

TABLE 2—REQUIRED NPDES DATA—Continued

Data name	Data description	CWA, regulatory (40 CFR), or other citation	NPDES data group number (see Table 1)
MS4 Enforcement Action Type.	For each unique MS4 regulated entity covered by the MS4 NPDES permit, this data element identifies the one or more types of enforcement actions taken during the past reporting period (e.g., notice of violations, stop work orders, administration orders, administrative fines, civil penalties, criminal actions). Phase II MS4s have the option to only report one type of enforcement action (“Phase II MS4 Enforcement Action”) taken during the reporting period (i.e., the authorized NPDES program can system-generate this data element for Phase II MS4s). This data element may have different reported data for non-traditional MS4s (e.g., transportation MS4s) as they may not have legal authority to enforce one or more MS4 permit requirements and may report on items like referrals to the state permitting authorities or use mechanisms such as encroachment permits.	122.34(d)(3) and 122.42(c) ..	6
MS4 Enforcement Actions Total by Type.	For each unique MS4 regulated entity covered under a Phase II MS4 permit and for each MS4 Enforcement Action Type, this data element identifies the total number of enforcement actions taken by responsible MS4 Municipal Enforcement Agency by enforcement action type. Phase II MS4s have the option to only report this data element will be the total number of enforcement actions taken during the reporting period. This data element may have different reported data for non-traditional MS4s (e.g., transportation MS4s) as they may not have legal authority to enforce one or more MS4 permit requirements and may report on items like referrals to the state permitting authorities or use mechanisms such as encroachment permits.	122.34(d)(3) and 122.42(c) ..	6
MS4 Enforcement Agency.	This will identify the unique MS4 regulated entity that is responsible for each type of enforcement action conducted in the reporting period. This column will be pre-populated and un-editable if there is only one regulated entity covered by the MS4 permit (i.e., there are no co-permittees). The MS4 will provide a list of identifiers for all co-permittees during the NPDES permit application process (individual and general permit covered facilities). This data element may have different reported data for non-traditional MS4s (e.g., transportation MS4s) as they may not have legal authority to enforce one or more MS4 permit requirements and may report on items like referrals to the state permitting authorities or use mechanisms such as encroachment permits.	122.34(d)(3) and 122.42(c) ..	6

**Notes:**

(1) The NPDES program authority may pre-populate these data elements and other data elements (e.g., Federal Registry System ID) in the NPDES electronic reporting systems in order to create efficiencies and standardization. For example, the NPDES program authority may configure their electronic reporting system to automatically generate NPDES IDs for control mechanisms for new facilities reported on a Pretreatment Program Report [40 CFR 403.12(i)]. Additionally, the NPDES program authority may decide whether to allow NPDES regulated entities to override these pre-populated data.

(2) The data elements in this table conform to EPA’s policy regarding the application requirements for renewal or reissuance of NPDES permits for discharges from Phase I municipal separate storm sewer systems (see 61 FR 41698; 6 August 1996).

(3) The data elements in this table are also supported by the Office Management and Budget approved permit applications and forms for the NPDES program.

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Medicare & Medicaid Services**

**42 CFR Part 422**

[CMS–4185–N3]

RIN 0938–AT59

**Medicare and Medicaid Programs; Risk Adjustment Data Validation**

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), HHS.

**ACTION:** Proposed rule; extension of comment period and the announcement of the release of additional data.

**SUMMARY:** This document extends the comment period for the Risk Adjustment Data Validation (RADV) provisions of the proposed rule titled “Medicare and Medicaid Programs; Policy and Technical Changes to the Medicare Advantage, Medicare Prescription Drug Benefit, Program of All-inclusive Care for the Elderly (PACE), Medicaid Fee-For-Service, and Medicaid Managed Care Programs for

Years 2020 and 2021” that was published in the November 1, 2018 **Federal Register**. The comment period for the RADV provision of this proposed rule, which would end on April 30, 2019, is extended by 120 days until August 28, 2019. This document also announces that CMS will be releasing additional data underlying the FFS Adjuster Study released October 26, 2018.

**DATES:** The comment period for RADV provisions (that is, section II.C.2. of the November 1, 2018 proposed rule and proposed §§ 422.300, 422.310(e) and 422.311(a) of the regulations text), published on November 1, 2018 (83 FR 54982), and extended on December 27, 2018 (83 FR 66661), is further extended to 5 p.m. on August 28, 2019.

