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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2017-1091; Airspace Docket No. 17-AWP-26]

RIN 2120-AA66

#### Amendment of Class D and Class E Airspace; Atwater, CA

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule, technical amendment.

**SUMMARY:** This action amends the legal description of the Class D airspace area at Atwater, CA. The FAA identified an error in a bearing contained in the Class D airspace legal description. The bearing from the airport is corrected to have the legal description coincide with the graphical representation of the airspace. This change is editorial only and does not alter the current charted boundaries, altitudes, or ATC procedures for Castle Airport, Atwater, CA.

**DATES:** Effective 0901 UTC, April 25, 2019. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

**ADDRESSES:** FAA Order 7400.11, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line at [http://www.faa.gov/air\\_traffic/publications/](http://www.faa.gov/air_traffic/publications/). For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: 202-267-8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this

material at NARA, call 202-741-6030, or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

#### FOR FURTHER INFORMATION CONTACT:

Richard Roberts, Federal Aviation Administration, Operations Support Group, Western Service Center, 2200 S. 216th St., Des Moines, WA 98198-6547; telephone (206) 231-2245.

#### SUPPLEMENTARY INFORMATION:

##### Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is 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 D airspace at Castle Airport, Atwater, CA.

##### History

The Aeronautical Information Services branch identified a typographical error in a bearing used in the legal description. The legal description identified a bearing of 114° instead of 144°. This action makes this correction.

Class D airspace designations are published in paragraph 5000 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 D airspace designations 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 dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR

part 71.1. 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 the legal description of the Class D airspace Castle Airport, Atwater, CA. The typographical error of the Airport Reference Point bearing of 114° is changed to 144° to coincide with the graphical representation provided to the public.

This action is a minor editorial change that does not alter the currently charted boundaries, altitudes, or ATC procedures for Castle Airport, Atwater, CA, therefore I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary and contrary to the public interest.

##### 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, is non-controversial and unlikely to result in adverse or negative comments. 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(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 5000.*

\* \* \* \* \*

##### **AWP CA D ATWATER, CA [AMENDED]**

Castle Airport, CA

(Lat. 37°22'50" N, long. 120°34'06" W)

That airspace extending upward from the surface up to but not including 2,000 feet MSL within a 4.6-mile radius of Castle Airport beginning at the 278° bearing from the airport clockwise to the 144° bearing, thence northwest to the point where the 182° bearing intersects the Merced Regional/Macready Airport Class E2, thence to the point of beginning. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Issued in Seattle, Washington, on February 15, 2019.

**Shawn A. Kozica,**

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

[FR Doc. 2019–03095 Filed 2–22–19; 8:45 am]

**BILLING CODE 4910–13–P**

#### **DEPARTMENT OF VETERANS AFFAIRS**

#### **38 CFR Parts 38 and 39**

**RIN 2900–AQ36**

#### **Prohibition of Interment or Memorialization of Persons Who Have Been Convicted of Federal or State Capital Crimes or Certain Sex Offenses**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** The Department of Veterans Affairs (VA) amends its national cemetery regulations prohibiting the interment or memorialization of certain persons who have been convicted of Federal or State capital crimes. This final rule incorporates the statutory prohibition against interment or memorialization in a VA national cemetery or VA-funded State or Tribal veterans' cemetery of a person who has been convicted of a Federal or State crime causing the person to be a tier III sex offender for purposes of the Sex Offender Registration and Notification Act; who, for such crime, is sentenced to a minimum of life imprisonment; and whose conviction is final (other than a person whose sentence was commuted by the President or Governor of a State). This prohibition was enacted as part of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012.

**DATES:** This rule is effective on February 25, 2019.

**FOR FURTHER INFORMATION CONTACT:** Eric D. Powell, Deputy Director, Memorial Programs Service, Office of Field Programs, National Cemetery Administration (NCA), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 632–8670 (This is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** Title 38, U.S.C., section 2411 originally prohibited the interment or memorialization in a VA national cemetery of an individual who had been convicted of a Federal or State capital crime or had been found to have committed a Federal or State capital crime but had not been convicted of such crime due to the person's death or flight to avoid prosecution. VA published regulations implementing this prohibition applicable to VA national cemeteries at 38 CFR 38.617 and 38.618, and for State and Tribal veteran cemeteries funded through grants from VA at 38 CFR 39.10(b). The Dignified Burial and Other Veterans' Benefits Improvement Act of 2012, Public Law 112–260, Sec. 105 (codified at 38 U.S.C. 2411(b)(4)), expanded the

prohibition on interment or memorialization in a VA national cemetery to include an individual who has been convicted of a Federal or State crime causing the person to be a tier III sex offender for purposes of the Sex Offender Registration and Notification Act (42 U.S.C. 16901, *et seq.*); who, for such crime, is sentenced to a minimum of life imprisonment; and whose conviction is final (other than a person whose sentence was commuted by the President or Governor of a State).

The Sex Offender Registration and Notification Act was previously codified at 42 U.S.C. 16901, *et seq.*, but has been transferred to 34 U.S.C. 20901, *et seq.* A "tier III sex offender" is defined at 34 U.S.C. 20911(4) to mean a sex offender whose offense is punishable by imprisonment for more than 1 year and (1) is comparable to or more severe than aggravated sexual abuse or sexual abuse (18 U.S.C. 2241 and 2242) or abusive sexual contact (18 U.S.C. 2244) against a minor who has not attained the age of 13 years, or is an attempt or conspiracy to commit such offenses; or (2) involves kidnapping of a minor (unless the offense is committed by a parent or guardian); or (3) occurs after the offender becomes a tier II sex offender.

This final rule amends VA regulations to accurately reflect the statutory mandate in 38 U.S.C. 2411, including the prohibition added by Public Law 112–260, Sec. 105. VA has acted in compliance with the statutory mandate prohibiting interment or memorialization to individuals who meet the statutory definitions since enactment of Public Law 112–260, and this final rule brings VA's regulations into compliance with the statutory mandate. In addition, VA is making technical amendments to 38 CFR 38.617 to clarify that the prohibition added by Public Law 112–260 also prohibits individuals who meet the statutory definitions from receiving other memorialization benefits, even outside the national cemeteries. Although the language in 38 U.S.C. 2411 prohibits burial and memorialization only in VA national cemeteries, the prohibition also pertains to other types of memorialization provided by VA in other statutes. In particular, 38 U.S.C. 2306(h) prohibits provision of the various types of headstone and marker benefits to individuals identified in 38 U.S.C. 2411(b), including those buried in cemeteries other than VA national cemeteries. Similarly, 38 U.S.C. 112(c) prohibits the provision of a Presidential Memorial Certificate to any individual identified in 38 U.S.C. 2411(b), and 38 U.S.C. 2301(g) prohibits VA from providing a United States flag to drape