

State	County	Fee/acre/yr.
	Johnson	10.82
	Laramie	12.81
	Lincoln	32.07
	Natrona	11.11
	Niobrara	9.56
	Park	24.97
	Platte	12.81
	Sheridan	14.68
	Sublette	23.97
	Sweetwater	3.61
	Teton	56.69
	Uinta	13.10
	Washakie	15.81
	Weston	8.33

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2018-0988]

RIN 1625-AA09

Drawbridge Operation Regulations; Old Fort Bayou, 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 609 (SR 609) bascule bridge across the Old Fort Bayou, mile 1.6 at Ocean Springs, Harrison County, Mississippi. This deviation is needed to collect and analyze information on vehicle traffic congestion on SR 609 created when the drawbridge opens to vessel traffic. During this temporary deviation the drawbridge will not open to vessel traffic during specified times.

DATES: This deviation is effective from 6 a.m. February 4, 2019 through 6 p.m. June 4, 2019.

Comments and related material must be received by the Coast Guard on or before June 4, 2019.

ADDRESSES: You may submit comments identified by docket number USCG-2018-0988 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:

I. 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
U.S.C. United States Code

I. Background, Purpose, and Legal Basis

The Mississippi Department of Transportation (MDOT) has requested to change the operating requirements for the SR 609 bascule bridge across the Old Fort Bayou, mile 1.6, at Ocean Springs, Harrison County, Mississippi. This bridge currently operates according to 33 CFR 117.681. MDOT provided the Coast Guard with a vehicle traffic study that concluded that vehicle traffic becomes very congested on SR 609 during morning, noon and afternoon rush hours and that bridge openings for vessels adds to the congestion. 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 regulation change on vessels.

This bridge has a vertical clearance of 26 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 267 times. During this

temporary deviation the bridge will operate as follows:

The draw of the SR 609 bascule bridge across the Old Fort Bayou, mile 1.6, Ocean Springs, Harrison County, Mississippi shall open on signal; except the draw need not open 6:30 a.m. to 8 a.m., 10:45 a.m. to 12:30 p.m., and 4 p.m. to 6 p.m. Monday through Friday except Federal holidays. From 9 p.m. to 5 a.m. the draw shall open on signal if at least eight-hours-notice is given. 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 end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

II. Public Participation and Request for Comments

Public participation is essential to effective rulemaking. The Coast Guard will consider all comments and material received during the comment period. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at <http://www.regulations.gov>. If your material cannot be submitted using <http://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Documents mentioned in this temporary rule change as being available in this docket and all public comments, will be in our online docket at <http://www.regulations.gov> and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

Dated: January 29, 2019.

Douglas Allen Blakemore, Sr.

Bridge Administrator, Eighth Coast Guard District.

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NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

45 CFR Parts 1149 and 1158

RIN 3135-AA33

Civil Penalties Adjustment for 2019

AGENCY: National Endowment for the Arts, National Foundation on the Arts and the Humanities.

ACTION: Final rule.

SUMMARY: The National Endowment for the Arts (NEA) is adjusting the maximum civil monetary penalties (CMPs) that may be imposed for violations of the Program Fraud Civil Remedies Act (PFCRA) and the NEA's Restrictions on Lobbying to reflect the requirements of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the 2015 Act). The 2015 Act further amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (the Inflation Adjustment Act) to improve the effectiveness of civil monetary penalties and to maintain their deterrent effect. This final rule provides the 2019 annual inflation adjustments to the initial "catch-up" adjustments made on June 15, 2017, and reflects all other inflation adjustments made in the interim.

DATES: *Effective date:* This rule is effective February 4, 2019. *Applicability*

date: The adjusted civil monetary penalties established by this rule are applicable only to civil penalties assessed on or after January 15, 2019.

FOR FURTHER INFORMATION CONTACT:

Aswathi Zachariah, Assistant General Counsel, National Endowment for the Arts, 400 7th St. SW, Washington, DC 20506, Telephone: 202-682-5418.

