

D. Executive Order 12988 (Civil Justice Reform)

Pursuant to Executive Order 12988 (61 FR 4729 (February 7, 1996)), “Civil Justice Reform,” the agencies have considered whether this rule would have any retroactive effect. We conclude that it would not have any retroactive or preemptive effect, and judicial review of it may be obtained pursuant to 5 U.S.C. 702. That section does not require that a petition for reconsideration be filed prior to seeking judicial review. This action meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

E. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et seq.*), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct, sponsor, or require through regulations. This rulemaking would not establish any new information collection requirements.

F. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in expenditures by State, local or tribal governments, in the aggregate, or by the private sector, of more than \$100 million annually (adjusted annually for inflation with base year of 1995). This final rule would not meet the definition of a Federal mandate because the resulting annual State expenditures to comply with the programs would not exceed the minimum threshold.

G. National Environmental Policy Act

NHTSA has considered the impacts of this rulemaking action for the purposes of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4347). The agency has determined that this rulemaking would not have a significant impact on the quality of the human environment. FHWA has analyzed this action for the purposes of NEPA and has determined that it would not have any effect on the quality of the environment and meets the criteria for the categorical exclusion at 23 CFR 771.117(c)(20).

H. Executive Order 13175 (Consultation and Coordination With Indian Tribes)

The agencies have analyzed this IFR under Executive Order 13175, and have

determined that this action would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal law. Therefore, a tribal summary impact statement is not required.

I. Regulatory Identifier Number (RIN)

The Department of Transportation assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Regulatory and Deregulatory Actions. The Regulatory Information Service Center publishes the Unified Agenda in or about April and October of each year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

J. Privacy Act

Please note that anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT’s complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477) or you may visit <http://dms.dot.gov>.

Authority: 23 U.S.C. 154 and 164; delegation of authority at 49 CFR 1.85 and 1.95.

List of Subjects in 23 CFR Parts 1270 and 1275

Alcohol abuse, Highway safety, Intergovernmental relations, Reservation and transfer programs—transportation.

For the reasons discussed in the preamble, under the authority of 23 U.S.C. 154 and 164, the National Highway Traffic Safety Administration and the Federal Highway Administration amend 23 CFR chapter II as follows:

PART 1270—OPEN CONTAINER LAWS

■ 1. The authority citation for part 1270 continues to read as follows:

Authority: 23 U.S.C. 154; delegation of authority at 49 CFR 1.85 and 1.95.

■ 2. Amend § 1270.8 by revising the first sentence of paragraph (b) to read as follows:

§ 1270.8 Procedures affecting States in noncompliance.

* * * * *

(b) Each State whose funds are reserved under § 1270.6 will be afforded 30 days from the date the funds are

reserved to submit documentation showing why it is in compliance. * * *

PART 1275—REPEAT INTOXICATED DRIVER LAWS

■ 3. The authority citation for part 1275 continues to read as follows:

Authority: 23 U.S.C. 164; delegation of authority at 49 CFR 1.85 and 1.95.

■ 4. Amend § 1275.4 by revising paragraph (b)(2) to read as follows:

§ 1275.4 Compliance criteria.

* * * * *

(b) * * *

(2) The individual is certified in writing by a physician as being unable to provide a deep lung breath sample for analysis by an ignition interlock device.

■ 5. Amend § 1275.8 by revising the first sentence of paragraph (b) to read as follows:

§ 1275.8 Procedures affecting States in noncompliance.

* * * * *

(b) Each State whose funds are reserved under § 1275.6 will be afforded 30 days from the date the funds are reserved to submit documentation showing why it is in compliance (which may include a “general practice” certification under § 1275.5). * * *

Issued in Washington, DC, on: February 1, 2019.

Under authority delegated in 49 CFR 1.95 and 501.5.

Heidi R. King,

Deputy Administrator, National Highway Traffic Safety Administration.

Issued in Washington, DC, on: February 1, 2019.

Under authority delegated in 49 CFR 1.85.

Brandye L. Hendrickson,

Deputy Administrator, Federal Highway Administration.

[FR Doc. 2019–01647 Filed 2–7–19; 8:45 am]

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DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 809a

[Docket ID: USAF–2018–HQ–0007]

RIN 0701–AA84

Civil Disturbance Intervention and Disaster Assistance

AGENCY: Department of the Air Force, DoD.

ACTION: Final rule.

SUMMARY: This final rule amends this part by removing the portion which

addresses the Department of the Air Force Civil Disturbance Intervention and Disaster Assistance. The current version of this rule was published March 26, 2002. This rule provides internal guidance for the use of Air Force resources and personnel in controlling civil disturbances and in supporting disaster relief operations. Subpart B is unnecessary as it restates existing statute, and there exists DoD-level policy for the execution and oversight of Defense Support of Civil Authorities (DSCA). The Air Force also has internal procedures and standards for the DSCA mission and operations. Therefore, this part can be removed from the CFR.

