

section 1(b), General Principles of Regulation, and in accordance with Executive Order 13771, "Reducing Regulation and Controlling Regulatory Costs." The Department has determined that this ANPRM is a significant regulatory action under Executive Order 12866, section 3(f), and accordingly this ANPRM has been reviewed by the Office of Management and Budget. Pursuant to guidance issued by OMB, the requirements of E.O. 13771 do not apply to this ANPRM.

This action does not propose or impose any requirements. The ANPRM is being published to seek information from the public regarding the possibility of revising the rules and procedures governing representation and appearance during proceedings before EOIR's immigration courts and the BIA. The requirements of the Regulatory Flexibility Act (RFA) do not apply to this action because, at this stage, it is an ANPRM and not a "rule" as defined in 5 U.S.C. 601. Following review of the comments received in response to this ANPRM, if EOIR decides to proceed with a notice of proposed rulemaking regarding this matter, EOIR will conduct all relevant analyses as required by statute or Executive Order.

Dated: March 5, 2019.

James R. McHenry,

Director.

[FR Doc. 2019-05838 Filed 3-26-19; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 50, 51, 71, 76, 77, 78, 86, 93, and 161

[Docket No. APHIS-2011-0044]

RIN 0579-AD65

Brucellosis and Bovine Tuberculosis; Update of General Provisions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule; partial withdrawal.

SUMMARY: We are announcing a partial withdrawal of a proposed rule published in the *Federal Register* on December 16, 2015, that, if finalized, would have consolidated the regulations governing bovine tuberculosis and those governing brucellosis. Specifically, we are withdrawing those portions of the proposed rule that would have affected the provisions governing our domestic

brucellosis and tuberculosis programs. We are taking this action after considering the comments we received following the publication of the proposed rule.

DATES: As of March 27, 2019, the proposed amendments to 9 CFR parts 50, 51, 71, 76, 77, 78, 86, and 161 that were contained in the proposed rule published December 16, 2015 (80 FR 78462) are withdrawn.

FOR FURTHER INFORMATION CONTACT: Dr. C. William Hench, Senior Staff Veterinarian, Cattle Health Center, Strategy and Policy VS, APHIS, 2150 Centre Avenue, Building B-3E20, Fort Collins, CO 80526-8117; (970) 494-7378.

SUPPLEMENTARY INFORMATION: On December 16, 2015, we published in the *Federal Register* (80 FR 78462-78520, Docket No. APHIS-2011-0044) a proposed rule¹ to amend the regulations in 9 CFR parts 50, 51, 71, 76, 77, 78, 86, 93, and 161 to consolidate the regulations governing bovine tuberculosis, and those governing brucellosis. The proposed rule would have affected both domestic and import regulations for the two diseases.

We solicited comments concerning our proposal for 90 days ending on March 15, 2016. We extended the deadline for comments until May 16, 2016, in a document published in the *Federal Register* on March 11, 2016 (81 FR 12832-12833, Docket No. APHIS-2011-0044.). We received a total of 164 comments by that date. They were from captive cervid producers and captive cervid breeders' associations, cattle industry groups, State agriculture departments, State game and fish departments, veterinarians, representatives of foreign governments, and private citizens. The commenters raised a number of comments and concerns about the proposed rule.

The commenters were especially concerned with the proposal to combine the bovine tuberculosis and brucellosis domestic programs into a single program for cattle, bison, and captive cervids. The commenters pointed to differing disease epidemiology, source populations, modes of transmission, surveillance streams, movement controls, testing, and management practices.

Commenters were also concerned by our proposal to require States to submit animal health plans that detail cattle, bison, and captive cervid demographics in the State, information regarding

sources of bovine tuberculosis or brucellosis in the State, surveillance and mitigations in the State, and personnel available to enforce the plan. The commenters expressed concern that the States may lack personnel, resources, and funding to implement and maintain Animal Health Plans, based on the proposed requirements.

Commenters expressed concern about our proposal to base State statuses on whether a State has implemented and is maintaining an Animal Health Plan instead of prevalence rates, saying that it seemed to be a move away from disease eradication and international standards, and pointing out that it would require foreign trading partners to re-evaluate their requirements for importing U.S. cattle.

We proposed that, if an area had a known source of tuberculosis and brucellosis that presents a risk, that area could not be accredited or reaccredited. We further proposed to require whole herd tests and individual animal tests for captive cervids as a condition of interstate movement, unless they come from accredited herds for brucellosis. Many captive cervid producers expressed concern that if these changes were adopted, they would lose their current accreditation. Several commenters questioned the need for a national requirement for what they consider a regional problem. Elk breeders expressed concern about the cost of this requirement, and stated that our economic analysis underestimated testing costs.

We proposed that exhibited, rodeo, and event cattle and bison would have to be tested 60 days prior to initial interstate movement, then at 180 day intervals after initial interstate movement, with limited exceptions. Many State animal health officials and several industry groups objected to considering exhibited cattle and bison equivalent to rodeo and event cattle and bison in terms of disease risk. They stated that exhibited cattle and bison are, in their experience, a very low risk for bovine tuberculosis and brucellosis, and these requirements could adversely impact regional fairs and exhibitions.

