

## 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. 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 only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures,” paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

### Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 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 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 Federal Aviation Administration Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, is amended as follows:

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

\* \* \* \* \*

#### **ASO AL E5 Auburn, AL [Amended]**

Auburn University Regional Airport, AL (Lat. 32°36′54″ N, long. 85°26′02″ W)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of Auburn University Regional Airport, and within 1.6-miles each side of the 237° bearing from the airport, extending from the 6.9-mile radius to 11 miles southwest of the airport.

Issued in College Park, Georgia, on February 20, 2019.

**Geoff Lelliott,**

*Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.*

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**BILLING CODE 4910–13–P**

## DEPARTMENT OF THE INTERIOR

### National Indian Gaming Commission

#### 25 CFR Part 575

#### **Annual Adjustment of Civil Monetary Penalty To Reflect Inflation**

**AGENCY:** National Indian Gaming Commission, Department of the Interior.

**ACTION:** Final rule.

**SUMMARY:** In compliance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the Act) and Office of Management and Budget (OMB) guidance, the National Indian Gaming Commission (NIGC or Commission) is amending its civil monetary penalty rule to reflect an annual adjustment for inflation in order to improve the penalty’s effectiveness and maintain its deterrent effect. The Act provides that the new penalty level must apply to penalties assessed after the effective date of the increase, including when the penalties whose associated violation predate the increase.

**DATES:** This final rule is effective March 1, 2019.

**FOR FURTHER INFORMATION CONTACT:**

Armando J. Acosta, Senior Attorney, Office of General Counsel, National Indian Gaming Commission, at (202) 632–7003; fax (202) 632–7066 (not toll-free numbers).

**SUPPLEMENTARY INFORMATION:**

#### **I. Background**

On November 2, 2015, the President signed into law the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of Pub. L. 114–74). Beginning in 2017, the Act requires agencies to make annual inflationary adjustments to their civil monetary penalties by January 15th of

each year, in accordance with annual OMB guidance.

#### **II. Calculation of Annual Adjustment**

In December of every year, OMB issues guidance to agencies to calculate the annual adjustment. According to OMB, the cost-of-living adjustment multiplier for 2019 is 1.02522, based on the Consumer Price Index for the month of October 2018.

Pursuant to this guidance, the Commission has calculated the annual adjustment level of the civil monetary penalty contained in 25 CFR 575.4 (“The Chairman may assess a civil fine, not to exceed \$51,302 per violation, against a tribe, management contractor, or individual operating Indian gaming for each notice of violation . . .”). The 2019 adjusted level of the civil monetary penalty is \$52,596 (\$51,302 × 1.02522).

#### **III. Regulatory Matters**

##### *Regulatory Planning and Review*

This final rule is not a significant rule under Executive Order 12866.

(1) This rule will not have an effect of \$100 million or more on the economy or will not adversely affect, in a material way, the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities.

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

(3) This rule does not involve entitlements, grants, user fees, or loan programs or the rights or obligations of recipients.

(4) This regulatory change does not raise novel legal or policy issues.

##### *Regulatory Flexibility Act*

The Commission certifies that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because the rule makes annual adjustments for inflation.

##### *Small Business Regulatory Enforcement Fairness Act*

This final rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. It will not result in the expenditure by state, local, or tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year. The rule will not result in a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions. Nor will

this rule have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of the U.S.-based enterprises to compete with foreign-based enterprises.

#### *Unfunded Mandates Reform Act*

This final rule does not impose an unfunded mandate of more than \$100 million per year on state, local, or tribal governments or the private sector. The rule also does not have a significant or unique effect on state, local, or tribal governments or the private sector. Therefore, a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

#### *Takings*

Under the criteria in Executive Order 12630, this final rule does not affect individual property rights protected by the Fifth Amendment nor does it involve a compensable “taking.” Thus, a takings implication assessment is not required.

#### *Federalism*

Under the criteria in Executive Order 13132, this final rule has no 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.

#### *Civil Justice Reform*

This final rule complies with the requirements of Executive Order 12988. Specifically, this rule has been reviewed to eliminate errors and ambiguity and written to minimize litigation. It is written in clear language and contains clear legal standards.

