

(d) *Mattress* has the meaning given that term in § 1633.2 of this chapter.

(e) *Upholstered furniture*. (1) Means an article of seating furniture that—

- (i) Is intended for indoor use;
- (ii) Is movable or stationary;
- (iii) Is constructed with an upholstered seat, back, or arm;
- (iv) Is:

(A) Made or sold with a cushion or pillow, without regard to whether that cushion or pillow, as applicable, is attached or detached with respect to the article of furniture, or

(B) Stuffed or filled, or able to be stuffed or filled, in whole or in part, with any material, including a substance or material that is hidden or concealed by fabric or another covering, including a cushion or pillow belonging to, or forming a part of, the article of furniture; and

(v) Together with the structural units of the article of furniture, any filling material, and the container and covering with respect to those structural units and that filling material, can be used as a support for the body of an individual, or the limbs and feet of an individual, when the individual sits in an upright or reclining position;

(2) Includes an article of furniture that is intended for use by a child; and

(3) Does not include—

- (i) A mattress;
- (ii) A foundation;
- (iii) Any bedding product; or
- (iv) Furniture that is used exclusively for the purpose of physical fitness and exercise.

#### § 1640.4 Certification and labeling.

(a) *Testing and certification*. A fabric, related material, or product to which the California standard applies shall not be subject to section 14(a) of the Consumer Product Safety Act (15 U.S.C. 2063(a)) with respect to that standard.

(b) *Certification label*. Each manufacturer of a product that is subject to the California standard shall include the statement “Complies with U.S. CPSC requirements for upholstered furniture flammability” on a permanent label located on the product, which shall be considered to be a certification that the product complies with that standard.

#### § 1640.5 Requirements.

(a) *In general*. All upholstered furniture must comply with the requirements in the California standard, Technical Bulletin (TB) 117–2013, “Requirements, Test Procedure and Apparatus for Testing the Smolder Resistance of Materials Used in Upholstered Furniture,” June 2013 (incorporated by reference § 1640.6).

(b) *Preemption*. Notwithstanding section 16 of the Flammable Fabrics Act (15 U.S.C. 1203) and section 231 of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 2051 note), and except as provided in sections 1374, 1374.2, and 1374.3 of 4 California Code of Regulations (CCR) (except for subsections (b) and (c) of section 1374 of that title) (incorporated by reference § 1640.6) or the California standard, no State or any political subdivision of a State may establish or continue in effect any provision of a flammability law, regulation, code, standard, or requirement that is designed to protect against the risk of occurrence of fire, or to slow or prevent the spread of fire, with respect to upholstered furniture.

(c) *Preservation of certain State law*. Nothing in Public Law 116–260 or the Flammable Fabrics Act (15 U.S.C. 1191 *et seq.*) and section 231 of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 2051 note), may be construed to preempt or otherwise affect:

(1) Any State or local law, regulation, code, standard, or requirement that—

- (i) Concerns health risks associated with upholstered furniture; and
- (ii) Is not designed to protect against the risk of occurrence of fire, or to slow or prevent the spread of fire, with respect to upholstered furniture;

(2) Sections 1374, 1374.2, and 1374.3 of 4 CCR (except for subsections (b) and (c) of section 1374 of that title), as in effect on the date of enactment of Public Law 116–260; or

(3) The California standard.

#### § 1640.6 Incorporation by reference.

Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at U.S. Consumer Product Safety Commission (CPSC), Room 820, 4330 East West Highway, Bethesda, MD 20814, and is available from the other sources listed in this section. To schedule an appointment, contact CPSC’s Division of the Secretariat: telephone (301) 504–7479 or email: [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov). The material is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov), or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html).

(a) State of California, Department of Consumer Affairs, 4244 South Market Court, Suite D, Sacramento, CA 95834; email [DCA@dca.ca.gov](mailto:DCA@dca.ca.gov); phone (800)

952–5210; or visit [https://bhgs.dca.ca.gov/about\\_us/tb117-2013.pdf](https://bhgs.dca.ca.gov/about_us/tb117-2013.pdf).

