

**DEPARTMENT OF LABOR****Office of the Secretary****29 CFR Part 18**

RIN 1290-AA36

**Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges****AGENCY:** Office of the Secretary, Department of Labor.**ACTION:** Direct final rule; withdrawal.

**SUMMARY:** Due to the receipt of significant adverse comment, the Department of Labor is withdrawing the January 11, 2021 direct final rule (DFR) that would have provided for electronic filing (e-filing) and electronic service (e-service) of papers, required e-filing for persons represented by attorneys or non-attorney representatives unless good cause is shown justifying a different form of filing, and required advance notice to the parties of the manner of a hearing or prehearing conference.

**DATES:** Effective February 25, 2021, the direct final rule published at 86 FR 1800 on January 11, 2021, is withdrawn.

**FOR FURTHER INFORMATION CONTACT:** Todd Smyth, General Counsel, U.S. Department of Labor, Office of Administrative Law Judges, 800 K Street NW, Washington, DC 20001-8002; telephone (513) 684-3252. Individuals with hearing or speech impairments may access the telephone number above by TTY by calling the toll-free Federal Information Relay Service at (800) 877-8339.

**SUPPLEMENTARY INFORMATION:** In the DFR, the Department stated that if a significant adverse comment was submitted by February 10, 2021, the Department would publish a timely withdrawal in the **Federal Register** informing the public that the DFR will not take effect. The Department also issued an identical notice of proposed rulemaking (NPRM) on the same day (86 FR 1862). The Department received significant adverse comment prior to the close of the comment period and is therefore withdrawing the DFR. The Department also received a request to extend the comment period and will reopen the comment period for the NPRM for 15 days in a future document. In issuing a final action, the Department will consider comments received on the DFR and NPRM during the initial comment period as well as comments received during the subsequent comment period. The Department will also provide at least 30 days' notice

between promulgating a final rule that requires e-filing and the date on which e-filing will become mandatory under such a rule. Furthermore, the Department notes that several comments raised concerns with the Department's electronic filing system and not the requirements of the proposed or direct final rules. To better understand and address these concerns, the Department plans to hold listening sessions during the coming weeks for users to provide feedback on the system. Information about those sessions will be announced at <https://efile.dol.gov>.

**List of Subjects in 29 CFR Part 18**

Administrative practice and procedure, Labor.

**PART 18—RULES OF PRACTICE AND PROCEDURE FOR ADMINISTRATIVE HEARINGS BEFORE THE OFFICE OF ADMINISTRATIVE LAW JUDGES**

Accordingly, the amendments to 29 CFR part 18, published in the **Federal Register** on January 11, 2021 (86 FR 1800), are withdrawn as of February 25, 2021.

**Milton A. Stewart,***Acting Secretary of Labor.*

[FR Doc. 2021-04005 Filed 2-23-21; 4:15 pm]

**BILLING CODE 4510-HW-P****DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 165**

[Docket Number USCG-2021-0098]

RIN 1625-AA00

**Safety Zone; Ohio River, New Richmond, OH****AGENCY:** Coast Guard, Department of Homeland Security (DHS).**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing temporary safety zone for all navigable waters of the Ohio River from mile marker (MM) 452.0 to MM 454.0 near New Richmond, OH. This action is necessary to provide for the safety of life on these navigable waters near New Richmond, OH, during a demolition project. Entry into, transiting through, or anchoring within this zone is prohibited unless authorized by the Captain of the Port Sector Ohio Valley (COTP) or a designated representative.

**DATES:** This rule is effective on February 26, 2021 through February 28, 2021.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2021-0098 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 MST1 Matthew Roberts, Waterways Department Marine Safety Detachment Cincinnati, U.S. Coast Guard; telephone 513-921-9033, email [msdcincinnati@uscg.mil](mailto:msdcincinnati@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 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 doing so would be impracticable and contrary to the public interest. On February 15, 2021, the Coast Guard was notified of a demolition event that will take place on the Ohio River, between Mile Marker (MM) 452.0 to MM 454.0 near New Richmond, OH from 9:30 a.m. through 10:30 a.m. on February 26, 2021 or if inclement weather is present the demolition event will take place on February 27, 2021 or February 28, 2021, from 9:30 a.m. through 10:30 a.m. Notice of the demolition event did not give the Coast Guard enough time to publish an NPRM, take public comments, and issue a final rule before the demolition work is set to begin. It would be impracticable and contrary to the public interest to delay promulgating this rule as it is necessary to establish this safety zone on February 26, 2021 to protect the safety of anyone within a two mile radius of the area associated with the demolition. Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this