#### *Consultation With Indian Tribes*

In accordance with the President’s memorandum of April 29, 1994, *Government-to-Government Relations with Native American Tribal Governments*, Executive Order 13175 (59 FR 22951, November 6, 2000), the Commission has determined that consultations with Indian gaming tribes is not practicable, as Congress has mandated that annual civil penalty adjustments in the Act be implemented no later than January 15th of each year.

#### *Paperwork Reduction Act*

This final rule does not affect any information collections under the Paperwork Reduction Act.

#### *National Environmental Policy Act*

This final rule does not constitute a major federal action significantly

affecting the quality of the human environment.

#### *Information Quality Act*

In developing this final rule, the Commission did not conduct or use a study, experiment, or survey requiring peer review under the Information Quality Act (Pub. L. 106–554).

#### *Effects on the Energy Supply*

This final rule is not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects is not required.

#### *Clarity of This Regulation*

The Commission is required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule that the Commission publishes must:

- (a) Be logically organized;
- (b) use the active voice to address readers directly;
- (c) use clear language rather than jargon;
- (d) be divided into short sections and sentences; and
- (e) use lists and tables wherever possible.

#### *Required Determinations Under the Administrative Procedure Act*

In accordance with the Act, agencies are to annually adjust civil monetary penalties without providing an opportunity for notice and comment, and without a delay in its effective date. Therefore, the Commission is not required to complete a notice and comment process prior to promulgation.

#### **List of Subjects in 25 CFR Part 575**

Administrative practice and procedure, Gaming, Indian lands, Penalties.

For the reasons set forth in the preamble, the Commission amends 25 CFR part 575 as follows:

#### **PART 575—CIVIL FINES**

- 1. The authority citation for part 575 continues to read as follows:

**Authority:** 25 U.S.C. 2705(a), 2706, 2713, 2715; and Sec. 701, Pub. L. 114–74, 129 Stat. 599.

#### **§ 575.4 [Amended]**

- 2. Amend the introductory text of § 575.4 by removing “\$51,302” and adding in its place “\$52,596”.

Dated: January 8, 2019.

**Jonodev O. Chaudhuri,**

*Chairman,*

**Kathryn Isom-Clause,**

*Vice Chair,*

**E. Sequoyah Simermeyer,**

*Associate Commissioner.*

[FR Doc. 2019–03475 Filed 2–28–19; 8:45 am]

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## **DEPARTMENT OF DEFENSE**

### **Office of the Secretary**

#### **32 CFR Part 337**

[Docket ID: DOD–2019–OS–0004]

**RIN 0790–AK48**

#### **Availability of DoD Directives, DoD Instructions, DoD Publications, and Changes**

**AGENCY:** Office of the Secretary, DoD.

**ACTION:** Final rule.

**SUMMARY:** This final rule removes DoD’s obsolete regulation which established a subscription service that entitled subscribers to receive new and revised DoD issuances cleared for public release. This rule predated the free, publicly available, online collection of DoD Directives, Instructions, Publications, and Changes. The subscription service was discontinued, and the content of this rule is obsolete.

**DATES:** This rule is effective on March 1, 2019.

#### **FOR FURTHER INFORMATION CONTACT:**

Morgan E. Park at 571–372–0489.

**SUPPLEMENTARY INFORMATION:** It has been determined that publication of this rule removal in the CFR for public comment is impracticable, unnecessary, and contrary to public interest since it is based on removing obsolete information. This regulation was last updated on December 10, 1991 (56 FR 64482), prior to the discontinuation of the subscription service. DoD issuances are publicly available on the DoD Directives Division’s website: <http://www.esd.whs.mil/DD/DoD-Issuances/>.

This rule is not significant under Executive Order (E.O.) 12866, “Regulatory Planning and Review,” therefore, E.O. 13771, “Reducing Regulation and Controlling Regulatory Costs” does not apply.

#### **List of Subjects in 32 CFR Part 337**

Freedom of information, Government publications.