

**DEPARTMENT OF DEFENSE****Department of the Army, Corps of Engineers****33 CFR Part 223**

[COE–2020–0010]

RIN 0710–AA87

**Boards, Commissions, and Committees**

**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 Boards, Commissions, and Committees. This part is redundant of or otherwise covers internal agency operations that have no public compliance component or adverse public impact. Therefore, this part can be removed from the Code of Federal Regulations (CFR).

**DATES:** This rule is effective on January 11, 2021.

**ADDRESSES:** Department of the Army, U.S. Army Corps of Engineers, ATTN: CECW–P (Mr. Paul Clouse), 441 G Street NW, Washington, DC 20314–1000.

**FOR FURTHER INFORMATION CONTACT:** Mr. Paul Clouse at (202) 761–4709 or by email at [Paul.D.Clouse@usace.army.mil](mailto:Paul.D.Clouse@usace.army.mil).

**SUPPLEMENTARY INFORMATION:** This final rule removes from the CFR 33 CFR part 223, Boards, Commissions, and Committees. The rule was initially published in the **Federal Register** on November 9, 1978 (43 FR 52236). This regulation established and prescribed the objectives, composition, responsibilities and authority of the Mississippi River Water Control Management Board which is comprised of only Corps members and only oversees Corps-related functions in the Mississippi River Basin. The objectives of the Board are to provide oversight and guidance during the development of basin-wide management plans for Mississippi River Basin projects for which the Corps has operation/regulation responsibilities, and to serve as a forum for resolution of water control problems among Corps Divisions within the Mississippi River Basin when agreement is otherwise unobtainable. It was published, at that time, in the **Federal Register** to aid public accessibility. The solicitation of public comment for this removal is unnecessary because the rule is redundant of and covers internal agency operations that have no public compliance component or adverse

public impact. For current public accessibility purposes, the current guidance governing the Greater Mississippi River Basin Water Management Board may be found in Engineer Regulation 15–2–13, “Greater Mississippi River Basin Water Management Board” (available at [https://www.publications.usace.army.mil/Portals/76/Publications/EngineerRegulations/ER\\_15-2-13.pdf?ver=2014-01-30-134510-207](https://www.publications.usace.army.mil/Portals/76/Publications/EngineerRegulations/ER_15-2-13.pdf?ver=2014-01-30-134510-207)). The agency policy is only applicable to Board members and to all field operating activities concerned with water management within the Greater Mississippi River Basin and establishes and prescribes the objectives, composition, responsibilities and authority of the Corps' Greater Mississippi River Basin Water Management Board.

This rule removal is being conducted to reduce confusion for the public as well as for the Corps regarding the current policy which governs the Corps' Greater Mississippi River Basin Water Management Board. Because the regulation does not place a burden on the public, its removal does not provide a reduction in public burden or costs.

This rule is not significant under Executive Order (E.O.) 12866, “Regulatory Planning and Review.” Therefore, the requirements of E.O. 13771, “Reducing Regulation and Controlling Regulatory Costs,” do not apply. This removal supports a recommendation of the DoD Regulatory Reform Task Force.

**List of Subjects in 33 CFR Part 223**

Mississippi River, Organization and functions (Government agencies), Water resources.

**PART 223—[REMOVED]**

■ Accordingly, for the reasons stated in the preamble and under the authority of 5 U.S.C. 301, the Corps removes 33 CFR part 223.

**R.D. James,**

*Assistant Secretary of the Army (Civil Works).*  
[FR Doc. 2020–27909 Filed 1–8–21; 8:45 am]

**BILLING CODE 3720–58–P**

**DEPARTMENT OF DEFENSE****Department of the Army, Corps of Engineers****33 CFR Part 236**

[COE–2020–0004]

RIN 0710–AB05

**Water Resource Policies and Authorities: Corps of Engineers Participation in Improvements for Environmental Quality**

**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 Water Resource Policies and Authorities: Corps of Engineers Participation in Improvements for Environmental Quality. Each removed section of this part is out-of-date and redundant of or otherwise covers internal agency operations that have no public compliance component or adverse public impact. Therefore, this part can be removed from the Code of Federal Regulations (CFR).

**DATES:** This rule is effective on January 11, 2021.

**ADDRESSES:** Department of the Army, U.S. Army Corps of Engineers, ATTN: CECW–P (Ms. Amy Frantz), 441 G Street NW, Washington, DC 20314–1000.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy Frantz at (202) 761–0106 or by email at [Amy.K.Frantz@usace.army.mil](mailto:Amy.K.Frantz@usace.army.mil).

**SUPPLEMENTARY INFORMATION:** This final rule removes from the CFR 33 CFR part 236, Water Resource Policies and Authorities: Corps of Engineers Participation in Improvements for Environmental Quality. The rule was initially published in the **Federal Register** on April 30, 1980 (45 FR 28714). The regulation provided guidance and procedures to Corps field offices regarding the Corps' role in environmental quality improvements as part of a water resource project. The Corps' role in environmental quality broadened over the years and the regulation made clear that balancing economic and environmental interests was a major requirement to be considered in the planning of all Corps projects. It was published, at that time, in the **Federal Register** to aid public accessibility. The solicitation of public comment for this removal is unnecessary because the rule is out-of-date and redundant of or otherwise covers internal agency operations that have no public compliance component

or adverse public impact. For current public accessibility purposes, updated internal agency policy on this topic may be found in the Principles for Water and Related Land Resources Implementation Studies, related to the formulation of recommended plans for water resources development projects, and in Engineer Regulation 1105–2–100, “Planning Guidance Notebook” (available at [https://www.publications.usace.army.mil/Portals/76/Publications/EngineerRegulations/ER\\_1105-2-100.pdf](https://www.publications.usace.army.mil/Portals/76/Publications/EngineerRegulations/ER_1105-2-100.pdf)). Also, environmental evaluation is required under the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321–4347) and is implemented by the U.S. Army Corps of Engineers pursuant to 33 CFR part 230, Procedures for Implementing NEPA.