(1) *California standard*. Technical Bulletin (TB) 117–2013, “Requirements, Test Procedure and Apparatus for Testing the Smolder Resistance of Materials Used in Upholstered Furniture,” June 2013; IBR approved for § 1640.5.

(2) [Reserved]

(b) State of California, Office of Administrative Law (OAL), 300 Capitol Mall, Suite 1250, Sacramento, CA 95814–4339, phone 916–323–6815, email [staff@oal.ca.gov](mailto:staff@oal.ca.gov); or visit <https://oal.ca.gov/publications/ccr/>; or purchase a hard-copy version (full code or individual titles) from Barclay, publisher of the Official CCR, at 1–800–888–3600.

(1) California Code of Regulations (CCR), Title 4, Sections 1374, 1374.2, and 1374.3, in effect as of February 26, 2021 Register 2021, No. 9; IBR approved for § 1640.5.

(2) [Reserved]

**Alberta E. Mills,**

*Secretary, Consumer Product Safety Commission.*

[FR Doc. 2021–06977 Filed 4–8–21; 8:45 am]

**BILLING CODE 6355–01–P**

## AGENCY FOR INTERNATIONAL DEVELOPMENT

### 22 CFR Part 212

RIN 0412–AB00

#### Procedures for the Review and Clearance of USAID’s Guidance Documents; Rescission

**AGENCY:** U.S. Agency for International Development (USAID).

**ACTION:** Final rule; rescission.

**SUMMARY:** This rule is to rescind the regulation published on January 5, 2021, titled “Procedures for the review and clearance of USAID’s Guidance Documents.” This action is necessary to comply with the Executive order (E.O.) titled “Revocation of Certain Executive Orders Concerning Federal Regulation,” signed on January 20, 2021, which specifically requires the revocation of the E.O. titled “Promoting the Rule of Law Through Improved Agency Guidance Documents,” signed on October 9, 2010. To comply with the new E.O., USAID is removing its regulations setting forth processes and procedures for USAID to issue guidance documents as defined in October 2010 E.O.

**DATES:** This final rule is effective April 9, 2021.

**FOR FURTHER INFORMATION CONTACT:** Jenna Giandoni, [jgiandoni@usaid.gov](mailto:jgiandoni@usaid.gov), 202–921–5093.

**SUPPLEMENTARY INFORMATION:**

**Background**

On October 9, 2019 (84 FR 55235), President Trump issued Executive Order (E.O.) 13891, Promoting the Rule of Law Through Improved Agency Guidance Documents. Section 4 of that E.O. required each Department or Agency to put in place processes and procedures for issuing guidance documents as defined by the E.O., including a self-imposed version of a notice-and-comment process for a range of policies that are not otherwise required to go through notice-and-comment rulemaking under the Administrative Procedure Act, 5 U.S.C. 553, *et seq.* (e.g., policies related to agency management, among others, which are expressly exempted). USAID implemented this directive by amending 22 CFR part 212 to add subparts N and O.

On January 20, 2021 (86 FR 7049), President Biden signed the E.O. 13992, Revocation of Certain Executive Orders Concerning Federal Regulation, which among other things, revokes E.O. 13891, Promoting the Rule of Law Through Improved Agency Guidance Documents, signed on October 9, 2010, by President Trump. To comply with the new E.O., USAID rescinds the final rule titled “Procedures for the Review and Clearance of USAID’s Guidance Documents” by removing subparts N and O of 22 CFR part 212, which USAID added in the final rule dated January 5, 2021 (86 FR 250), pursuant to directives in the now-repealed E.O. 13891.

**Notice and Comment Not Required**

This rule relates to internal Agency management. Therefore, pursuant to Section 553(a)(2) of Title 5 of the United States Code (U.S.C.), notice of proposed rulemaking and opportunity to comment are not required. The original rule was also done without notice and comment under this rationale.

