

application demonstrating how disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

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(8) *Restriction on charging fees.* If the RRB fails to comply with the FOIA's time limits in which to respond to a request, it may not charge search fees, or, in the instances of requests from requesters described in paragraphs (g)(2)(ii) and (iii) of this section, may not charge reproduction fees except as described in paragraphs (g)(8)(i) and (ii) of this section.

(i) If the RRB has determined that unusual circumstances as defined by the FOIA apply and the agency provided timely written notice to the requester in accordance with the FOIA, a failure to comply with the time limit shall be excused for an additional 10 days.

(ii) If the RRB has determined that unusual circumstances as defined by the FOIA apply, and more than 5,000 pages are necessary to respond to the request, the agency may charge search fees, or, in the case of requesters described in paragraphs (g)(2)(ii) and (iii) of this section, may charge duplication fees if the following steps are taken. The agency must have provided timely written notice of unusual circumstances to the requester in accordance with the FOIA and the agency must have discussed with the requester via written mail, email, or telephone (or made not less than three good-faith attempts to do so) how the requester could effectively limit the scope of the request in accordance with 5 U.S.C.

552(a)(6)(B)(ii). If the exception in this paragraph (g)(8)(ii) is satisfied, the component may charge all applicable fees incurred in the processing of the request.

(9) *Other statutes specifically providing for fees.* The fee schedule of this section does not apply to fees charged under any statute that specifically requires an agency to set and collect fees for particular types of records. In instances where records responsive to a request are subject to a statutorily-based fee schedule program, the agency must inform the requester of the contact information of that program.

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(i) *Timing of responses to requests.* The RRB ordinarily will respond to requests according to their order of receipt. In instances involving misdirected requests that are required to be rerouted, the response time shall

commence on the date that the request is received by the office that is designated to receive requests, but in any event not later than 10 working days after the request is first received by any office that is designated by these regulations to receive requests.

(1) *Unusual circumstances.* Whenever the RRB cannot meet the statutory time limit for processing a request because of "unusual circumstances," as defined in the FOIA, and the RRB extends the time limit on that basis, the RRB shall, before expiration of the 20-day period to respond, notify the requester in writing of the unusual circumstances involved and of the date by which the RRB estimates processing of the request will be completed. Where the extension exceeds 10 working days, the RRB shall, as described by the FOIA, provide the requester with an opportunity to modify the request or arrange an alternative time period for processing the original or modified request. The RRB shall make available its designated FOIA Public Liaison for this purpose. The RRB shall also alert requesters to the availability of the Office of Government Information Services (OGIS) to provide dispute resolution services.

(2) *Expedited processing.* (i) The RRB shall process requests and appeals on an expedited basis whenever it is determined that they involve:

(A) Circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(B) An urgency to inform the public about an actual or alleged Federal Government activity, if made by a person who is primarily engaged in disseminating information.

(ii) A request for expedited processing may be made at any time. Requests based on paragraphs (i)(2)(i)(A) and (B) of this section must be submitted to the General Counsel, Railroad Retirement Board, Room 836, 844 N Rush Street, Chicago, Illinois 60611-1275.

(iii) A requester who seeks expedited processing must submit a statement, certified to be true and correct, explaining in detail the basis for making the request for expedited processing. For example, under paragraph

(i)(2)(i)(B) of this section, a requester who is not a full-time member of the news media must establish that the requester is a person whose primary professional activity or occupation is information dissemination, though it need not be the requester's sole occupation. Such a requester also must establish a particular urgency to inform the public about the government activity involved in the request—one that

extends beyond the public's right to know about government activity generally. The existence of numerous articles published on a given subject can be helpful in establishing the requirement that there be an "urgency to inform" the public on the topic. As a matter of administrative discretion, an agency may waive the formal certification requirement.

(iv) The RRB shall notify the requester within 10 calendar days of the receipt of a request for expedited processing of its decision whether to grant or deny expedited processing. If expedited processing is granted, the request will be given priority and will be processed as soon as practicable. If a request for expedited processing is denied, the RRB will act on any appeal of that decision expeditiously.

(j) \* \* \* Additionally, any grant shall contain a statement notifying the requester of the assistance available from the RRB's FOIA Public Liaison, and any denial shall contain a statement notifying the requester of the assistance available from the RRB's FOIA Public Liaison and the dispute resolution services offered by the National Archives and Records Administration's (NARA's) Office of Government Information Services (OGIS).

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By Authority of the Board.

**Stephanie Hillyard,**  
*Secretary to the Board.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2021-0444]

#### Safety Zone; Independence Day Celebration, Bridge Side Marine

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

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

**SUMMARY:** The Coast Guard will enforce a safety zone for the Independence Day Celebration at Bridge Side Marina in Grand Isle, Louisiana, from 10 p.m. through 10:30 p.m. on Saturday, July 3, 2021. This action is needed to provide for the safety of life on navigable waterways during this event.

