

comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2018-0290; Airspace Docket No. 18-AGL-9." The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

#### Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's web page at [http://www.faa.gov/air\\_traffic/publications/airspace\\_amendments/](http://www.faa.gov/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

#### Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017. FAA Order 7400.11B is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11B lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

#### The Proposal

The FAA is proposing an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 by amending the Class E airspace extending upward from 700 feet above the surface to within a 6.4-mile radius (decreased from a 7-mile radius) at New Castle-Henry County Municipal Airport, New Castle, IN, and adding an extension 2.5 miles each side of the 267° bearing from the New Castle

NDB extending from the 6.4-mile radius to 7.0 miles west of the NDB. The geographic coordinates of the airport would also be updated to coincide with the FAA's aeronautical database.

This action is necessary due to an airspace review caused by the decommissioning of the Richmond VOR as part of the VOR MON Program.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

#### Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures" prior to any FAA final regulatory action.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

#### **PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

#### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, is amended as follows:

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

#### **AGL IN E5 New Castle, IN [Amended]**

New Castle-Henry County Municipal Airport, IN

(Lat. 39°52'36" N, long. 85°19'31" W)

New Castle NDB

(Lat. 39°52'48" N, long. 85°19'08" W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of New Castle-Henry County Municipal Airport, and within 2.5 miles each side of the 267° bearing from the New Castle NDB extending from the 6.4-mile radius to 7.0 miles west of the New Castle NDB.

Issued in Fort Worth, Texas, on April 11, 2018.

**Christopher L. Southerland,**

*Acting Manager, Operations Support Group, ATO Central Service Center.*

[FR Doc. 2018-08034 Filed 4-19-18; 8:45 am]

**BILLING CODE 4910-13-P**

## **DEPARTMENT OF HOMELAND SECURITY**

### **Coast Guard**

#### **33 CFR Part 165**

[Docket Number USCG-2016-0799]

RIN 1625-AA87

#### **Safety and Security Zones; New York Marine Inspection and Captain of the Port Zone**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to modify the security zone surrounding the bridge between Liberty State Park and Ellis Island in order to increase navigational safety in New York Harbor. This security zone modification would allow certain vessels to transit underneath the bridge, reducing congestion in the adjacent Anchorage Channel. We invite your comments on this proposed rulemaking.

**DATES:** Comments and related material must be received by the Coast Guard on or before May 21, 2018.

**ADDRESSES:** You may submit comments identified by docket number USCG–2016–0799 using the Federal eRulemaking Portal at <http://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this proposed rulemaking, call or email MST1 Kristina Pundt, Waterways Management at U.S. Coast Guard Sector New York, telephone 718–354–4352, email [Kristina.H.Pundt@uscg.mil](mailto:Kristina.H.Pundt@uscg.mil).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Table of Abbreviations**

CFR Code of Federal Regulations  
 DHS Department of Homeland Security  
 FR Federal Register  
 NPRM Notice of proposed rulemaking  
 ANPRM Advance notice of proposed rulemaking  
 § Section  
 U.S.C. United States Code  
 COTP Captain of the Port

##### **II. Background, Purpose, and Legal Basis**

On November 27, 2002, the Coast Guard published a NPRM entitled, “Safety and Security Zones; New York Marine Inspection and Captain of the Port Zone” in the **Federal Register** (67 FR 70892). The NPRM proposed to establish a permanent safety and security zone encompassing all waters within 150 yards of Liberty Island, Ellis Island, and the bridge between Liberty State Park and Ellis Island. We received no comments on the proposed rule. No public hearing was requested and none was held. The current 150-yard permanent security zone around the bridge between Liberty State Park and Ellis Island became effective in January 2003 as enacted by a final rule entitled, “Safety and Security Zones; New York Marine Inspection Zone and Captain of the Port Zone” published in the **Federal Register** (68 FR 2886, January 22, 2003).

On May 6, 2008, the Coast Guard published a NPRM entitled, “Safety and Security Zones; New York Marine Inspection Zone and Captain of the Port” in the **Federal Register** (73 FR 24889). The NPRM proposed to modify several aspects of the permanent safety and security zone regulations within the New York Captain of the Port Zone. We received 15 comments regarding the proposed rule. A public meeting was requested to discuss the proposed expansion of the Liberty and Ellis Island security zone to include all waters within 400 yards of these two islands

and the bridge between Liberty State Park and Ellis Island. On February 12, 2009, the Coast Guard published a final rule entitled, “Safety and Security Zones New York Marine Inspection Zone and Captain of the Port Zone” in the **Federal Register** (74 FR 7184). However, based on the comments received, the Coast Guard did not expand the Liberty and Ellis Island security zone. As a result, a public meeting was unnecessary and the security zone remained 150 yards.

