

radius of King Salmon Airport, AK, and within 5 miles north and 9 miles south of the 132° radial of the King Salmon VORTAC, AK, extending from the King Salmon VORTAC, AK, to 36 miles southeast of the King Salmon VORTAC, AK, and within 3.9 miles either side of the 312° radial of the King Salmon VORTAC, AK, extending from the 6.9-mile radius to 13.9 miles northwest of the King Salmon VORTAC, AK; and that airspace extending upward from 1,200 feet above the surface within a 73-mile radius of the King Salmon Airport, AK, excluding that airspace extending beyond 12 miles of the shoreline.

#### AAL AK E5 Kodiak, AK [Amended]

Kodiak Airport, AK

(Lat. 57°44'59" N, long. 152°29'38" W)

That airspace extending upward from 700 feet above the surface within an 6.9-mile radius of Kodiak Airport, AK, and within 3.1 miles either side of the 072° bearing from Kodiak Airport, AK, extending from the 6.9-mile radius from the airport, to 12.2 miles east of the airport, and within 1 mile either side of the 091° bearing from Kodiak Airport, AK, extending from the 6.9-mile radius from the airport, to 8.2 miles east of the airport, and that airspace extending upward from 1,200 feet above the surface within a 73-mile radius of the Kodiak Airport, AK, excluding that airspace extending beyond 12 miles of the shoreline.

#### AAL AK E5 Manokotak, AK [Amended]

Manokotak Airport, AK

(Lat. 58°55'55" N, long. 158°54'07" W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Manokotak Airport, AK; and that airspace extending upward from 1,200 feet above the surface within a 74-mile radius of Manokotak Airport, AK, excluding that airspace extending beyond 12 miles of the shoreline.

#### AAL AK E5 Middleton Island, AK [Amended]

Middleton Island Airport, AK

(Lat. 59°27'00" N, long. 146°18'26" W)

Middleton Island VOR/DME

(Lat. 59°25'18" N, long. 146°21'00" W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Middleton Island Airport, and within 4 miles either side of the 038° radial of the Middleton Island VOR/DME extending from the 6.5-mile radius to 12 miles northeast of the VOR/DME, and that airspace extending upward from 1,200 feet above the surface within a 42-mile radius of the Middleton Island VOR/DME, excluding that airspace extending beyond 12 miles of the shoreline.

Issued in Seattle, Washington, on February 20, 2019.

**Shawn M. Kozica,**

*Group Manager, Operations Support Group,  
Western Service Center.*

[FR Doc. 2019-03837 Filed 3-4-19; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Part 48

[Docket ID: DOD-2018-OS-0058]

RIN 0790-AK31

#### Retired Serviceman's Family Protection Plan (RSFPP)

**AGENCY:** Under Secretary of Defense (Personnel and Readiness), DoD.

**ACTION:** Final rule.

**SUMMARY:** The final rule removes Department of Defense (DoD) regulations regarding the Retired Serviceman's Family Protection Plan (RSFPP). The part contains information for enrollment, designation of beneficiaries, and general guidance for the RSFPP program, which has been closed to new applicants since 1972. The only remaining relevant aspect of the RSFPP program is the application for benefits upon the death of a participating retiree, which is accomplished by completing the necessary forms that are published on a public website. This collection of information is tied to statute, and thus does not require an authorizing CFR part. Accordingly, this part is outdated and unnecessary and may be removed from the CFR.

**DATES:** This rule is effective on March 5, 2019.

**FOR FURTHER INFORMATION CONTACT:** Andrew Corso, (703) 693-1059.

**SUPPLEMENTARY INFORMATION:** This rule was published on July 18, 1969. RSFPP (authorized by 10 U.S.C. Chapter 73, Subchapter I) was terminated as the military retired pay annuity protection plan on September 21, 1972, and replaced by the Survivor Benefit Plan. All elections under RSFPP are complete. Upon the death of the Service member, a qualified annuitant can apply for the RSFPP annuity. This application is done through the completion of two forms (DD Form 2656-7 "Verification for Survivor Annuity," and SF 1174 "Claim for Unpaid Compensation of Deceased Member of the Uniformed Services"). No other requirements are made of the annuitants. The forms are publicly available on the DFAS website (<https://www.dfas.mil/retiredmilitary/survivors/Retiree-death.html>). The public is provided notice in the **Federal Register** of changes to these forms, and given the opportunity to comment in accordance with the requirements of the Paperwork Reduction Act.

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 48

Military personnel, Pensions.

#### PART 48—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 48 is removed.

Dated: February 27, 2019.

