

uses an inflation-adjusted value of \$151 million in lieu of \$100 million. This final rule does not contain such a mandate; therefore, the requirements of Title II of the Act do not apply.

#### E. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. The FAA has determined that there is no new requirement for information collection associated with this final rule.

#### F. International Compatibility and Cooperation

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has determined that there are no ICAO Standards and Recommended Practices that correspond to these regulations.

Executive Order 13609, Promoting International Regulatory Cooperation, promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and to reduce, eliminate, or prevent unnecessary differences in regulatory requirements. The FAA has analyzed this action under the policies and agency responsibilities of Executive Order 13609, and has determined that this action would have no effect on international regulatory cooperation.

#### G. Environmental Analysis

FAA Order 1050.1E identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act in the absence of extraordinary circumstances. The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures," paragraph 312f. This action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

### IV. Executive Order Determinations

#### A. Executive Order 13132, Federalism

The FAA has analyzed this final rule under the principles and criteria of

Executive Order 13132, Federalism. The agency determined that this action will not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, does not have Federalism implications.

#### B. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA analyzed this final rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). The agency has determined that it is not a "significant energy action" under the executive order and it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

### V. Additional Information

#### A. Availability of Rulemaking Documents

An electronic copy of rulemaking documents may be obtained from the Internet by—

1. Searching the Federal eRulemaking Portal (<http://www.regulations.gov>);
2. Visiting the FAA's Regulations and Policies Web page at [http://www.faa.gov/regulations\\_policies](http://www.faa.gov/regulations_policies) or
3. Accessing the Government Printing Office's Web page at <http://www.gpo.gov/fdsys/>.

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-9680. Commenters must identify the docket or amendment number of this rulemaking.

All documents the FAA considered in developing this rulemaking action, including economic analyses and technical reports, may be accessed from the Internet through the Federal eRulemaking Portal referenced in item (1) above.

#### List of Subjects in 14 CFR Part 93

Air traffic control, Airspace, Navigation (air).

#### The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends chapter I.

### PART 93—SPECIAL AIR TRAFFIC RULES

- 1. The authority citation for part 93 is revised to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40106, 40109, 40113, 44502, 44514, 44701, 44715, 44719, 46301.

- 2. Amend § 93.101 to read as follows:

#### § 93.101 Applicability.

This subpart prescribes a special air traffic rule for civil helicopters operating VFR along the North Shore, Long Island, New York, between August 6, 2012 and August 6, 2016.

Issued under authority provided by 49 U.S.C. 106(f), 44701(a), and 44703 in Washington, DC, on June 2, 2014.

**Michael P. Huerta,**  
Administrator.

[FR Doc. 2014-14457 Filed 6-20-14; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF JUSTICE

### 28 CFR Part 32

[Docket No.: OJP (BJA) 1646]

RIN 1121-AA80

### Public Safety Officers' Benefits Program

**AGENCY:** Office of Justice Programs, Justice.

**ACTION:** Final rule.

**SUMMARY:** The Office of Justice Programs (OJP) of the U.S. Department of Justice is amending its regulation defining "Spouse" for purposes of implementing the Public Safety Officers' Benefits (PSOB) Act, associated statutes, and Program. Prior to the Supreme Court invalidating section 3 of the Defense of Marriage Act (DOMA) DOMA prevented OJP from recognizing same-sex surviving spouses for the purposes of awarding PSOB Act benefits. As amended, the final regulation recognizes as a spouse, for purposes of the PSOB program, a person who lawfully enters into a marriage in one jurisdiction, even when living in another jurisdiction, and without regard to the law of the other jurisdiction.

**DATES:** Effective July 23, 2014.

**FOR FURTHER INFORMATION CONTACT:** Hope Janke, Bureau of Justice Assistance (BJA), OJP, at (202) 514-6278, or toll-free at 1 (888) 744-6153.

#### SUPPLEMENTARY INFORMATION:

#### I. Background

In a document published in the **Federal Register** on March 5, 2014 (79 FR 12434), OJP proposed to amend its regulation at 28 CFR 32.3, defining spouse for purposes of the PSOB Act and program. The comment period ended on April 4, 2014. OJP received

four comments from interested individuals and organizations. Three of the commentators generally approved of the proposed amendments but suggested that OJP broaden its definition of spouse and child. One commentator stated that OJP's definition exceeded the federalism framework in *Windsor* and suggested that OJP revise the regulation to recognize only those marriages valid under the law of the individual's domicile. The comments are discussed below. Based on the rationale described in this document and in the notice of proposed rulemaking, OJP adopts the proposed rule as indicated in this document.

