

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 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. This rule involves a temporary safety zone on the RR at MM 58 through 60 in the vicinity of Moncla, LA, that will prohibit entry into this zone. The safety zone will only be enforced while operations preclude the safe navigation of the established channel. It 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 amends 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.T08–0125 to read as follows:

##### **§ 165.T08–0125 Safety Zone; Red River, Mile Marker 59, Moncla, LA.**

(a) *Location.* The following area is a safety zone: All navigable waters of the Red River at Mile Marker (MM) 58 through 60 in the vicinity of Moncla, LA.

(b) *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 Captain of the Port Sector Lower Mississippi River (COTP) or the COTP's 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 Lower Mississippi River.

(2) To seek permission to enter, contact the COTP or the COTP's representative via VHF–FM channel 16 or by telephone at 901–521–4822. 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.

(c) *Enforcement period.* This section will be enforced from March 3, 2021 until March 10, 2021.

(d) *Information broadcasts.* The COTP or a designated representative will inform the public of the enforcement times and date for this safety zone through Broadcast Notices to Mariners, Local Notices to Mariners, and/or Safety Marine Information Broadcasts, as appropriate.

Dated: February 26, 2021.

**R.S. Rhodes,**

*Captain, U.S. Coast Guard, Captain of the Port Sector Lower Mississippi River.*

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**BILLING CODE 9110–04–P**

#### **FEDERAL COMMUNICATIONS COMMISSION**

#### **47 CFR Parts 0 and 1**

[GN Docket No. 21–16; FCC 21–17; FRS 17471]

#### **Delegations of Authority To Act on Applications for Review**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Federal Communications Commission (Commission) amends its organizational rules to codify a uniformly applicable standard for the exercise of delegated authority by staff Bureaus and Offices to dismiss procedurally defective Applications for Review. Bureaus and Offices will have clear authority to dismiss such applications that do not comply with procedural requirements. **DATES:** Effective April 5, 2021.

**FOR FURTHER INFORMATION CONTACT:** David Konczal, Office of General Counsel, at [David.Konczal@fcc.gov](mailto:David.Konczal@fcc.gov) or (202) 418–1700.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Order in GN Docket No. 21–16; FCC 21–17, adopted on January 13, 2021, and released on January 14, 2021. The complete text of this document can be located on the FCC website at <https://docs.fcc.gov/public/attachments/FCC-21-17A1.pdf>.

#### **Synopsis**

1. By this Order, we amend parts 0 and 1 of the Commission's rules to codify a uniformly applicable standard for the exercise of delegated authority by various Bureaus and Offices to dismiss Applications for Review that do not comply with the procedural requirements of 47 CFR 1.115(a), (b), (d), or (f). Our current rules delegating authority to the various Bureaus and Offices are inconsistent on this issue. The rules delegating authority to certain Bureaus and Offices provide them with authority to dismiss procedurally defective Applications for Review.<sup>1</sup> The rules delegating authority to the other

<sup>1</sup> See 47 CFR 0.271(c), 0.331(c), 0.261(b)(3).

Bureaus and Offices do not expressly provide this authority.<sup>2</sup>

2. To remove this inconsistency, we hereby amend our rules to delegate authority to various Bureaus and Offices to dismiss any Application for Review that does not contain any statement required under 47 CFR 1.115(a) or (b),<sup>3</sup> or does not comply with the filing requirements of 47 CFR 1.115(d) or (f). We conclude that this action will eliminate confusion on this issue for the benefit of parties seeking Commission review of staff actions and parties opposing such challenges. In addition, this action will aid in the expeditious dismissal of procedurally defective Applications for Review. These amendments to the rules will apply to all Applications for Review filed on or after the effective date of the amendments set forth below.

3. We also take this opportunity to correct a typographical error in the rules describing the functions of the Wireline Competition Bureau. As codified, § 0.91(m) specifies that one of the functions of the Wireline Competition Bureau is to “[c]arry out the functions of the Commission under the Communications Act of 1934, as amended, except as reserved to the Commission under § 0.331.”<sup>4</sup> The reference to § 0.331 is an error, as that is the provision of our rules that delegates authority to the Wireless Telecommunications Bureau. Instead the limitation should refer to § 0.291 of our rules, which delegates authority to the Wireline Competition Bureau.

4. We hereby amend § 0.91 to correct that typographical error. We conclude that this action will eliminate confusion on this issue for the benefit of parties seeking to determine the scope of authority delegated to the Wireline Competition Bureau.

5. Finally, we make a minor correction to § 0.392(j) of the delegated authority rules for the Public Safety and Homeland Security Bureau, which states that the chief of that bureau has authority to administer the 911 communications reliability and redundancy rules and policies “contained in part 12 of this chapter.” The reference to part 12 is no longer correct because in 2019, the Commission moved the part 12 rules to part 9 as part of its general consolidation of 911 rules in the *Kari’s*

*Law/RAY BAUM’S Act* proceeding.<sup>5</sup> Therefore, we amend § 0.392(j) to replace the references to “part 12” with “part 9.”

