

**2018–16–11 Various Model 234 and Model CH–47D Helicopters:** Amendment 39–19351; Docket No. FAA–2015–4007; Product Identifier 2015–SW–064–AD.

**(a) Applicability**

This AD applies to Model 234 and Model CH–47D helicopters, regardless of type certificate holder, with a pitch housing assembly (pitch housing) part number (P/N) 145R2075–11, 145R2075–12, 145R2075–13, 145R2075–14, 145R2075–15, 145R2075–16, 234R2075–1, or 234R2075–2 installed, certificated in any category.

**(b) Unsafe Condition**

This AD defines the unsafe condition as a crack in a pitch housing lug. This condition could result in loss of a rotor blade and consequent loss of helicopter control.

**(c) Effective Date**

This AD becomes effective September 17, 2018.

**(d) Compliance**

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

**(e) Required Actions**

(1) Before further flight, remove from service any pitch housing P/N 145R2075–11, 145R2075–12, 145R2075–13, 145R2075–14, 145R2075–15, 145R2075–16, 234R2075–1, and 234R2075–2 that has accumulated 8,200 hours total time-in-service (TIS).

(2) Before the pitch housing accumulates 200 hours TIS after the effective date of this AD and thereafter at intervals not to exceed 200 hours TIS, ultrasonic inspect the pitch housing for a crack in accordance with Attachment 1, paragraphs F and H through K, of Boeing Service Bulletin 145R2075–62–0001, Revision 1, dated September 27, 2011. If there is a crack, replace the pitch housing before further flight.

(3) Within 400 hours TIS after the effective date of this AD or before the pitch housing has accumulated 4,000 hours total TIS, whichever occurs later, and thereafter at intervals not to exceed 500 hours TIS, eddy current inspect the pitch housing for a crack. If there is a crack, replace the pitch housing before further flight. The eddy current inspection must be accomplished using a method approved by the Manager, Seattle ACO Branch, or by the Manager, Denver ACO Branch. For a repair method to be approved as required by this AD, the manager's approval letter must specifically refer to this AD.

**(f) Alternative Methods of Compliance (AMOCs)**

(1) For operators of helicopters with type certificates issued by the Denver Aircraft Certificate Office or ACO Branch, the manager of the Denver ACO Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Greg Johnson, Senior Aerospace Engineer, Denver ACO Branch, Compliance and Airworthiness Division, FAA, 26805 East 68th Avenue, Denver, CO 80249; phone: 303–342–1083; fax: 303–342–1088; email: [Gregory.Johnson@faa.gov](mailto:Gregory.Johnson@faa.gov).

(2) All other AMOC requests should be sent to the Manager, Seattle ACO Branch, FAA. Send your proposal to: Chris Bonar, Aerospace Engineer, Airframe Section, Seattle ACO Branch, FAA, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–3521; email [9-ANM-Seattle-ACO-AMOC-Requests@faa.gov](mailto:9-ANM-Seattle-ACO-AMOC-Requests@faa.gov).

(3) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before operating any aircraft complying with this AD through an AMOC.

**(g) Additional Information**

Special Airworthiness Information Bulletin SW–11–03, dated October 22, 2010 (SAIB); Columbia Helicopters, Inc., Alert Service Bulletin No. 234–62–A0012, Revision 2, dated March 1, 2016; and Columbia Helicopters, Inc., Alert Service Bulletin No. 47D–62–A0002, Revision 0, dated March 1, 2016, which are not incorporated by reference, contain additional information about the subject of this AD. You may view the SAIB on the internet at <http://www.regulations.gov> in the AD Docket. For Columbia service information identified in this final rule, contact Columbia Helicopters, Inc., 14452 Arndt Road NE, Aurora, OR 97002, telephone (503) 678–1222, fax (503) 678–5841, or at <http://www.colheli.com>. You may view a copy of the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177.

**(h) Subject**

Joint Aircraft Service Component (JASC) Code: 6220, Main Rotor Head.

**(i) Material Incorporated by Reference**

(1) The Director of the Federal Register approved the incorporation by reference of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Boeing Service Bulletin 145R2075–62–0001, Revision 1, dated September 27, 2011.