## II. Comments

### *Definition of Spouse*

We received several comments regarding the scope of the proposed definition of spouse. Concerned that the new rule would have no effect on states that do not allow same-sex marriage, or only allow common law marriages, one commentator suggested that OJP revise the rule to include in the definition of a spouse those persons in a same-sex relationship for ten or more years. Two commentators suggested that OJP expand the proposed definition of spouse to include persons in other "legally recognized" or "non-marriage legal unions" such as civil unions and domestic partnerships.

OJP's current and proposed definition of spouse are premised on its interpretation of the laws authorizing payment of benefits to surviving spouses, e.g., 42 U.S.C. 3796(a), as requiring that an individual must be in a valid marriage to be considered a spouse. Accordingly, we make no change to the proposed rule based on the comments.

### *Definition of Child*

Citing various concerns that a legal relationship between a parent and child, as determined by state law, is often necessary to establish eligibility as a "child" for federal benefits, one commentator recommended that OJP expand its definition of "stepchild" to include the child of a parent standing *in loco parentis*, "where *in loco parentis* means those with day-to-day responsibilities to care for and financially support a child, with whom a biological or legal relationship is not necessary."

Current OJP regulations define an adopted child as an individual (1) legally adopted by the public safety officer (PSO), or (2) known by the PSO not to be his or her biological child, and in a parent-child relationship with the

PSO despite such knowledge.<sup>1</sup> Because the regulatory definition provides eligibility based on a parent-child relationship that does not require the PSO to be or have been married to the biological or legally adoptive parent of the child or to have legally adopted the child, the existing definition satisfies the commentator's request. As a result, we make no changes to current regulations.

One commentator, citing concerns about possible bias of state-level claims processors, suggested that OJP revise § 32.3 by adding to the definition of parent-child relationship the following language: "A parent-child relationship should be assessed without regard to the sexual orientation or gender identity of the parties involved."

OJP disagrees that such change is necessary. Apart from a hearing that may be conducted locally by OJP appointed hearing officers, all PSOB claims are processed in BJA's Washington, DC, office, and reviewed by PSOB Counsel to ensure compliance with governing law. Moreover, nothing in the current regulatory definition of parent-child relationship, or OJP's process for adjudicating claims requires that OJP assess the sexual orientation or gender identity of the PSO upon which a finding as to the existence of a parent-child relationship would be based. Because such information is not relevant to BJA finding whether a person acted as a parent to a child, we make no changes based on this comment.

### *The Proposed Rule Is Inconsistent With Windsor*

Asserting that the proposed definition of spouse was contrary to the federalism framework in *U.S. v. Windsor*, one commentator stated that OJP should have conducted a Federalism Assessment before publishing the proposed rule and requested that OJP revise the final rule to determine marital status based on the law of the PSO's domicile.

The Federalism Assessment contemplated by Executive Order 13132 (1999) involves a determination as to whether a proposed rule would have *substantial direct* effects on the States, on the relationship between the federal government and the States, or on the distribution of power and responsibilities among the various levels of government. The proposed rule, governing the identification of who

is a proper beneficiary in a relatively small federal program (700 claims annually) paying benefits to individuals has no substantial direct effect on the States or on a particular State. Moreover, the rule does not change the relationship between state and federal governments, or alter the distribution of power between such governments. Accordingly, OJP's position that no Federalism Assessment was necessary remains unchanged.

The *Windsor* decision held that it was unconstitutional for the federal government to treat unequally a subset of state-sanctioned marriages. With the Court's invalidation of section 3 of the Defense of Marriage Act, OJP sought to fashion a rule that enables it to efficiently and fairly provide benefits to the surviving spouses and children of fallen PSOs in an increasingly mobile workforce that often marries in one state and resides in another. OJP is authorized to prescribe regulations necessary to carry out the PSOB program, e.g., 42 U.S.C. 3796c(a), and a regulation reflecting a policy choice to pay benefits based on the law of the place in which a valid marriage was entered is consistent with *Windsor's* dictate against federal discrimination against a subset of marriages. As a result, we make no change based on the comments.

## III. Regulatory Requirements

### *Executive Order 12866 and 13563—Regulatory Planning and Review*

This rule has been drafted and reviewed in accordance with Executive Order 12866, "Regulatory Planning and Review" section 1(b), Principles of Regulation, and in accordance with Executive Order 13563, "Improving Regulation and Regulatory Review," section 1(b), General Principles of Regulation. Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). The costs of implementing this rule would be minimal, as it would impose no costs on state, local, or tribal governments, or on the private sector.

The Office of Justice Programs has determined that this rule is not a "significant regulatory action" under section 3(f) of the Executive Order, and accordingly this rule has not been reviewed by the Office of Management and Budget.

<sup>1</sup> "Parent-child relationship means a relationship between a public safety officer and another individual, in which the officer has the role of parent (other than biological or legally-adoptive), as shown by convincing evidence." 28 CFR 32.3.

