

## Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," paragraph 5–6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

### Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

#### **PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

■ 1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

#### **§ 71.1 [Amended]**

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, is amended as follows:

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

#### **AGL IL E5 Lawrenceville, IL [Amended]**

Lawrenceville-Vincennes International Airport, IL

(Lat. 38°45'51" N, long. 87°36'20" W)

Mount Carmel Municipal Airport, IL

(Lat. 38°36'24" N, long. 87°43'36" W)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Lawrenceville-Vincennes International Airport, and within a 6.5-mile radius of Mount Carmel Municipal Airport.

Issued in Fort Worth, Texas, on February 4, 2019.

**John A. Witucki,**

*Acting Manager, Operations Support Group, ATO Central Service Center.*

[FR Doc. 2019–01704 Filed 2–8–19; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 15 CFR Part 950

[Docket No: 181108999–8999–01]

RIN 0648–BI60

#### **Schedule of Fees for Access to NOAA Environmental Data, Information, and Related Products and Services**

**AGENCY:** National Environmental Satellite, Data and Information Service (NESDIS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

**ACTION:** Final rule.

**SUMMARY:** In this final rule, NESDIS establishes a new schedule of fees for special access to NOAA data, information, and related products and services. NOAA continues to make its environmental data available to the public without any fee in most instances, primarily via NOAA's Comprehensive Large Array-Data Stewardship System (CLASS). NESDIS is revising the fee schedule that has been in effect since 2015 to ensure that the fees accurately reflect the costs of providing access to the environmental data, information, and related products and services. NESDIS is authorized under 15 U.S.C. 1534 to assess fees, up to fair market value, depending upon the user and intended use, for access to environmental data, information, and products derived from, collected, and/or archived by NOAA.

**DATES:** Effective March 13, 2019.

**FOR FURTHER INFORMATION CONTACT:** Mahendra Shrestha (301) 713–7063.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

NESDIS operates NOAA's National Centers for Environmental Information (NCEI). Through NCEI, NESDIS provides and ensures timely access to global environmental data from satellites and other sources, provides information services, and develops science products.

NESDIS maintains some 1,300 databases containing over 2,400 environmental variables at NCEI and seven World Data Centers. These centers respond to over 2,000,000 requests for these data and products annually from over 70 countries, the vast majority of which are fulfilled at no fee to the requestor via NOAA CLASS. This collection of environmental data and products is growing rapidly, both in size and sophistication, and as a result the associated costs have increased.

If CLASS is unable to meet a user's need, users have the ability to access the special data products described in the table below offline, online and through the NESDIS e-Commerce System (NeS) online store. Our ability to provide these special data, information, products and services depends on user fees.

##### **New Fee Schedule**

In this final rule, NESDIS establishes a new schedule of fees for access to these special data, information, and related products and services. NESDIS is revising the fee schedule that has been in effect since 2015 to ensure that the fees accurately reflect the costs of providing access to the environmental data, information, and related products and services. The new fee schedule lists both the current fee charged for each item and the new fee to be charged to users that will take effect beginning 30 days after publication of this final rule in the **Federal Register**. The schedule applies to the listed services provided by NESDIS on or after this date, except for products and services covered by a subscription agreement in effect as of this date that extends beyond this date. In those cases, the increased fees based on NOAA Product/Service Cost Computation Form (Exhibit 9–1) will apply upon renewal of the subscription agreement or at the earliest amendment date provided by the agreement.

NESDIS will continue to review these user fees periodically, and will revise such fees as necessary. Any future changes in the user fees and their effective date will be announced through notice in the **Federal Register**.

**Classification**

This rule has been determined to be not significant for purposes of E.O. 12866. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking and the opportunity for public participation are inapplicable because this rule falls within the public property exception of subparagraph (a)(2) of section 553, as it relates only to the assessment of fees, as authorized by 15 U.S.C. 1534. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule.

Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. 553 or by any other law, the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly, no Regulatory Flexibility Analysis is required and none has been prepared.

**List of Subjects in 15 CFR Part 950**

Organization and functions (Government agencies).

Dated: February 5, 2019.

