

*vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances*, <https://www.fda.gov/regulatory-information/search-fda-guidance-documents>, or <https://www.regulations.gov>.

Dated: August 22, 2023.

**Lauren K. Roth,**

*Associate Commissioner for Policy.*

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**BILLING CODE 4164-01-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[USCG-USCG-2023-0043]

RIN 1625-AA00

#### Safety Zone, Illinois River MM 165.5 Peoria, IL

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

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for all navigable waters within a half mile radius of a crane boom located in the Illinois River at Mile Marker (MM) 165.5. The safety zone is needed to protect personnel, vessels, and the marine environment from all potential hazards associated with a crane boom blocking the navigable channel and the salvage operation for its removal. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Upper Mississippi River (COTP) or a designated representative.

**DATES:** This rule is effective without actual notice from August 28, 2023, through August 29, 2023. For the purposes of enforcement, actual notice will be used from August 23, 2023, until August 28, 2023.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2023-0043 in the search box and click "Search." Next, in the Document Type column, select "Supporting & Related Material."

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email MSTC Nathaniel Dibley, Sector Upper Mississippi River Waterways Management Division, U.S. Coast Guard; telephone 314-269-2560, email [Nathaniel.D.Dibley@uscg.mil](mailto:Nathaniel.D.Dibley@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 a temporary safety zone must be established immediately to protect personnel, vessels, and the marine environment from potential hazards created by a crane boom protruding into the navigable channel and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule. It is impracticable to publish an NPRM because we must establish this safety zone by August 23, 2023.

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 impracticable because immediate action is needed to respond to the potential safety hazards associated with a crane boom blocking the navigable channel.

### III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port Sector Upper Mississippi River (COTP) has determined that potential hazards associated with a crane boom blocking the navigable channel and the salvage operation taking place to remove it will be a safety concern for anyone operating or transiting within the Illinois River at MM 165.5. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone until the crane boom has been removed from the waterway.

### IV. Discussion of the Rule

The salvaging of the crane boom will occur at MM 165.5 beginning August 23, 2023. The safety zone is designed to protect waterway users until work is complete.

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 (USCG) assigned to units under the operational control of USCG Sector Upper Mississippi River. To seek permission to enter, contact the COTP or a designated representative via VHF-FM channel 16, or through USCG Sector Upper Mississippi River at 314-269-2332. Persons and vessels permitted to enter the safety zone must comply with all lawful orders or directions issued by the COTP or designated representative. The COTP or a designated representative will inform the public of the effective period for the safety zone as well as any changes in the dates and times of enforcement, as well as reductions in the size of the safety zone through Local Notice to Mariners (LNMs), Broadcast Notices to Mariners (BNMs), and/or Safety Marine Information Broadcast (SMIB), as appropriate.

### 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 section 3(f) of Executive Order 12866, as amended by Executive Order 14094 (Modernizing Regulatory Review). Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on a safety zone located within a half mile radius of a crane boom on the Illinois River at MM 165.5, near Peoria, IL. The safety zone is expected to be active until the crane boom has been salvaged and the channel cleared.

### B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator because the zone will be enforced only when work is being conducted.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency’s responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

### C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

### D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect 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. We have analyzed this rule under that order and have determined that it is consistent 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 safety zone encompassing the width of the Illinois River at MM 165.5. It is categorically excluded from further review under paragraph L60(d) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

### 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, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

■ 2. Add § 165.T08–0043 to read as follows:

#### § 165.T08–0043 Safety Zone; Illinois River, Mile Marker 165.5, Peoria, IL.

(a) *Location.* The following area is a safety zone: all navigable waters within a half mile radius of a crane barge on the Illinois River, Mile Marker 165.5, Peoria, IL.

(b) *Enforcement period.* This section will be subject to enforcement from August 23, 2023, until August 29, 2023, or until the hazard has been cleared.

(c) *Regulations.* (1) In accordance with the general safety zone regulations in § 165.23, entry of persons or vessels into the safety zone described in paragraph (a) of this section is prohibited unless authorized by the Captain of the Port Sector Upper Mississippi River (COTP) or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard (USCG) assigned to units under the operational control of USCG Sector Upper Mississippi River.

(2) To seek permission to enter, contact the COTP or a designated representative via VHF–FM channel 16, or through USCG Sector Upper Mississippi River at 314–269–2332. Persons and vessels permitted to enter the safety zone must comply with all lawful orders or directions issued by the COTP or designated representative.

(d) *Informational broadcasts.* The COTP or a designated representative will inform the public of the effective period for the safety zone as well as any changes in the dates and times of enforcement, as well as reductions in size or scope of the safety zone through Local Notice to Mariners (LNMs), Broadcast Notices to Mariners (BNMs), and/or Safety Marine Information Broadcast (SMIB) as appropriate.

Dated: August 23, 2023.

**D.J. Every,**

Commander, U.S. Coast Guard, Acting  
Captain of the Port Sector Upper Mississippi  
River.

[FR Doc. 2023-18555 Filed 8-24-23; 11:15 am]

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## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

### 36 CFR Part 1280

[FDMS No. NARA-23-0008; NARA-2023-  
034]

RIN 3095-AC13

#### Use of NARA Facilities: Rules for Filming, Photographing, or Videotaping on NARA Property for Personal Use

**AGENCY:** National Archives and Records  
Administration (NARA).

**ACTION:** Direct final rule.

**SUMMARY:** The National Archives and  
Records Administration (NARA) is  
amending our regulations on the Use of  
NARA Facilities to allow personal, non-  
flash photography throughout NARA  
exhibition galleries.

