

### E. 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. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

### F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the modification of a security zone that would prohibit entry into Bowery Bay for a limited duration and for a limited number of instances each year. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

### List of Subjects in 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 part 165 as follows:

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

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 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.

■ 2. In § 165.164, revise paragraph (a)(3) to read as follows:

#### § 165.164 Security Zones; Dignitary Arrival/Departure and United Nations Meetings, New York, NY.

(a) \* \* \*

(3) *Marine Air Terminal, LaGuardia Airport Security Zone.* All waters of Bowery Bay, Queens, New York, inside of a line drawn from the start of the Rikers Island Bridge in Queens at approximate position 40°46'37" N, 073°53'30" W to the intersecting point on the southern side of Rikers Island at approximate position 40°47'12" N, 073°53'06" W, then a line drawn east to the western end of LaGuardia Airport at approximate position 40°47'00" N, 073°52'44" W, then a line drawn south following the shoreline back to the point of origin at 40°46'37" N, 073°53'30" W (NAD 1983).

\* \* \* \* \*

Dated: December, 4, 2018.

**J.P. Tama,**

*Captain, U.S. Coast Guard, Captain of the Port New York.*

[FR Doc. 2019–03717 Filed 2–28–19; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF EDUCATION

### 34 CFR Part 461

**RIN 1830–AA31**

#### Programs and Activities Authorized by the Adult Education and Family Literacy Act (Title II of the Workforce Innovation and Opportunity Act)

**AGENCY:** Department of Education.

**ACTION:** Correcting amendment.

**SUMMARY:** On August 19, 2016, the Department of Education (Department) established regulations to implement changes to the Adult Education and Family Literacy Act (AEFLA) resulting from the enactment of the Workforce Innovation and Opportunity Act (WIOA or the Act). The 2016 final regulations clarified provisions in AEFLA and also identified for removal regulations no longer applicable to the AEFLA program. The preamble discussed our intent to remove certain regulations. However, language necessary to remove those regulations from the Code of Federal Regulations was inadvertently omitted from the 2016 final rule. Through this document we are now removing those regulations.

**DATES:** *Effective date:* These regulations are effective March 1, 2019.

#### FOR FURTHER INFORMATION CONTACT:

Hugh Reid, U.S. Department of Education, 400 Maryland Avenue SW, Room 11114 PCP, Washington, DC 20202–2500. Telephone: (202) 245–7491. Email: [Hugh.Reid@ed.gov](mailto:Hugh.Reid@ed.gov).

If you use a telecommunications device for the deaf (TDD) or text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

#### SUPPLEMENTARY INFORMATION:

##### Final Regulatory Changes

##### Background

On April 16, 2015, we published in the **Federal Register** a notice of proposed rulemaking (NPRM) for the Programs and Activities Authorized by AEFLA under Title II of WIOA (80 FR 20968). References to 34 CFR part 461 were included in that NPRM. In the Background section we indicated that the Department proposes to remove 34 CFR parts 460 and 461 “because these regulations are no longer applicable to the Federal adult education program.” These regulations are no longer enforceable because they were promulgated under the National Literacy Act (Pub. L. 102–73) (NLA) in 1992, which was superseded by Title II of the Workforce Investment Act of 1998.

On August 19, 2016, the Department issued a final rule in which the Secretary established regulations to implement changes to AEFLA resulting from the enactment of WIOA (81 FR 55525). These final regulations clarified the provisions in AEFLA, and the preamble also discussed our intent to remove 34 CFR part 461. However, we inadvertently omitted language necessary to remove 34 CFR part 461 from the Code of Federal Regulations.

Through this document, we are amending the regulations in title 34 of the Code of Federal Regulations applicable to Programs and Activities Authorized by AEFLA (Title II of WIOA) to remove 34 CFR part 461.

This action is consistent with Executive Order 13777, “Enforcing the Regulatory Reform Agenda,” signed by President Trump on February 24, 2017. That Executive Order established a Federal policy to alleviate unnecessary regulatory burdens on the American people and, in Section 3(a), directed each Federal agency to establish a regulatory reform task force, the duty of which is to evaluate existing regulations and make recommendations to the agency head regarding their repeal, replacement, or modification.

### *Waiver of Proposed Rulemaking and Delayed Effective Date*

Under the Administrative Procedure Act (APA) (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed regulations. However, the APA provides that an agency is not required to conduct notice-and-comment rulemaking when the agency, for good cause, finds that notice and public comment thereon are impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 553(b)(B)). There is good cause to waive rulemaking here as unnecessary.

