

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.

**PART 337—[REMOVED]**

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 337 is removed.

Dated: February 26, 2019.

**Shelly E. Finke,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2019-03674 Filed 2-28-19; 8:45 am]

**BILLING CODE 5001-06-P**

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 165**

[Docket Number USCG-2018-1059]

RIN 1625-AA00

**Safety Zones; Tappan Zee Bridge Demolition, Hudson River; South Nyack and Tarrytown, NY**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing two temporary safety zones for navigable waters within approximately a 2,500 foot radius of the center of the old Tappan Zee Bridge east cantilever span. The two safety zones are needed to protect personnel, vessels, and the marine environment from potential hazards created by dropping the east cantilever span by explosive charges into the Hudson River. Entry of vessels or persons into either of these two safety zones is prohibited unless specifically authorized by the Captain of the Port New York or a designated representative.

**DATES:** This rule is effective without actual notice from March 1, 2019 through April 31, 2019. For the purposes of enforcement, actual notice will be used from January 12, 2019 through March 1, 2019.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2018-1059 in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Mr. Jeff Yunker, Waterways Management Division, U.S. Coast Guard Sector New York, telephone (718) 354-4195, email [Jeff.M.Yunker@uscg.mil](mailto:Jeff.M.Yunker@uscg.mil).

**SUPPLEMENTARY INFORMATION:**

**I. Table of Abbreviations**

CFR Code of Federal Regulations  
 COTP Captain of the Port New York and New Jersey  
 DBO USCG First District Bridge Office  
 DHS Department of Homeland Security  
 FR Federal Register  
 NPRM Notice of proposed rulemaking  
 NYSTA New York State Thruway Authority  
 RNA Regulated Navigation Area  
 § Section  
 TFR Temporary Final Rule  
 TIR Temporary Interim Rule  
 U.S.C. United States Code

**II. Background Information and Regulatory History**

On September 26, 2013, the Coast Guard published a TIR establishing a RNA on the navigable waters of the Hudson River, NY, for the Tappan Zee Bridge replacement project (78 FR 59231). We received no comments on the September 26, 2013 TIR. No public meeting was requested, and no public meeting was held. Construction on the Tappan Zee Bridge replacement project began on October 1, 2013.

On July 25, 2014, the Coast Guard published a change to the original TIR which established a new safety zone and expanded the RNA to create both an Eastern and Western RNA for the Tappan Zee Bridge replacement project on navigable waters of the Hudson River, NY (79 FR 43250). We received two comments on the July 25, 2014, TIR. The first comment referenced an unrelated rulemaking effort to establish anchorage locations along the Hudson River. The second comment merely provided the environmental checklist for the TIR. No public meeting was requested, and no public meeting was held.

On August 23, 2018 the NYSTA requested the RNAs and safety zone be extended until December 31, 2019, to complete all remaining contract operations in and over the Hudson River, including, but not limited to, steel erection, concrete bridge deck placements, installation of navigation lighting, and removal of the original Tappan Zee Bridge. On December 21, 2018, the Coast Guard published a change to the original TIR extending the RNAs and safety zone effective date to December 31, 2019 (83 FR 65521).

On November 9, 2018, the Coast Guard received the contractor's preliminary plan and procedures for explosives handling, and their east cantilever span salvage plan. The contractor has since deployed heavy lifting chains along the Hudson Riverbed beneath the east cantilever span, east of the Federal navigation channel. These heavy chains will be

used to lift and remove the east cantilever span from the Hudson Riverbed after it has been felled from the existing bridge structure by explosive charges. The Hudson River will be closed to all vessels within approximately a 2,500 foot radius of the center of the east cantilever span, unless authorized by the COTP or his designated representative during these operations. These two safety zones will provide this 2,500 foot restricted area that is not currently within the boundaries of the existing eastern RNA codified at 33 CFR 165.T01-0174.

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM with respect to this rule because the plans for using explosive charges to drop the east cantilever span into the Hudson River was only recently finalized and provided to the Coast Guard, which did not give the Coast Guard enough time to publish an NPRM, take public comments, and issue a final rule before demolition commences. Timely action is needed to respond to the potential safety hazards associated with this demolition project. It would be impracticable and contrary to the public interest to publish an NPRM because we must establish these two safety zones prior to demolition on January 12, 2019, to protect the safety of the waterway users, construction crew, and other personnel associated with the bridge project. A delay of the demolition to accommodate a full notice and comment period would delay necessary operations, result in increased costs, and delay the completion date of the bridge project and subsequent reopening of the Hudson River for normal operations. Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because immediate action is needed to respond to the potential safety hazards associated with the use of explosives to drop the east cantilever span of the old Tappan Zee Bridge to the Hudson Riverbed and subsequent removal of the