

the 2018–19 crop year as a percentage of total producer revenue is approximately 0.013 percent (assessment revenue of \$6,050,000 divided by total producer revenue \$459,250,000).

This action increases the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, these costs would be offset by the benefits derived from the operation of the Order.

The meetings of the Audit Subcommittee and the Committee were widely publicized throughout the California raisin industry. All interested persons were invited to attend the meetings and encouraged to participate in Committee deliberations on all issues. Like all subcommittee and Committee meetings, the June 13, 2018, and June 27, 2018, meetings, respectively, were public meetings, and all entities, both large and small, were able to express views on this issue.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Order's information collection requirements have been previously approved by the OMB and assigned OMB No. 0581–0178 Vegetable and Specialty Crops. No changes in those requirements are necessary because of this action. Should any changes become necessary, they would be submitted to OMB for approval.

This final rule does not impose any additional reporting or recordkeeping requirements on either small or large California raisin handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. As noted in the initial regulatory flexibility analysis, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this final rule.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

A proposed rule concerning this action was published in the **Federal Register** on October 23, 2018 (83 FR 53402). Copies of the proposed rule were provided to all raisin handlers. The proposal was also made available through the internet by USDA and the Office of the Federal Register. A 30-day comment period ending November 23, 2018, was provided for interested persons to respond to the proposal. No

comments were received. Accordingly, no changes will be made to the rule as proposed.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <http://www.ams.usda.gov/rules-regulations/moa/small-businesses>. Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

#### List of Subjects in 7 CFR Part 989

Grapes, Marketing agreements, Raisins, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 989 is amended as follows:

#### **PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA**

- 1. The authority citation for 7 CFR part 989 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

- 2. Section 989.347 is revised to read as follows:

##### **§ 989.347 Assessment rate.**

On and after August 1, 2018, an assessment rate of \$22.00 per ton is established for assessable raisins produced from grapes grown in California.

Dated: January 31, 2019.

**Bruce Summers,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 2019–01139 Filed 2–5–19; 8:45 am]

**BILLING CODE 3410–02–P**

#### **FEDERAL RESERVE SYSTEM**

##### **12 CFR Part 263**

**[Docket No. R–1647]**

**RIN 7100–AF36**

##### **Rules of Practice for Hearings**

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Final rule.

**SUMMARY:** The Board of Governors of the Federal Reserve System (the “Board”) is

issuing a final rule amending its rules of practice and procedure to adjust the amount of each civil money penalty (“CMP”) provided by law within its jurisdiction to account for inflation as required by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

**DATES:** This final rule is effective on February 6, 2019.

##### **FOR FURTHER INFORMATION CONTACT:**

Patrick M. Bryan, Assistant General Counsel (202–974–7093), or Thomas O. Kelly, Senior Attorney (202–974–7059), Legal Division, Board of Governors of the Federal Reserve System, 20th Street and Constitution Ave. NW, Washington, DC 20551. For users of Telecommunication Device for the Deaf (TDD) only, contact 202–263–4869.

##### **SUPPLEMENTARY INFORMATION:**

##### **Federal Civil Penalties Inflation Adjustment Act**

The Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. 2461 note (“FCPIA Act”), requires federal agencies to adjust, by regulation, the CMPs within their jurisdiction to account for inflation. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the “2015 Act”) <sup>1</sup> amended the FCPIA Act to require federal agencies to make annual adjustments not later than January 15 of every year. <sup>2</sup> The Board is now issuing a new final rule to set the CMP levels pursuant to the required annual adjustment for 2019. The Board will apply these adjusted maximum penalty levels to any penalties assessed on or after February 6, 2019, whose associated violations occurred on or after November 2, 2015. Penalties assessed for violations occurring prior to November 2, 2015, will be subject to the amounts set in the Board’s 2012 adjustment pursuant to the FCPIA Act. <sup>3</sup>

Under the 2015 Act, the annual adjustment to be made for 2019 is the percentage by which the Consumer Price Index for the month of October 2018 exceeds the Consumer Price Index for the month of October 2017. On December 14, 2018, as directed by the 2015 Act, the Office of Management and Budget (OMB) issued guidance to affected agencies on implementing the required annual adjustment, which included the relevant inflation multiplier. <sup>4</sup> Using OMB’s multiplier, the

<sup>1</sup> Public Law 114–74, 129 Stat. 599 (2015) (codified at 28 U.S.C. 2461 note).

