

Consumers (CPI-U) for the month of October preceding the date of adjustment and the prior year's October CPI-U.

## II. Calculation

The adjustment set forth in this final rule was calculated by comparing the CPI-U for October 2018 with the CPI-U for October 2017, resulting in an inflation adjustment factor of 1.02522. The first step of the calculation is to multiply the inflation adjustment factor (1.02522) by the most recent civil penalty amount (\$545) to calculate the inflation-adjusted penalty level (\$558.7449). The second step is to round this inflation-adjusted penalty to the nearest dollar (\$559). Accordingly, we are adjusting the maximum penalty per violation specified in 29 CFR 1601.30(a) from \$545 to \$559.

## III. Regulatory Procedures

### *Administrative Procedure Act*

The Administrative Procedure Act (APA) provides an exception to the notice and comment procedures where an agency finds good cause for dispensing with such procedures, on the basis that they are impracticable, unnecessary, or contrary to the public interest. EEOC finds that under 5 U.S.C. 553(b)(3)(B) good cause exists to not utilize notice of proposed rulemaking and public comment procedures for this rule because this adjustment of the civil monetary penalty is required by the 2015 Act, the formula for calculating the adjustment to the penalty is prescribed by statute, and the Commission has no discretion in determining the amount of the published adjustment. Accordingly, the EEOC is issuing this revised regulation as a final rule without notice and comment.

### *Executive Orders 13563, 12866, and 13771*

In promulgating this final rule, EEOC has adhered to the regulatory philosophy and applicable principles set forth in Executive Order 13563. Pursuant to Executive Order 12866, the EEOC has coordinated with the Office of Management and Budget (OMB). Under section 3(f) of Executive Order 12866, the EEOC and OMB have determined that this final rule will not have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities. The great majority of employers and entities covered by these regulations comply

with the posting requirement, and, as a result, the aggregate economic impact of these revised regulations will be minimal, affecting only those limited few who fail to post required notices in violation of the regulation and statute. The rule only increases the penalty by \$14 for each separate offense, nowhere near the \$100 million figure that would amount to a significant regulatory action.<sup>1</sup> This rule is not an Executive Order 13771 regulatory action because the rule is not significant under Executive Order 12866.

### *Paperwork Reduction Act*

The Paperwork Reduction Act (44 U.S.C. chapter 35) (PRA) applies to rulemakings in which an agency creates a new paperwork burden on regulated entities or modifies an existing burden. This final rule contains no new information collection requirements, and therefore, will create no new paperwork burdens or modifications to existing burdens that are subject to review by the Office of Management and Budget under the PRA.

### *Regulatory Flexibility Act*

The Regulatory Flexibility Act (5 U.S.C. 601-612) only requires a regulatory flexibility analysis when notice and comment is required by the Administrative Procedure Act or some other statute. As stated above, notice and comment is not required for this rule. For that reason, the requirements of the Regulatory Flexibility Act do not apply.

### *Unfunded Mandates Reform Act of 1995*

This final rule 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, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

### *Congressional Review Act*

The Congressional Review Act (CRA) requires that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EEOC will submit a report containing this rule and other required information to the U.S. Senate, the U.S.

<sup>1</sup> In the last ten years, the highest number of charges alleging notice posting violations occurred in 2010. In that year, only 114 charges of the 90,837 Title VII, ADA, and GINA charges (or .13%) contained a notice posting violation.

House of Representatives, and the Comptroller General of the United States prior to the effective date of the rule. Under the CRA, a major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by the CRA at 5 U.S.C. 804(2).

### List of Subjects in 29 CFR Part 1601

Administrative practice and procedure.

Dated: March 18, 2019.

**Carol R. Miaskoff,**

*Associate Legal Counsel, Equal Employment Opportunity Commission.*

Accordingly, the Equal Employment Opportunity Commission amends 29 CFR part 1601 as follows:

## PART 1601—PROCEDURAL REGULATIONS

■ 1. The authority citation for part 1601 continues to read as follows:

**Authority:** 42 U.S.C. 2000e to 2000e-17; 42 U.S.C. 12111 to 12117; 42 U.S.C. 2000ff to 2000ff-11.

■ 2. Section 1601.30 is amended by revising paragraph (b) to read as follows:

### 1601.30 Notices to be posted.

\* \* \* \* \*

(b) Section 711(b) of Title VII and the Federal Civil Penalties Inflation Adjustment Act, as amended, make failure to comply with this section punishable by a fine of not more than \$559 for each separate offense.