**Shelly E. Finke,**

*Alternate OSD Federal Register Liaison Officer, DoD.*

[FR Doc. 2019-03889 Filed 3-4-19; 8:45 am]

**BILLING CODE 5001-06-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Parts 100, 110, 147, and 165

[Docket No. USCG-2018-1049]

#### Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** This final rule makes non-substantive technical and conforming amendments to existing Coast Guard regulations. The Coast Guard is issuing this technical amendment to conform to the changes made by the Frank LoBiondo Coast Guard Authorization Act of 2018, which redesignated existing United States Code provisions into new Titles and sections. This technical amendment updates the statutory authority citations for Coast Guard regulations that establish safety zones, security zones, special local regulations, regulated navigation areas, and anchorages. This rule will have no substantive effect on the regulated public.

**DATES:** This final rule is effective March 5, 2019.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of docket number USCG-2018-1049, which is available at <https://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** For information about this document call or email Kate Sergent, Coast Guard; telephone 202-372-3752, email [kate.e.sergent@uscg.mil](mailto:kate.e.sergent@uscg.mil).

**SUPPLEMENTARY INFORMATION:**

## Table of Contents for Preamble

- I. Abbreviations
- II. Discussion of the Rule
- III. Regulatory History
- IV. Basis and Purpose
- V. Regulatory Analyses
  - A. Regulatory Planning and Review
  - B. Small Entities
  - C. Assistance for Small Entities
  - D. Collection of Information
  - E. Federalism
  - F. Unfunded Mandates Reform Act
  - G. Taking of Private Property
  - H. Civil Justice Reform
  - I. Protection of Children
  - J. Indian Tribal Governments
  - K. Energy Effects
  - L. Technical Standards
  - M. Environment

### I. Abbreviations

- CFR Code of Federal Regulations
- DHS Department of Homeland Security
- FR Federal Register
- OMB Office of Management and Budget
- § Section
- U.S.C. United States Code

### II. Discussion of the Rule

On December 4, 2018, Congress enacted the Frank LoBiondo Coast Guard Authorization Act of 2018 (Pub. L. 115–282). The Frank LoBiondo Coast Guard Authorization Act of 2018 redesignated multiple provisions within Titles 14, 33, 46, and 50 of the United States Code in an effort reorganize these Titles. The Coast Guard often uses the affected statutory provisions as authority for issuing regulations related to maritime safety and security.

Most significantly, the Frank LoBiondo Coast Guard Authorization Act of 2018 redesignated the Ports and Waterways Safety Act provisions previously located in 33 U.S.C. 1221 through 1236, and with an exception not relevant to this rule, moved those provisions without substantive change into Chapter 700 of Title 46 of the United States Code.<sup>1</sup> The new Chapter 700 of Title 46 is titled “Ports and Waterways Safety”. This rule replaces the old statutory authority citations with their correct statutory authorities.

The Coast Guard periodically issues technical, organizational, and conforming amendments to existing regulations in title 33 of the CFR. These “technical amendments” provide the public with more accurate and current regulatory information, but do not change the effect on the public of any Coast Guard regulations.

This rule updates the authority citations for the following parts of title 33 of the CFR: 100, 110, 147, and 165. This rule also updates in text citations

to statutory authorities that were moved by the Frank LoBiondo Coast Guard Authorization Act. The Coast Guard is updating only these CFR parts with this final rule because we frequently issue temporary regulations to protect marine events that rely on the statutory authorities previously located in 33 U.S.C. 1221 through 1236 and 50 U.S.C. 191. These safety-oriented regulations include safety zones, security zones, regulated navigation areas, special local regulations, safety zones on the outer continental shelf, and anchorage grounds. The Coast Guard will update all of our other affected regulations and their authority citations in one or more future rulemakings.

### III. Regulatory History

We did not publish a notice of proposed rulemaking for this rule. Under Title 5 of the United States Code (U.S.C.), Section 553(b)(A), the Coast Guard finds that this final rule is exempt from notice and public comment rulemaking requirements because these changes involve rules of agency organization, procedure, or practice. In addition, the Coast Guard finds that notice and comment procedures are unnecessary for this final rule under 5 U.S.C. 553(b)(B), as this rule consists of only technical and editorial corrections and these changes will have no substantive effect on the public. Under 5 U.S.C. 553(d)(3), the Coast Guard finds that, for the same reasons, good cause exists for making this final rule effective upon publication in the **Federal Register**.

### IV. Basis and Purpose

This final rule makes technical and editorial corrections in parts 100, 110, 147, and 165 of title 33 of the CFR. These changes are necessary to update the authority citations for existing regulations and make other non-substantive amendments that improve the clarity of the CFR. This rule does not create or change any substantive requirements.

This final rule is issued under the authority of 5 U.S.C. 552(a) and 553; 14 U.S.C. 102 and 503; and Department of Homeland Security Delegation No. 0170.1.