**James Donnellon,**

*Acting Chief Financial Officer (CFO/CAO), National Environmental, Satellite and Data Information Service.*

For the reasons set forth above, 15 CFR part 950 is amended as follows:

**PART 950—ENVIRONMENTAL DATA AND INFORMATION**

■ 1. The authority citation for part 950 continues to read as follows:

**Authority:** 15 U.S.C. 1534.

■ 2. Revise appendix A to part 950 to read as follows:

**APPENDIX A TO PART 950—SCHEDULE OF USER FEES FOR ACCESS TO NOAA ENVIRONMENTAL DATA**

Name of product/data/publication/information/service	Current fee (\$)	New fee (\$)
NOAA National Center for Environmental Information		
Department of Commerce Certification .....	116.00	119.00
General Certification .....	92.00	103.00
Paper Copy .....	3.00	8.00
Data Poster .....	18.00	17.00
Shipping Service .....	8.00	8.00
Rush order fee .....	60.00	63.00
Super Rush Order Fee .....	100.00	105.00
Foreign Handling Fee .....	43.00	45.00
NEXRAD Doppler radar Color Prints .....	21.00	22.00
Paper Copy from Electronic Media .....	8.00	8.00
Offline In-Situ Digital Data .....	175.00	127.00
Microfilm Copy (roll to paper) per frame from existing film .....	20.00	20.00
Satellite Image Product .....	92.00	61.00
Offline Satellite, Radar, and Model Digital Data (average unit size is 1 terabyte) .....	753.00	388.00
Conventional CD-ROM/DVD .....	110.00	79.00
Specialized CD-ROM/DVD .....	208.00	175.00
CD-ROM/DVD Copy, Offline .....	43.00	62.00
CD-ROM/DVD Copy, Online Store .....	16.00	28.00
Facsimile Service .....	89.00	89.00
Order Handling .....	11.00	20.00
Non-Digital Order Consultation .....	10.00	9.00
Digital Order Consultation .....	28.00	26.00
Non-Serial Publications .....	32.00	*
Non-Standard Data; Select/Copy to CD, DVD or Electronic Transfer, Specialized, Offline .....	77.00	*
Digital and Non-Digital Off-the-Shelf Products, Online .....	13.00	*
Digital and Non-Digital Off-the-Shelf Products, Offline .....	17.00	*
Order Consultation Fee .....	4.00	*
Handling and Packing Fee .....	12.00	*
World Ocean Database-World Ocean Atlas 2009 DVD .....	*	*
Mini Poster .....	2.00	*
Icosahedron Globe .....	1.00	*
Convert Data to Standard Image .....	8.00	*
Single Orbit OLS & Subset .....	19.00	20.00
Single Orbit OLS & Subset, Additional Orbits .....	6.00	6.00
Geolocated Data .....	50.00	*
Subset of Pre-existing Geolocated Data .....	32.00	*
Global Nighttime Lights Annual Composite from One Satellite .....	74,032.00	*
Most Recent DMSP-OLS Thermal Band/Cloud Cover Mosaics from Multiple Satellites .....	*	*
Daily or Nightly Global Mosaics (visible & thermal band, single spectral band or environmental data) .....	332.00	*
Global Nighttime Lights Monthly Composite—one satellite .....	8,259.00	8,705.00
Radiance Calibrated Global DMSP-OLS Nighttime Lights Annual Composite from One Satellite .....	*	*
Research Data Series CD-ROM/DVD .....	25.00	25.00
Custom Analog Plotter Prints .....	*	*
NOS Bathymetric Maps and Miscellaneous Archived Publication Inventory .....	8.00	*
Global Annual Composite of Nighttime Lights in Monthly Increments From One Satellite .....	10,794.00	*
High Definition Geomagnetic Model .....	20,262.00	22,540.00
High Definition Geomagnetic Model—Real Time (HDGM-RT) .....	26,204.00	29,059.00
Provision of Global Nighttime VIIRS day/night band data in geotiff Format .....	55,727.00	56,130.00
Provision of Global Nighttime VIIRS day/night band data in HDF5 Format .....	27,888.00	29,975.00
Provision of regional data from the VIIRS instrument on a daily basis .....	14,306.00	14,720.00

\* Indicates a product no longer offered.

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**COMMODITY FUTURES TRADING COMMISSION**

**17 CFR Part 143**

**RIN 3038-AE69**

**Annual Adjustment of Civil Monetary Penalties To Reflect Inflation—2019**

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commodity Futures Trading Commission (Commission) is amending its rules governing the maximum amount of civil monetary penalties to adjust for inflation. This rule sets forth the maximum, inflation-adjusted dollar amount for civil monetary penalties (CMPs) assessable for violations of the Commodity Exchange Act (CEA) and Commission rules, regulations and orders thereunder. The rule, as amended, implements the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended.