This rule removal is being conducted to reduce confusion for the public as well as for the Corps regarding the current policy which governs the Corps’ use of Environmental Quality measures in Corps projects as well as the current policy for environmental evaluation. The Procedures for Implementing NEPA were updated after this regulation and provide the current policy approach for the Corps in their environmental evaluation process. Because the regulation does not place a burden on the public, its removal does not provide a reduction in public burden or costs.

This rule is not significant under Executive Order (E.O.) 12866, “Regulatory Planning and Review.” Therefore, the requirements of E.O. 13771, “Reducing Regulation and Controlling Regulatory Costs,” do not apply. This removal supports a recommendation of the DoD Regulatory Reform Task Force.

#### List of Subjects in 33 CFR Part 236

Environmental protection, Water resources.

#### PART 236—[REMOVED]

■ Accordingly, for the reasons stated in the preamble and under the authority of 5 U.S.C. 301, the Corps removes 33 CFR part 236.

**R.D. James,**  
*Assistant Secretary of the Army (Civil Works).*  
[FR Doc. 2020–27912 Filed 1–8–21; 8:45 am]

BILLING CODE 3720–58–P

## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### 33 CFR Part 239

[COE–2019–0004]

RIN 0710–AA94

#### Water Resources Policies and Authorities: Federal Participation in Covered Flood Control Channels

**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 Water Resources Policies and Authorities: Federal Participation in Covered Flood Control Channels. Each removed section of this part is outdated in reference to engineering criteria and requirements, and covers internal agency operations that have no public compliance component or adverse public impact. Current policy and procedures on this subject can be found in internal documents. Therefore, this part can be removed from the Code of Federal Regulations (CFR).

**DATES:** This rule is effective on January 11, 2021.

**ADDRESSES:** Department of the Army, U.S. Army Corps of Engineers, ATTN: CECW–P (Ms. Amy Frantz), 441 G Street NW, Washington, DC 20314–1000.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy Frantz at (202) 761–0106 or by email at [Amy.K.Frantz@usace.army.mil](mailto:Amy.K.Frantz@usace.army.mil).

**SUPPLEMENTARY INFORMATION:** This final rule removes from the CFR 33 CFR part 239, Water Resources Policies and Authorities: Federal Participation in Covered Flood Control Channels. The rule was initially published in the **Federal Register** on October 13, 1978 (43 FR 47470), and amended on June 21, 1979 (44 FR 36175). The regulation established policy for determining Federal participation in covered flood control channels. The regulation made clear that if, during the planning process, it appears that covered flood control channels are desirable, reporting officers may evaluate them and include them when they best serve the public interest. The regulation specified what reports on proposals to provide covered channels should include for engineering considerations. It was published, at that time, in the **Federal Register** to aid public accessibility. The solicitation of public comment for this removal is unnecessary because the rule is outdated in reference to engineering

criteria and requirements and covers internal agency operations that have no public compliance component or adverse public impact. For current public accessibility purposes, the current policy on Federal participation in flood control projects may be found in Engineer Regulation 1165–2–21, “Flood Damage Reduction Measures in Urban Areas,” dated October 30, 1980 (available at [https://www.publications.usace.army.mil/Portals/76/Publications/EngineerRegulations/ER\\_1165-2-21.pdf](https://www.publications.usace.army.mil/Portals/76/Publications/EngineerRegulations/ER_1165-2-21.pdf)); and 33 CFR part 238, Flood Damage Reduction Measures in Urban Areas. The agency policy is only applicable to field operating activities having Civil Works responsibilities and provides guidance specific to the Corps’ participation in urban flood damage reduction projects.

This rule removal is being conducted to reduce confusion for the public as well as for the Corps regarding the current policy which governs Federal participation in covered flood control channels. Because the regulation does not place a burden on the public, its removal does not provide a reduction in public burden or costs.

This rule is not significant under Executive Order (E.O.) 12866, “Regulatory Planning and Review.” Therefore, the requirements of E.O. 13771, “Reducing Regulation and Controlling Regulatory Costs,” do not apply. This removal supports a recommendation of the DoD Regulatory Reform Task Force.

#### List of Subjects in 33 CFR Part 239

Flood control.

#### PART 239—[REMOVED]

■ Accordingly, for the reasons stated in the preamble and under the authority of 5 U.S.C. 301, the Corps removes 33 CFR part 239.

**R.D. James,**  
*Assistant Secretary of the Army (Civil Works).*  
[FR Doc. 2020–27911 Filed 1–8–21; 8:45 am]

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## NATIONAL TRANSPORTATION SAFETY BOARD

### 49 CFR Part 831

[Docket No.: NTSB–2021–0001]

RIN 3147–AA24

#### Civil Monetary Penalty Annual Inflation Adjustment

**AGENCY:** National Transportation Safety Board (NTSB).

**ACTION:** Final rule.