

Federal Register – February 2019

[Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Student Assistance General Provisions-Annual Fire Safety Report, 84 Federal Register 1085, February 1, 2019](#)

NOTICE: The Department of Education regulations at 34 CFR 668.49 require institutions to collect statistics on fires occurring in on-campus student housing facilities, including the number and cause of each fire, the number of injuries related to each fire that required treatment at a medical facility, the number of deaths related to each fire, and the value of property damage caused by each fire. Institutions must also publish an annual fire safety report containing the institution's policies regarding fire safety and the fire statistics information. Further institutions are required to maintain a fire log that records the date, time, nature, and general location of each fire in on-campus student housing facilities. This request is to extend the current approval of reporting requirements contained in the regulations.

COMMENTS DUE: March 4, 2019

[Submission for OMB Review; Comment Request; "International Work Sharing", 84 Federal Register 1071, February 1, 2019](#)

NOTICE: The public who uses this information collection are applicants who file applications in the USPTO, JPO, and KIPO. They do so in order to participate in the International Work Sharing Program. The Program enables its participants to engage in the exchange of IP documents between the United States, Japan, and Korea to facilitate efficient worldwide patent examinations.

COMMENTS DUE: March 4, 2019

[ED – New Information Collection Activities; Comment Request; National Center for College Students With Disabilities \(NCCSD\) Database of Disability Services and Activities in Higher Education, 84 Federal Register 1714, February 5, 2019](#)

NOTICE: The NCCSD survey will ask all U.S. campuses to provide basic information about disability services, accessibility of campus, and disability-related activities that may affect inclusion and the campus climate. The data will be available to the public in an accessible and searchable database, to help prospective college students and their families make informed decisions during the college search process.

COMMENTS DUE: April 8, 2019

[FCC Posting of Station Licenses and Related Information, 84 Federal Register 2753, February 8, 2019](#)

FINAL RULE: the Federal Communications Commission (FCC or Commission) eliminates provisions of our rules that require broadcasters to post and maintain copies of their licenses and related information in specific locations. These rules have become redundant and obsolete now that licensing information is readily accessible online through the Commission's databases, including CDBS, LMS, and ULS.

EFFECTIVE DATE: February 8, 2019

[Qualified Business Income Deduction, 84 Federal Register 2952, February 8, 2019](#)

FINAL REGULATIONS: This document contains final regulations concerning the deduction for qualified business income under section 199A of the Internal Revenue Code (Code). The regulations will affect individuals, partnerships, S corporations, trusts, and estates engaged in domestic trades or businesses. The regulations also contain an anti-avoidance rule under section 643 of the Code to treat multiple trusts as a single trust in certain cases, which will affect trusts, their grantors, and

