

deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

#### *Congressional Review Act*

This proposed rule does not substantially affect the rights or obligations of non-agency parties and, accordingly, is not a “rule” as that term is used by the Congressional Review Act (Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

#### **List of Subjects in 29 CFR Part 1614**

Administrative practice and procedure, Age discrimination, Equal employment opportunity, Government employees, Individuals with disabilities, Race discrimination, Religious discrimination, Sex discrimination.

For the Commission.

Dated: December 20, 2018.

**Victoria A. Lipnic,**  
*Acting Chair.*

Accordingly, for the reasons set forth in the preamble, the Equal Employment Opportunity Commission proposes to amend chapter XIV of title 29 of the Code of Federal Regulations as follows:

#### **PART 1614—FEDERAL SECTOR EQUAL EMPLOYMENT OPPORTUNITY**

■ 1. The authority citation for 29 CFR part 1614 continues to read as follows:

**Authority:** 29 U.S.C. 206(d), 633a, 791 and 794a; 42 U.S.C. 2000e–16; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218; E.O. 11222, 3 CFR, 1964–1965 Comp., p. 306; E.O. 11478, 3 CFR, 1969 Comp., p. 133; E.O. 12106, 3 CFR, 1978 Comp., p. 263; Reorg. Plan No. 1 of 1978, 3 CFR, 1978 Comp., p. 321.

#### **§ 1614.201 [Amended]**

■ 2. In § 1614.201, remove paragraph (c).

■ 3. In § 1614.407:

■ a. Revise the section heading;

■ b. In the introductory text, remove the word “and” after “ADEA” and add in its place a comma; and add the words “and Genetic Information Nondiscrimination Act” after “Rehabilitation Act”; and

■ c. Revise paragraphs (a) and (b), and add paragraphs (e) and (f).

The revisions and additions read as follows:

**§ 1614.407 Civil action: Title VII, Age Discrimination in Employment Act, Rehabilitation Act, and Genetic Information Nondiscrimination Act.**

\* \* \* \* \*

(a) Within 90 days of receipt of the agency final action on an individual or class complaint;

(b) After 180 days from the date of filing an individual or class complaint if agency final action has not been taken;

\* \* \* \* \*

(e) After filing an appeal with the EEOC from an agency final action, the complainant, class agent, or class claimant may withdraw the appeal and file a civil action within 90 days of receipt of the agency final action. If the complainant, class agent, or class claimant files an appeal with the EEOC from a final agency action and more than 90 days have passed since receipt of the agency final action, the appellant may file a civil action only in accordance with paragraphs (c) or (d) of this section.

(f) After filing a request for reconsideration of an EEOC decision on an appeal, the complainant, class agent, or class claimant may withdraw the request and file a civil action within 90 days of receipt of the EEOC’s decision on the appeal. If the complainant, class agent, or class claimant files a request for reconsideration of an EEOC decision on an appeal and more than 90 days have passed since the appellant received the EEOC’s decision on the appeal, the appellant may file a civil action only in accordance with paragraphs (c) or (d) of this section.

■ 4. In § 1614.409, revise the introductory text to read as follows:

#### **§ 1614.409 Effect of filing a civil action.**

Filing a civil action under § 1614.407 or § 1614.408 shall terminate Commission processing of the appeal. A Commission decision on an appeal issued after a complainant files suit in district court will not be enforceable by the Commission. If private suit is filed subsequent to the filing of an appeal and prior to a final Commission decision, the complainant should notify the Commission in writing.

#### **§ 1614.505 [Amended]**

■ 5. In § 1614.505(a)(4), remove the reference “(b)(2)” and add in its place “(a)(3).”

[FR Doc. 2019–01976 Filed 2–13–19; 8:45 am]

**BILLING CODE 6570–01–P**

#### **DEPARTMENT OF EDUCATION**

#### **34 CFR Part 106**

**RIN 1870–AA14**

**[Docket ID ED–2018–OCR–0064]**

#### **Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance**

**AGENCY:** Office for Civil Rights, Department of Education.

**ACTION:** Notice of proposed rulemaking; reopening of comment period.

**SUMMARY:** On November 29, 2018, the Department published in the **Federal Register** a notice of proposed rulemaking (NPRM) to amend the Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance regulations. That NPRM established a 60-day comment period from November 29, 2018, through January 28, 2019. On January 28, the Department published in the **Federal Register** a document extending the public comment period for two days, until January 30, 2019. In an abundance of caution, to the extent that some users may have experienced technical issues preventing the submission of comments using the Federal eRulemaking Portal, the Department is reopening the comment period for one day on February 15, 2019.

