

procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

#### (m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2018-0064, dated March 23, 2018, for related information. This MCAI may be found in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2018-0704.

(2) For more information about this AD, contact Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax: 206-231-3229.

#### (n) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) Airbus Service Bulletin A330-29-3131, dated August 11, 2017.

(ii) Airbus Service Bulletin A330-29-3132, dated August 11, 2017.

(iii) Airbus Service Bulletin A330-29-3133, dated August 11, 2017.

(iv) Airbus Service Bulletin A340-29-4099, dated August 11, 2017.

(v) Airbus Service Bulletin A340-29-4100, dated August 11, 2017.

(vi) Airbus Service Bulletin A340-29-4101, dated August 11, 2017.

(vii) Airbus Service Bulletin A340-29-5026, dated August 11, 2017.

(viii) Safran Vendor Service Bulletin 42-29-005, Revision 01, dated September 26, 2017.

(ix) Safran Vendor Service Bulletin 42-29-006, Revision 01, dated September 27, 2017.

(3) For Airbus service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, Rond Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax:

+33 5 61 93 45 80; email: [airworthiness.A330-A340@airbus.com](mailto:airworthiness.A330-A340@airbus.com); internet <http://www.airbus.com>.

(4) For Safran service information identified in this final rule, contact Safran Aero Boosters, 121 Route de Liers, 4041 Milmort (Herstal), Belgium; telephone: +32 4 278 8111; fax: +32 4 278 52 07; internet <https://www.safran-aero-boosters.com>, or <https://www.safran-group.com/company/safran-aero-boosters>.

(5) You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

(6) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Des Moines, Washington, on March 22, 2019.

**Michael Kaszycki,**

*Acting Director, System Oversight Division, Aircraft Certification Service.*

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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### 14 CFR Parts 1264 and 1271

#### RIN 2700-AE48

[Document Number NASA-19-003: Docket Number NASA-2019-0002]

### Implementation of the Federal Civil Penalties Inflation Adjustment Act and Adjustment of Amounts for 2019

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Final rule.

**SUMMARY:** The National Aeronautics and Space Administration (NASA) has adopted a final rule making inflation adjustments to civil monetary penalties within its jurisdiction. This final rule represents the annual 2019 inflation adjustments of monetary penalties. These adjustments are required by the

Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

**DATES:** This final rule is effective April 4, 2019.

#### FOR FURTHER INFORMATION CONTACT:

Bryan R. Diederich, Office of the General Counsel, NASA Headquarters, telephone (202) 358-0216.

#### SUPPLEMENTARY INFORMATION:

#### I. Background

The Inflation Adjustment Act, as amended by the 2015 Act, required Federal agencies to adjust the civil penalty amounts within their jurisdiction for inflation by July 1, 2016. Subsequent to the 2016 adjustment, Federal agencies were required to make an annual inflation adjustment by January 15 every year thereafter.<sup>1</sup> Under the amended Act, any increase in a civil penalty made under the Act will apply to penalties assessed after the increase takes effect, including penalties whose associated violation predated the increase.<sup>2</sup> The inflation adjustments mandated by the Act serve to maintain the deterrent effect of civil penalties and to promote compliance with the law.

Pursuant to the Act, adjustments to the civil penalties are required to be made by January 15 of each year. The annual adjustments are 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 (28 U.S.C. 2461 note, section (5)(b)(1)). Based on that formula, the cost-of-living adjustment multiplier for 2019 is 1.02522 percent. Pursuant to the 2015 Act, adjustments are rounded to the nearest dollar.

#### II. The Final Rule

This final rule makes the required adjustments to civil penalties for 2019. Applying the 2019 multiplier above, the adjustments for each penalty are summarized below.

Law	Penalty description	2018 penalty	Penalty adjusted for 2019
Program Fraud Civil Remedies Act of 1986 .....	Maximum Penalties for False Claims .....	\$11,181	\$11,463
Department of the Interior and Related Agencies Appropriations Act of 1989, Public Law 101-121, sec. 319.	Minimum Penalty for use of appropriated funds to lobby or influence certain contracts.	19,639	20,134
Department of the Interior and Related Agencies Appropriations Act of 1989, Public Law 101-121, sec. 319.	Maximum Penalty for use of appropriated funds to lobby or influence certain contracts.	196,387	201,340

<sup>1</sup> See 28 U.S.C. 2461 note.

<sup>2</sup> Inflation Adjustment Act section 6, *codified at* 28 U.S.C. 2461 note.

Law	Penalty description	2018 penalty	Penalty adjusted for 2019
Department of the Interior and Related Agencies Appropriations Act of 1989, Public Law 101–121, sec. 319.	Minimum penalty for failure to report certain lobbying transactions.	19,639	20,134
Department of the Interior and Related Agencies Appropriations Act of 1989, Public Law 101–121, sec. 319.	Maximum penalty for failure to report certain lobbying transactions.	196,387	201,340

This rule codifies these civil penalty amounts by amending parts 1264 and 1271 of title 14 of the CFR.