	<p>beneficiaries. This document also requests additional comments on certain aspects of the deduction.</p> <p>EFFECTIVE DATE: February 8, 2019</p> <p>COMMENTS DUE: April 9, 2019</p>
<p>FAA External Marking Requirement for Small Unmanned Aircraft, 84 Federal Register 3669, February 13, 2019</p>	<p>INTERIM FINAL RULE: This interim final rule requires small unmanned aircraft owners to display the unique identifier assigned by the FAA upon completion of the registration process (registration number) on an external surface of the aircraft. Small unmanned aircraft owners are no longer permitted to enclose the FAA-issued registration number in a compartment.</p> <p>EFFECTIVE DATE: February 25, 2019</p>
<p>Safe and Secure Operations of Small Unmanned Aircraft Systems, 84 Federal Register 3732, February 13, 2019</p>	<p>ADVANCE NOTICE OF PROPOSED RULEMAKING: The FAA is considering additional rulemaking in response to public safety and national security concerns associated with the ongoing integration of unmanned aircraft systems (UAS) into the National Airspace System (NAS). The FAA is seeking information from the public in response to the questions contained in this ANPRM. Specifically, the FAA seeks comment on whether and in what circumstances the FAA should promulgate new rulemaking to require stand-off distances, additional operating and performance restrictions, the use of UAS Traffic Management (UTM), and additional payload restrictions. The FAA also seeks comment on whether it should prescribe design requirements and require that unmanned aircraft be equipped with critical safety systems.</p> <p>COMMENTS DUE: April 15, 2019</p>
<p>Operation of Small Unmanned Aircraft Systems Over People, 84 Federal Register 3856, February 13, 2019</p>	<p>NOTICE OF PROPOSED RULEMAKING: The FAA proposes to amend its rules applicable to the operation of small unmanned aircraft systems (UAS). This rulemaking would allow operations of small unmanned aircraft over people in certain conditions and operations of small UAS at night without obtaining a waiver. It would also require remote pilots in command to present their remote pilot in command certificate as well as identification to certain Federal, State, or local officials, upon request, and proposes to amend the knowledge testing requirements in the rules that apply to small UAS operations to require training every 24 calendar months. This proposal would be the next phase in integrating small UAS using a risk-based approach. These amendments would allow expanded small UAS operations and reduce the knowledge testing burden on remote pilot in command certificate holders.</p> <p>COMMENTS DUE: April 15, 2019</p>
<p>Group Registration of Unpublished Works, 84 Federal Register 3693, February 13, 2019</p>	<p>FINAL RULE: The U.S. Copyright Office is modernizing its practices and procedures to increase the efficiency and quality of the registration process. As part of this effort, this final rule establishes a new group registration option for a limited number of unpublished works, replacing the prior accommodation for “unpublished collections.” The new group registration option will allow the Office to examine each work for copyrightable authorship, create a more robust record of the claim, and improve the overall efficiency of the registration process. In addition, the final rule makes certain technical</p>

	<p>amendments to the regulations governing the group registration option for photographs.</p> <p>EFFECTIVE DATE: March 15, 2019</p>
<p>Group Registration of Newspapers, 84 Federal Register 3698, February 13, 2019</p>	<p>FINAL RULE: The U.S. Copyright Office is amending its regulation governing the group registration option for newspaper issues. This rule will eliminate the three-month deadline for submitting this type of claim. Based on requests received from several newspaper publishers, the Office has determined that there is a legitimate need to make this change effective immediately.</p> <p>EFFECTIVE DATE: February 18, 2019</p>
<p>Freedom of Information Act Regulations, 84 Federal Register 3699, February 13, 2019</p>	<p>FINAL RULE: The U.S. Copyright Office is issuing a final rule that amends its regulations governing its practices and procedures under the Freedom of Information Act (FOIA). The final rule closely follows the February 7, 2017 interim rule, implementing the FOIA Improvement Act of 2016. The final rule makes limited modifications to align with public comments and to promote further regulatory clarity and customer service.</p> <p>EFFECTIVE DATE: March 15, 2019</p>
<p>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 84 Federal Register 4018, February 14, 2019</p>	<p>NOTICE OF PROPOSED RULEMAKING – REOPENING OF COMMENT PERIOD: 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.</p> <p>NEW DATE FOR SUBMITTING COMMENTS: February 15, 2019</p>
<p>E-Rate Program Amortization Requirement, Modernizing the E-Rate Program for Schools and Libraries, 84 Federal Register 4035, February 14, 2019</p>	<p>PROPOSED RULE: In this document, the Federal Communications Commission (Commission) proposes to eliminate the E-Rate amortization requirement, which requires E-Rate applicants to amortize over three years upfront, non-recurring category one charges of \$500,000 or more. Through this measure, the Commission seeks to further the Commission's goal of closing the digital divide by facilitating and promoting increased broadband infrastructure deployment to our nation's schools and libraries.</p> <p>COMMENTS DUE: April 1, 2019</p>
<p>Determination of Rates and Terms for Digital Performance of Sound Recordings by New Subscription Services and Making of Ephemeral Copies To Facilitate Those Performances (NSS IV), 84 Federal Register 6021, February 25, 2019</p>	<p>NOTICE: The Copyright Royalty Judges (Judges) announce commencement of a proceeding to determine reasonable rates and terms for digital performance of sound recordings by new subscription services and the making of ephemeral recordings to facilitate those performances for the period beginning January 1, 2021, and ending December 31, 2025. The Judges also announce the date by which a party wishing to participate</p>

