

promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class E airspace extending upward from 700 feet above the surface for Isbell Field Airport, Fort Payne, AL, to support standard instrument approach procedures for IFR operations at this airport.

#### History

The FAA published a notice of proposed rulemaking in the **Federal Register** (84 FR 10451, March 21, 2019) for Docket No. FAA-2019-0140 to amend Class E airspace extending upward from 700 feet above the surface for Isbell Field Airport, Fort Payne, AL, due to the decommissioning of the Fort Payne NDB and cancellation of the NDB approach. Also, the airport's geographic coordinates, as well as the name and geographic coordinates of Dekalb Regional Medical Center Heliport, which is contained within the legal description of the Isbell Field Airport airspace were proposed to be updated.

Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in Paragraph 6005 of FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

#### Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018. FAA Order 7400.11C is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11C lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

#### The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 amends Class E airspace extending upward from 700 feet above the surface at Isbell Field Airport, Fort Payne, AL, by increasing the airport radius to 10.6 miles (increased from 7.4 miles),

eliminating the northwest extension of the airport, and creating a 13.5-mile extension southwest of the airport, to accommodate airspace reconfiguration due to the decommissioning of the Fort Payne NDB and cancellation of the NDB approach. This action also removes the city name below the description header, to comply with FAA Order 7400.2M, Procedures for Handling Airspace Matters; removing the city associated with the airport from the airspace legal description. These changes are necessary for continued safety and management of IFR operations at this airport.

The geographic coordinates of the airport are adjusted to coincide with the FAA's aeronautical database. Also, the name and geographic coordinates of Dekalb Regional Medical Center Heliport, (formerly Dekalb Medical Center) are updated to coincide with the FAA's aeronautical database.

#### Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," paragraph 5-6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

#### Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

#### 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, 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.*

\* \* \* \* \*

#### ASO AL E5 Fort Payne, AL [Amended]

Isbell Field Airport, AL  
(Lat. 34°28'25" N, long. 85°43'17" W)  
Dekalb Regional Medical Center Heliport, AL  
(Lat. 34°26'32" N, long. 85°45'21" W)

That airspace extending upward from 700 feet above the surface within a 10.6-mile radius of the Isbell Field Airport, and within 4 miles each side of the 220° bearing from the airport, extending from the 10.6-mile radius to 13.6 miles southwest of the airport, and that airspace within a 6-mile radius of Dekalb Regional Medical Center Heliport.

Issued in College Park, Georgia, on May 23, 2019.

**Geoff Lelliott,**

*Acting Manager, Operations Support Group,  
Eastern Service Center, Air Traffic  
Organization.*

[FR Doc. 2019-11498 Filed 6-3-19; 8:45 am]

**BILLING CODE 4910-13-P**

#### DEPARTMENT OF HOMELAND SECURITY

#### Coast Guard

#### 33 CFR Part 100

[Docket Number USCG-2018-1098]

RIN 100-AA08

#### Special Local Regulations; Annual Boyne Thunder Poker Run; Charlevoix, MI

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is adding a special local regulation to increase

safety in the navigable waters of Round Lake and Pine River Channel, Charlevoix, MI, during the annual Boyne Thunder Poker Run. The regulation will allow the Coast Guard Patrol Commander to control vessel traffic during the event in this small and restricted waterway. The regulation will be enforced during the day of the event. The date and time will be announced via a Notice of Enforcement.

**DATES:** This regulation is effective July 13, 2019.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket go to <http://www.regulations.gov>. Type the docket number (USCG-2018-1098) in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email MST2 Blackledge, Waterways Management, Coast Guard Sector Sault Sainte Marie, U.S. Coast Guard; telephone 906-253-2443, email [Onnalee.A.Blackledge@uscg.mil](mailto:Onnalee.A.Blackledge@uscg.mil).

**SUPPLEMENTARY INFORMATION:**

## I. Table of Abbreviations

CFR Code of Federal Regulations  
COTP Captain of the Port  
DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of proposed rulemaking  
§ Section  
U.S.C. United States Code

## II. Background, Purpose, and Legal Basis

The Annual Boyne Thunder Poker Run is a charity marine event occurring in the month of July with a route that runs from Boyne City out to Lake Michigan and back to Boyne City. This event, occurring annually for the past 15 years, includes approximately 100 participants in offshore type power vessels. Round Lake and Pine River Channel are small restricted waterways that normally have a variety of recreational users and a commercial ferry that provides service to Beaver Island. This mix of vessels in close proximity to the event warrants additional safety measures. In response, the Coast Guard published a notice of proposed rulemaking (NPRM) on March 11, 2019 (84 FR 8641). There, we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this Special Local Regulation. During the comment period that ended May 10th 2019, we received no comments.

