

in the labeling of food products and that publish on or after January 1, 2019, and on or before December 31, 2020. Those regulations will specifically identify January 1, 2022, as their compliance date. All food products subject to the January 1, 2022, compliance date must comply with the appropriate regulations when initially introduced into interstate commerce on or after January 1, 2022. If any food labeling regulation involves special circumstances that justify a compliance date other than January 1, 2022, we will determine for that regulation an appropriate compliance date, which will be specified when the final regulation is published.

Dated: December 13, 2018.

**Scott Gottlieb,**

*Commissioner of Food and Drugs.*

[FR Doc. 2018-27429 Filed 12-19-18; 8:45 am]

**BILLING CODE 4164-01-P**

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### 29 CFR Part 1630

[EEOC-2018-0004]

RIN 3046-AB01

#### Removal of Final ADA Wellness Rule Vacated by Court

**AGENCY:** Equal Employment Opportunity Commission.

**ACTION:** Final rule.

**SUMMARY:** This final rule removes from the Code of Federal Regulations a section of the final rule published on May 17, 2016, entitled “Regulations Under the Americans With Disabilities Act.” This action responds to a decision of the U.S. District Court for the District of Columbia that vacated the incentive section of the ADA rule effective January 1, 2019.

**DATES:** The action is effective on January 1, 2019.

**FOR FURTHER INFORMATION CONTACT:** Christopher J. Kuczynski, (202) 663-4665 (voice), [christopher.kuczynski@eoc.gov](mailto:christopher.kuczynski@eoc.gov); or Joyce Walker-Jones, (202) 663-7031 (voice); [joyce.walker-jones@eoc.gov](mailto:joyce.walker-jones@eoc.gov); or (202) 663-7026 (TTY).

**SUPPLEMENTARY INFORMATION:** On May 17, 2016, the Equal Employment Opportunity Commission (EEOC) published a final rule entitled “Regulations Under the Americans With Disabilities Act” under the authority of Title I of the Americans with Disabilities Act (ADA), 42 U.S.C. 12101-12117. 81 **Federal Register** 31126. The rule “provide[d] guidance on the extent to which employers may

use incentives to encourage employees to participate in wellness programs that ask them to respond to disability-related inquiries and/or undergo medical examinations.”

On October 24, 2016, AARP filed a complaint in the U.S. District Court for the District of Columbia challenging the incentive section of the ADA rule. On August 22, 2017, the District Court concluded that the Commission did not provide sufficient reasoning to justify the incentive limit adopted in the ADA rule and remanded the rule to the EEOC for reconsideration without vacating it. Following a motion by AARP to alter or amend the court’s summary judgment order, the court issued an order vacating the incentive section of the rule, 29 CFR 1630.14(d)(3), effective January 1, 2019. *AARP v. EEOC, D.D.C.*, No. 16-2113 (D.D.C. December 20, 2017). Consistent with that decision, this rule removes the incentive section of the ADA regulations at 29 CFR 1630.14(d)(3).

This rule is not subject to the requirement to provide public comment because it falls under the good cause exception at 5 U.S.C. 553(b)(B). The good cause exception is satisfied when notice and comment is “impracticable, unnecessary, or contrary to the public interest.” *Id.* This rule is an administrative step that implements the court’s order vacating the incentive section of the ADA rule. Additionally, because this rule implements a court order already in effect, the Commission has good cause to waive the 30-day effective date under 5 U.S.C. 553(d)(3).

#### List of Subjects in 29 CFR Part 1630

Administrative practice and procedure, Equal employment opportunity.

For the reasons set forth in the preamble, under the authority of 42 U.S.C. 12101-12117, the Commission amends chapter XIV of title 29 of the Code of Federal Regulations as follows:

### PART 1630—REGULATIONS TO IMPLEMENT THE EQUAL EMPLOYMENT PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT

■ 1. The authority citation for part 1630 continues to read as follows:

**Authority:** 42 U.S.C. 12116 and 12205a of the Americans with Disabilities Act, as amended.

#### § 1630.14 [Amended]

■ 2. Amend § 1630.14 by removing and reserving paragraph (d)(3).