6. *No Notice and Comment Required.* We have determined that the changes we adopt here are rules of agency organization, procedure, or practice, and are therefore exempt from the notice and comment requirements of the Administrative Procedure Act, 5 U.S.C. 553(b)(A).

7. *Regulatory Flexibility Act, Paperwork Reduction Act, and Congressional Review Act.* Section 603 of the Regulatory Flexibility Act, as amended, 5 U.S.C. 603(a), requires a regulatory flexibility analysis in notice and comment rulemaking proceedings. As we are adopting these rules without notice and comment, no regulatory flexibility analysis is required. This document does not contain any new or modified information collection(s) subject to the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520. In addition, therefore, it does not contain any new or modified “information collection burden for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002, 44 U.S.C. 3506(c)(4). The Commission will not send a copy of this Order pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A), because the adopted rules are rules of agency organization, procedure, or practice that do not “substantially affect the rights or obligations of non-agency parties,” 5 U.S.C. 804(3)(C).

8. Accordingly, *it is ordered* that pursuant to sections 4(i), 4(j), and 5 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 155, and 47 CFR 0.201(d), this *order* is hereby *adopted* and the rules set forth below are hereby *amended* effective 30 days after publication in the **Federal Register**.

#### List of Subjects

##### 47 CFR Part 0

Authority delegations, Organization and functions.

##### 47 CFR Part 1

Administrative practice and procedure, Penalties.

Federal Communications Commission.

**Marlene Dortch,**  
*Secretary.*

#### Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 0 and 1 as follows:

#### PART 0—COMMISSION ORGANIZATION

■ 1. The authority citation for part 0 continues to read as follows:

**Authority:** 47 U.S.C. 151, 154(i), 154(j), 155, 225, and 409, unless otherwise noted.

■ 2. Amend § 0.91 by revising paragraph (m) to read as follows:

##### § 0.91 Functions of the Bureau.

\* \* \* \* \*

(m) Carry out the functions of the Commission under the Communications Act of 1934, as amended, except as reserved to the Commission under § 0.291.

\* \* \* \* \*

■ 3. Amend § 0.212 by revising paragraph (b)(3) to read as follows:

##### § 0.212 Board of Commissioners.

\* \* \* \* \*

(b) \* \* \*

(3) Applications for review of actions taken pursuant to delegated authority, except that the Board may dismiss any such application that does not contain any statement required under § 1.115(a) or (b) of this chapter, or does not comply with the filing requirements of § 1.115(d) or (f) of this chapter.

\* \* \* \* \*

■ 4. Amend § 0.241 by revising paragraphs (a) introductory text and (a)(2) to read as follows:

##### § 0.241 Authority delegated.

(a) The performance of functions and activities described in § 0.31 is delegated to the Chief of the Office of Engineering and Technology: Provided that the following matters shall be referred to the Commission en banc for disposition:

\* \* \* \* \*

(2) Applications for review of actions taken pursuant to delegated authority, except that the Chief of the Office of Engineering and Technology may dismiss any such application that does not contain any statement required under § 1.115(a) or (b) of this chapter, or does not comply with the filing requirements of § 1.115(d) or (f) of this chapter.

\* \* \* \* \*

<sup>2</sup> See 47 CFR 0.212(b)(3), 0.241(a)(2), 0.283(b), 0.291(d), 0.311(a)(2), 0.361(b), 0.392(b).

<sup>3</sup> The Bureaus’ authority extends to those applications where such statements are missing entirely.

<sup>4</sup> 47 CFR 0.91(m).

<sup>5</sup> *Implementing Kari’s Law and Section 506 of RAY BAUM’S Act; Inquiry Concerning 911 Access, Routing, and Location in Enterprise Communications Systems; Amending the Definition of Interconnected VoIP Service in Section 9.3 of the Commission’s Rules, Report and Order*, 84 FR 66716 (Dec. 5, 2019), 34 FCC Rcd 6607 (2019). The former part 12 rules are now contained in 47 CFR part 9.

■ 5. Amend § 0.261 by revising paragraph (b)(3) to read as follows:

**§ 0.261 Authority delegated.**

\* \* \* \* \*

(b) \* \* \*

(3) To act upon any application for review of actions taken by the Chief, International Bureau, pursuant to delegated authority, except that the Chief of the International Bureau may dismiss any such application that does not contain any statement required under § 1.115(a) or (b) of this chapter, or does not comply with the filing requirements of § 1.115(d) or (f) of this chapter;

\* \* \* \* \*

■ 6. Amend § 0.271 by revising paragraph (c) to read as follows:

**§ 0.271 Authority delegated.**

\* \* \* \* \*

(c) The Chief, Office of Economics and Analytics, shall not have authority to act on any applications for review of actions taken by the Chief of the Office of Economics and Analytics pursuant to delegated authority, except that the Chief may dismiss any such application that does not contain any statement required under § 1.115(a) or (b) of this chapter, or does not comply with the filing requirements of § 1.115(d) or (f) of this chapter.

