

Action—Indian Affairs, (202) 273-4680; elizabeth.appel@bia.gov.

SUPPLEMENTARY INFORMATION:

Prior to the establishment of the regulatory process for establishing that an American Indian group exists as an Indian tribe in 1978 (“the Part 83 process”), the Department used an informal process for the Federal acknowledgment of Indian tribes. The Part 83 regulations formalized the process by which the Department reviewed requests and the criteria required of groups to obtain Federal acknowledgment. The Department has resolved over 50 petitions using the Part 83 process.

However, even after the promulgation of the Part 83 regulations in 1978, there have been a range of requests by unrecognized groups to use other administrative processes to obtain Federal acknowledgment. The Department has utilized those processes in limited circumstances. For example, the Department has “reaffirmed” some tribes and reorganized some half-blood communities as tribes under the Indian Reorganization Act (IRA).

Over the past couple of years, the Department has undertaken a comprehensive review and evaluation of the process and criteria by which it federally acknowledges Indian tribes under 25 CFR part 83. As part of that review of the proposed revisions to Part 83, we also received comments related to the other administrative processes that have occasionally been used by the Department for acknowledgment. For example, the Eastern Band of Cherokee Indians and Stand Up for California requested that the Department utilize only the Part 83 process to acknowledge tribes.

We recognize the concerns expressed in comments about the use of administrative approaches for acknowledgment other than Part 83. Having worked hard to make the Part 83 process more transparent, timely and efficient, while maintaining Part 83’s fairness, rigor, and integrity, the Department has decided that, in light of these reforms to improve the Part 83 process, that process should be the only method utilized by the Department to acknowledge an Indian tribe in the contiguous 48 states.¹ The Department

¹ With regard to Alaska, under 473a, Congress has specifically provided: “that groups of Indians in Alaska not recognized prior to May 1, 1936, as bands or tribes, but having a common bond of occupation, or association, or residence within a well-defined neighborhood, community, or rural district, may organize to adopt constitutions and bylaws and to receive charters of incorporation and Federal loans under sections 470, 476, and 477 of this title.”

has determined that it will no longer accept requests for acknowledgment outside the Part 83 process. Rather, the Department intends to rely on the newly reformed Part 83 process as the sole administrative avenue for acknowledgment as a tribe.

Of course, the basis for the policy shift being announced today is the Department’s reform and improvement of the Part 83 process. The recently revised Part 83 regulations promote fairness, integrity, efficiency and flexibility. No group should be denied access to other mechanisms if the only administrative avenue available to them is widely considered “broken.” Thus, this policy guidance is contingent on the Department’s ability to implement Part 83, as reformed. If in the future the newly reformed Part 83 process is not in effect and being implemented, this policy guidance is deemed rescinded.

To conclude, any group within the contiguous 48 states seeking Federal acknowledgment as an Indian tribe administratively must petition under 25 CFR part 83 from this date forward. The decision to use only the recently reformed Part 83 process from this point forward does not affect the validity of any determination made prior to the institution of this policy guidance; while the Department exercised its discretionary authority to use those methods of acknowledgment in the past, it no longer will.

Dated: June 26, 2015.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

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DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 18

RIN 1290-AA26

Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges; Corrections

AGENCY: Office of the Secretary, Labor.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the final regulations which were published in the **Federal Register** of May 19, 2015 (80 FR 28768). Those regulations relate to rules of practice and procedure for administrative hearings before the Office of Administrative Law Judges.

DATES: Effective on July 1, 2015.

FOR FURTHER INFORMATION CONTACT: Todd Smyth at the U.S. Department of Labor, Office of Administrative Law Judges, 800 K Street NW., Suite 400-North, Washington, DC 20001-8002; telephone (202) 693-7300.

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections became effective on June 18, 2015. The regulations constitute the rules of practice and procedure for administrative hearings before the Office of Administrative Law Judges.

Need for Correction

As published, the final regulations contain four internal cross-reference errors, and a typographical error in the title of 29 CFR 18.33(e).

List of Subjects in 29 CFR Part 18

Administrative practice and procedure, Labor.

Accordingly, 29 CFR part 18 is corrected by making the following correcting amendments:

PART 18—RULES OF PRACTICE AND PROCEDURE FOR ADMINISTRATIVE HEARINGS BEFORE THE OFFICE OF ADMINISTRATIVE LAW JUDGES

- 1. The authority citation for part 18 continues to read as follows:

Authority: 5 U.S.C. 301; 5 U.S.C. 551-553; 5 U.S.C. 571 note; E.O. 12778; 57 FR 7292.

- 2. Revise paragraph (c) of § 18.32 to read as follows:

§ 18.32 Computing and extending time.