Dated: December 14, 2018.

**Victoria A. Lipnic,**

*Acting Chair, U.S. Equal Employment Opportunity Commission.*

[FR Doc. 2018-27539 Filed 12-19-18; 8:45 am]

**BILLING CODE 6570-01-P**

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### 29 CFR Part 1635

EEOC-2018-0005]

RIN 3046-AB02

#### Removal of Final GINA Wellness Rule Vacated by Court

**AGENCY:** Equal Employment Opportunity Commission.

**ACTION:** Final rule.

**SUMMARY:** This final rule removes from the Code of Federal Regulations a section of the final rule published on May 17, 2016, entitled, “Genetic Information Nondiscrimination Act.” This action responds to a decision of the U.S. District Court for the District of Columbia that vacated the incentive section of the GINA rule effective January 1, 2019.

**DATES:** The action is effective on January 1, 2019.

**FOR FURTHER INFORMATION CONTACT:** Christopher J. Kuczynski, (202) 663-4665 (voice), [christopher.kuczynski@eoc.gov](mailto:christopher.kuczynski@eoc.gov); or Kerry E. Leibig, (202) 663-4516 (voice), [kerry.leibig@eoc.gov](mailto:kerry.leibig@eoc.gov); or (202) 663-7026 (TTY).

**SUPPLEMENTARY INFORMATION:** On May 17, 2016, the Equal Employment Opportunity Commission (EEOC) published a final rule entitled, “Genetic Information Nondiscrimination Act” under the authority of Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA), 42 U.S.C. 2000ff-2000ff-11. 81 **Federal Register** 31143. The rule “addressed the extent to which an employer may offer an inducement to an employee for the employee’s spouse to provide his or her current health status information as part of a health risk assessment (HRA) administered in connection with an employee-sponsored wellness program.” *Id.*

On October 24, 2016, AARP filed a complaint in the U.S. District Court for the District of Columbia challenging the incentive section of the GINA rule. On August 22, 2017, the District Court concluded that the Commission did not provide sufficient reasoning to justify the incentive limit adopted in the GINA rule and remanded the rule to the EEOC for further consideration without vacating it. Following a motion by

AARP to alter or amend the court's summary judgment order, the court issued an order vacating the incentive section of the rule, 29 CFR 1635.8(b)(2)(iii), effective January 1, 2019. *AARP v. EEOC, D.D.C.*, No. 16–2113 (D.D.C. Dec. 20, 2017). Consistent with that decision, this rule removes the incentive section of the GINA regulations at 29 CFR 1635.8(b)(2)(iii).

This rule is not subject to the requirement to provide public comment because it falls under the good cause exception at 5 U.S.C. 553(b)(B). The good cause exception is satisfied when notice and comment is “impracticable, unnecessary, or contrary to the public interest.” *Id.* This rule is an administrative step that implements the court's order vacating the incentive section of the GINA rule. Additionally, because this rule implements a court order already in effect, the Commission has good cause to waive the 30-day effective date under 5 U.S.C. 553(d)(3).

#### List of Subjects in 29 CFR Part 1635

Administrative practice and procedure, Equal employment opportunity.

For the reasons set forth in the preamble, under the authority of 42 U.S.C. 2000ff–2000ff–11, the EEOC amends chapter XIV of title 29 of the Code of Federal Regulations as follows:

#### PART 1635—GENETIC INFORMATION NONDISCRIMINATION ACT OF 2008

■ 1. The authority citation for part 1635 continues to read as follows:

**Authority:** 29 U.S.C. 2000ff.

#### § 1635.8 [Amended]

■ 2. Amend § 1635.8 by removing and reserving paragraph (b)(2)(iii).

Dated: December 14, 2018.

