

**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, 2019, 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CFR part 212, which USAID added in the final rule dated January 5, 2021 (86 FR 250), pursuant to directives in the now-repealed E.O. 13891.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

minute warning, another SECURITE shall be made on VHF-FM Marine Channel 16 that the bridge will be lowering for rail traffic, five minutes before lowering. Once the draw tender is satisfied that it is safe, the bridge will be lowered for rail traffic. Once the rail traffic has cleared the bridge, the bridge shall be raised and locked in the fully open to navigation position.

We did not receive any comments and do not intend to change anything from the published NPRM.

## V. Regulatory Analyses

The Coast Guard has developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protesters.

### A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This rule has not been designated a "significant regulatory action," under Executive Order 12866. Accordingly, it has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the ability that vessels can still transit the bridge because the bridge will only be lowered for train traffic.

### B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rule. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the bridge may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121),

we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

### C. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

### D. Federalism and Indian Tribal Government

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

### E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the

aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble. We published an NPRM in the **Federal Register** (85 FR 47328) with a 60-day comment period and did not receive any comments.

### F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01, Rev.1, associated implementing instructions, and Environmental Planning Policy COMDTINST 5090.1 (series) which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f). The Coast Guard has determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule promulgates the operating regulations or procedures for drawbridges and is categorically excluded from further review, under paragraph L49, of Chapter 3, Table 3–1 of the U.S. Coast Guard Environmental Planning Implementation Procedures.

Neither a Record of Environmental Consideration nor a Memorandum for the Record are required for this rule.

### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

### List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

## PART 117—DRAWBRIDGE OPERATION REGULATIONS

- 1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 33 CFR 1.05–1; and Department of Homeland Security Delegation No. 0170.1.

- 2. Add § 117.400 to read as follows:

### § 117.400 Indiana Harbor Canal.

(a) Elgin, Joliet, and Eastern Railroad Bridge, 0.68, over the Indiana Harbor Canal need not have a drawtender in continued attendance at the bridge. 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 minute warning, another SECURITE shall be made on VHF-FM Marine Channel 16 that the bridge will be lowering for rail traffic, five minutes before lowering. Once the draw tender is satisfied that it is safe, the bridge will be lowered for rail traffic. Once the rail traffic has cleared the bridge, the bridge shall be raised and locked in the fully open to navigation position.

(b) Elgin, Joliet, and Eastern Railroad Bridge, mile 1.89, over the Indiana Harbor Canal need not have a drawtender in continued attendance at the bridge. 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 minute warning, another SECURITE shall be made on VHF-FM Marine Channel 16 that the bridge will be lowering for rail traffic, five minutes before lowering. Once the crewmember is satisfied that it is safe, the bridge will be lowered for rail traffic. Once the rail traffic has cleared the bridge, the bridge shall be raised and locked in the fully open to navigation position.

#### D.L. Cottrell,

Rear Admiral, U.S. Coast Guard, Commander,  
Ninth Coast Guard District.

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2020-0307]

RIN 1625-AA00

#### Safety Zone; Christiansted Harbor, St. Croix, USVI

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

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is establishing a permanent safety zone for certain waters of the Christiansted Harbor, St. Croix, United States Virgin Islands when liquefied gas carriers are in transit to, moored, or are departing from the Virgin Island Water and Power Authority (WAPA) dock. This action is necessary to provide for the safety of life on these navigable waters near the WAPA dock. This rule prohibits persons and vessels from being in the safety zone unless authorized by the Captain of the Port San Juan or a designated representative. This action is necessary to better meet the safety and security needs of the Port of San Juan.

**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-2020-0307 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 LT Randy Johnston, Sector San Juan Prevention Department, Waterways Management Division, U.S. Coast Guard; telephone 787-729-2380, email [ssjwvm@uscg.mil](mailto:ssjwvm@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

CFR Code of Federal Regulations  
COTP Captain of the Port  
DHS Department of Homeland Security  
FR Federal Register  
LG Liquefied Gas  
NPRM Notice of proposed rulemaking  
§ Section  
U.S.C. United States Code  
USVI United States Virgin Islands

##### II. Background Information and Regulatory History

On May 28, 2020, Small Boat Station San Juan recommended Sector San Juan establish a permanent safety zone in

Christiansted Harbor, St. Croix, United States Virgin Islands (USVI), where they routinely perform escorts of liquefied gas (LG) carriers. In response, on November 2, 2020, the Coast Guard published a notice of proposed rulemaking (NPRM) titled "Safety Zones; Christiansted Harbor, St. Croix, USVI" (85 FR 69301). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to the safety zone. During the comment period that ended December 2, 2020, we received no comments.

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

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port San Juan (COTP) has determined that potential hazards associated with the transit and cargo operation of LG carriers would be a safety concern for anyone within a one-half mile of LG carriers during transit and within a 50-yard radius while LG carriers are moored at the Virgin Island Water and Power Authority (WAPA) dock. The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters during the escort and cargo operation of LG carriers.

##### IV. Discussion of Comments, Changes, and the Rule

As noted above, we received no comments on our NPRM published on November 2, 2020. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule establishes a permanent moving safety zone in Christiansted Harbor, St. Croix, USVI, where Coast Guard assets routinely perform escorts of LG carriers. This rule establishes a moving safety zone of one-half mile around any transiting LG carrier, beginning at Christiansted Harbor Lighted Buoy #1 and ending when the LG Carrier moors at the WAPA dock. Once moored there will be a 50-yard radius safety zone around the LG carrier. Additionally, a moving safety zone is established on the waters around LG carriers departing Christiansted Harbor in an area one-half mile around each vessel beginning at the Virgin Island Water and Power Authority (WAPA) dock when the vessel gets underway, and continuing until the stern passes the Christiansted Harbor Lighted Buoy #1. No vessel or person is permitted to enter the safety zones without obtaining permission from the COTP or a designated representative.