SUPPLEMENTARY INFORMATION:

1. Background

On December 12, 2017 the NEA issued a final rule entitled "Federal Civil Penalties Adjustments" which finalized the NEA's June 15, 2017 interim final rule entitled "Implementing the Federal Civil Penalties Adjustment Act Improvements Act", implementing the 2015 Act (section 701 of Pub. L. 114-74), which amended the Inflation Adjustment Act (28 U.S.C. 2461 note) requiring catch-up and annual adjustments to the NEA's CMPs. The 2015 Act requires agencies make annual adjustments to its CMPs for inflation.

A CMP is defined in the Inflation Adjustment Act as any penalty, fine, or other sanction that is (1) for a specific monetary amount as provided by Federal law, or has a maximum amount provided for by Federal law; (2) assessed or enforced by an agency pursuant to Federal law; and (3) assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts.

These annual inflation adjustments are based on the percentage change in the Consumer Price Index for all Urban Consumers (CPI-U) for the month of October preceding the date of the adjustment, relative to the October CPI-U in the year of the previous adjustment. The formula for the amount of a CMP inflation adjustment is prescribed by law, as explained in OMB Memorandum M-16-06 (February 24, 2016), and therefore the amount of the adjustment is not subject to the exercise of discretion by the Chairman of the National Endowment for the Arts (Chairman).

The Office of Management and Budget has issued guidance on implementing and calculating the 2019 adjustment under the 2015 Act.¹ Per this guidance, the CPI-U adjustment multiplier for this annual adjustment is 1.02522. In its prior rules, the NEA identified two CMPs, which require adjustment: The penalty for false statements under the PFCRA and the penalty for violations of the NEA's Restrictions on Lobbying.

¹ OMB Memorandum M-19-04 (December 14, 2018).

With this rule, the NEA is adjusting the amount of those CMPs accordingly.

2. Matters Relating to the 2018-2019 Lapse in Appropriations

The 2015 Act requires adjustments to be made no later than January 15 of every year. Such adjustments are made by the agency after OMB issues its guidance delineating the applicable year's CPI-U adjustment multiplier. Beginning at midnight on December 22, 2018, the agency experienced a lapse in appropriations until January 25, 2019. The agency was unable to complete this rule during the period of a lapse in appropriations. Between January 15, 2019 and the date of publication, no CMPs have been assessed that would have been affected by this rule.

3. Dates of Applicability

The inflation adjustments contained in this rule shall apply to any violations assessed after January 15, 2019.

4. Adjustments

Two CMPs in NEA regulations require adjustment in accordance with the 2015 Act: (1) The penalty associated with the Program Fraud Civil Remedies Act (45 CFR 1149.9) and (2) the penalty associated with Restrictions on Lobbying (45 CFR 1158.400; 45 CFR part 1158, app. A).

A. Adjustments to Penalties Under the NEA's Program Fraud Civil Remedies Act Regulations

The current maximum penalty under the PFCRA for false claims and statements is currently set at \$11,180. The post-adjustment penalty or range is obtained by multiplying the pre-adjustment penalty or range by the percent change in the CPI-U over the relevant time period and rounding to the nearest dollar. Between October 2017 and October 2018, the CPI-U increased by 102.522 percent. Therefore, the new post-adjustment maximum penalty under the PFCRA for false statements is $\$11,180 \times 1.02522 = \$11,461.96$ which rounds to \$11,462. Therefore, the maximum penalty under the PFCRA for false claims and statements will be \$11,462.

B. Adjustments to Penalties Under the NEA's Restrictions on Lobbying Regulations

The penalty for violations of the Restrictions on Lobbying is currently set at a range of a minimum of \$19,639 and a maximum of \$196,387. The post-adjustment penalty or range is obtained by multiplying the pre-adjustment penalty or range by the percent change in the CPI-U over the relevant time