

TENNESSEE VALLEY AUTHORITY**18 CFR Part 1301**

RIN 3316-AA23

“Promoting the Rule of Law Through Improved Agency Guidance” Regulations; Rescission**AGENCY:** Tennessee Valley Authority.**ACTION:** Final rule; rescission of regulations.

SUMMARY: In accordance with the Executive order entitled, “Promoting the Rule of Law Through Improved Agency Guidance,” the Tennessee Valley Authority (TVA) is rescinding associated regulations.

DATES: This rule is effective on May 27, 2021.

FOR FURTHER INFORMATION CONTACT: Robin M. Daugherty, 423-751-3207, Email: rmdaugherty@tva.gov, Mail address: Tennessee Valley Authority, 400 West Summit Hill Drive, WT 6 Knoxville, TN 37902.

SUPPLEMENTARY INFORMATION: TVA rescinds 18 CFR 1301.70 through 1301.80 (part 1301, subpart F), which implemented the requirements of Executive Order 13891, “Promoting the Rule of Law Through Improved Agency Guidance Documents.” 84 FR 55235 (October 9, 2019) (E.O. 13891). TVA rescinds this regulation in accordance with E.O. 13992, “Revocation of Certain Executive Orders Concerning Federal Regulation.” 86 FR 7049 (January 25, 2021) (E.O. 13992). E.O. 13992 revoked certain executive orders, including E.O. 13891. E.O. 13992 additionally directed heads of agencies to “promptly take steps to rescind any orders, rules, regulations, guidelines, or policies, or portions thereof,” that were issued to implement E.O. 13891. TVA issued regulations to implement E.O. 13891 on September 24, 2020, at subpart F in part 1301 of title 18 of the Code of Federal Regulations (*Promoting the Rule of Law Through Improved Agency Guidance Documents*, 85 FR 60063-60068 (Sept. 24, 2020) (*codified at* 18 CFR part 1301, subpart F). This rescission complies with the purpose and intent of E.O. 13992.

Legal Authority

This rescission is promulgated under the authority of the TVA Act, as amended, 16 U.S.C. 831-831ee, and the Administrative Procedures Act, 5 U.S.C. 551-559.

Background

TVA is a multi-purpose corporate agency of the United States that

provides electricity for business customers and local power companies serving 10 million people in parts of seven southeastern states. TVA provides flood control, navigation and land management for the Tennessee River system and assists local power companies and state and local governments with economic development and job creation.

Statutory and Executive Orders Reviews

A. *Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review*—This action is exempt from review by the Office of Management and Budget (OMB) because it is a rule of agency procedure and practice and is limited to agency management.

B. *Paperwork Reduction Act (PRA)*—This action does not contain any information collection activities and therefore does not impose an information collection burden under the PRA.

C. *Regulatory Flexibility Act (RFA)*—This action is not subject to the RFA. The RFA applies only to rules subject to notice and comment rulemaking requirements under the Administrative Procedure Act (APA), 5 U.S.C. 553, or any other statute. This rule pertains to agency management or personnel, which the APA expressly exempts from notice and comment rulemaking requirements under 5 U.S.C. 553(a)(2).

D. *Unfunded Mandates Reform Act (UMRA)*—This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531-1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local, or tribal governments or the private sector.

E. *Executive Order 13132: Federalism*—This action does not have federalism implications. It will not have substantial direct effects 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.

F. *Executive Order 13175: Consultation and Coordination With Indian Tribal Governments*—This action does not have tribal implications as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this action.

G. *Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks*—TVA interprets E.O. 13045 as applying only to those regulatory actions that concern environmental health or safety risks that

TVA has reason to believe may disproportionately affect children. Per the definition of “covered regulatory action” in E.O. 13891, and because this action does not concern an environmental health risk or safety risk, it is not subject to E.O. 13045.

H. *Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use*—This action is not subject to E.O. 13211 because it is not a significant regulatory action under E.O. 12866.

I. *National Technology Transfer and Advancement Act (NTTAA)*—This rulemaking does not involve technical standards.

J. *Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*—TVA believes that this action is not subject to E.O. 12898 because it does not establish an environmental health or safety standard. This regulatory action is a procedural rule and does not have any impact on human health or the environment.

K. *Congressional Review Act*—This rule is exempt from the CRA because it is a rule of agency organization, procedure or practice that does not substantially affect the rights or obligations of non-agency parties.

L. *Executive Order 13992: Revocation of Certain Executive Orders Concerning Federal Regulation*—TVA believes that E.O. 13992 squarely applies in this context, as a clear and direct requirement to rescind TVA’s applicable regulations promulgated in accordance with E.O. 13891.