[FR Doc. 2019-05386 Filed 3-20-19; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR Part 117

[Docket No. USCG-2018-0729]

### Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, Fort Pierce, FL

**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 Fort Pierce North Causeway A1A Bridge (Banty Sanders) across the Atlantic Intracoastal Waterway (AICW), mile 964.8 at Fort Pierce, St. Lucie County, FL. 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 needed. This test deviation will modify the existing deviation to allow the bridge scheduled openings.

**DATES:** This deviation is effective without actual notice from March 21, 2019 through August 26, 2019 at 7 a.m. For the purposes of enforcement, actual notice will be used from February 28, 2019 at 7 a.m., until March 21, 2019.

Comments and related material must reach the Coast Guard on or before June 1, 2019.

**ADDRESSES:** You may submit comments identified by docket number USCG–2018–0729 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 LT Samuel Rodriguez-Gonzalez, Sector Miami Waterways Management Division, U.S. Coast Guard; telephone 305–535–4307, email [Samuel.Rodriguez-Gonzalez@uscg.mil](mailto:Samuel.Rodriguez-Gonzalez@uscg.mil).

**SUPPLEMENTARY INFORMATION:**

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

On August 30, 2018, the Coast Guard published a Test Deviation entitled “Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, Fort Pierce, FL” in the **Federal Register** (83 FR 44233). We received 113 comments.

The Florida Department of Transportation (FDOT) owns the Fort Pierce North Causeway A1A Bridge (Banty Sanders) across the AICW, mile 964.8 in Fort Pierce, St. Lucie County, FL. The bridge has a vertical clearance of 26 feet at mean high water in the closed position and a horizontal clearance of 90 feet. The bridge currently operates under 33 CFR 117.5.

The duration of the initial test deviation was 180 days. During the initial test, the majority of comments received were in support of scheduled openings. However, most felt that the bridge was still opening too frequently. A review of the bridge tender logs did not support the claim that the bridge was opening too frequently. The logs did show, however, that openings tended to be twice per hour as opposed to three times per hour. In addition, the majority of comments recommended scheduled openings during the evening and on weekends.

In order to meet the reasonable needs of navigation, while benefiting vehicle transportation, the Coast Guard is

publishing this alternate temporary deviation to the proposed schedule change to determine whether a permanent change to the schedule is appropriate to better balance the needs of marine and vehicle traffic.

Under this temporary deviation, in effect from 7 a.m. on February 28, 2019 to 7 a.m. on August 26, 2019, the draw shall open on the hour and half-hour. Vessels in distress, public vessels of the United States, and tugs with tows must be passed at any time.

This waterway is utilized by vessels of the United States, commercial vessels, as well as recreational vessels. There is no alternate route for vessels desiring to travel north in the AICW. Vessels that may pass through the bridge without a requested opening may do so at any time.

The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

**II. Public Participation and Request for Comments**

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at <http://www.regulations.gov>. If your material cannot be submitted using <http://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided. For more about privacy and the docket, visit <http://www.regulations.gov/privacynotice>.

Documents mentioned in this notification as being available in this docket and all public comments, will be in our online docket at <http://www.regulations.gov> and can be viewed by following that website’s instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

Dated: March 18, 2019.

**Barry Dragon,**

*Director, Bridge Branch, Seventh Coast Guard District.*

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**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

[Docket No. USCG–2019–0145]

**Safety Zones; Annual Events Requiring Safety Zones in the Captain of the Port Lake Michigan Zone-Tulip Time Festival Fireworks**

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** The Coast Guard will enforce a safety zone on Lake Macatawa in Holland, MI for the Tulip Time Festival Fireworks on May 11, 2019 to provide for the safety of life on navigable waterways during this fireworks display. This action is necessary and intended to protect the safety of life and property on navigable waters prior to, during, and immediately after a fireworks display. During the enforcement period listed below vessels and persons are prohibited from transiting through, mooring, or anchoring within the safety zone unless authorized by the Captain of the Port Lake Michigan or a designated representative. The operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

**DATES:** The regulations in 33 CFR 165.929(c)(1) will be enforced from 9:30 p.m. through 10:30 p.m. on May 11, 2019.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notice of enforcement, call or email marine event coordinator MSTC Kaleena Carpino, Prevention Department, Coast Guard Sector Lake Michigan, Milwaukee, WI; telephone (414) 747–7148, email *D09-*