

CDRH, approves the request under § 10.30(e)(2)(i) of this chapter.

Dated: March 25, 2021.

**Xavier Becerra,**

*Secretary, Department of Health and Human Services.*

[FR Doc. 2021–06681 Filed 3–31–21; 8:45 am]

**BILLING CODE 4164–01–P**

## **PENSION BENEFIT GUARANTY CORPORATION**

### **29 CFR Part 4908**

**RIN 1212–AB52**

#### **Rescission of Pension Benefit Guaranty Corporation Rule on Guidance**

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Final rule; rescission of regulations.

**SUMMARY:** On August 26, 2020, the Pension Benefit Guaranty Corporation (PBGC) published a final rule on guidance implementing an Executive order entitled “Promoting the Rule of Law Through Improved Agency Guidance Documents,” and providing policy and requirements for issuing, modifying, withdrawing, and using guidance; making guidance available to the public; a notice and comment process for significant guidance; and taking and responding to petitions about guidance. In accordance with the “Executive Order on Revocation of Certain Executive Orders Concerning Federal Regulation,” issued by President Biden on January 20, 2021, this final rule rescinds PBGC’s rule on guidance.

**DATES:** This final rule is effective April 1, 2021.

**FOR FURTHER INFORMATION CONTACT:** Hilary Duke ([duke.hilary@pbgc.gov](mailto:duke.hilary@pbgc.gov)), Assistant General Counsel for Regulatory Affairs, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005–4026; 202–229–3839. (TTY users may call the Federal Relay Service toll-free at 800–877–8339 and ask to be connected to 202–229–3839.)

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Discussion**

On August 26, 2020, the Pension Benefit Guaranty Corporation (PBGC) published a final rule on procedures for PBGC guidance documents implementing E.O. 13891, “Promoting the Rule of Law Through Improved

Agency Guidance Documents,” signed by President Trump on October 9, 2019. As required by the E.O., this rule contained policy and requirements for issuing, modifying, withdrawing, and using guidance; making guidance available to the public; a notice and comment process for significant guidance; and taking and responding to petitions about guidance (85 FR 52481).

On January 20, 2021, President Biden issued E.O. 13992, “Revocation of Certain Executive Orders Concerning Federal Regulation” which, among other things, revoked E.O. 13891 and directed agencies to promptly take steps to rescind any orders, rules, regulations, guidelines, or policies, or portions thereof, implementing or enforcing the Executive orders. In accordance with E.O. 13992, PBGC is issuing this final rule, which rescinds the rule on procedures for PBGC guidance documents published at 85 FR 52481.

##### **II. Final Rule**

PBGC has determined that this rule is suitable for final rulemaking. The revisions to PBGC’s policies and requirements surrounding guidance are purely internal matters of agency management, as well as the agency’s organization, procedure, and practice. Accordingly, as with the August 2020 final rule, PBGC is not required to engage in a notice and comment process to issue this rule under the Administrative Procedure Act. See 5 U.S.C. 553(a)(2), 553(b)(A). Furthermore, because this rule is procedural rather than substantive, the normal requirement of 5 U.S.C. 553(d) that a rule not be effective until at least 30 days after publication in the **Federal Register** is inapplicable. PBGC also finds good cause to provide an immediate effective date for this rule because it imposes no obligations on parties outside the federal government and therefore no advance notice is required to enable employers or other private parties to come into compliance.

##### **List of Subjects in 29 CFR Part 4908**

Administrative practice and procedure, Employee benefit plans, Organization and functions (Government agencies), Pension insurance.

##### **PART 4908—[REMOVED]**

■ For the reasons discussed in the preamble, and under the authority of section 4002(b)(3) of the Employee Retirement Income Security Act of 1974 (ERISA), which authorizes PBGC to issue regulations to carry out the purposes of title IV of ERISA, and E.O.

13992, PBGC amends title 29, chapter XL, subchapter L of the Code of Federal Regulations by removing part 4908.

Issued in Washington, DC.

**Gordon Hartogensis,**

*Director, Pension Benefit Guaranty Corporation.*

[FR Doc. 2021–06734 Filed 3–31–21; 8:45 am]

**BILLING CODE 7709–02–P**

## **DEPARTMENT OF HOMELAND SECURITY**

### **Coast Guard**

#### **33 CFR Part 165**

**[Docket Number USCG–2021–0155]**

**RIN 1625–AA87**

#### **Security Zone; Cleveland Harbor, Cleveland, OH**

**AGENCY:** Coast Guard, Department of Homeland Security (DHS).

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary security zone for navigable waters surrounding the Port of Cleveland, First Energy Stadium, The Rock and Roll Hall of Fame, and Voinovich Bicentennial Park from east of the Cuyahoga River entrance to west of the Voinovich Bicentennial Park and outward from shore, including inlets, to the navigation channel as marked by navigation buoys, but not including the channel. The security zone is needed to protect the public, participants, and spectators of the 2021 NFL Draft from terrorist and similar criminal acts, accidents, or other incidents detrimental to public safety. Entry of persons, vessels or objects into this zone when under enforcement is prohibited unless specifically authorized by the Captain of the Port Buffalo or her representative.

**DATES:** This rule is effective from 8 a.m. on April 29, 2021, through 11:59 p.m. on May 1, 2021.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2021–0155 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 Petty Officer Natalie Smith, Waterways Management Division, U.S. Coast Guard Marine Safety Unit Cleveland; telephone 216–937–6007, email [D09-SMB-MSUCleveland-WWM@uscg.mil](mailto:D09-SMB-MSUCleveland-WWM@uscg.mil).