**DATES:** The comment period for the proposed rule published November 29, 2018 at 83 FR 61462, and extended on January 28, 2019 at 84 FR 409, is reopened. Comments must be submitted to the Department on February 15, 2019.

**ADDRESSES:** Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. The Department will not accept comments submitted by fax or by email or those submitted outside of the comment period. Thus, we will not accept comments submitted from January 31, 2019, through February 14, 2019, or comments submitted after February 15, 2019. To ensure that the Department does not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

• *Federal eRulemaking Portal:* Go to [www.regulations.gov](http://www.regulations.gov) to submit your comments electronically. Information on using *Regulations.gov*, including instructions for finding a rule on the site and submitting comments, is available on the site under “How to use *Regulations.gov*” in the Help section. If

you experience technical difficulties when trying to submit your comment, call the [www.regulations.gov](http://www.regulations.gov) helpdesk at 877-378-5457.

- **Postal Mail, Commercial Delivery, or Hand Delivery:** The Department strongly encourages commenters to submit their comments electronically. If, however, you mail or deliver your comments about the proposed regulations, address them to Brittany Bull, U.S. Department of Education, 400 Maryland Avenue SW, Room 6E310, Washington, DC 20202-5900. Comments submitted via mail must be postmarked on February 15, 2019. Comments hand-delivered to the Department must be delivered between 9:00 a.m. and 5:00 p.m. EST on February 15, 2019.

**Privacy Note:** The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

**FOR FURTHER INFORMATION CONTACT:** Brittany Bull, U.S. Department of Education, 400 Maryland Avenue SW, Room 6E310, Washington, DC 20202-5900. Telephone: 202-453-7100. You may email questions to [TitleIXNPRM@ed.gov](mailto:TitleIXNPRM@ed.gov), but, as described above, comments must be submitted via the Federal eRulemaking Portal, postal mail, commercial delivery, or hand delivery.

If you use a telecommunications device for the deaf or a text telephone, call the Federal Relay Service, toll free, at 1-800-877-8339.

#### SUPPLEMENTARY INFORMATION:

**Background:** On November 29, 2018, the Department published an NPRM in the **Federal Register** (83 FR 61462), to amend the Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance regulations to provide appropriate standards for how recipients must respond to incidents of sexual harassment. The NPRM established a 60-day comment period through January 28, 2019. On January 28, the Department published in the **Federal Register** a document (84 FR 409) extending the public comment period for two days, until January 30, 2019. In an abundance of caution, to the extent that some users may have experienced technical issues preventing the submission of comments using the Federal eRulemaking Portal, the Department is reopening the comment period for one day on February 15,

2019. Commenters must submit comments: Between 12:00 a.m. EST and 11:59 p.m. EST on February 15, 2019 if submitted through the Federal eRulemaking Portal; between 9:00 a.m. and 5:00 p.m. EST on February 15, 2019, if hand-delivered; or postmarked on February 15, 2019, if delivered by postal mail or commercial delivery. Please do not resubmit a comment that was previously submitted. The Department is continuously processing and posting all comments received from the public in a manner that ensures the Department is able to review and consider each comment. Once all comments have been processed, they will be posted and publicly available.

Call the [www.regulations.gov](http://www.regulations.gov) helpdesk at 877-378-5457 if you experience any technical difficulties that prevent you from submitting your comment on February 15, 2019. You also have the option to deliver your comment by postal mail, commercial delivery or hand delivery if a technical issue prevents you from submitting your comment through the Federal eRulemaking Portal.

**Accessible Format:** Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotope, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

**Electronic Access to This Document:** The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available at [www.govinfo.gov](http://www.govinfo.gov). At this site, you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at this site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: [www.federalregister.gov](http://www.federalregister.gov). Through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: February 12, 2019.

**Betsy DeVos,**  
Secretary of Education.

[FR Doc. 2019-02566 Filed 2-12-19; 4:15 pm]

**BILLING CODE 4000-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R04-OAR-2017-0454; FRL-9989-39-Region 4]

### Air Plan Approval; NC; Permitting Revisions

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a portion of a revision to the North Carolina State Implementation Plan (SIP) submitted by the State of North Carolina through the North Carolina Department of Environmental Quality (formerly the North Carolina Department of Environment and Natural Resources (NCDENR)), Division of Air Quality, through a letter dated March 24, 2006. The revision includes changes to permitting regulations. The revision is part of North Carolina's strategy to meet and maintain the national ambient air quality standards (NAAQS). This action is being taken pursuant to the Clean Air Act (CAA or Act) and its implementing regulations.

**DATES:** Comments must be received on or before March 18, 2019.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R04-OAR-2017-0454 at <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (i.e. on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

#### FOR FURTHER INFORMATION CONTACT:

Nacosta C. Ward, Air Regulatory Management Section, Air Planning and