### III. Legal Authority and Effective Date

NASA issues this rule under the Federal Civil Penalties Inflation Adjustment Act of 1990,<sup>3</sup> as amended by the Debt Collection Improvement Act of 1996,<sup>4</sup> and further amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015,<sup>5</sup> which requires NASA to adjust the civil penalties within its jurisdiction for inflation according to a statutorily prescribed formula.

Section 553 of title 5 of the United States Code generally requires an agency to publish a rule at least 30 days before its effective date to allow for advance notice and opportunity for public comments.<sup>6</sup> After the initial adjustment for 2016, however, the Civil Penalties Inflation Adjustment Act requires agencies to make subsequent annual adjustments for inflation “notwithstanding section 553 of title 5, United States Code.” Moreover, the 2019 adjustments are made according to a statutory formula that does not provide for agency discretion. Accordingly, a delay in effectiveness of the 2019 adjustments is not required.

### IV. Regulatory Requirements

#### *Regulatory Flexibility Act*

Because no notice of proposed rulemaking is required, the Regulatory Flexibility Act does not require an initial or final regulatory flexibility analysis.<sup>7</sup>

#### *Paperwork Reduction Act*

In accordance with the Paperwork Reduction Act of 1995,<sup>8</sup> NASA reviewed this final rule. No collections of information pursuant to the

Paperwork Reduction Act are contained in the final rule.

#### List of Subjects in 14 CFR Parts 1264 and 1271

Claims, Lobbying, Penalties.

For the reasons stated in the preamble, the National Aeronautics and Space Administration is amending 14 CFR parts 1264 and 1271 as follows:

#### PART 1264—IMPLEMENTATION OF THE PROGRAM FRAUD CIVIL PENALTIES ACT OF 1986

■ 1. The authority citation for part 1264 continues to read as follows:

**Authority:** 31 U.S.C. 3809, 51 U.S.C. 20113(a).

##### § 1264.102 [Amended]

■ 2. In § 1264.102, remove the number “\$11,181” and add in its place the number “\$11,463” in the statements following paragraphs (a)(1)(iv) and (b)(1)(iii).

#### PART 1271—NEW RESTRICTIONS ON LOBBYING

■ 3. The authority citation for part 1271 continues to read as follows:

**Authority:** Section 319, Pub. L. 101–121 (31 U.S.C. 1352); Pub. L. 97–258 (31 U.S.C. 6301 *et seq.*).

##### § 1271.400 [Amended]

■ 4. In § 1271.400:

■ a. In paragraphs (a) and (b), remove the words “not less than \$19,639 and not more than \$196,387” and add in their place the words “not less than \$20,134 and not more than \$201,340”.

■ b. In paragraph (e), remove the two occurrences of “\$19,639” and add in their place “\$20,134” and remove “\$196,387” and add in its place “\$201,340”.

##### Appendix A to Part 1271 [Amended]

■ 5. In appendix A to part 1271:

■ a. Remove the two occurrences of the number “\$19,639” and add in its place the number “\$20,134”.

■ b. Remove the two occurrences of the number “\$196,387” and add in its place the number “\$201,340”.

Cheryl E. Parker,

NASA Federal Register Liaison Officer.

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### FEDERAL TRADE COMMISSION

#### 16 CFR Part 316

[3084–AB38]

#### Controlling the Assault of Non-Solicited Pornography and Marketing Rule

**AGENCY:** Federal Trade Commission.

**ACTION:** Confirmation of rule.

**SUMMARY:** The Federal Trade Commission (“FTC” or “Commission”) has completed its regulatory review of its rule implementing the Controlling the Assault of Non-Solicited Pornography and Marketing Act (“CAN-SPAM Rule” or “Rule”) as part of the agency’s periodic review of all its regulations and guides, and has determined to retain the Rule in its present form.

**DATES:** This action is effective as of April 4, 2019.

**ADDRESSES:** Relevant portions of the record of this proceeding, including this document, are available at <https://www.ftc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Christopher E. Brown, (202) 326–2825, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Ave. NW, CC–8528, Washington, DC 20580.

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The Commission reviews its rules and guides periodically to seek information about their costs and benefits, as well as their regulatory and economic impact. This information assists the Commission in identifying rules and guides that warrant modification or rescission.

<sup>3</sup> Public Law 101–410, 104 Stat. 890 (1990).

<sup>4</sup> Public Law 104–134, section 31001(s)(1), 110 Stat. 1321, 1321–373 (1996).

<sup>5</sup> Public Law 114–74, section 701, 129 Stat. 584, 599 (2015).

<sup>6</sup> See 5 U.S.C. 533(d).

<sup>7</sup> 5 U.S.C. 603(a), 604(a).

<sup>8</sup> 44 U.S.C. 3506.