The regulation will be enforced during the day of the event. The date and time will be announced via a Notice

of Enforcement published in the **Federal Register**.

The legal basis for this final rulemaking is found at 46 U.S.C. 70041; 33 CFR 1.05-1.

## III. Discussion of Proposed Rule

We received no comments from the NPRM published March 11, 2019. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM. The Captain of the Port Sault Sainte Marie (COTP) has determined that adding the Annual Boyne City Poker Run to the list of Special Local Regulations in the navigable waters of Round Lake and Pine River Channel in Charlevoix, MI is the most practical way to ensure the safety of the boating public.

## IV. 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 protestors.

### 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, the rule 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.

This regulatory action determination is based on the size, location, duration, and time-of-day for the Special Local Regulation. Vessel traffic will be able to safely transit through the regulated area, with the permission of the Patrol Commander, which will impact a small designated area within the COTP zone for a short duration of time. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF-FM marine channel 16 about the special local area.

### B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 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.

While some owners or operators of vessels intending to transit the regulated area may be small entities, for the reasons stated in section IV.A. above, this rule will 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 will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

### D. Federalism and Indian Tribal Governments

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 would 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 made a determination 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 prohibits vessels from entering, transiting through, or anchoring within the regulated area without the permission of the Coast Guard Patrol Commander. Normally such actions are categorically excluded from further review under paragraph L61 in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures 5090.1. 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 100

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

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

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

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

■ 2. Add § 100.929 to read as follows:

#### § 100.929 Special Local Regulations; Annual Boyne Thunder Poker Run; Charlevoix, MI.

(a) *Regulated area.* The special local regulations in this section apply to all U.S. navigable waters of Round Lake and Pine River Channel, Charlevoix, MI, within an area bordered by a line at the entrance of the Pine River Channel charted in position 45°19'15" N, 085°15'55" W to 45°19'13" N, 085°15'55" W to the southeast end of Round Lake charted in position 45°18'57" N, 085°14'49" W to 45°18'56" N, 085°14'50" W.

(b) *Special local regulation.* The regulations of § 100.901 apply. No vessel may enter, transit through, or anchor within the regulated area in this section without the permission of the Coast Guard Patrol Commander.

(c) *Enforcement period.* The Coast Guard will issue a Notice of Enforcement with the exact time and date in July that the regulated area in this section will be enforced.

Dated: May 24, 2019.

**P.S. Nelson,**

*Captain, U.S. Coast Guard, Captain of the Port Sault Sainte Marie.*

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#### DEPARTMENT OF EDUCATION

#### 34 CFR Chapter II

[Docket ID: ED–2018–OESE–0122; CFDA Number: 84.356A]

#### Final Definitions and Requirements—Alaska Native Education (ANE) Program

**AGENCY:** Office of Elementary and Secondary Education, Department of Education.

**ACTION:** Final definitions and requirements.

**SUMMARY:** The Assistant Secretary for Elementary and Secondary Education (Assistant Secretary) announces definitions and requirements under the ANE program. The Assistant Secretary may use one or more of these definitions and requirements for competitions in fiscal year (FY) 2019 and later years. We are establishing these definitions and requirements to clarify the eligibility requirements for the program, based upon changes that the Every Student Succeeds Act (ESSA) made to the Elementary and Secondary Act of 1965 (ESEA).

**DATES:** These definitions and requirements are effective July 5, 2019.

**FOR FURTHER INFORMATION CONTACT:** Almita Reed, U.S. Department of Education, 400 Maryland Avenue SW, Room 3E222, Washington, DC 20202. Telephone: (202) 260–1979. Email: [OESE.ASKANEP@ed.gov](mailto:OESE.ASKANEP@ed.gov).

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

#### SUPPLEMENTARY INFORMATION:

*Purpose of Program:* The purpose of the ANE program is to support innovative projects that recognize and address the unique education needs of Alaska Natives. These projects must include activities authorized under section 6304(a)(2) of the ESEA, and may include one or more activities authorized under section 6304(a)(3) of the ESEA.

*Program Authority:* Title VI, part C of the ESEA (20 U.S.C. 7541–7546).

We published a notice of proposed definitions and requirements for this program (NPP) in the **Federal Register** on December 27, 2018 (83 FR 66655). That document contained background information and our reasons for proposing the particular definitions and requirements.

There is one change to the proposed definitions and requirements in the final definitions and requirements. We are allowing “experience operating programs that fulfill the purposes of this part” to include experience operating either Federal or non-Federal grants serving Alaska Natives. In addition, we have clarified the definition of “official charter or sanction,” the Group Application Requirement, and the definition of “experience operating programs that fulfill the purposes of the ANE program.”

*Public Comment:* In response to our invitation in the NPP, two parties submitted comments on the proposed definitions and requirements.