

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL OH E5 Marion, OH [Amended]

Marion Municipal Airport, OH
(Lat. 40°36'59" N, long. 83°03'49" W)
Buckeye VOR
(Lat. 40°37'00" N, long. 83°03'50" W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Marion Municipal Airport, and within 9.6 miles north and 6 miles south of the 081° radial from the Buckeye VOR extending from the 6.5-mile radius to 7 miles east of the Buckeye VOR.

Issued in Fort Worth, Texas, on August 12, 2019.

Johanna Forkner,

*Acting Manager, Operations Support Group,
ATO Central Service Center.*

[FR Doc. 2019–17797 Filed 8–19–19; 8:45 am]

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DEPARTMENT OF DEFENSE**Department of the Navy****32 CFR Part 701**

[Docket ID: USN–2017–HQ–0008]

RIN 0703–AB17

Availability of Department of the Navy Records and Publication of Department of the Navy Documents Affecting the Public

AGENCY: Department of the Navy, DoD.

ACTION: Final rule.

SUMMARY: This final rule amends the CFR by removing DoD's regulation concerning the Department of the Navy (DoN) Privacy Program. On April 11, 2019, DoD published a revised DoD-level Privacy Program rule, which contains the necessary information for an agency-wide Privacy Program regulation under the Privacy Act and

now serves as the single Privacy Program rule for the Department. That revised Privacy Program rule also includes all DoD component exemption rules. Therefore, subparts F through G of part 701 are now unnecessary and may be removed from the CFR.

DATES: This rule is effective on August 20, 2019.

FOR FURTHER INFORMATION CONTACT:

Steven Daughety at 703–697–0045.

SUPPLEMENTARY INFORMATION: DoD now has a single DoD-level Privacy Program rule at 32 CFR part 310 (84 FR 14728) that contains all the codified information required for the Department. The DoN Privacy program regulations in subparts F through G of 32 CFR part 701, last updated on November 16, 2007 (72 FR 64538), are no longer required and can be removed.

It has been determined that publication of the removal of these CFR subparts for public comment is impracticable, unnecessary, and contrary to public interest because it is based on the removal of policies and procedures that are either now reflected in another CFR part, 32 CFR 310, or are publicly available on the Department's website. To the extent that DON internal guidance concerning the implementation of the Privacy Act within the DON is necessary, it will continue to be published in SECNAVINST 5211.5F, "Department of the Navy Privacy Program," available at <https://www.doncio.navy.mil/ContentView.aspx?id=799>, dated May 20, 2019.

This rule is one of 20 separate component Privacy rules. With the finalization of the DoD-level Privacy rule at 32 CFR part 310, the Department eliminated the need for this component Privacy rule, thereby reducing costs to the public as explained in the preamble of the DoD-level Privacy rule published on April 11, 2019, at 84 FR 14728–14811.

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 701

Privacy.

Accordingly, 32 CFR part 701 is amended as follows:

PART 701—AVAILABILITY OF DEPARTMENT OF THE NAVY RECORDS AND PUBLICATION OF DEPARTMENT OF THE NAVY DOCUMENTS AFFECTING THE PUBLIC

■ 1. The authority citation for part 701 continues to read as follows:

Authority: 5 U.S.C. 552.

Subparts F and G—[Removed and Reserved]

■ 2. Amend part 701 by removing and reserving subparts F through G, consisting of §§ 701.100 through 701.129.

Dated: August 12, 2019.

D.J. Antenucci,

*Commander, Judge Advocate General's Corps,
U.S. Navy, Federal Register Liaison Officer.*

[FR Doc. 2019–17872 Filed 8–19–19; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 117**

[Docket No. USCG–2019–0442]

RIN 1625–AA09

Drawbridge Operation Regulation; Bronx River, Bronx, NY

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is removing the existing drawbridge operation regulation for the Bruckner Boulevard Bridge across the Bronx River, mile 1.1, Bronx, New York. The drawbridge was replaced with a fixed bridge in December 2014 and the operating regulation is no longer applicable or necessary.

DATES: This rule is effective August 20, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG–2019–0442. In the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rulemaking.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Ms. Stephanie Lopez, Bridge Management Specialist, First Coast Guard District Bridge Program, telephone 212–514–4335, email Stephanie.E.Lopez@USCG.MIL.

SUPPLEMENTARY INFORMATION:**I. Table of Abbreviations**

CFR Code of Federal Regulations
 DHS Department of Homeland Security
 FR Federal Register
 Pub. L. Public Law
 § Section
 U.S.C. United States Code

II. Background Information and Regulatory History

Under 5 U.S.C. 553(b), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the Bruckner Boulevard Bridge, that once required draw operations in 33 CFR 117.771(a), was replaced with a fixed bridge in December 2014. Therefore, the regulation 33 CFR 117.771 (a) is no longer applicable and shall be removed from publication. It is unnecessary to publish an NPRM because this regulatory action does not purport to place any restrictions on mariners but rather removes a restriction that has no further use or value.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective in less than 30 days after publication in the **Federal Register**. The bridge has been a fixed bridge over Bronx River for 54 months and this rule merely requires an administrative change to the **Federal Register**, in order to omit a regulatory requirement that is no longer applicable or necessary. The modification has already taken place and the removal of the regulation will not affect mariners currently operating on this waterway. Therefore, a delayed effective date is unnecessary.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority 33 U.S.C. 499.