**DATES:** The regulations in 33 CFR 165.801, Table 5, line 7, will be

enforced from 10 p.m. through 10:30 p.m. on July 3, 2021.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notice of enforcement, call or email Commander Matthew M. Spolarich, Chief of Prevention, U.S. Coast Guard Marine Safety Unit Houma; telephone 985-850-6437, email [matthew.m.spolarich@uscg.mil](mailto:matthew.m.spolarich@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the safety zone in 33 CFR 165.801, Table 5, line 7, for the Independence Day Celebration at Bridge Side Marina in Grand Isle, Louisiana from 10 p.m. through 10:30 p.m. This action is being taken to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Eighth Coast Guard District requiring safety zones, § 165.801, Table 5, line 7, specifies the location of the safety zone as a 500 foot radius from the Pier located at Bridge Side Marina, 2012 LA Highway 1, Grand Isle, LA (Lat: 29°12'14" N; Long: 090°02'28.47" W). During the enforcement period, as reflected in § 100.801, entry into this zone is prohibited unless authorized by the Captain of the Port or a designated representative. Persons or vessels desiring to enter into or passage through the zone must request permission from the Captain of the Port or a designated representative.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners and Broadcast Notice to Mariners.

Dated: June 28, 2021.

**J.W. Russell,**

*Captain, U.S. Coast Guard, Captain of the Port Houma.*

[FR Doc. 2021-14166 Filed 7-1-21; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2021-0455]

#### Safety Zones; Annual Events in the Captain of the Port Buffalo Zone

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** The Coast Guard will enforce a safety zone located in federal regulations for the Lake Erie Open

Water Swim. This action is necessary and intended for the safety of life and property on navigable waters during the event. During the enforcement period, no person or vessel may enter the respective safety zone without the permission of the Captain of the Port Buffalo.

**DATES:** The regulations listed in 33 CFR 165.939 as listed in Table 165.939(b)(12) will be enforced from 6:45 a.m. through 11:15 a.m. on July 17, 2021.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notice of enforcement, call or email MST2 Natalie Smith, Waterways Management Division, U.S. Coast Guard Marine Safety Unit Cleveland; telephone 216-937-6004, email [D09-SMB-MSUCLEVELAND-WWM@uscg.mil](mailto:D09-SMB-MSUCLEVELAND-WWM@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the Safety Zones; Annual Events in the Captain of the Port Buffalo Zone listed in 33 CFR 165.939, Table 165.939(b)(12) for the Lake Erie Open Water Swim. Pursuant to 33 CFR 165.23, entry into, transiting, or anchoring within the safety zone during an enforcement period is prohibited unless authorized by the Captain of the Port Buffalo or a designated representative. Those seeking permission to enter the safety zone may request permission from the Captain of Port Buffalo via channel 16, VHF-FM. Vessels and persons granted permission to enter the safety zone shall obey the directions of the Captain of the Port Buffalo or a designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

This notice of enforcement is issued under authority of 33 CFR 165.939 and 5 U.S.C. 552 (a). In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via Broadcast Notice to Mariners or Local Notice to Mariners. If the Captain of the Port Buffalo determines that the safety zone need not be enforced for the full duration stated in this notice, she may use a Broadcast Notice to Mariners to grant general permission to enter the respective safety zone.

**Lexia M. Littlejohn,**

*Captain, U.S. Coast Guard, Captain of the Port Buffalo.*

[FR Doc. 2021-14144 Filed 7-1-21; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### 33 CFR Part 210

RIN 0710-AB39

#### Procurement Activities of the Corps of Engineers

**AGENCY:** U.S. Army Corps of Engineers, Department of Defense.

**ACTION:** Final rule.

**SUMMARY:** This final rule removes the U.S. Army Corps of Engineers' part titled, "Procurement Activities of the Corps of Engineers." Each removed section is out-of-date, duplicative of existing regulations, and otherwise covers internal agency operations that have no public compliance component or adverse public impact. Regulations governing internal procurement activities can be found on file with the agency. Therefore, this part can be removed from the Code of Federal Regulations (CFR).

**DATES:** This rule is effective on July 2, 2021.

**ADDRESSES:** Department of the Army, U.S. Army Corps of Engineers, ATTN: CECT-P (Ms. Wanda Cross), 441 G Street NW, Washington, DC 20314-1000.

**FOR FURTHER INFORMATION CONTACT:** Ms. Wanda Cross at (202) 761-1034 or by email at [wanda.m.cross2@usace.army.mil](mailto:wanda.m.cross2@usace.army.mil).

**SUPPLEMENTARY INFORMATION:** This final rule removes from the CFR part 210 of title 33, "Procurement Activities of the Corps of Engineers." The rules at 33 CFR 210.1, 210.2, and 210.3 were published on December 7, 1961 (26 FR 11732) pursuant to Department of Defense procurement statutes, 10 U.S.C. Chapter 137. The regulation at 33 CFR 210.1 provides for procedures for advance notices to prospective bidders on certain construction contracts. The regulation at 33 CFR 210.2 provides for procedures to notify the successful bidder of the acceptance of their bid. The regulation at 33 CFR 210.3 provides for procedures to issue a notice to proceed to contractors. The rule at 33 CFR 210.4 was initially published on January 14, 1975 (40 FR 2582), and amended on March 24, 1980 (45 FR 19202). The rule at 33 CFR 210.5 was published on March 24, 1980 (45 FR 19202). The regulations at 33 CFR 210.4 and 201.5 provide for the administration of appeals before the Corps of Engineers Board of Contract Appeals. While the rules apply only to the Corps' internal