	<p>in the rate determination proceeding must file its Petition to Participate and the accompanying \$150 filing fee.</p> <p>PETITIONS TO PARTICIPATE DUE: March 15, 2019</p>
<p>Request for Information Regarding Grandfathered Group Health Plans and Grandfathered Group Health Insurance Coverage, 84 Federal Register 5969, February 25, 2019</p>	<p>REQUEST FOR INFORMATION: This document is a request for information regarding grandfathered group health plans and grandfathered group health insurance coverage. Given the limited information available regarding such coverage, the Department of the Treasury, the Department of Labor, and the Department of Health and Human Services (the Departments) are issuing this request for information to gather input from the public in order to better understand the challenges that group health plans and group health insurance issuers face in avoiding a loss of grandfathered status, and to determine whether there are opportunities for the Departments to assist such plans and issuers, consistent with the law, in preserving the grandfathered status of group health plans and group health insurance coverage in ways that would benefit employers, employee organizations, plan participants and beneficiaries, and other stakeholders.</p> <p>COMMENTS DUE: March 27, 2019</p>
<p>IRS Centralized Partnership Audit Regime, 84 Federal Register 6468, February 27, 2019</p>	<p>FINAL REGULATION: This document contains final regulations implementing the centralized partnership audit regime. These final regulations affect partnerships for taxable years beginning after December 31, 2017 and ending after August 12, 2018, as well as partnerships that make the election to apply the centralized partnership audit regime to partnership taxable years beginning on or after November 2, 2015, and before January 1, 2018.</p> <p>EFFECTIVE DATE: February 27, 2019</p>
<p>NEA Procedures for Disclosure of Records Under the Freedom of Information Act</p>	<p>FINAL REGULATIONS: This rule amends the National Endowment for the Arts' (Arts Endowment) regulations implementing the Freedom of Information Act (FOIA). The new regulations are updated to reflect statutory changes to FOIA, the current organizational structure of the Arts Endowment, and current Arts Endowment policies and practices with respect to FOIA. Finally, the regulations use current cost figures in calculating and charging fees.</p> <p>EFFECTIVE DATE: February 27, 2019</p>
<p>FYI – NOT FROM THE FEDERAL REGISTER</p>	<p>The Federal Aviation Administration (FAA) has partnered with Kittyhawk to redevelop B4UFLY to further our safety mission and create a new and improved mobile application to help recreational drone operators learn where they can and can't fly. The project is being done at no cost to the FAA. The B4UFLY App will continue to be available to the public until the new App is deployed. The data will continue to be updated but no new features will be added.</p> <p>“We want to provide drone pilots with the best tools possible so they fly safely and responsibly,” said Acting FAA Administrator Dan Elwell. “As drone sales increase and our nation’s airspace becomes busier and more complex, it’s vital that we work smarter and partner with the private sector to develop innovative products that advance safety.”</p>

	<p>The FAA and Kittyhawk's February 13, 2019 agreement will provide the public with a simple, easy-to-understand mobile application that provides situational awareness for recreational drone pilots. The FAA and Kittyhawk plan to launch the new app later this year. If you're interested in becoming a drone pilot, and part of our aviation community, we have helpful information and tips to help you get started at faa.gov/uas/.</p>
<p>Determination of Rates and Terms for Digital Performance of Sound Recordings by New Subscription Services and Making of Ephemeral Copies To Facilitate Those Performances (NSS IV)</p>	<p>NOTICE: The Copyright Royalty Judges (Judges) announce commencement of a proceeding to determine reasonable rates and terms for digital performance of sound recordings by new subscription services and the making of ephemeral recordings to facilitate those performances for the period beginning January 1, 2021, and ending December 31, 2025. The Judges also announce the date by which a party wishing to participate in the rate determination proceeding must file its Petition to Participate and the accompanying \$150 filing fee DEADLINE: Petitions to Participate and the filing fee are due no later than March 15, 2019</p>