**ADDRESSES:** In commenting, please refer to file code CMS-4185-P. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

Comments, including mass comment submissions, must be submitted in one of the following three ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to <http://www.regulations.gov>. Follow the “Submit a comment” instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS-4185-P, P.O. Box 8013, Baltimore, MD 21244-8013.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS-4185-P, Mail Stop C4-26-05, 7500 Security Boulevard, Baltimore, MD 21244-1850.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

**FOR FURTHER INFORMATION CONTACT:** Jonathan Smith (410) 786-4671 or Joanne Davis (410) 786-5127.

**SUPPLEMENTARY INFORMATION:**

*Inspection of Public Comments:* All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following website as soon as possible after they

have been received: <http://www.regulations.gov>. Follow the search instructions on that website to view public comments.

**Extension of the Public Comment Period**

In the November 1, 2018 proposed rule (83 FR 54982) titled, “Medicare and Medicaid Programs; Policy and Technical Changes to the Medicare Advantage, Medicare Prescription Drug Benefit, Program of All-inclusive Care for the Elderly (PACE), Medicaid Fee-For-Service, and Medicaid Managed Care Programs for Years 2020 and 2021,” we included preamble language and regulatory provisions regarding the proposed Risk Adjustment Data Validation audit methodology and the proposal not to apply a Fee-For-Service (FFS) Adjuster. We posted a FFS Adjuster Study on October 26, 2018.

In the March 6, 2019 **Federal Register** (84 FR 8069), we published a document titled “Medicare Program; Release of Data Underlying Risk Adjustment Data Validation Provisions” that announced the release of data underlying the proposed policies regarding the use of extrapolation in MA Risk Adjustment Data Validation (RADV) audits and the Fee-for-Service (FFS) Adjuster.

CMS is announcing the release of additional data underlying the October 26, 2018 FFS Adjuster Study. Updates to existing documentation related to the study data, as well as additional data without Personally Identifiable Information, were posted on the CPI Private Plans Team website on April 25, 2019. Additional data containing Protected Health Information are being made available by CMS to all parties who have entered into an applicable data use agreement and to those parties who can request this information if they agree to enter into an applicable data use agreement. CMS expects to release that data by June 14th. This will be the final release of data from the October 26, 2018 FFS Adjuster Study.

In addition to releasing this additional data from the previously published study, CMS intends to replicate that study, publish the results, and release associated data. Doing so will allow CMS to both test its initial results and release a more complete set of underlying data. Certain intermediate data elements not saved in the implementation of the initial study would be preserved in the replication and made available through publication.

In order to maximize the opportunity for the public to provide meaningful input to CMS, we believe it is important to allow additional time for the public to prepare comments on the RADV

provisions of the proposed rule. In addition, we believe granting a 120-day extension to the public comment period in this instance would further our overall objective to obtain public input and to generate information that will be useful to our agency’s decision makers. Therefore, this document announces the extension of the public comment period until August 28, 2019 for the RADV provisions included in the November 1, 2018 proposed rule (83 FR 55037 through 55041 and 55077).

Dated: April, 22, 2019.

**Seema Verma,**

*Administrator, Centers for Medicare & Medicaid Services.*

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**NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES**

**National Endowment for the Humanities**

**45 CFR Part 1169**

**RIN 3136-AA18**

**Implementation of the Privacy Act of 1974**

**AGENCY:** National Endowment for the Humanities.

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** The National Endowment for the Humanities (“NEH”) is proposing to issue regulations to implement the Privacy Act of 1974 (the “Privacy Act”). These regulations would establish procedures by which an individual may determine whether a system of records maintained by NEH contains a record pertaining to him or her; gain access to such records; and request correction or amendment of such records. These regulations also would establish exemptions from certain Privacy Act requirements for all or part of certain systems of records maintained by NEH.

**DATES:** Send comments on or before May 30, 2019.

**ADDRESSES:** You may send comments by any of the following methods:

- *Email:* [gencounsel@neh.gov](mailto:gencounsel@neh.gov).

Include “Implementation of the Privacy Act” in the subject line of the email.

- *Mail:* National Endowment for the Humanities, Office of the General Counsel, 400 7th Street SW, Room 4060, Washington, DC 20506.

- *Fax:* (202) 606-8600.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Voyatzis, Deputy General Counsel, Office of the General Counsel,