**Victoria A. Lipnic,**

*Acting Chair, U.S. Equal Employment Opportunity Commission.*

[FR Doc. 2018–27538 Filed 12–19–18; 8:45 am]

**BILLING CODE 6570–01–P**

## DEPARTMENT OF THE TREASURY

### Fiscal Service

#### 31 CFR Part 270

#### Availability of Records

**AGENCY:** Bureau of the Fiscal Service, Fiscal Service, Treasury.

**ACTION:** Final rule.

**SUMMARY:** The United States Department of the Treasury (Treasury), Bureau of the Fiscal Service, is streamlining its

regulations by removing regulations that are no longer necessary because they are duplicative of other existing regulations, and do not add any substantive requirements, limitations, or instructions to Treasury's regulations.

**DATES:** Effective December 20, 2018.

**ADDRESSES:** You can download this final rule at the following internet addresses: <http://www.regulations.gov>, <http://www.gpo.gov>, or <http://www.fiscal.treasury.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Thomas Kearns, Attorney-Advisor, Office of the Chief Counsel, (202) 874–7036.

#### SUPPLEMENTARY INFORMATION:

#### I. Background

On February 24, 2017, the President issued Executive Order 13777, Enforcing the Regulatory Reform Agenda (82 FR 12285). E.O. 13777 directed each agency to establish a Regulatory Reform Task Force. Each Regulatory Reform Task Force was directed to review existing regulations that: (i) Eliminate jobs, or inhibit job creation; (ii) are outdated, unnecessary, or ineffective; (iii) impose costs that exceed benefits; (iv) create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies; (v) are inconsistent with the requirements of the Information Quality Act (section 515 of the Treasury and General Government Appropriations Act of 2001) or OMB Information Quality Guidance issued pursuant to that provision; or (vi) derive from or implement Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.

#### II. Explanation of Provisions

Treasury is eliminating Bureau of the Fiscal Service regulations that it has determined are duplicative and unnecessary. These regulations, published at 31 CFR part 270, govern the availability of records, materials and information to be made available to the public, in accordance with the Freedom of Information Act, 5 U.S.C. 552. These regulations operate in accordance with the definitions, procedures, and other provisions of the regulations regarding the Disclosure of Records of the Office of the Secretary and of other bureaus and offices of the Treasury Department, published as part 1 of title 31 of the Code of Federal Regulations. The rule found at 31 CFR part 270 is unnecessary because it does not add any substantive requirements, limitations, or instructions to the Treasury Department regulations and the appendices thereto.

Accordingly, the regulations in 31 CFR part 270 are being removed.

### III. Procedural Requirements

#### A. Administrative Procedure Act

The Administrative Procedure Act (APA) generally requires agencies to publish a notice of proposed rulemaking in the **Federal Register** and provide interested persons the opportunity to submit comments. 5 U.S.C. 553(b) and (c). The APA provides an exception to this prior notice and comment requirement for “rules of agency organization, procedure, or practice.” 5 U.S.C. 553(b)(A). This final rule is a procedural rule promulgated for agency efficiency purposes. Treasury is removing duplicative and unnecessary regulations, the removal of which will not affect the substantive rights or interests of the public.

The APA also provides an exception from notice and comment procedures when an agency finds for good cause that those procedures are “impracticable, unnecessary, or contrary to the public interest.” 5 U.S.C. 553(b)(B). Treasury finds good cause to issue this rule without prior notice or comment, because such procedures are unnecessary. The removal of these regulations will have no substantive effect on the public because the regulations are duplicative of other existing regulations, and their removal will not affect the substantive rights or interests of the public.

Further, the APA generally requires that substantive rules incorporate a 30-day delayed effective date. 5 U.S.C. 553(d). This final rule, however, is merely procedural and promulgated for agency efficiency purposes, and does not impose substantive requirements on, nor affect the interests of, the public. Therefore, pursuant to 5 U.S.C. 553(d)(3), Treasury finds for good cause that a delayed effective date is unnecessary.

#### B. Congressional Review Act (CRA)

This rule is not a major rule pursuant to the CRA, 5 U.S.C. 801 *et seq.* It is not expected to lead to any of the results listed in 5 U.S.C. 804(2). This rule may take immediate effect after we submit a copy of it to Congress and the Comptroller General.

#### C. Paperwork Reduction Act (PRA)

There is no new collection of information contained in this final rule that would be subject to the PRA, 44 U.S.C. 3501 *et seq.* Under the PRA, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number.