* * * * *

(c) *Additional time after certain kinds of service.* When a party may or must act within a specified time after service and service is made under § 18.30(a)(2)(ii)(C) or (D), 3 days are added after the period would otherwise expire under paragraph (a) of this section.

- 3. Revise paragraph (e) of § 18.33 to read as follows:

§ 18.33 Motions and other papers.

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(e) *Motions made at hearing.* A motion made at a hearing may be stated orally unless the judge determines that a written motion or response would best serve the ends of justice.

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- 4. Revise paragraph (d)(1) and the introductory text of paragraph (d)(3) of § 18.51 to read as follows:

§ 18.51 Discovery scope and limits.

* * * * *

(d) *Hearing preparation: Experts—(1) Deposition of an expert who may testify.* A party may depose any person who has been identified as an expert whose opinions may be presented at trial. If § 18.50(c)(2)(ii) requires a report from the expert the deposition may be conducted only after the report is provided, unless the parties stipulate otherwise.

* * * * *

(3) *Hearing-preparation protection for communications between a party's representative and expert witnesses.* Paragraphs (c)(1) and (2) under this section protect communications between the party's representative and any witness required to provide a report under § 18.50(c)(2)(ii), regardless of the form of the communications, except to the extent that the communications:

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■ 5. Revise paragraph (b) of § 18.53 to read as follows:

§ 18.53 Supplementing disclosures and responses.

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(b) *Expert witness.* For an expert whose report must be disclosed under § 18.50(c)(2)(ii), the party's duty to supplement extends both to information included in the report and to information given during the expert's deposition. Any additions or changes to this information must be disclosed by the time the party's prehearing disclosures under § 18.50(c)(3) are due.

Dated: June 17, 2015.

Stephen R. Henley,

Acting Chief Administrative Law Judge.

[FR Doc. 2015-16239 Filed 6-30-15; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2015-0450]

RIN 1625-AA11

Regulated Navigation Area; 4th of July, Biscayne Bay, Miami, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a regulated navigation area on Biscayne Bay in Miami, Florida, for multiple 4th of July fireworks displays throughout the Miami area. This regulation is necessary to protect the public from hazards associated with

boating traffic expected during 4th of July firework displays throughout the Miami area. To ensure the public's safety, all vessels within the regulated navigation area are: Required to transit the regulated navigation area at no more than 15 knots; subject to control by the Coast Guard members with law enforcement authority; and required to follow the instructions of all law enforcement officials in the area.

DATES: This rule is effective from July 4 until July 5, 2015 and will be enforced from 7 p.m. on July 4 until 2 a.m. on July 5, 2015.

ADDRESSES: Documents indicated in this preamble are part of docket USCG-2015-0450. 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 rule, call or email Petty Officer John Jennings, Sector Miami Prevention Department, Coast Guard; telephone (305) 535-4317, email john.k.jennings@uscg.mil. If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
RNA Regulated Navigation Area

I. Regulatory History and Information

The Coast Guard is issuing this final 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 a NPRM with respect to this temporary rule because information was recently received regarding the location of

fireworks displays throughout the Miami area. As a result, it was impracticable to issue this rule with opportunity to comment because the Coast Guard did not receive notice of Fourth of July firework displays in time to publish a NPRM.

Historically, there is increased vessel traffic on the waters of Biscayne Bay during Fourth of July fireworks displays in the Miami area. Vessel congestion, especially where vessels cross navigational channels to return to their home marinas at high rates of speed has resulted in accidents that caused severe injury and death. This RNA is necessary to better protect the public on this congested waterway. Under these circumstances, it would be contrary to the public interest in maintaining safety in Biscayne Bay to delay the effective date of the temporary final rule.

For the same reason discussed above, 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**.

II. Basis and Purpose

The legal basis for the rule is the Coast Guard's authority to establish regulated navigation areas and other limited access areas: 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.

The purpose of the rule is to ensure the safe transit of vessels and to protect persons, vessels, and the marine environment within the regulated navigation area during 4th of July festivities.

III. Discussion of the Temporary Final Rule

This temporary final rule will designate a regulated navigation area encompassing all waters within one nautical mile of the center of the Intracoastal Waterway to the east and 2½ nautical miles to the west from Black Point extending 10 nautical miles north to the Rickenbacker Causeway Bridge; then encompassing all navigable waters of the Intracoastal Waterway between the Rickenbacker Causeway Bridge north to the Julia Tuttle Causeway Bridge, Miami, Florida. The regulated navigation area will be enforced from 7 p.m. July 4, 2015, until 2 a.m. July 5, 2015.

All vessels within the regulated navigation area are: (1) Required to transit the area at no more than 15 knots; (2) subject to control by the Coast Guard; and (3) required to follow the