coalition v. FERC*, 273 F.3d 416 (1st Cir. 2001).

<sup>8</sup> 18 CFR 385.2007 (2018).

<sup>9</sup> See *Governmentwide Dismissal and Closure Procedures*, Office of Personnel Management, December 2015, <https://www.opm.gov/policy-data-oversight/pay-leave/reference-materials/handbooks/dcdismisal.pdf>.