On November 3, 2016, the Coast Guard published an ANPRM entitled, “Safety and Security Zones; New York Marine Inspection and Captain of the Port Zone” in the **Federal Register** (81 FR 76545). The ANPRM solicited public comments on a potential rulemaking to modify the existing security zone around the bridge between Liberty State Park and Ellis Island. We received 125 comments regarding the advance notice of proposed rulemaking. Out of the 125 comments received, 123 comments were in support of modifying the existing security zone around the bridge between Liberty State Park and Ellis Island, almost all of which emphasized improving navigation safety. The opposed comment, provided by the National Park Service, expressed security concerns regarding Ellis and Liberty Islands due to their historical symbolism. The singular neutral comment received was unclear as to the commenter’s view on the proposed security zone modification. The comment addressed the federal job hiring process and stated that all security zones should be eliminated, both of which are outside the purview of this rulemaking.

The purpose of this rulemaking is to modify the existing security zone to allow certain vessels to transit underneath the bridge between Liberty State Park and Ellis Island. This security zone modification will increase the navigational safety within New York Harbor by reducing congestion in the adjacent Anchorage Channel. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

##### **III. Discussion of Proposed Rule**

The COTP proposes to modify the existing security zone around Liberty Island and Ellis Island and the bridge between Ellis Island and Liberty State Park. This does not relinquish the COTP authority to enforce the full 150 yard security zone around the bridge. Rather, the modification would allow certain vessels to transit underneath the Ellis Island Bridge on weekends and Federally Observed Holidays, beginning on Memorial Day Weekend through

October 1, between one hour after sunrise and one hour before sunset. Vessels making this transit (a) must be able to safely navigate underneath the bridge, (b) be human powered watercraft and (c) meet the horizontal and vertical navigational bridge clearances. The proposed regulatory text appears at the end of this document.

##### **IV. Regulatory Analyses**

The Coast Guard developed this proposed rule after considering numerous statutes and Executive Orders related to rulemaking. Below is a summary of our analyses based on a number of these statutes and Executive Orders and we discuss First Amendment rights of protestors.

###### *A. Regulatory Planning and Review*

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This NPRM has not been designated a “significant regulatory action,” under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the proposed modification and will allow greater access to a previously restricted area. Prior to the establishment of the security zone in 2003, small watercraft routinely transited underneath the Ellis Island Bridge. Since the enactment of the 2003 security zone, these craft have been diverted into the busy navigation channel east of Ellis Island. Although the current regulation allows vessels to transit under the Ellis Island Bridge with COTP permission, this modification grants standing COTP approval for certain vessels to transit underneath the bridge during specific time periods. Thus, this modification would lessen the regulatory burden on these vessels by allowing transit through the security zone without needing to seek prior COTP permission. Moreover, the Coast Guard would make the boating public aware of this modification through publication in the Local Notice to Mariners.

###### *B. Impact on Small Entities*

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider

the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the security zone may be small entities, for the reasons stated in section IV.A. above this proposed rule would not have a significant economic impact on any vessel owner or operator.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

#### C. Collection of Information

This proposed rule would not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

#### D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this proposed rule does not have tribal implications under Executive

Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

#### E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves the modification of a security zone surrounding the bridge between Liberty State Park and Ellis Island. Normally such actions are categorically excluded from further review under paragraph L60(b) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

#### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your

message can be received without jeopardizing the safety or security of people, places, or vessels.

#### V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at <http://www.regulations.gov>. If your material cannot be submitted using <http://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided. For more about privacy and the docket, visit <http://www.regulations.gov/privacyNotice>.

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at <http://www.regulations.gov> and can be viewed by following that website’s instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS.

- 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1

- 2. In § 165.169, revise paragraph (a)(4) to read as follows:

**§ 165.169 Safety and Security Zones: New York Marine Inspection Zone and Captain of the Port Zone.**

(a) \* \* \*

(4) *Liberty and Ellis Islands.*

(i) *Location.* All waters within 150 yards of Liberty Island and Ellis Island, and the Ellis Island Bridge.