**DATES:** This rule is effective on February 11, 2019 and is applicable to penalties assessed after January 15, 2019.

**FOR FURTHER INFORMATION CONTACT:** Edward J. Riccobene, Associate Chief Counsel, Division of Enforcement, at (202) 418-5327 or [ericcobene@cftc.gov](mailto:ericcobene@cftc.gov), Commodity Futures Trading Commission, 1155 21st Street NW, Washington, DC 20581.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The Federal Civil Penalties Inflation Adjustment Act of 1990 (FCPIAA)<sup>1</sup> requires the head of each Federal agency to periodically adjust for inflation the minimum and maximum amount of CMPs provided by law within the jurisdiction of that agency.<sup>2</sup> A 2015 amendment to the FCPIAA<sup>3</sup> required agencies to make an initial “catch-up” adjustment to its civil monetary penalties effective no later than August 1, 2016.<sup>4</sup> For every year thereafter effective not later than January 15, the FCPIAA, as amended, requires agencies to make annual adjustments for inflation, with guidance from the Director of the Office of Management and Budget.<sup>5</sup>

**II. Commodity Exchange Act Civil Monetary Penalties**

The following sections of the CEA provide for CMPs that meet the FCPIAA definition<sup>6</sup> and these CMPs are, therefore, subject to the inflation

adjustment: Sections 6(c), 6b, and 6c of the CEA.<sup>7</sup>

**III. Annual Inflation Adjustment for Commodity Exchange Act Civil Monetary Penalties**

*A. Methodology*

The FCPIAA annual inflation adjustment, in the context of the CFTC’s CMPs, is determined by increasing the maximum penalty by a “cost-of-living adjustment”, rounded to the nearest multiple of one dollar.<sup>8</sup> Annual inflation adjustments are based on the percent change between the October Consumer Price Index for all Urban Consumers (CPI-U) preceding the date of the adjustment, and the prior year’s October CPI-U.<sup>9</sup> In this case, the October 2018 CPI-U (252.885)/October 2017 CPI-U (246.663) = 1.02522.<sup>10</sup> In order to complete the 2019 annual adjustment, the CFTC must multiply each of its most recent CMP amounts by the multiplier, 1.02522, and round to the nearest dollar.<sup>11</sup>

*B. Civil Monetary Penalty Adjustments*

Applying the FCPIAA annual inflation adjustment methodology results in the following amended CMPs:

U.S. code citation	Civil monetary penalty description	Violations occurring on or after 11/02/2015			
		Penalty amount in 2018 final rule <sup>12</sup>	CPI-U multiplier	New adjusted penalty amount	
<i>Civil Monetary Penalty Imposed by the Commission in an Administrative Action</i>					
7 U.S.C. 9 (Section 6(c) of the Commodity Exchange Act).	For any person other than a registered entity <sup>1</sup> .	Non-Manipulation or Attempted Manipulation.	\$161,115	1.02552	\$165,227
	For any person other than a registered entity <sup>1</sup> .	Manipulation or Attempted Manipulation.	\$1,162,183	1.02552	\$1,191,842
7 U.S.C. 13a (Section 6b of the Commodity Exchange Act).	For a registered entity <sup>1</sup> or any of its directors, officers or employees.	Non-Manipulation or Attempted Manipulation.	\$887,509	1.02552	\$910,158

<sup>1</sup> The FCPIAA, Public Law 101-410 (1990), as amended, is codified at 28 U.S.C. 2461 note. The FCPIAA states that the purpose of the FCPIAA is to establish a mechanism that (1) allows for regular adjustment for inflation of civil monetary penalties; (2) maintains the deterrent effect of civil monetary penalties and promote compliance with the law; and (3) improves the collection by the Federal Government of civil monetary penalties.

<sup>2</sup> For the relevant CMPs within the Commission’s jurisdiction, the Act provides only for maximum amounts that can be assessed for each violation of the Act or the rules, regulations and orders promulgated thereunder; the Act does not set forth any minimum penalties. Therefore, the remainder of this release will refer only to CMP maximums.

<sup>3</sup> Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Public Law 114-74, 129 Stat. 584 (2015) (2015 Act), title VII, Section 701.

<sup>4</sup> FCPIAA Sections 4 and 5. See also, Adjustment of Civil Monetary Penalties for Inflation, 81 FR 41435 (June 27, 2016).

<sup>5</sup> FCPIAA Sections 4 and 5. See also, Executive Office of the President, 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 (Dec. 14, 2018) (2018 OMB Guidance) ([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> FCPIAA Section 3(2).

<sup>7</sup> 7 U.S.C. 9, 13a-1, 13b. Criminal authorities may also seek fines for criminal violations of the CEA

(see 7 U.S.C. 13, 13(c), 13(d), 13(e), and 13b). The FCPIAA does not affect the amounts of these criminal penalties.

<sup>8</sup> FCPIAA Sections 4 and 5.

<sup>9</sup> FCPIAA Section 5(b)(1).

<sup>10</sup> The CPI-U is published by the Department of Labor. Interested parties may find the relevant Consumer Price Index on the internet. To access this information, go to the Consumer Price Index Home Page at: <http://www.bls.gov/cpi/>. Click the “CPI Data/Databases” heading, and select “All Urban Consumers (Current Series)”, “Top Picks.” Then check the box for “U.S. All items, 1982-84 = 100—CUUR0000SA0”, and click the “Retrieve data” button.

<sup>11</sup> 2018 OMB Guidance at 3.