(ii) Reserved.

(3) For Boeing Helicopters service information identified in this AD, contact Boeing Helicopters, The Boeing Company, 1 S. Stewart Avenue, Ridley Park, PA 19078, telephone 610–591–2121.

(4) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Fort Worth, Texas, on July 27, 2018.

**Scott A. Horn,**

*Deputy Director for Regulatory Operations, Compliance & Airworthiness Division, Aircraft Certification Service.*

[FR Doc. 2018–17112 Filed 8–10–18; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF THE INTERIOR**

**National Indian Gaming Commission**

**25 CFR Part 542**

**RIN 3141–AA55**

**Minimum Internal Control Standards**

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

**ACTION:** Notification of final rulemaking; stay.

**SUMMARY:** The National Indian Gaming Commission (NIGC) is suspending its minimum internal control standards (MICS) for Class III gaming under the Indian Gaming Regulatory Act. Updated guidance for Class III MICS will now be maintained at [www.nigc.gov](http://www.nigc.gov).

**DATES:** This rule is effective September 27, 2018. Title 25 CFR part 542 is stayed effective September 27, 2018.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Lawson at 202–632–7003 or write to [info@nigc.gov](mailto:info@nigc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The NIGC Class III MICS were promulgated in 1999 and last substantively revised in 2005. In 2006, the D.C. Circuit Court of Appeals in *Colorado River Indian Tribes v. Nat'l Indian Gaming Comm'n*, 466 F.3d 134 (*CRIT v. NIGC*), held that NIGC lacked authority to enforce or promulgate Class III MICS. Since that time, the Class III MICS have remained untouched. Technology has advanced rapidly, though, making some standards obsolete and introducing new areas of risk not contemplated by the outdated standards. And yet, many tribal-state compacts—even those entered into since 2006—continue to adopt NIGC Class III MICS by reference.

**II. Development of the Rule**

In light of the ruling in *CRIT v. NIGC* and recognizing the industry's need for updated standards, the NIGC sought comment on what to do with the outdated standards still remaining in the regulations and whether to draft updated, non-binding guidance for Class III MICS. Between 2015 and 2016, over

forty tribes provided comment and overwhelmingly supported the NIGC proposal for non-binding guidance. Many also supported keeping the existing 542 regulations in the Code of Federal Regulations, even though they would be unenforceable, to minimize impacts on tribal/state compacts that incorporate them by reference. Additionally, the Commission sent letters to state gaming regulators on June 14, 2017, requesting comment on the draft guidance. One responded with recommendations.

In light of these comments, the Commission has developed non-binding guidance for Class III MICS and is suspending the existing part 542 regulations. Doing so will leave the existing regulations “on the books,” but with an editorial note stating that they are not enforceable. The updated guidance document for Class III MICS is available on the NIGC website at [www.nigc.gov](http://www.nigc.gov). This guidance is not intended to modify or amend any terms in a state compact.

Because the document will be guidance instead of regulations, NIGC will be able to keep it updated and adapt much more quickly to changes in the industry.

### III. Regulatory Matters

#### *Notice and Comment*

Typically, the suspension of Agency regulations would require the Agency to follow the notice and comment process mandated by the Administrative Procedure Act (APA). However, the APA permits agencies to finalize some rules without first publishing a proposed rule in the **Federal Register**. This exception is limited to cases where the agency has “good cause” to find that the notice-and-comment process would be “impracticable, unnecessary, or contrary to the public interest.” In this case, because the D.C. Circuit has ruled that the NIGC may not enforce its Class III MICS, or even maintain them as agency regulations, the NIGC has good cause to find that the notice and comment period is unnecessary and may directly publish a final rule suspending the Class III MICS regulations. The NIGC did not appeal the Circuit court’s decision to the United States Supreme Court, so it is the law of the land and the NIGC has no discretion in regard to following the court’s mandates.

#### *Regulatory Flexibility Act*

The rule will not have a significant impact on a substantial number of small entities as defined under the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*

Moreover, Indian Tribes are not considered to be small entities for the purposes of the Regulatory Flexibility Act.

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

The rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. The rule does not have an effect on the economy of \$100 million or more. The rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, local government agencies or geographic regions, nor will the proposed rule have a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of the enterprises, to compete with foreign based enterprises.