Signing Authority

This document of the Tennessee Valley Authority was signed on _____, by David B. Fountain, Executive Vice President and General Counsel, pursuant to delegated authority from the Chief Executive Officer.

Signed in Knoxville, TN, on May 5, 2021.

David B. Fountain,

Executive Vice President and General Counsel, Tennessee Valley Authority.

For reasons stated in the preamble, the TVA amends 18 CFR part 1301 as follows:

PART 1301—PROCEDURES

■ 1. The authority citation for part 1301 continues to read as follows:

Authority: 5 U.S.C. 552 and 552a; 16 U.S.C. 831-831dd.

Subpart F—[Removed]

- 2. Subpart F, consisting of §§ 1301.70 through 1301.80, is removed.

[FR Doc. 2021–10059 Filed 5–26–21; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 165**

[Docket Number USCG–2021–0260]

RIN 1625–AA00

Safety Zone; Lake of the Ozarks, Mile Marker 1 Approximately 500 Feet of the Bagnell Dam, Lake of the Ozarks, MO

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for all navigable waters of the Lake of the Ozarks at mile marker 1 approximately 500 feet southwest of the Bagnell Dam. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by a fireworks display. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Upper Mississippi River or a designated representative.

DATES: This rule is effective from May 29, 2021 at 8:45 p.m. through 8:30 p.m. on September 4, 2021. This rule will be enforced on May 29, 2021 at 8:45 p.m. through 9:15 p.m., June 4, 2021 at 8:45 p.m. through 9:15 p.m., June 19, 2021 at 8:45 p.m. through 9:15 p.m., July 4, 2021 at 9:15 p.m. through 9:45 p.m., July 17, 2021 at 9 p.m. through 9:30 p.m., July 24, 2021 at 9:15 p.m. through 9:45 p.m., July 31, 2021 at 9:15 p.m. to 9:45 p.m., August 7, 2021 at 9:15 p.m. through 9:45 p.m., August 14, 2021 at 9:15 p.m. through 9:45 p.m., August 25, 2021 at 9:15 p.m. through 9:45 p.m., and September 4, 2021 at 8 p.m. through 8:30 p.m.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2021–0260 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 Lieutenant Commander Stephanie Moore, Sector Upper Mississippi River

Waterways Management Division, U.S. Coast Guard; telephone 314–269–2560, email Stephanie.R.Moore@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 it is impracticable. We must establish this safety zone by May 29, 2021 and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

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**. Delaying the effective date of this rule would be contrary to the public interest because immediate action is needed to respond to the potential safety hazards associated with the fireworks display.

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 Sector Upper Mississippi River (COTP) has determined that potential hazards associated with a fireworks display on May 29, 2021 will be a safety concern for anyone on the Lake of the Ozarks between Mile Marker (MM) .75 to 1. This rule resulted from a marine event notification stating that there will be a fireworks display to celebrate summertime on the Lake of the Ozarks. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone before, during, and after the fireworks display.

IV. Discussion of the Rule

This rule establishes a safety zone on May 29, 2021 at 8:45 p.m. through 9:15 p.m., June 4, 2021 at 8:45 p.m. through 9:15 p.m., June 19, 2021 at 8:45 p.m. through 9:15 p.m., July 4, 2021 at 9:15 p.m. through 9:45 p.m., July 17, 2021 at 9 p.m. through 9:30 p.m., July 24, 2021 at 9:15 p.m. through 9:45 p.m., July 31, 2021 at 9:15 p.m. through 9:45 p.m., August 7, 2021 at 9:15 p.m. through 9:45 p.m., August 14, 2021 at 9:15 p.m. through 9:45 p.m., August 25, 2021 at 9:15 p.m. through 9:45 p.m., and September 4, 2021 at 8:00 p.m. through 8:30 p.m. The safety zone will cover all navigable waters of the Lake of the Ozarks at mile marker 1 approximately 500 feet southwest of the Bagnell Dam. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters before, during, and after a fireworks display. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector Upper Mississippi River. The COTP or a designated representative will inform the public of the enforcement date and times for this safety zone, as well as any emergent safety concerns that may delay the enforcement of the zone.

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. 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).

This regulatory action determination is based on the size, location, and duration of the temporary safety zone. This action involves a fireworks display that impacts a one half mile stretch of the Lake of the Ozarks on May 29, 2021 at 8:45 p.m. through 9:15 p.m., June 4,