**Regulatory Flexibility Act**

Because notice-and-comment rulemaking is not necessary for this rule, the provisions of the Regulatory Flexibility Act, Section 604 of Title 5 of the U.S.C. do not apply.

**Paperwork Reduction Act**

This final rule imposes no new reporting or recordkeeping requirements that necessitate clearance by OMB.

**List of Subjects in 22 CFR Part 212**

Administrative practice and procedure, Freedom of information.

In consideration of the foregoing, and under the authority of E.O. 13992, the U.S. Agency for International Development (USAID) amends 22 CFR part 212 as follows:

**PART 212—PUBLIC INFORMATION**

■ 1. The authority citation for part 212 continues to read as follows:

**Authority:** Pub. L. 114–185, 130 Stat. 538.

**Subpart N [Removed]**

■ 2. Subpart N, consisting of § 212.25, is removed.

**Subpart O [Removed]**

■ 3. Subpart O, consisting of §§ 212.26 through 212.40, is removed.

**Ruth Buckley,**

*Acting Performance Improvement Officer/ Acting Office Director, Bureau for Management Office of Management Policy, Budget and Operational Performance.*

[FR Doc. 2021–07314 Filed 4–8–21; 8:45 am]

**BILLING CODE P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 117**

[Docket No. USCG–2020–0235]

RIN 1625–AA09

**Drawbridge Operation Regulation; Indiana Harbor Canal, East Chicago, IN**

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

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is modifying the operating schedule that governs the Elgin, Joliet, and Eastern Railroad Bridge, mile 0.68, and the Elgin, Joliet, and Eastern Railroad Bridge, mile 1.89, both over the Indiana Harbor Canal near the town of East Chicago, IN. Canadian National, the owner and operator of these bridges has requested to stop continual drawtender service to both bridges and operate the bridges only while trains are crossing the bridge.

**DATES:** This rule is effective May 10, 2021.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>. Type USCG–

2020–0235 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: Mr. Lee D. Soule, Bridge Management Specialist, Ninth Coast Guard District; telephone 216–902–6085, email [Lee.D.Soule@uscg.mil](mailto:Lee.D.Soule@uscg.mil).

**SUPPLEMENTARY INFORMATION:**

**I. Table of Abbreviations**

CFR Code of Federal Regulations  
DHS Department of Homeland Security  
FR Federal Register  
IGLD85 International Great Lakes Datum of 1985  
LWD Low Water Datum based on IGLD85  
OMB Office of Management and Budget  
NPRM Notice of proposed rulemaking (Advance, Supplemental)  
§ Section  
U.S.C. United States Code

**II. Background Information and Regulatory History**

On August 5, 2020, we published in the **Federal Register** (85 FR 47328) a notice of proposed rulemaking. There we stated why we issued the NPRM, and invited comments on our proposed regulatory action. During the 60-day comment period, we received no comments.

**III. Legal Authority and Need for Rule**

The Coast Guard is issuing this rule under authority 33 U.S.C. 499.

All drawbridges over the Indiana Harbor Canal are required to open on signal and there are no previous rulemakings to discuss. The Elgin, Joliet, and Eastern Railroad Bridge, mile 0.68, and the Elgin, Joliet, and Eastern Railroad Bridge, mile 1.89, both over the Indiana Harbor Canal, currently open on signal and are manned by a drawtender at each bridge.

**IV. Discussion of Final Rule**

This rule will establish the procedures to move the bridges to allow rail traffic to cross the bridge while giving notice to the vessels transiting the waterway that the bridge will be lowering. Ten minutes before the bridge is lowered for train traffic a crewmember from the train will initiate a SECURITE call on VHF–FM Marine Channel 16 that the bridge will be lowering for train traffic and invite any concerned mariners to contact the crewmember on VHF–FM Marine Channel 12. The crewmember will also visually monitor for vessel traffic and listen for the standard bridge opening signal of one prolonged blast and one short blast from vessels already transiting the waterway. After the ten