

policy in a timely manner given the compliance deadlines for certain provisions in 21 CFR part 4, subpart B, and the amount of time needed for firms to prepare for them. Although this guidance is immediately effective, it remains subject to comment in accordance with FDA's GGP regulation.

This guidance represents the current thinking of FDA on this topic. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

## II. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR 314.80(c) and (e), as well as for 21 CFR 314.81(b) are approved under OMB control numbers 0910–0001, 0910–0230, and 0910–0291. The information collection provisions for 21 CFR 600.80 and 600.81 are approved under OMB control number 0910–0308. Those for 21 CFR 606.170 are approved under OMB control number 0910–0116. Those for 21 CFR 606.171 are approved under OMB control number 0910–0458. The information collection provisions for 21 CFR 803.50, 803.53, and 803.56 are approved under OMB control numbers 0910–0291 and 0910–0437. The information collection provisions for 21 CFR 806.10 and 806.20 are approved under OMB control number 0910–0359. The information collection provisions for 21 CFR 4.102, 4.103, and 4.105 are approved under OMB control number 0910–0834.

## III. Electronic Access

Persons with access to the internet may obtain the guidance at either <https://www.fda.gov/Drugs/Guidance/ComplianceRegulatoryInformation/Guidances/default.htm> or <https://www.regulations.gov>.

Dated: April 18, 2019.

**Lowell J. Schiller,**

*Principal Associate Commissioner for Policy.*

[FR Doc. 2019–08284 Filed 4–23–19; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[TD 9851]

RIN 1545–BN55

#### Guidance Under Section 851 Relating to Investments in Stock and Securities; Correction

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correcting amendments.

**SUMMARY:** This document contains corrections to final regulations (TD 9851) that were published in the *Federal Register* on Tuesday, March 19, 2019. The final regulations provide guidance relating to the income test used to determine whether a corporation may qualify as a regulated investment company (RIC) for Federal income tax purposes.

**DATES:** This correction is effective on April 24, 2019 and is applicable to taxable years that begin after June 17, 2019.

**FOR FURTHER INFORMATION CONTACT:** Matthew Howard at (202) 317–7053 (not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

##### Background

The final regulations (TD 9851) published on March 19, 2019 (84 FR 9959) that are the subject of this correction are issued under section 851 of the Internal Revenue Code.

##### Need for Correction

As published, the final regulations (TD 9851) contain errors that need to be corrected.

##### List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

##### Correction of Publication

Accordingly, 26 CFR part 1 is amended by making the following correcting amendments:

#### PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

**Authority:** 26 U.S.C. 7805 \* \* \*

■ **Par. 2.** Section 1.851–2 is amended by revising paragraph (b)(1)(i)(F) and the first sentence of paragraph (b)(2)(iii) to read as follows:

##### § 1.851–2 Limitations.

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(i) \* \* \*

(F) Other income (including but not limited to gains from options, futures, or forward contracts) derived with respect to the corporation's business of investing in such stock, securities, or currencies.

\* \* \* \* \*

(2) \* \* \*

(iii) If an amount is included in gross income of the corporation referred to in paragraph (b)(1) of this section under section 951(a)(1) or 1293(a) and is derived with respect to that corporation's business of investing in stock, securities, or currencies, then the amount is other income described in section 851(b)(2)(A) and paragraph (b)(1)(i)(F) of this section. \* \* \*

\* \* \* \* \*

**Martin V. Franks,**

*Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).*

[FR Doc. 2019–08285 Filed 4–23–19; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Department of the Navy

#### 32 CFR Part 726

[Docket ID: USN–2019–HQ–0004]

RIN 0703–AB16

#### Payments of Amounts Due Mentally Incompetent Members of the Naval Service

**AGENCY:** Department of the Navy, Department of Defense.

**ACTION:** Final rule.

**SUMMARY:** This final rule removes the Department of the Navy (DON) regulation concerning Payments of Amounts Due Mentally Incompetent Members of the Naval Service. Removal is appropriate because the regulation does not affect how the public engages the DON regarding these payments and does not place obligations on the public. The Department of Defense, the Secretary of the Navy, and the Bureau of Medicine and Surgery (BUMED) issue internal instructions that establish requirements for competency boards, the process for determining mental incompetence, and the process and requirements for making payments within the parameters established by many controlling statutes. These internal instructions do not require publication in the Code of Federal Regulations.