Finally, wildlife and animal health authorities expressed significant concern about our proposal that, if a State has known wildlife sources of bovine tuberculosis or brucellosis that pose a risk of transmission to program animals, the State would have to conduct surveillance of these source populations in a manner sufficient to detect brucellosis or tuberculosis in an animal within the source population. Several animal health officials stated that wildlife authorities in some States

¹To view the proposed rule, supporting documents, and the comments we received, go to <http://www.regulations.gov/#/docketDetail;D=APHIS-2011-0044>.

are not authorized to conduct testing for bovine tuberculosis or brucellosis. Others stated they could not compel them to do so. Several wildlife authorities stated that the surveillance goal was too stringent, and should be set at a level sufficient to gauge prevalence, rather than detect an infected animal. Both animal health and wildlife authorities stated that the Animal and Plant Health Inspection Service would need to fund this testing in order for it to be conducted.

After considering all the comments we received, we have concluded that it is necessary to reexamine the proposed changes to the domestic bovine tuberculosis and brucellosis programs. Therefore, we are withdrawing the proposed amendments to parts 50, 51, 71, 76, 77, 78, 86, and 161 in our December 16, 2015, proposed rule referenced above. At this time we intend to continue considering the proposed amendments to part 93 that govern the importation of cattle with respect to bovine tuberculosis and brucellosis as we proposed in the December 16, 2015, proposed rule. The concerns and recommendations of all the commenters will be considered if any new proposed regulations regarding the domestic bovine tuberculosis and brucellosis programs are developed.

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 22nd day of March 2019.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2019–05851 Filed 3–26–19; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0013]

RIN 1625–AA00

Safety Zones; Coast Guard Sector Ohio Valley Annual and Recurring Safety Zones Update

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend and update its list of recurring safety zone regulations that take place in the Coast Guard Sector Ohio Valley area of responsibility (AOR). This proposed action is necessary to update the current

list of recurring safety zones with revisions, additional events and removal of events that no longer take place. This regulation would restrict vessel traffic from the safety zones during the events unless authorized by the Captain of the Port Sector Ohio Valley or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before April 11, 2019.

ADDRESSES: You may submit comments identified by docket number USCG–2019–0013 using the 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 on this proposed rule, call or email Petty Officer Riley Jackson, Sector Ohio Valley, U.S. Coast Guard; telephone (502) 779–5347, email SECOHV-WWM@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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| CFR | Code of Federal Regulations |
| COTP | Captain of the Port Sector Ohio Valley |
| DHS | Department of Homeland Security |
| E.O. | Executive Order |
| FR | Federal Register |
| NPRM | Notice of proposed rulemaking |
| § | Section |
| U.S.C. | United States Code |

II. Background, Purpose, and Legal Basis

The Captain of the Port Sector Ohio Valley (COTP) proposes to amend 33 CFR 165.801, Table 1 titled “Sector Ohio Valley Annual and Recurring Safety Zones”, to update our regulations for annual fireworks displays and other recurring events in the Eighth Coast Guard District.

The Table contains a list of annual and recurring safety zones in the Sector Ohio Valley as of May 11, 2018.

These events include air shows, fireworks displays, and other marine related events requiring a limited access area restricting vessel traffic for safety purposes. The current list in 33 CFR 165.801, Table 1, requires amendment to provide new information on existing safety zones, to include new safety zones expected to recur annually or biannually, and to remove safety zones that are no longer needed. Issuing individual regulations for each new safety zone, amendment, or removal of an existing safety zone creates unnecessary administrative costs and

burdens. This single proposed rulemaking will considerably reduce administrative overhead and provide the public with notice through publication in the **Federal Register** of the upcoming recurring safety zone regulations. Event sponsors desiring to hold an event not listed in the table for the Sector Ohio Valley area of responsibility may seek permission for a regulated area for their event through a request to the phone number or email listed in the above **FOR FURTHER INFORMATION CONTACT** section.

The Coast Guard encourages the public to participate in this proposed rulemaking through the comment process so that any necessary changes can be identified and implemented in a timely and efficient manner. The Coast Guard will address all public comments accordingly, whether through response, additional revision to the regulation, or otherwise.

The Coast Guard is issuing this notice of proposed rulemaking (NPRM) with a 15-day prior notice and opportunity to comment pursuant to section (b)(3) of the Administrative Procedure Act (APA) (5 U.S.C. 553). This provision authorizes an agency to publish a rule in less than 30 days before its effective date for “good cause found and published with the rule.” Under 5 U.S.C. 553(b)(3)(B), the Coast Guard finds that good cause exists for publishing this NPRM with a 15-day comment period because it is impractical to provide a 30-day comment period. These proposed regulated areas are necessary to ensure the safety of vessels and persons during the marine events. It is impracticable to publish an NPRM with a 30-day comment period because some of these updates must be established as early as the end of April 2019. A 15-day comment period would allow the Coast Guard to provide for public notice and comment, but also update the regulated areas soon enough that the length of the notice and comment period does not compromise public safety.

III. Discussion of the Proposed Rule

Part 165 of 33 CFR contains regulations establishing regulated navigation areas and limited access areas to restrict vessel traffic for the safety of persons and property. Section 165.801, Table 1, establishes recurring safety zones to restrict vessel transit into and through specified areas to protect spectators, mariners, and other persons and property from potential hazards presented during certain events taking place in Sector Ohio Valley’s AOR. From time to time, this section requires amendment to properly reflect the recurring safety zones in the AOR. This