#### *Unfunded Mandate Reform Act*

The Commission, as an independent regulatory agency, is exempt from compliance with the Unfunded Mandates Reform Act, 2 U.S.C. 1502(1); 2 U.S.C. 658(1).

#### *Takings*

In accordance with Executive Order 12630, the Commission has determined that the rule does not have significant takings implications. A takings implication assessment is not required.

#### *Civil Justice Reform*

In accordance with Executive Order 12988, the Commission has determined that the rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

#### *National Environmental Policy Act*

The Commission has determined that the rule does not constitute a major federal action significantly affecting the quality of the human environment and that no detailed statement is required pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*

#### *Paperwork Reduction Act*

Suspending part 542 also suspends any information collection requirements contained within. Therefore, no detailed statement is required pursuant to the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*

#### *Tribal Consultation*

The National Indian Gaming Commission is committed to fulfilling its tribal consultation obligations—whether directed by statute or administrative action such as Executive

Order (E.O.) 13175 (Consultation and Coordination with Indian Tribal Governments)—by adhering to the consultation framework described in its Consultation Policy published July 15, 2013. The NIGC’s consultation policy specifies that it will consult with tribes on Commission Action with Tribal Implications, which is defined as: Any Commission regulation, rulemaking, policy, guidance, legislative proposal, or operational activity that may have a substantial direct effect on an Indian tribe on matters including, but not limited to the ability of an Indian tribe to regulate its Indian gaming; an Indian tribe’s formal relationship with the Commission; or the consideration of the Commission’s trust responsibilities to Indian tribes.

On February 26, 2015, the Commission announced consultation and sought comments over its plans to draft updated, non-mandatory Class III MICS guidance and proposal to withdraw the part 542 regulations. The Commission held four in-person and one telephonic consultation sessions. The consultation and comment period ended on February 23, 2016. Over forty tribes commented on the plan. As a result of the comments, the Commission, on November 22, 2016, announced its proposal to suspend the part 542 regulations and issue updated, non-mandatory Class III MICS guidance. The Commission developed and shared a draft of the guidance and held six in-person consultation sessions. The Commission received comments through July 2017.

#### **List of Subjects in 25 CFR Part 542**

Accounting, Administrative practice and procedure, Gambling, Indian—Indian lands, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the Commission amends 25 CFR part 542 as follows:

#### **PART 542—MINIMUM INTERNAL CONTROL STANDARDS**

■ 1. The authority for part 542 is revised to read as follows:

**Authority:** 25 U.S.C. 2706(b)(10).

■ 2. Section 542.1 is revised to read as follows:

##### **§ 542.1 What does this part cover?**

(a) This part previously established the minimum internal control standards for gaming operations on Indian land.

(b) This part is suspended pursuant to the decision in *Colorado River Indian Tribes v. Nat’l Indian Gaming Comm’n*, 466 F.3d 134 (D.C. Cir. 2006). Updated

non-binding guidance on Class III Minimum Internal Control Standards may be found at [www.nigc.gov](http://www.nigc.gov).

■ 3. Effective September 27, 2018, part 542 is stayed.

Dated: July 18, 2018.

**Jonodev O. Chaudhuri,**  
*Chairman.*

Dated: July 18, 2018.

**Kathryn Isom-Clause,**  
*Vice Chair.*

[FR Doc. 2018–16254 Filed 8–10–18; 8:45 am]

BILLING CODE 7565–01–P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[Docket No. USCG–2018–0725]

#### Special Local Regulations; Marine Events Within the Fifth Coast Guard District

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce special local regulations for the Baltimore Air Show from October 4, 2018, through October 7, 2018, to provide for the safety of life on navigable waterways during the event. Our regulation for marine events within the Fifth Coast Guard District identifies the regulated area for the event. During the enforcement period, the Coast Guard patrol commander or designated marine event patrol may forbid and control the movement of all vessels in the regulated area.