*Executive Order 13132—Federalism*

This rule would not have substantial direct effects on the States, on the relationship between the federal government and the States, or on distribution of power and responsibilities among the various levels of government. The PSOB program provides benefits to individuals and does not impose any special or unique requirements on States or localities. Therefore, in accordance with Executive Order No. 13132, OJP has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

*Executive Order 12988—Civil Justice Reform*

This rule meets the applicable standards set forth in sections 3(a) & (b)(2) of Executive Order No. 12988. Pursuant to section 3(b)(1)(I) of the Executive Order, nothing in this rule or any previous rule (or in any administrative policy, directive, ruling, notice, guideline, guidance, or writing) directly relating to the program that is the subject of this rule is intended to create any legal or procedural rights enforceable against the United States, except as may be contained within part 32 of title 28 of the Code of Federal Regulations.

*Regulatory Flexibility Act*

This rule would not have a significant economic impact on a substantial number of small entities for the following reasons: this rule addresses federal agency procedures; furthermore, this rule would make amendments to clarify existing regulations and agency practice concerning public safety officers' death, disability, and education benefits and would do nothing to increase the financial burden on any small entities. Therefore, an analysis of the impact of this rule on such entities is not required under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

*Paperwork Reduction Act of 1995*

This rule would not impose any new reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

*Unfunded Mandates Reform Act of 1995*

This rule would not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. The PSOB program is a federal benefits program that provides benefits directly to qualifying

individuals. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

**List of Subjects in 28 CFR Part 32**

Administrative practice and procedure, Claims, Disability benefits, Education, Emergency medical services, Firefighters, Law enforcement officers, Reporting and recordkeeping requirements, Rescue squad.

Accordingly, for the reasons set forth in the preamble, part 32 of chapter I of Title 28 of the Code of Federal Regulations is amended as follows:

**PART 32—PUBLIC SAFETY OFFICERS' DEATH, DISABILITY, AND EDUCATIONAL ASSISTANCE BENEFITS CLAIMS**

■ 1. The authority citation for 28 CFR Part 32 continues to read as follows:

**Authority:** 42 U.S.C. ch. 46, subch. XII; 42 U.S.C. 3782(a), 3787, 3788, 3791(a), 3793(a)(4) & (b), 3795a, 3796c-1, 3796c-2; sec. 1601, title XI, Pub. L. 90-351, 82 Stat. 239; secs. 4 through 6, Pub. L. 94-430, 90 Stat. 1348; secs. 1 and 2, Pub. L. 107-37, 115 Stat. 219.

■ 2. Amend § 32.3 by revising the definition of "Spouse" to read as follows:

**§ 32.3 Definitions.**

\* \* \* \* \*

*Spouse* means someone with whom an individual entered into marriage lawfully under the law of the jurisdiction in which it was entered into and from whom the individual is not divorced, and includes a spouse living apart from the individual, other than pursuant to divorce, except that, notwithstanding any other provision of law, to determine whether an individual is a spouse of a public safety officer within the meaning of this definition when more than one individual is purported to be such a spouse, the PSOB Program will apply the law of the jurisdiction that it determines has the most significant interest in the marital status of the public safety officer:

(1) On the date of the officer's death, with respect to a claim under subpart B of this part or by virtue of such death;

or

(2) As of the injury date, with respect to a claim not under subpart B of this part or by virtue of the officer's death.

\* \* \* \* \*

Dated: June 13, 2014.

**Karol V. Mason,**

*Assistant Attorney General.*

[FR Doc. 2014-14504 Filed 6-20-14; 8:45 am]

**BILLING CODE P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 100**

[USCG-2014-0323]

RIN 1625-AA08

**Special Local Regulation; Tennessee River, Mile 464.0 to 465.0, Chattanooga, TN**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary special local regulation for the waters of the Tennessee River beginning at mile marker 464.0 and ending at mile marker 465, extending bank to bank. This zone is necessary to protect participants of the "Chattanooga Waterfront Triathlon" during the swim portion of the event. Entry into this area is prohibited unless specifically authorized by the Captain of the Port (COTP) Ohio Valley or designated representative.

**DATES:** This rule is effective from 7:00 a.m. to 9:30 a.m. June 29, 2014.

**ADDRESSES:** Documents mentioned in this preamble are part of docket [USCG-2014-0323]. To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type the docket number in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12-140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary rule, call Petty Officer Chad Phillips, Marine Safety Detachment Nashville, at (615) 736-5421 or email at [chad.e.phillips@uscg.mil](mailto:chad.e.phillips@uscg.mil). If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366-9826.

**SUPPLEMENTARY INFORMATION:**

**Table of Acronyms**

BNM Broadcast Notices to Mariners  
COTP Captain of the Port  
DHS Department of Homeland Security  
NPRM Notice of Proposed Rulemaking

**A. Regulatory History and Information**

This event and special local regulation is currently listed under 33