The Bruckner Boulevard Bridge across the Bronx River, mile 1.1 was modified with a fixed bridge in December 2014. It has come to the attention of the Coast Guard that the governing regulation for this drawbridge was never removed subsequent to the completion of the fixed bridge that replaced the Bruckner Boulevard Bridge. The elimination of this drawbridge necessitates the removal of the drawbridge operation regulation, 33 CFR 117.771(a) and the modification of 33 CFR 117.771(c), that pertain to the former drawbridge.

The purpose of this rule is to remove the no longer applicable section of 33 CFR 117.771(a) and modify 33 CFR 117.771(c), which refers to the Bruckner Boulevard Bridge at mile 1.1, from the Code of Federal Regulations since it

governs a bridge that is no longer able to be opened.

IV. Discussion of Final Rule

The Coast Guard is changing the regulation in 33 CFR 117.771 by removing restrictions and eliminating regulatory burden related to draw operations for this bridge that is no longer a drawbridge. The change removes the section 33 CFR 117.771(a) of the regulation governing the Bruckner Boulevard Bridge since the bridge has been modified to a fixed bridge. This rule also modifies section 33 CFR 117.771(c) by removing reference to the requirement that the Bruckner Boulevard Bridge maintain clearance gauges. This Final Rule seeks to update the Code of Federal Regulations by removing language that governs the operation of the Bruckner Boulevard Bridge, which is no longer a drawbridge. This change does not affect waterway or land traffic. This change does not affect nor does it alter the operating schedules in § 33 CFR 117.771 that govern the remaining active drawbridge on Bronx River and connecting waterways.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive Orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive Orders, and we discuss First Amendment rights of protesters.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 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. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a “significant regulatory action,” under Executive Order 12866. Accordingly, it has not been reviewed by the Office of Management and Budget (OMB) and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

The Coast Guard does not consider this rule to be “significant” under that Order because it is an administrative change and does not affect the way vessels operate on the waterway. This regulatory action determination is based on the fact that the bridge was replaced by a fixed bridge and no longer operates as a drawbridge. The removal of the operating schedule from 33 CFR 117 Subpart B will have no effect on the movement of waterway or land traffic.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. 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. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

For the reasons stated in section V.A above this final rule would not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

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). 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.

C. 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).

D. Federalism and Indian Tribal Government

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the 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 that Order and

have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does 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. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

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 Management Directive 023–01 and Environmental Planning COMDTINST 5090.1 (series), 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 which do not individually or cumulatively have a significant effect on the human environment. This rule simply promulgates the operating regulations or procedures for drawbridges. It is categorically excluded from further review under paragraph A3 in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures 5090.1.

A preliminary Record of Environmental Consideration and a Memorandum for the Record are not required for this rule.

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 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

§ 117.771 [Amended]

■ 2. In § 117.771:

- A. Remove paragraph (a) and redesignate paragraph (b) as paragraph (a), and;
- B. Redesignate paragraph (c) as paragraph (b), and;
- C. In the newly redesignated paragraph (b), remove “Bruckner Boulevard Bridge, mile 1.1 and the” and “both”.

Dated: July 29, 2019.

A.J. Tionsgon,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 2019–17938 Filed 8–19–19; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2019–0721]

Safety Zones; Recurring Events in Captain of the Port Duluth Zone—Lake Superior Dragon Boat Festival Fireworks

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone for the Lake Superior Dragon Boat Festival Fireworks in Superior, WI from 08:30 p.m. through 10:00 p.m. on August 23, 2019. This action is necessary to protect participants and spectators during the Lake Superior Dragon Boat Festival Fireworks. During the enforcement period, entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Duluth or their designated on-scene representative.

DATES: The regulations in Table 1 to § 165.943(10) of 33 CFR 165.943 for the Lake Superior Dragon Boat Festival Fireworks safety zone will be enforced from 8:30 p.m. through 10:00 p.m. on August 23, 2019.

FOR FURTHER INFORMATION CONTACT: If you have questions on this document, call or email LT Abbie Lyons, Chief of Waterways Management, Coast Guard; telephone (218) 725–3818, email DuluthWWM@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone for the annual Lake Superior Dragon Boat Festival Fireworks in Table 1 to § 165.943(10) of 33 CFR 165.943 from 08:30 p.m. through 10:00 p.m. on August 23, 2019, on all waters of Superior Harbor bounded by the arc of a circle with a 300-foot radius from the fireworks launch site with its center in position 46°43′28″ N, 092°03′47″ W.

Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Duluth or their designated on-scene representative. The Captain of the Port's designated on-scene representative may be contacted via VHF Channel 16.

This document is issued under authority of 33 CFR 165.943 and 5 U.S.C. 552 (a). In addition to this publication in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of the enforcement of this safety zone via Broadcast Notice to Mariners. The Captain of the Port Duluth or their on-scene representative may be contacted via VHF Channel 16.

Dated: August 14, 2019.

F.M. Smith,

Commander, U.S. Coast Guard, Captain of the Port.

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