\* \* \* \* \*

■ 7. Amend § 0.283 by revising paragraph (b) to read as follows:

**§ 0.283 Authority delegated.**

\* \* \* \* \*

(b) Application for review of actions taken pursuant to delegated authority, except that the Chief of the Media Bureau may dismiss any such application that does not contain any statement required under § 1.115(a) or (b) of this chapter, or does not comply with the filing requirements of § 1.115(d) or (f) of this chapter.

\* \* \* \* \*

■ 8. Amend § 0.291 by revising paragraph (d) to read as follows:

**§ 0.291 Authority delegated.**

\* \* \* \* \*

(d) *Authority concerning applications for review.* The Chief, Wireline Competition Bureau, shall not have authority to act upon any applications for review of actions taken by the Chief, Wireline Competition Bureau, pursuant to any delegated authority, except that the Chief of the Wireline Competition Bureau may dismiss any such application that does not contain any statement required under § 1.115(a) or (b) of this chapter, or does not comply

with the filing requirements of § 1.115(d) or (f) of this chapter.

\* \* \* \* \*

■ 9. Amend § 0.311 by revising paragraph (a)(2) to read as follows:

**§ 0.311 Authority delegated.**

\* \* \* \* \*

(a) \* \* \*

(2) Applications for review of actions taken pursuant to delegated authority, except that the Chief of the Enforcement Bureau may dismiss any such application that does not contain any statement required under § 1.115(a) or (b) of this chapter, or does not comply with the filing requirements of § 1.115(d) or (f) of this chapter.

\* \* \* \* \*

■ 10. Amend § 0.331 by revising paragraph (c) to read as follows:

**§ 0.331 Authority delegated.**

\* \* \* \* \*

(c) *Authority concerning applications for review.* The Chief, Wireless Telecommunications Bureau, shall not have authority to act upon any applications for review of actions taken by the Chief of the Wireless Telecommunications Bureau pursuant to any delegated authority, except that the Chief may dismiss any such application that does not contain any statement required under § 1.115(a) or (b) of this chapter, or does not comply with the filing requirements of § 1.115(d) or (f) of this chapter.

\* \* \* \* \*

■ 11. Amend § 0.361 by revising paragraph (b) to read as follows:

**§ 0.361 Authority delegated.**

\* \* \* \* \*

(b) Application for review of actions taken pursuant to delegated authority, except that the Chief of Consumer and Governmental Affairs Bureau may dismiss any such application that does not contain any statement required under § 1.115(a) or (b) of this chapter, or does not comply with the filing requirements of § 1.115(d) or (f) of this chapter.

\* \* \* \* \*

■ 12. Amend § 0.392 by revising paragraphs (b) and (j) to read as follows:

**§ 0.392 Authority delegated.**

\* \* \* \* \*

(b) The Public Safety and Homeland Security Bureau shall not have authority to act upon any applications for review of actions taken by the Chief, Public Safety and Homeland Security Bureau, pursuant to any delegated authority, except that the Chief of the Public Safety and Homeland Security Bureau

may dismiss any such application that does not contain any statement required under § 1.115(a) or (b) of this chapter, or does not comply with the filing requirements of § 1.115(d) or (f) of this chapter.

\* \* \* \* \*

(j) The Chief of the Public Safety and Homeland Security Bureau is delegated authority to administer the communications reliability and redundancy rules and policies contained in part 9, subpart H, of this chapter, develop and revise forms and procedures as may be required for the administration of part 9, subpart H, of this chapter, review certifications filed in connection therewith, and order remedial action on a case-by-case basis to ensure the reliability of 911 service in accordance with such rules and policies.

**PART 1—PRACTICE AND PROCEDURE**

■ 13. The authority citation for part 1 is revised to read as follows:

**Authority:** 47 U.S.C. chs. 2, 5, 9, 13; 28 U.S.C. 2461 note, unless otherwise noted.

■ 14. Amend § 1.104 by:

■ a. Revising paragraph (b); and

■ b. Removing the note following paragraph (d) and the parenthetical authority citation at the end of the section.

The revision reads as follows:

**§ 1.104 Preserving the right of review; deferred consideration of application for review.**

\* \* \* \* \*

(b) Any person desiring Commission consideration of a final action taken pursuant to delegated authority shall file either a petition for reconsideration or an application for review (but not both) within 30 days from the date of public notice of such action, as that date is defined in § 1.4(b). The petition for reconsideration will be acted on by the designated authority or referred by such authority to the Commission: Provided that a petition for reconsideration of an order designating a matter for hearing will in all cases be referred to the Commission. The application for review will be acted upon by the Commission, except in those cases where a Bureau or Office has been delegated authority to dismiss an application for review.

\* \* \* \* \*

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