Rulemaking is “unnecessary” in those situations in which “the administrative rule is a routine determination, insignificant in nature and impact, and inconsequential to the industry and to the public.” *Utility Solid Waste Activities Group v. EPA*, 236 F.3d 749, 755 (D.C. Cir. 2001), quoting U.S. Department of Justice, *Attorney General’s Manual on the Administrative Procedure Act* 31 (1947) and *South Carolina v. Block*, 558 F. Supp. 1004, 1016 (D.S.C. 1983).

This regulatory action merely effectuates our intent from the 2016 rulemaking to remove 34 CFR part 461 from the Code of Federal Regulations. In 2016, when we intended to remove 34 CFR part 461 from the Code of Federal Regulations, we provided notice and an opportunity to comment on this regulatory action. At that time, we received no comments regarding the proposed removal of 34 CFR part 461. Furthermore, these regulations were promulgated under the National Literacy Act (Pub. L. 102–73) (NLA) in 1992, which was superseded by Title II of the Workforce Investment Act of 1998. Therefore, there is good cause to remove 34 CFR part 461.

The APA also generally requires that regulations be published at least 30 days before their effective date, unless the agency has good cause to implement its regulations sooner (5 U.S.C. 553(d)(3)). For the same reasons there is good cause to waive rulemaking under 5 U.S.C. 553(b)(B), there is good cause to make these final regulations effective upon publication.

### *Regulatory Flexibility Act Certification*

Pursuant to 5 U.S.C. 601(2), the Regulatory Flexibility Act applies only to rules for which an agency publishes a general notice of proposed rulemaking. The Regulatory Flexibility Act does not apply to this rulemaking because there is good cause to waive notice and comment under 5 U.S.C. 553.

### *Paperwork Reduction Act of 1995*

This rule does not contain any information collection requirements. The previously OMB-approved information collection (OMB Control Number 1800–0026) associated with 34 CFR part 461 expired on 03/01/2006.

### *Accessible Format*

Individuals with disabilities can obtain this document in an accessible format (e.g., Braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

### *Electronic Access to This Document*

The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations via the Federal Digital System at: [www.govinfo.gov](http://www.govinfo.gov). At this site, you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at this site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

### **List of Subjects in 34 CFR Part 461**

Adult education, Grant programs—education, Reporting and recordkeeping requirements, Teachers.

Dated: February 26, 2019.

**Scott Stump**,

*Assistant Secretary for Career, Technical, and Adult Education.*

### **PART 461—[Removed and Reserved]**

For the reasons discussed in the preamble, and under the authority of section 414 of the Department of Education Organization Act, 20 U.S.C. 3474, and section 437 of the General Education Provisions Act (20 U.S.C. 1221e–3), the Secretary of Education amends chapter IV of title 34 of the Code of Federal Regulations by removing and reserving part 461.

[FR Doc. 2019–03660 Filed 2–28–19; 8:45 am]

**BILLING CODE 4000–01–P**

## **DEPARTMENT OF THE INTERIOR**

### **Office of the Secretary of the Interior**

#### **43 CFR Part 10**

[NPS–WASO–NAGPRA–27233;  
PPWOVPADU0/PPMPRL1Y.Y00000]

**RIN 1024–AE56**

### **Civil Penalties Inflation Adjustments**

**AGENCY:** Office of the Secretary, Interior.

**ACTION:** Final rule.

**SUMMARY:** This rule revises U.S. Department of the Interior regulations implementing the Native American Graves Protection and Repatriation Act to provide for annual adjustments of civil penalties to account for inflation under the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 and Office of Management and Budget guidance. The purpose of these adjustments is to maintain the deterrent effect of civil penalties and to further the policy goals of the underlying statutes.

**DATES:** This rule is effective on March 1, 2019.

**FOR FURTHER INFORMATION CONTACT:** Melanie O’Brien, Manager, National NAGPRA Program, National Park Service, 1849 C Street NW, Washington, DC 20240.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

On November 2, 2015, the President signed into law the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of Pub. L. 114–74) (“the Act”). The Act requires Federal agencies to adjust the level of civil monetary penalties annually for inflation no later than January 15 of each year.

##### **II. Calculation of Annual Adjustments**

The Office of Management and Budget (OMB) recently issued guidance to assist Federal agencies in implementing the annual adjustments required by the Act which agencies must complete by January 15, 2019. See December 14, 2018, Memorandum for the Heads of Executive Departments and Agencies, from Mick Mulvaney, Director, Office of Management and Budget, re: *Implementation of Penalty Inflation Adjustments for 2019, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (M–19–04). The guidance states that the cost-of-living adjustment multiplier for 2019, based on the Consumer Price Index (CPI–U) for the month of October 2018, not seasonally