Virginia Register – February 2019

<p>9VAC25-830, Chesapeake Bay Preservation Area Designation and Management Regulations (formerly 4VAC50-90)</p> <p>9VAC25-840, Erosion and Sediment Control Regulations (formerly 4VAC50-30)</p> <p>9VAC25-850, Erosion and Sediment Control and Stormwater Management Certification Regulations (formerly 4VAC50-50)</p> <p>9VAC25-870, Virginia Stormwater Management Program (VSMP) Regulation (formerly 4VAC50-60)</p> <p>9VAC25-880, General VPDES Permit for Discharges of Stormwater from Construction Activities (formerly Part XIV of 4VAC50-60)</p> <p>9VAC25-890, General VPDES Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems (formerly Part XV, 4VAC50-60)</p> <p>Volume 35, Issue 12, Virginia Register of Regulations, February 4, 2019</p>	<p>NOTICE OF INTENDED REGULATORY ACTION: The purpose of the proposed action is to implement Chapters 68 and 758 of the 2016 Acts of Assembly, which combine the existing Virginia Stormwater Management Act and Virginia Erosion and Sediment Control Law to create the Virginia Erosion and Stormwater Management Act. The legislation directs the State Water Control Board to permit, regulate, and control both erosion and stormwater runoff, and for this legislation to become effective, the board is required to initiate a regulatory action to consolidate and clarify program requirements, eliminate redundancies, and correct inconsistencies between erosion and sediment control regulations and stormwater management program regulations. No substantive changes to existing erosion and sediment control minimum standards or to the post-construction stormwater management technical criteria are proposed as part of this regulatory action.</p> <p>In addition, pursuant to Executive Order 14 (as amended, July 16, 2018) and § 2.2-4007.1 of the Code of Virginia, the agency is conducting a periodic review and small business impact review of this regulation to determine whether this regulation should be terminated, amended, or retained in its current form.</p> <p>COMMENTS DUE: March 6, 2019</p>
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<p>9VAC5-140. Regulation for Emissions Trading Programs (Rev. C17) (adding 9VAC5-140-6010 through 9VAC5-140-6440), Volume 35, Issue 12, Virginia Register of Regulations, February 4, 2019</p>	<p>REPROPOSED REGULATION: The primary purpose of the regulation is to implement a declining cap on carbon emissions. The administrative means of accomplishing this will be effected by linking Virginia to the Regional Greenhouse Gas Initiative (RGGI), which is an established emissions trading program. An allowance will be issued for each ton of carbon emitted by an electricity generating facility. The company must then decide if it will reduce carbon emissions and sell the resulting additional allowances, or if it will not reduce carbon emissions and make up the difference with purchased allowances. The original proposal included two options on the base budgets, 33 million tons and 34 million tons. The board selected 28 million tons, which will determine, based on a 3.0% annual reduction, the annual budgets and allocations for future years.</p> <p>COMMENTS DUE: March 6, 2019</p>
<p>18VAC90-19. Regulations Governing the Practice of Nursing (amending 18VAC90-19-210, 18VAC90-19-220), Volume 35, Issue 12, Virginia Register of Regulations, February 4, 2019</p>	<p>FAST-TRACK REGULATION: The amendments delete references to a specialty certification for a CNS and only require national certification as a clinical nurse specialist. The result is that a CNS who passed the core examination, without taking a specialty examination and having a specialty certification, could be registered as a CNS and could renew such registration by maintaining national certification.</p> <p>COMMENTS DUE: March 6, 2019</p>
<p>18VAC115-80. Regulations Governing the Registration of Qualified Mental Health Professionals (adding 18VAC115-80-10 through 18VAC115-80-110), Volume 35, Issue 12, Virginia Register of Regulations, February 4, 2019</p>	<p>PROPOSED REGULATION: Proposed regulations replace emergency regulations, which became effective on December 18, 2017. Regulations establish definitions used in the chapter, fees charged to applicants and regulants, and requirements for initial registration and renewal of registration, including eight hours of continuing education with one of those hours devoted to ethics in practice. There are standards of practice similar to all counseling-related professions and grounds for disciplinary action or denial of registration.</p> <p>COMMENTS DUE: April 5, 2019</p>