<sup>2</sup> 28 U.S.C. 2461 note, 4(b)(1).

<sup>3</sup> 77 FR 68680 (Nov. 16, 2012).

<sup>4</sup> OMB Memorandum M–19–04, *Implementation of Penalty Inflation Adjustments for 2019, Pursuant*  
Continued

Board calculated the adjusted penalties for its CMPs, rounding the penalties to the nearest dollar.<sup>5</sup>

### Administrative Procedure Act

The 2015 Act states that agencies shall make the annual adjustment “notwithstanding section 553 of title 5, United States Code.” Therefore, this rule is not subject to the provisions of the Administrative Procedure Act (the “APA”), 5 U.S.C. 553, requiring notice, public participation, and a deferred effective date.

### Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires a regulatory flexibility analysis only for rules for which an agency is required to publish a general notice of proposed rulemaking. Because the 2015 Act states that agencies’ annual adjustments are to be made notwithstanding section 553 of title 5 of the United States Code—the APA section requiring notice of proposed rulemaking—the Board is not publishing a notice of proposed rulemaking. Therefore, the Regulatory Flexibility Act does not apply.

### Paperwork Reduction Act

There is no collection of information required by this final rule that would be subject to the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

### List of Subjects in 12 CFR Part 263

Administrative practice and procedure, Claims, Crime, Equal access to justice, Lawyers, Penalties.

### Authority and Issuance

For the reasons set forth in the preamble, the Board amends 12 CFR part 263 to read as follows:

### PART 263—RULES OF PRACTICE FOR HEARINGS

■ 1. The authority citation for part 263 continues to read as follows:

**Authority:** 5 U.S.C. 504, 554–557; 12 U.S.C. 248, 324, 334, 347a, 504, 505, 1464, 1467, 1467a, 1817(j), 1818, 1820(k), 1829, 1831o, 1831p–1, 1832(c), 1847(b), 1847(d), 1884, 1972(2)(F), 3105, 3108, 3110, 3349, 3907, 3909(d), 4717; 15 U.S.C. 21, 781(i), 780–4, 780–5, 78u–2; 1639e(k); 28 U.S.C.

*to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (Dec. 14, 2018).

<sup>5</sup> Under the 2015 Act and implementing OMB guidance, agencies are not required to make an adjustment to a CMP if, during the 12 months preceding the required adjustment, such penalty increased due to a law other than the 2015 Act by an amount greater than the amount of the required adjustment. No other laws have adjusted the CMPs within the Board’s jurisdiction during the preceding 12 months.

2461 note; 31 U.S.C. 5321; and 42 U.S.C. 4012a.

■ 2. Section 263.65 is revised to read as follows:

#### § 263.65 Civil money penalty inflation adjustments.

(a) *Inflation adjustments.* In accordance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, which further amended the Federal Civil Penalties Inflation Adjustment Act of 1990, the Board has set forth in paragraph (b) of this section the adjusted maximum amounts for each civil money penalty provided by law within the Board’s jurisdiction. The authorizing statutes contain the complete provisions under which the Board may seek a civil money penalty. The adjusted civil money penalties apply only to penalties assessed on or after February 6, 2019, whose associated violations occurred on or after November 2, 2015.

(b) *Maximum civil money penalties.* The maximum (or, in the cases of 12 U.S.C. 334 and 1832(c), fixed) civil money penalties as set forth in the referenced statutory sections are set forth in the table in this paragraph (b).

