

*Basin* is the area of drainage into the Delaware River and its tributaries, including Delaware Bay.

*Commission* is the Delaware River Basin Commission (DRBC) created and constituted by the Delaware River Basin Compact.

*Fracturing fluid(s)* is a mixture of water (whether fresh or recycled) and/or other fluids and chemicals or other additives, which are injected into the subsurface and which may include chemicals used to reduce friction, minimize biofouling of fractures, prevent corrosion of metal pipes or remove drilling mud damage within a wellbore area, and propping agents such as silica sand, which are deposited in the induced fractures.

*High volume hydraulic fracturing (HVHF)* is hydraulic fracturing using a combined total of 300,000 or more gallons of water during all stages in a well completion, whether the well is vertical or directional, including horizontal, and whether the water is fresh or recycled and regardless of the chemicals or other additives mixed with the water.

*Hydraulic fracturing* is a technique used to stimulate the production of oil and natural gas from a well by injecting fracturing fluids down the wellbore under pressure to create and maintain induced fractures in the hydrocarbon-bearing rock of the target geologic formation.

*Person* is any natural person, corporation, partnership, association, company, trust, Federal, state, or local governmental unit, agency, or authority, or other entity, public or private.

*Water resource(s)* is water and related natural resources in, on, under, or above the ground, including related uses of land, which are subject to beneficial use, ownership, or control within the hydrologic boundary of the Delaware River Basin.

#### **§ 440.3 High volume hydraulic fracturing (HVHF).**

(a) *Determination.* The Commission has determined that high volume hydraulic fracturing poses significant, immediate and long-term risks to the development, conservation, utilization, management, and preservation of the water resources of the Delaware River Basin and to Special Protection Waters of the Basin, considered by the Commission to have exceptionally high scenic, recreational, ecological, and/or water supply values. Controlling future pollution by prohibiting such activity in the Basin is required to effectuate the Comprehensive Plan, avoid injury to the waters of the Basin as contemplated by the Comprehensive Plan, and protect

the public health and preserve the waters of the Basin for uses in accordance with the Comprehensive Plan.

(b) *Prohibition.* High volume hydraulic fracturing in hydrocarbon bearing rock formations is prohibited within the Delaware River Basin.

Dated: April 13, 2021.

**Pamela M. Bush,**

*Commission Secretary and Assistant General Counsel.*

[FR Doc. 2021-07998 Filed 4-20-21; 8:45 am]

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## **SOCIAL SECURITY ADMINISTRATION**

### **20 CFR Part 426**

[Docket No. SSA-2020-0002]

RIN 0960-A154

#### **Rescission of Rules on Improved Agency Guidance Documents**

**AGENCY:** Social Security Administration.

**ACTION:** Final rule.

**SUMMARY:** We are rescinding our rules on improved agency guidance documents. We published the rules pursuant to an Executive order (E.O.) entitled, “Promoting the Rule of Law Through Improved Agency Guidance Documents,” signed October 9, 2019. The October 2019 E.O. has been revoked by an E.O. entitled, “Revocation of Certain Executive Orders Concerning Federal Regulation,” signed January 20, 2021. We are rescinding these rules because the January 2021 E.O. requires the heads of Federal agencies to take steps promptly to rescind any regulations that implement or enforce the October 2019 E.O.

**DATES:** This final rule will be effective May 21, 2021.

**FOR FURTHER INFORMATION CONTACT:**

Jennifer Dulski, Office of Regulations and Reports Clearance, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 966-2341. For information on eligibility or filing for benefits, call our national toll-free number, 1-800-772-1213 or TTY 1-800-325-0778, or visit our internet site, Social Security Online, at <http://www.socialsecurity.gov>.

**SUPPLEMENTARY INFORMATION:** On August 20, 2020, we published a final rule, “Improved Agency Guidance Documents,” in the **Federal Register**.<sup>1</sup> This final rule, which had an effective date of September 21, 2020, added 20 CFR part 426 to our regulations to

implement E.O. 13891, “Promoting the Rule of Law Through Improved Agency Guidance Documents.”<sup>2</sup>

On January 20, 2021, the President issued E.O. 13992, “Revocation of Certain Executive Orders Concerning Federal Regulation.”<sup>3</sup> E.O. 13992 revoked several E.O.s, including E.O. 13891, and directed heads of agencies to “promptly take steps to rescind any orders, rules, regulations, guidelines, or policies, or portions thereof, implementing or enforcing the [revoked] Executive Orders.” Because we promulgated the final rule, “Improved Agency Guidance Documents,” to implement E.O. 13891, we must now rescind this rule.

We are removing from our regulations and reserving 20 CFR part 426, consisting of §§ 426.5 through 426.25. The regulations that we are removing set forth the definition of “guidance document” in E.O. 13891, discuss the nonbinding nature of guidance documents, set forth procedures to request withdrawal or modification of guidance documents, and set forth additional requirements and procedures for significant guidance documents as prescribed by E.O. 13891. In addition, we will remove the website we created to comply with the requirements of E.O. 13891 ([www.ssa.gov/guidance](http://www.ssa.gov/guidance)). Although we will remove the site at [www.ssa.gov/guidance](http://www.ssa.gov/guidance), the documents that are referenced and linked on that site—such as Social Security rulings, the Program Operations Manual, the Hearings, Appeals and Litigation Law manual, and Chief Judge Bulletins—will still be publicly available on our website, [www.ssa.gov](http://www.ssa.gov).

