

administration and support of basic research by the Department of Defense, because the content of this part is internal to the Department. Therefore, this CFR part can be removed.

**DATES:** This rule is effective September 29, 2020.

**FOR FURTHER INFORMATION CONTACT:** Ms. Barbara Orlando, Basic Research Office, telephone 571-372-6413.

**SUPPLEMENTARY INFORMATION:** The DoD rule at 32 CFR part 272, last updated on September 23, 2005 (70 FR 55726), is internal to the DoD and does not need to be codified in the CFR. Based on a recommendation from the DoD Regulatory Reform Task Force, this part is removed. It has been determined that publication of this CFR part removal for public comment is impracticable, unnecessary, and contrary to public interest since it is based on removing DoD internal policies and procedures that are publicly available on the Department's issuance website. DoD internal guidance concerning administration and support of basic research by the DoD will continue to be updated and maintained in DoD Instruction 3210.1, "Administration and Support of Basic Research by the Department of Defense," last updated on October 15, 2018 (available at <http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/321001p.pdf>).

This rule is not significant under Executive Order (E.O.) 12866, "Regulatory Planning and Review." Therefore, E.O. 13771, "Reducing Regulation and Controlling Regulatory Costs," does not apply.

#### List of Subjects in 32 CFR part 272

Grant programs-science and technology, Research.

#### PART 272—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 272 is removed.

Dated: September 25, 2020.

**Aaron T. Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

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**BILLING CODE 5001-06-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2020-0606]

RIN 1625-AA00

#### Safety Zone; I-5 Bridge Construction Project, Columbia River, Vancouver, WA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for certain waters of the Columbia River. This action is necessary to provide for the safety of life on these navigable waters around the Northbound I-5 Interstate Bridge at Columbia River Mile 106.5. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Columbia River.

**DATES:** This rule is effective with actual notice from 12:01 a.m. on September 27, 2020, through September 29, 2020. It is effective without actual notice from September 29, 2020 through 11:59 p.m. on October 12, 2020.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2020-0247 in the "SEARCH" box and click "SEARCH." To view the 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 Lieutenant Commander Dixon Whitley, Waterways Management Division, Marine Safety Unit Portland, U.S. Coast Guard; telephone 503-240-9319, email [msupdxwww@uscg.mil](mailto:msupdxwww@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

CFR Code of Federal Regulations  
DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of proposed rulemaking  
§ Section  
U.S.C. United States Code

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

The Oregon Department of Transportation notified the Coast Guard that they will be replacing bridge components at the south end of the Northbound I-5 Interstate Bridge over the Columbia River at River Mile 106.5 beginning September 6, 2020, through September 26, 2020. In response, on

June 22, 2020, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Safety Zone; I-5 Bridge Construction Project, Columbia River, Vancouver, WA (85 FR 37397). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this construction project. During the comment period that ended July 22, 2020, we did not receive any relevant comments. On September 24, 2020, the Oregon Department of Transportation notified the Coast Guard that the work was not finished, and will not be completed until October 12, 2020. In response, the Coast Guard is publishing this Temporary final rule to further establish the temporary safety zone until all work is complete.

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the Oregon Department of Transportation did not submit notice to the Coast Guard with sufficient time to publish an NPRM before the previous safety zone expires and the public is exposed to the dangers associated with this bridge construction work. Delaying the effective date of this rule to wait for a comment period to run would be impracticable and contrary to the public interest by inhibiting the Coast Guard's ability to protect mariners and vessels from the hazards associated with this bridge construction work.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. For the same reasons discussed in the preceding paragraph, waiting for a 30-day notice period to run would be impracticable and contrary to the public interest.

##### 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 Port Sector Columbia River has determined that the potential hazards associated with the construction project would be a safety concern for anyone within the designated area of the I-5 bridge

construction project. The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within the designated area of the I-5 bridge construction project.

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

As noted above, we received no relevant comments on our NPRM published June 22, 2020. This TFR is substantially the same to the one published in conjunction with that TFR (Docket No. USCG-2020-0247,) just with different effective dates.

This rule establishes a safety zone from 12:01 a.m. on September 27, 2020, through 11:59 p.m. on October 12, 2020. The safety zone will cover all navigable waters of the Columbia River, directly below the lifting span of the I-5 bridge from the Washington shoreline to the edge of the lifting span (approx. 800 ft.), and approximately 400 ft. both east and west of the bridge. The duration of the zone is intended to ensure the safety of vessels and these navigable waters while the bridge construction is underway. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

#### V. Regulatory Analyses

We 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 protestors.

##### 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. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a “significant regulatory action,” under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the size, location, duration, and time-of-year of the safety zone. Vessel traffic would be able to safely transit around this safety zone, which would only impact a small designated area of the Columbia River, during the bridge construction project. Moreover, the Coast Guard will issue Broadcast

Notice to Mariners via VHF-FM marine channel 16 about the safety zone, and the rule would allow vessels to seek permission to enter the zone.

##### B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 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 rulemaking. 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 safety zone 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 call or email 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 will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

##### D. Federalism and Indian Tribal Governments

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.