DATES: This rule is effective on February 8, 2019.

FOR FURTHER INFORMATION CONTACT: Maj. Michael, J. Kwon at 703-693-4459.

SUPPLEMENTARY INFORMATION: It has been determined that publication of this CFR subpart removal for public comment is impracticable, unnecessary, and contrary to public interest since it is based on removing information which either restates statute (Stafford Act (42 U.S.C. 5121-5207) and the Economy Act (31 U.S.C. 1535)) or is duplicative of publicly available DoD and Air Force internal policy. Internal guidance for the DoD policy execution and oversight of DSCA will continue to be published in DoD Directive 3025.18, "Defense Support of Civil Authorities" (available at <http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodd/302518p.pdf?ver=2018-03-19-093120-683>). Department of the Air Force internal guidance will continue to be published in Air Force Instruction 10-801 (available at http://static.e-publishing.af.mil/production/1/af_a3/publication/afi10-801/afi10-801.pdf).

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 809a

Civil defense, Civil disorders, Disaster assistance, Federal buildings and facilities, Foreign relations, Law enforcement, Military personnel.

Accordingly, 32 CFR part 809a is amended as follows:

PART 809a—INSTALLATION ENTRY POLICY, CIVIL DISTURBANCE INTERVENTION AND DISASTER ASSISTANCE

■ 1. The authority citation for part 809a continues to read as follows:

Authority: 10 U.S.C. 332 and 333.

Subpart B—[Removed and Reserved]

■ 2. Subpart B, consisting of §§ 809a.6 through 809a.11 is removed and reserved vv.

Henry Williams,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2019-01666 Filed 2-7-19; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2018-0952]

RIN 1625-AA09

Drawbridge Operation Regulations; Industrial Seaway Canal, MS

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations; request for comments.

SUMMARY: The Coast Guard is issuing a temporary deviation to the operating schedule that regulates the State Route 605 (SR 605), Wilkes Road bascule bridge across the Industrial Seaway Canal, mile 11.3 at Hansboro, Harrison County, Mississippi. This deviation is needed to collect and analyze information on vehicle traffic congestion on SR 605 created when the drawbridge opens to vessel traffic. This deviation allows the bridge to remain closed to navigation. The Coast Guard is seeking comments from the public about the impact to both vehicle and vessel traffic generated by this change.

DATES: This deviation is effective from 6 a.m. February 8, 2019 through 6 p.m. June 10, 2019.

Comments and related material must be received by the Coast Guard on or before June 10, 2019.

ADDRESSES: You may submit comments identified by docket number USCG-2018-0952 using Federal eRulemaking Portal at <http://www.regulations.gov>. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rulemaking, call or email Mr. Doug Blakemore, Eighth Coast Guard District Bridge Administrator; telephone (504) 671-2128, email Douglas.A.Blakemore@uscg.mil.

SUPPLEMENTARY INFORMATION:

Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
MDOT Mississippi Department of Transportation
NPRM Notice of proposed rulemaking
SR State Route
§ Section

I. Background, Purpose and Legal Basis

MDOT has requested to change the operating requirements for the SR 605 bascule bridge across the Industrial Seaway Canal, mile 11.3, at Hansboro, Harrison County, Mississippi. This bridge currently opens on signal according to 33 CFR 117.5. MDOT provided the Coast Guard with a vehicle traffic study that concluded that vehicle traffic becomes very congested on SR 605 during morning and afternoon rush hours and that bridge openings for vessels add to the congestion. MDOT informed the Coast Guard that this traffic congestion backs up from the bridge to the I-10 highway which creates unsafe queues on I-10 and SR 605. This MDOT study and analysis is provided in the docket to this temporary rule.

The 120 day temporary deviation to the regulation will allow MDOT to collect additional vehicle traffic data to measure the impact of bridge closures on traffic congestion. It will also allow the Coast Guard to collect data on the impact of the temporary regulation change on vessels.

This bridge has a vertical clearance of 37.1 feet above mean high water in the closed to vessel position and unlimited vertical clearance in the open to vessel traffic position. From January through December 2017 the bridge opened for vessel traffic 236 times. During this temporary deviation the bridge will operate as follows:

The draw of the SR 605 bascule bridge across the Industrial Seaway Canal, mile 4.5, Hansboro, Harrison County, Mississippi shall open on signal; except the draw need not open 6 a.m. to 8:30 a.m. and 4 p.m. to 6 p.m. Monday through Friday except federal holidays. The bridge will open on signal for emergencies.

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