#### **Rulemaking Analyses and Notices**

##### *Regulatory Procedures*

We follow the Administrative Procedure Act (APA) rulemaking procedures in 5 U.S.C. 553 when we develop regulations. Generally, the APA requires that an agency provide prior notice and opportunity for public comment before issuing a final rule. Under 5 U.S.C. 553(b)(3)(A), agencies are not required to provide prior notice and opportunity for the public to comment for a rule that is an interpretative rule, a general statement of policy, or a rule of agency organization, procedure, or practice. When we published our final rule, “Improved Agency Guidance Documents,” we explained that it was exempt from the requirement to provide prior notice and opportunity for public

<sup>2</sup> 84 FR 55235 (October 15, 2019).

<sup>3</sup> 86 FR 7049 (January 25, 2021).

<sup>1</sup> 85 FR 51337.

comment because it was a rule of “agency organization, procedure, or practice” that merely explained our processes to implement E.O. 13891.<sup>4</sup> For the same reason, we find this rule is exempt from the requirement to provide prior notice and opportunity for public comment because it is, likewise, a rule of “agency organization, procedure, or practice.” It merely explains we will no longer follow the processes and procedures prescribed by the revoked E.O. 13891.

*E.O. 12866, as Supplemented by E.O. 13563*

We have consulted with the Office of Management and Budget (OMB) and determined that this final rule does not meet the criteria for a significant regulatory action under E.O. 12866 and is not subject to OMB review.

*E.O. 13132 (Federalism)*

We analyzed this final rule in accordance with the principles and criteria established by E.O. 13132, and determined that the final rule will not have sufficient federalism implications to warrant the preparation of a federalism assessment. We also determined that this final rule will not preempt any State law or State regulation or affect the States’ abilities to discharge traditional State governmental functions.

#### *Regulatory Flexibility Act*

We certify that this final rule will not have a significant economic impact on a substantial number of small entities, because it affects individuals or States only. Therefore, a regulatory flexibility analysis is not required under the Regulatory Flexibility Act, as amended.

#### *Paperwork Reduction Act*

The rescission of this final rule does not create any new or affect any existing collections and, therefore, does not require Office of Management and Budget approval under the Paperwork Reduction Act.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security—Disability Insurance; 96.006 Supplemental Security Income)

#### **List of Subjects in 20 CFR Part 426**

Guidance, Social Security.

The Commissioner of Social Security, Andrew Saul, having reviewed and approved this document, is delegating the authority to electronically sign this document to Faye I. Lipsky, who is the primary Federal Register Liaison for

SSA, for purposes of publication in the **Federal Register**.

**Faye I. Lipsky,**

*Federal Register Liaison, Office of Legislation and Congressional Affairs, Social Security Administration.*

#### **PART 426—[REMOVED AND RESERVED]**

■ For the reasons set out in the preamble, and under the authority of E.O. 13992, we remove and reserve part 426, consisting of §§ 426.5 through 426.25.

[FR Doc. 2021–08113 Filed 4–20–21; 8:45 am]

**BILLING CODE 4191–02–P**

#### **AGENCY FOR INTERNATIONAL DEVELOPMENT**

##### **22 CFR Part 212**

**RIN 0412–AB00**

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

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

**ACTION:** Final rule rescission; correction.

**SUMMARY:** The U.S. Agency for International Development is correcting a final rule rescission that was published in the **Federal Register** on April 9, 2021. This rule rescinded the regulation published on January 5, 2021, titled “Procedures for the review and clearance of USAID’s Guidance Documents,” 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, 2019. In the final rule, the date for the E.O. “Promoting the Rule of Law Through Improved Agency Guidance Documents,” year was incorrect. This document corrects that error.

**DATES:** Effective April 21, 2021.

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

**SUPPLEMENTARY INFORMATION:** In FR Doc. 2021–07314, which published in the **Federal Register** on Friday, April 9, 2021 at 86 FR 18444, the following corrections are made:

1. On page 18444, in the third column, in the **SUMMARY**, correct the year “2010” to read “2019” in two places.

2. On page 18445, in the first column, in the second paragraph of the **SUPPLEMENTARY INFORMATION**, correct the year “2010” to read “2019”.

**Ruth Buckley,**

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

[FR Doc. 2021–08081 Filed 4–20–21; 8:45 am]

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#### **DEPARTMENT OF HOMELAND SECURITY**

##### **Coast Guard**

##### **33 CFR Part 100**

[Docket No. USCG–2021–0218]

#### **Special Local Regulations for Marine Events; Opening Day on San Francisco Bay, San Francisco, CA**

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

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce the special local regulations for the annual Opening Day on the San Francisco Bay Boat Parade on April 25, 2021 to provide for the safety of life on navigable waterways in the San Francisco Bay during this event. Our regulation for marine events in Northern California identifies the regulated area for this event in San Francisco, CA. During the enforcement period, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the regulated area, unless authorized by the Patrol Commander (PATCOM) or other Federal, State, or local law enforcement agencies on scene to assist the Coast Guard in enforcing the regulated area.

**DATES:** The regulations in 33 CFR 100.1103 will be enforced for the Opening Day on San Francisco Bay regulated area listed in item number 2 in Table 1 to § 100.1103 from 11:30 a.m. to 2 p.m. on April 25, 2021.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notice of enforcement, call or email Petty Officer David Robey, Waterways Management, U.S. Coast Guard; telephone (415) 399–7440, email [SFWaterways@uscg.mil](mailto:SFWaterways@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the special local regulations in 33 CFR 100.1103, Table 1 to § 100.1103, Item number 2 for the Opening Day on San Francisco Bay regulated area from 11:30 a.m. to 2 p.m. on April 25, 2021. This action is being

<sup>4</sup> 85 FR at 51338.