**DATES:** This rule is effective on April 24, 2019.

**FOR FURTHER INFORMATION CONTACT:** CDR Meredith Werner at 703-614-7408.

**SUPPLEMENTARY INFORMATION:** Section 603 of Title 37, United States Code, requires the Service Secretaries to prescribe regulations to carry out Chapter 11 of Title 37, United States Code: Payments to Mentally Incompetent Persons. The Department of Defense publishes the process and requirements for making payments in Chapter 33 of Volume 7A and Chapter 16 of Volume 7B of the Financial Management Regulation (DoD 7000.14-R, available at [https://comptroller.defense.gov/Portals/45/documents/fmr/Volume\\_07b.pdf](https://comptroller.defense.gov/Portals/45/documents/fmr/Volume_07b.pdf)), of March 2018; BUMED publishes requirements for competency boards in Chapter 18 of the Manual of the Medical Department (MANMED) (NAVMED P-117, available at <https://www.med.navy.mil/directives/Documents/NAVMED%20P-117%20%28MANMED%29/MMDChapter18.pdf>), of January 10, 2005; and the Secretary of the Navy (SECNAV) publishes the process for determining mental competency (SECNAV Instruction 1850.4E, available at <https://www.secnave.navy.mil/mra/CORB/Documents/SECNAVINST-1850-4E.PDF>), of April 30, 2002.

32 CFR part 726 was last updated on October 29, 2008.

It has been determined that publication of this CFR part for public comment is impracticable, unnecessary, and contrary to the public interest since it is based upon removing internal content, and the ultimate statutory authority governing the payments of amounts due mentally incompetent members of the Naval service remains in effect in Chapter 11 of Title 37, United States Code.

This rule is not significant under Executive Order (E.O.) 12866, "Regulatory Planning and Review." Therefore, E.O. 13771, "Reducing Regulation and Controlling Regulatory Costs" does not apply.

#### List of Subjects in 32 CFR Part 726

Administrative practice and procedure, Military personnel, Reporting and recordkeeping requirements, Trusts and trustees.

#### PART 726—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 726 is removed.

Dated: April 19, 2019.

**Meredith Steingold Werner,**

*Commander, Judge Advocate General's Corps,  
U.S. Navy, Federal Register Liaison Officer.*

[FR Doc. 2019-08252 Filed 4-23-19; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2018-1084]

**RIN 1625-AA00**

#### Safety Zone; Cocos Lagoon, Merizo, GU

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for navigable waters within Cocos Lagoon. This safety zone will encompass the designated swim course for the Cocos Crossing swim event in the waters of Cocos Lagoon, Merizo, Guam. This action is necessary to protect all persons and vessels participating in this marine event from potential safety hazards associated with vessel traffic in the area. Race participants, chase boats, and organizers of the event will be exempt from the safety zone. Entry of persons or vessels into the safety zone is prohibited unless authorized by the Captain of the Port Guam (COTP).

**DATES:** This rule is effective from 7 a.m. through 1 p.m. on May 26, 2019.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2018-1084 in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Chief Petty Officer Todd Wheeler, Sector Guam, U.S. Coast Guard, by telephone at (671) 355-4866, or email at [WWMGuam@uscg.mil](mailto:WWMGuam@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

CFR Code of Federal Regulations  
DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of proposed rulemaking  
§ Section  
U.S.C. United States Code

## II. Background Information and Regulatory History

The purpose of this rule is to ensure the safety of the participants and the navigable waters in the safety zone before, during, and after the scheduled swim event. In response, on March 8, 2019, the Coast Guard published an NPRM titled "Safety Zone; Cocos Lagoon, Merizo, GU" (84 FR 8489). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this safety zone. During the comment period that ended April 8, 2019, we received no comments.

## III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The COTP has determined that potential hazards associated with the event will be a safety concern. The purpose of this rule is to protect all persons and vessels participating in this event from potential safety hazards associated with vessel traffic in the area.

## IV. Discussion of Comments, Changes, and the Rule

As noted above, we received no comments on our NPRM published March 8, 2019. There is one change in the regulatory text of this rule from the proposed rule in the NPRM. Paragraph (b), regarding enforcement dates, has been updated to an enforcement date from 7 a.m. to 1 p.m. on May 26, 2019 whereas the enforcement date in the NPRM was from 6 a.m. to 1 p.m. on a specified day during either the last two weeks of May or the first two weeks of June. This change was made after we received notification of the exact date and time of the event. The date and time are within the time frame listed in the NPRM.

This rule establishes a safety zone from 7 a.m. until 1 p.m. on May 26, 2019. The safety zone will cover all navigable waters within 100-yards radius of race participants in Cocos Lagoon, Guam. This rulemaking would prohibit persons and vessels not involved in the event from being in the safety zone unless authorized by the COTP or a designated representative.

## V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.