Statute	Adjusted civil money penalty
12 U.S.C. 324. <i>Inadvertently late or misleading reports, inter alia</i> .....	\$4,027
<i>Other late or misleading reports, inter alia</i> .....	40,269
<i>Knowingly or reckless false or misleading reports, inter alia</i> .....	2,013,399
12 U.S.C. 334 .....	292
12 U.S.C. 374a .....	292
12 U.S.C. 504. <i>First Tier</i> .....	10,067
<i>Second Tier</i> .....	50,334
<i>Third Tier</i> .....	2,013,399
12 U.S.C. 505. <i>First Tier</i> .....	10,067
<i>Second Tier</i> .....	50,334
<i>Third Tier</i> .....	2,013,399
12 U.S.C. 1464(v)(4) .....	4,027
12 U.S.C. 1464(v)(5) .....	40,269
12 U.S.C. 1464(v)(6) .....	2,013,399
12 U.S.C. 1467a(i)(2) .....	50,334
12 U.S.C. 1467a(i)(3) .....	50,334
12 U.S.C. 1467a(r). <i>First Tier</i> .....	4,027
<i>Second Tier</i> .....	340,269
<i>Third Tier</i> .....	2,013,399
12 U.S.C. 1817(j)(16). <i>First Tier</i> .....	10,067
<i>Second Tier</i> .....	50,334
<i>Third Tier</i> .....	32,013,399
12 U.S.C. 1818(i)(2). <i>First Tier</i> .....	10,067
<i>Second Tier</i> .....	50,334
<i>Third Tier</i> .....	2,013,399
12 U.S.C. 1820(k)(6)(A)(ii) ...	331,174

Statute	Adjusted civil money penalty
12 U.S.C. 1832(c) .....	32,924
12 U.S.C. 1847(b) .....	50,334
12 U.S.C. 1847(d). <i>First Tier</i> .....	4,027
<i>Second Tier</i> .....	40,269
<i>Third Tier</i> .....	2,013,399
12 U.S.C. 1884 .....	292
12 U.S.C. 1972(2)(F). <i>First Tier</i> .....	10,067
<i>Second Tier</i> .....	50,334
<i>Third Tier</i> .....	2,013,399
12 U.S.C. 3110(a) .....	46,013
12 U.S.C. 3110(c). <i>First Tier</i> .....	3,682
<i>Second Tier</i> .....	36,809
<i>Third Tier</i> .....	1,840,491
12 U.S.C. 3909(d) .....	2,505
15 U.S.C. 78u–2(b)(1). <i>For a natural person</i> .....	9,472
<i>For any other person</i> .....	94,713
15 U.S.C. 78u–2(b)(2). <i>For a natural person</i> .....	94,713
<i>For any other person</i> .....	473,566
15 U.S.C. 78u–2(b)(3). <i>For a natural person</i> .....	189,427
<i>For any other person</i> .....	947,130
15 U.S.C. 1639e(k)(1) .....	11,563
15 U.S.C. 1639e(k)(2) .....	23,125
42 U.S.C. 4012a(f)(5) .....	2,187

By order of the Board of Governors of the Federal Reserve System, acting through the Secretary of the Board under delegated authority, January 29, 2019.

**Ann Misback,**

*Secretary of the Board.*

[FR Doc. 2019–01068 Filed 2–5–19; 8:45 am]

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### NATIONAL CREDIT UNION ADMINISTRATION

#### 12 CFR Part 747

**RIN 3133–AE92**

#### Civil Monetary Penalty Inflation Adjustment

**AGENCY:** National Credit Union Administration (NCUA).

**ACTION:** Final rule.

**SUMMARY:** The NCUA Board (Board) is amending its regulations to adjust the maximum amount of each civil monetary penalty (CMP) within its jurisdiction to account for inflation. This action, including the amount of the adjustments, is required under the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996 and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

**DATES:** This final rule is effective February 6, 2019.