### V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on these statutes or Executive orders.

#### A. Regulatory Planning and Review

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) 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 (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs) directs agencies to reduce regulation and control regulatory costs and provides that “for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.”

The Office of Management and Budget (OMB) has not designated this rule a significant regulatory action under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed it. Because this rule is not a significant regulatory action, this rule is exempt from the requirements of Executive Order 13771. See the OMB Memorandum titled “Guidance Implementing Executive Order 13771, titled ‘Reducing Regulation and Controlling Regulatory Costs’” (April 5, 2017). This rule involves non-substantive changes and internal agency practices and procedures; it will not impose any additional costs on the public or the government. The qualitative benefit of the non-substantive changes is increased clarity of regulations and their authority. The increased clarity of the CFR is created by the correction of errors, removing outdated references, and correcting citations to match current statutory text.

#### B. Small Entities

Under the Regulatory Flexibility Act, 5 U.S.C. 601–612, we have considered whether this rule would have a significant economic impact on a substantial number of small entities. 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.

This rule is not preceded by a notice of proposed rulemaking. Therefore, it is

<sup>1</sup> The Act moved 33 U.S.C. 1223a, which governs the use of electronic charts, to 46 U.S.C. 3105.

exempt from the requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612). The Regulatory Flexibility Act does not apply when notice and comment rulemaking is not required.

### C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, we offer to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

### D. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520. This final rule will not change any of the burdens in the collections currently approved by OMB.

### E. Federalism

A rule has implications for federalism under Executive Order 13132 (Federalism) if it has a substantial direct effect on 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 rule under Executive Order 13132 and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

### F. 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. Although this rule will not result in such expenditure, we

do discuss the effects of this rule elsewhere in this preamble.

### G. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630 (Governmental Actions and Interference with Constitutionally Protected Property Rights).

### H. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform) to minimize litigation, eliminate ambiguity, and reduce burden.

### I. Protection of Children

We have analyzed this rule under Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks). This rule is not an economically significant rule and will not create an environmental risk to health or risk to safety that might disproportionately affect children.

### J. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), because it will 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.

### K. Energy Effects

We have analyzed this rule under Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use). We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

### L. Technical Standards

The National Technology Transfer and Advancement Act, codified as a note to 15 U.S.C. 272, directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, specifications of materials, performance, design, or operation; test methods;

sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

### M. Environment

We have analyzed this 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 concluded that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A final Record of Environmental Consideration supporting this determination is available in the docket where indicated in the **ADDRESSES** section of this preamble. This final rule involves non-substantive technical, organizational, and conforming amendments to existing Coast Guard regulations. Therefore, this rule is categorically excluded under paragraph L54 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. Paragraph L54 pertains to regulations which are editorial or procedural.

### List of Subjects

#### 33 CFR Part 100

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

#### 33 CFR Part 110

Anchorage grounds.

#### 33 CFR Part 147

Continental shelf, Marine safety, Navigation (water).

#### 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 amends 33 CFR parts 100, 110, 147, and 165 as follows:

### Title 33—Navigation and Navigable Waters

#### PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 is revised to read as follows:

**Authority:** 46 U.S.C. 70041; 33 CFR 1.05–1.

**§ 100.35 [Amended]**

■ 2. In § 100.35(c), remove the text “33 U.S.C. 1233” and add in its place the text “46 U.S.C. 70041”.

**§ 100.1401 [Amended]**

■ 3. In § 100.1401(e), remove the text “33 U.S.C. 1233” and add in its place the text “46 U.S.C. 70041”.

**PART 110—ANCHORAGE REGULATIONS**

■ 4. The authority citation for part 110 is revised to read as follows:

**Authority:** 33 U.S.C. 471, 2071, 46 U.S.C. 70034; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 5. In § 110.1a, revise the section heading and paragraph (a) introductory text to read as follows:

**§ 110.1a Anchorages under Ports and Waterways Safety provisions.**

(a) The anchorages listed in this section are regulated under 46 U.S.C. Chapter 700, “Ports and Waterways Safety”:

\* \* \* \* \*

**PART 147—SAFETY ZONES**

■ 6. The authority citation for part 147 is revised to read as follows:

**Authority:** 14 U.S.C. 544; 43 U.S.C. 1333; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

**PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS**

■ 7. The authority citation for part 165 is revised to read as follows:

**Authority:** 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 8. In part 165:

■ a. Revise all references to “33 U.S.C. 1226” to read “46 U.S.C. 70116”.

■ b. Revise all references to “33 U.S.C. 1231” to read “46 U.S.C. 70034”.

■ c. Revise all references to “33 U.S.C. 1232” to read “46 U.S.C. 70036”.

■ d. Revise all references to “50 U.S.C. 191” to read “46 U.S.C. 70051”.