(ii) *Ellis Island Bridge.* Vessels may transit underneath the Ellis Island Bridge, subject to the following conditions:

(A) *Dates/Times:* On weekends only, to include Federally Observed Holidays on a Friday or Monday, from Memorial Day Weekend through October 1 each year, between one hour after sunrise and one hour before sunset.

(B) *Vessel types:* Human powered vessels with a maximum length of sixteen feet. Human powered vessels must be able to safely navigate under the bridge.

(C) *Notification:* Human powered vessels desiring to transit shall contact the United States Park Police Command Center at 212-363-3260 regarding intentions of passage prior to entering the security zone and transiting under the Ellis Island Bridge.

(D) *Route:* Transits through the security zone and under the bridge shall occur only at the designated route marked with lights and signage.

(E) *Passage:* Vessels transiting under the Ellis Island Bridge shall make expeditious passage and not stop or loiter within the security zone.

(iii) *Enforcement period.* The security zone described in this subsection is effective at all times. Although certain vessels have permission to enter the security zone to transit under the Ellis Island Bridge subject to the conditions outlined in the preceding paragraphs (ii)(A)–(E), the security zone is in effect permanently and can be enforced at any time. When deemed necessary the COTP may rescind the permission granted in the preceding paragraphs (ii)(A)–(E) for any period of time.

\* \* \* \* \*

Dated: April 2, 2018.

**M.H. Day,**

*Captain, U.S. Coast Guard, Captain of the Port New York.*

[FR Doc. 2018-08323 Filed 4-19-18; 8:45 am]

**BILLING CODE 9110-04-P**

**DEPARTMENT OF EDUCATION**

**34 CFR Chapter II**

**[Docket ID: ED-2018-OESE-0017; Catalog of Federal Domestic Assistance (CFDA) Number 84.144F]**

**Proposed Waiver—Migrant Education Program Consortium Incentive Grant Program**

**AGENCY:** Office of Elementary and Secondary Education, Department of Education.

**ACTION:** Proposed waiver and extension of the project period.

**SUMMARY:** The Secretary proposes to waive the requirement in the Education Department General Administrative Regulations that generally prohibits project period extensions involving the obligation of additional Federal funds. The proposed waiver and extension of the project period would enable the 34 grantees under the Migrant Education Program (MEP) Consortium Incentive Grant (CIG) Program that received awards in the fiscal year (FY) 2015 grant competition to continue to receive Federal funding for up to 24 additional months.

**DATES:** We must receive your comments on or before May 21, 2018.

**ADDRESSES:** Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

• *Federal eRulemaking Portal:* Go to [www.regulations.gov](http://www.regulations.gov) to submit your comments electronically. Information on using [Regulations.gov](http://Regulations.gov), including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under “Are you new to the site?”

• *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about this proposed waiver and extension of the project period, address them to Jennifer Rodriguez, U.S. Department of Education, 400 Maryland Avenue SW, Room 3E323, Washington, DC 20202.

*Privacy Note:* The Department’s policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). Therefore, commenters should be careful to include in their comments only

information that they wish to make publicly available.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Rodriguez. Telephone: (202) 453-6670 or by email: [Jennifer.Rodriguez@ed.gov](mailto:Jennifer.Rodriguez@ed.gov).

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll-free, at 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:**

*Invitation to Comment:* We invite you to submit comments regarding this proposed waiver and extension of the project period.

During and after the comment period, you may inspect all public comments about this proposed waiver and extension by accessing [Regulations.gov](http://Regulations.gov). You may also inspect the comments in person in Room 3E323, 400 Maryland Avenue SW, Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Eastern Time, Monday through Friday of each week, except Federal holidays. Please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

*Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record:* On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this proposed waiver and extension. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

*Background:* The MEP CIG program is authorized in section 1308(d) of the Elementary and Secondary Education Act of 1965, as amended (ESEA) (20 U.S.C. 6398(d)). Through the MEP CIG program, the U.S. Department of Education (Department) provides financial incentives to State educational agencies (SEAs) to participate in high-quality consortia that improve the interstate or intrastate coordination of migrant education programs by addressing key needs of migratory children who have their education interrupted.

The Department published a notice of final requirements for the MEP CIG program in the **Federal Register** on March 3, 2004 (69 FR 10109) (2004 Notice), and we have used these final requirements for CIG program competitions since FY 2004.

The 2004 Notice established a project period of up to two years for grants awarded under the MEP CIG program. We subsequently published a notice of