**DATES:** The regulations in 33 CFR 100.501 will be enforced for the Baltimore Air Show regulated area listed in item b.23 in the table to § 100.501 from 11 a.m. through 5 p.m. on October 4, 2018, from 10:30 a.m. through 5 p.m. on October 5, 2018, from 11 a.m. through 5 p.m. on October 6, 2018, and from 11 a.m. through 5 p.m. on October 7, 2018.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notice of enforcement, call or email Mr. Ron Houck, U.S. Coast Guard Sector Maryland-National Capital Region (WWM Division); telephone 410–576–2674, email [Ronald.L.Houck@uscg.mil](mailto:Ronald.L.Houck@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard was notified by the Historic Ships in Baltimore, Inc., on February 6, 2018, through submission of a marine event application that, due to a

scheduling change, a change of dates is necessary to the dates previously published in the Code of Federal Regulations (CFR) for the biennially scheduled Baltimore Air Show, as listed in the table to 33 CFR 100.501. The date of the event for this year is changed to October 4, 2018, through October 7, 2018. The Coast Guard will enforce the special local regulations in 33 CFR 100.501 for the Baltimore Air Show regulated area from 11 a.m. through 5 p.m. on October 4, 2018, from 10:30 a.m. through 5 p.m. on October 5, 2018, from 11 a.m. through 5 p.m. on October 6, 2018, and from 11 a.m. through 5 p.m. on October 7, 2018. Our regulation for marine events within the Fifth Coast Guard District, § 100.501, specifies the location of the regulated area for the Baltimore Air Show, which encompasses portions of the Patapsco River, at Baltimore, MD.

This action is being taken to provide for the safety of life on navigable waterways during the event. As specified in § 100.501(c), during the enforcement period, the Coast Guard patrol commander or designated marine event patrol may forbid and control the movement of all vessels in the regulated area. Vessel operators may request permission to enter and transit through a regulated area by contacting the Coast Guard patrol commander on VHF–FM channel 16.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners and marine information broadcasts.

Dated: August 7, 2018.

**Joseph B. Loring,**  
*Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.*

[FR Doc. 2018–17282 Filed 8–10–18; 8:45 am]

BILLING CODE 9110–04–P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG–2018–0091]

#### Drawbridge Operation Regulation; Petaluma River, Haystack Landing (Petaluma), CA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations; request for comments.

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating schedule that governs the Northwestern

Pacific (SMART) railroad bridge across the Petaluma River, mile 12.4, at Haystack Landing (Petaluma), CA. This deviation will be a second test of a change to the drawbridge operation schedule to determine whether a permanent change to the schedule is appropriate. This test deviation will modify the existing regulation to add an advance notification requirement for obtaining bridge openings.

**DATES:** This deviation is effective from 6 a.m. on August 20, 2018 to 6 a.m. on October 18, 2018.

Comments and related materials must reach the Coast Guard on or before November 1, 2018.

**ADDRESSES:** You may submit comments identified by docket number USCG–2018–0091 using Federal eRulemaking Portal at <http://www.regulations.gov>.

See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this test deviation, call or email Carl T. Hausner, Chief, Bridge Section, Eleventh Coast Guard District; telephone 510–437–3516; email [Carl.T.Hausner@uscg.mil](mailto:Carl.T.Hausner@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Background, Purpose and Legal Basis

On March 2, 2018, the Coast Guard published a Test Deviation entitled Petaluma River, Haystack Landing (Petaluma), CA in the **Federal Register** (83 FR 8936). We received five comments on this rule. Four of the five comments submitted, concerning the test deviation, addressed the 2-hour advance notification. The commenters stated that the lengthy advance notification would be a burden on waterway users. The fifth comment was directed at the structural deficiency of a number of dams in the United States; this comment is not pertinent to this deviation.

Sonoma-Marin Area Rail Transit (SMART) owns the Northwestern Pacific railroad bridge across the Petaluma River, mile 12.4, at Haystack Landing (Petaluma), CA. The bridge has a vertical clearance of 3.6 feet above mean high water in the closed-to-navigation position and unlimited vertical clearance in the open-to-navigation position, and currently operates under 33 CFR 117.187(a).

The duration of this initial test deviation was 90 days. During this initial test, according to drawtender logs, 96 vessels requested openings and passed through the bridge. At no time was a 2-hour notice given to the