■ e. Revise all references to “50 U.S.C. 192” to read “46 U.S.C. 70052”.

**§ 165.9 [Amended]**

■ 9. Amend § 165.9 as follows:

■ a. In paragraph (b), remove the text “the Ports and Waterways Safety Act, 33 U.S.C. 1221–1232” and add in its place the text “46 U.S.C. 70001–70041”.

■ b. In paragraph (c):

■ i. Remove the text “the Ports and Waterways Safety Act, 33 U.S.C. 1221–1232” and add in its place the text “46 U.S.C. Chapter 700”; and

■ ii. Remove the text “50 U.S.C. 191–195” and add in its place the text “46 U.S.C. 70051–54”.

**§ 165.838 [Amended]**

■ 10. Amend § 165.838 as follows:

■ a. In paragraph (b)(5), remove the text “the Ports and Waterways Safety Act, 33 U.S.C. 1221 *et seq.*” and add in its place the text “46 U.S.C. Chapter 700”.

■ b. In paragraph (i), remove the text “the Ports and Waterways Safety Act, 33 U.S.C. 1221 *et seq.*” and add in its place the text “46 U.S.C. 70036 and 70041”.

Dated: February 27, 2019.

**Katia Kroutil,**

*Chief, Office of Regulations and Administrative Law, U.S. Coast Guard.*

[FR Doc. 2019–03856 Filed 3–4–19; 8:45 am]

**BILLING CODE 9110–04–P**

**DEPARTMENT OF VETERANS AFFAIRS**

**38 CFR Part 17**

**RIN 2900–AQ34**

**Update: Enrollment—Provision of Hospital and Outpatient Care to Medal of Honor Veterans**

**AGENCY:** Department of Veterans Affairs  
**ACTION:** Final rule.

**SUMMARY:** The Department of Veterans Affairs (VA) is amending its medical regulations governing eligibility for VA health care and copayment requirements to conform to recent statutory changes. VA is changing its enrollment criteria to move Medal of Honor recipients from priority category three to priority category one, and exempting recipients of the Medal of Honor from copayments for inpatient care, outpatient care, medications, and extended care services.

**DATES:** This final rule is effective on March 5, 2019.

**FOR FURTHER INFORMATION CONTACT:** Stacey Echols Sr., CP, FAC–P/PM, Business Policy, VHA Member Services; 810 Vermont Avenue NW, Washington, DC 20420; (404) 828–5281. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:**

**Enrollment Eligibility**

Section 1705 of title 38, United States Code (38 U.S.C. 1705), requires VA to implement a national enrollment system to manage the delivery of its health care services and also contains priority

categories for determining eligibility for enrollment in VA’s health care system. In its original enactment, section 1705 did not include receipt of the Medal of Honor as a criterion for eligibility in a priority category. See Public Law 104–262 (October 9, 1996). In 2010, Congress amended section 1705 by adding Medal of Honor recipients to priority category three. See Public Law 111–163 (May 5, 2010). VA has implemented section 1705 in regulation at 38 Code of Federal Regulations (CFR) 17.36.

In the Jeff Miller and Richard Blumenthal Veterans Health Care and Benefits Improvement Act of 2016, Congress elevated Medal of Honor recipients’ health care enrollment eligibility from priority category three to priority category one. Public Law (Pub. L.) 114–315 (December 16, 2016).

This final rulemaking updates 38 CFR 17.36 to reflect the current statutory requirement that VA place Medal of Honor recipients in priority category one. VA therefore is removing award of the Medal of Honor as a criterion from paragraph (b)(3) and inserting it as a criterion in paragraph (b)(1).

**Copayments**

Several sections in Chapter 17 of title 38, U.S.C. require VA to collect copayments from certain veterans for various types of care and medication. Section 1710 of 38 U.S.C., for example, directs VA to provide hospital care and medical services to numerous categories of veterans, and requires VA to charge certain categories of veterans copayments for the care and services provided. Section 1710B allows VA to furnish extended care services to certain categories of veterans, including several categories who are not required to pay copayments. Section 1722A requires VA to charge copayments for medications, excepting several categories of veterans who are not required to pay copayments. While Public Law 111–163 added Medal of Honor awardees to Priority Group 3, it did not exempt these veterans from VA copayment requirements.

Section 603 of Public Law 114–315 amended 38 U.S.C. 1710(a)(2)(D), 1710B(c)(2), and 1722A(a)(3) to afford Medal of Honor recipients specific exemptions to the copayments required for hospital care and medical services, extended care services, and medications. VA has regulated copayments for the aforementioned benefits at 38 CFR 17.108, 17.110, and 17.111. This final rulemaking adds §§ 17.108(d)(13), 17.110(c)(11), and 17.111(f)(10) to reflect the statutory changes exempting Medal of Honor recipients from copayments for the