##### F. Environment

We have analyzed this rule’s predecessor under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have 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. That rule involved enforcing a safety zone for 20 days that prohibits vessel traffic from transiting underneath the lift span of the I-5 Bridge during bridge repair and construction operations. It was, and by extension this TFR is, categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of

Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

#### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email 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 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard is amending 33 CFR part 165 as follows:

### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T13–0247 to read as follows:

#### § 165.T13–0247 Safety Zone[s]; Safety Zone; I–5 Bridge Construction Project, Columbia River, Vancouver, WA.

(a) *Location.* The following area is a safety zone: All navigable waters of the Columbia River, surface to bottom, encompassed by a line connecting the following points beginning at the shoreline at 45°37'17.7" N/122°40'31.4" W, southwest to 45°37'12.1" N/122°40'35.0" W, southeast to 45°37'08.8" N 122°40'22.1" W, thence northeast to 45°37'15.0" N/122°40'18.3" W, and along the shoreline back to the beginning point.

(b) *Definitions.* As used in this section, *designated representative* means any Coast commissioned, warrant, or petty officer who has been authorized by the Captain of the Port Columbia River (COTP) to act on his behalf, or a Federal, State, and local officer designated by or assisting the Captain of the Port Columbia River in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) Vessel operators desiring to enter or operate within the safety zone may contact the COTP's on-scene designated representative by calling 503–209–2468 or the Sector Columbia River Command Center on Channel 16 VHF–FM. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section is in effect from 12:01 a.m. on September 27, 2020, through 11:59 p.m. on October 12, 2020. It will be subject to enforcement this entire period unless the Captain of the Port, Columbia River determines it is no longer needed. The Coast Guard will inform mariners of any change to this period of enforcement via Broadcast Notice to Mariners.

Dated: September 24, 2020.

**J.C. Smith,**

*Captain, U.S. Coast Guard, Captain of the Port Columbia River.*

[FR Doc. 2020–21614 Filed 9–28–20; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### 36 CFR Part 254

**RIN 0596–AD41**

#### Conveyance of Small Tracts

**AGENCY:** Forest Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** The United States Department of Agriculture (USDA), Forest Service is issuing this final rule to implement certain changes to the Small Tracts Act, which was enacted in the Agriculture Improvement Act of 2018, also known as the 2018 Farm Bill. These statutory changes create two new categories of lands eligible for conveyance outside of the National Forest System under the Small Tracts Act: parcels 40 acres or less that are physically isolated, inaccessible, or have lost National Forest System character; and parcels of ten acres or less that are not eligible for conveyance under previous eligibility conditions and are encroached on by a permanent habitable improvement for which there is no evidence that the encroachment was intentional or negligent.

**DATES:** This final rule is effective October 29, 2020.

**ADDRESSES:** Information on this final rule may be obtained via written request addressed to the Director, Lands and Realty Management, USDA Forest Service, 201 14th Street Southwest,

Washington, DC 20250–1124 or by email to [SM.FS.WO\\_LandStaff@usda.gov](mailto:SM.FS.WO_LandStaff@usda.gov).

**FOR FURTHER INFORMATION CONTACT:** Brad Tait, Lands Staff, by phone at 971–806–2199, or via email at [bradley.tait@usda.gov](mailto:bradley.tait@usda.gov). Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

#### SUPPLEMENTARY INFORMATION:

##### Background

Public Law 97–465, commonly known as the Small Tracts Act (16 U.S.C. 521c–521i), was enacted in 1983 to help the Forest Service resolve land disputes and boundary management problems for parcels that generally were small in scale (less than ten acres) with land values that did not exceed \$150,000. Eligible lands for sale, exchange, or interchange included National Forest System lands encumbered by an encroachment like a house or fence; roads or road rights-of-way in excess of Forest Service transportation needs; and “mineral survey fractions,” or small parcels of National Forest System lands interspersed with or adjacent to lands transferred out of Federal ownership under mining laws.

##### Discussion of Amendments to the Small Tracts Act

The Small Tracts Act was amended by Section 8621 of the Agriculture Improvement Act of 2018, also known as the 2018 Farm Bill (Pub. L. 115–334). The changes to the Small Tracts Act required by the Agriculture Improvement Act of 2018 are being implemented in two phases. The first phase, implementing statutory revisions that did not entail the exercise of agency discretion, was accomplished by revisions to 36 CFR part 254 by the final rule published in the **Federal Register** without notice and comment on February 13, 2020 (85 FR 8180). The second phase, implementing changes that may entail an exercise of agency discretion, is accomplished by this final rule.

The Agriculture Improvement Act of 2018 added two new paragraphs to the Small Tracts Act Section 3 (16 U.S.C. 521e) to resolve by conveyance certain encroachment, trespass, and boundary management problems: paragraph (4) (16 U.S.C. 521e(4)), adding a limited conveyance authority for parcels of 40 acres or less that are determined by the Secretary of Agriculture (hereafter “Secretary”) to be physically isolated