**DATES:** This rule is effective October 10,  
2023, without further action, unless we  
receive actionable adverse comments by  
September 18, 2023. If we receive such  
comments, we will publish a  
withdrawal of the rule in the **Federal  
Register**.

**ADDRESSES:** You may submit comments,  
identified by RIN 3095-AC13 by the  
following method:

- *Federal eRulemaking Portal:* Go to  
<https://www.regulations.gov>. Follow the  
online instructions for submitting  
comments. All submissions must  
include NARA's name and the  
regulatory information number for this  
rulemaking (RIN 3095-AC13). We may  
publish any comments we receive  
without changes, including any  
personal information you include.

- *Mail (for paper, flash drive, or CD-  
ROM submissions. Include "RIN 3095-  
AC13" on the submission):* National  
Archives and Records Administration;  
Regulation Comments Desk, Suite 4100;  
8601 Adelphi Road; College Park, MD  
20740-6001.

**FOR FURTHER INFORMATION CONTACT:**  
Kimberly Richardson, Strategy and  
Performance Division, by email at  
[regulation\\_comments@nara.gov](mailto:regulation_comments@nara.gov), by  
email at [kimberly.richardson@nara.gov](mailto:kimberly.richardson@nara.gov),  
or by phone at 301-837-2902. Contact  
<https://museum.archives.gov/contact-us>  
with any questions on photography in  
NARA facilities.

**SUPPLEMENTARY INFORMATION:** The  
National Archives and Records  
Administration (NARA) is amending  
our regulations on the use of NARA  
facilities to allow personal photography  
throughout NARA exhibition galleries,  
including the Rotunda in the National  
Archives Museum, unless otherwise  
posted. Direct photography of the  
display of the founding documents in  
the Rotunda will continue to be  
prohibited; however, visitors are  
allowed to take selfies and other  
photographs that include the Rotunda as  
background. Research shows that most  
museums allow non-flash photography.  
By expanding the use of photography,  
we will enhance the visitor experience  
and raise awareness of our mission,  
while continuing to maintain  
preservation and security needs.

#### Regulatory Analysis

*Review Under Executive Order 12866,  
Regulatory Planning and Review, 58 FR  
51735; Executive Order 13563,  
Improving Regulation and Regulation  
Review, 76 FR 23821; and Executive  
Order 14094 Modernizing Regulatory  
Review, 88 FR 21879.*

The Office of Management and Budget  
(OMB) has reviewed this rulemaking  
and determined it is not "significant"  
under section 3(f) of Executive Order  
12866. It is not significant because it  
consists of administrative and minor  
revisions, involves agency organization  
and management, does not change  
substantive requirements, and imposes  
no costs on the public.

*Review Under the Regulatory Flexibility  
Act (5 U.S.C. 601, et seq.)*

This review requires an agency to  
prepare an initial regulatory flexibility  
analysis and publish it when the agency  
publishes the proposed rule. This  
requirement does not apply if the  
agency certifies that the rulemaking will  
not, if promulgated, have a significant  
economic impact on a substantial  
number of small entities (5 U.S.C. 603).  
We certify, after review and analysis,  
that this rulemaking will not have a  
significant adverse economic impact on  
small entities.

*Review Under the Paperwork Reduction  
Act of 1995 (44 U.S.C. 3501 et seq.)*

This rulemaking does not impose  
additional information collection  
requirements on the public that are  
subject to the Paperwork Reduction Act.

*Review Under Executive Order 13132,  
Federalism, 64 FR 43255*

Review under Executive Order 13132  
requires that agencies review  
regulations for federalism effects on the

institutional interest of states and local  
governments, and, if the effects are  
sufficiently substantial, prepare a  
Federal assessment to assist senior  
policy makers. This rulemaking will not  
have any effects on state and local  
governments within the meaning of the  
Executive order. Therefore, no  
federalism assessment is required.

*Review Under the Unfunded Mandates  
Reform Act (Sec. 202, Pub. L. 104-4; 2  
U.S.C. 1532)*

Review under the Unfunded  
Mandates Reform Act requires that  
agencies determine whether any Federal  
mandate in the rulemaking may result  
in state, local, and tribal governments,  
in the aggregate, or the private sector,  
expending \$100 million in any one year.  
NARA certifies that this rulemaking  
does not contain a Federal mandate that  
may result in such an expenditure, and  
this rulemaking is therefore not subject  
to this requirement.

#### List of Subjects in 36 CFR Part 1280

Archives and records, Federal  
buildings and facilities.

For the reasons stated in the  
preamble, NARA amends 36 CFR part  
1280 as follows:

#### PART 1280—USE OF NARA FACILITIES

■ 1. The authority citation for part 1280  
continues to read as follows:

**Authority:** 44 U.S.C. 2102 notes, 2104(a),  
2112, 2903.

■ 2. Revise § 1280.46 to read as follows:

##### § 1280.46 Filming, photographing, or videotaping for personal use.

(a) You may film, photograph, or  
videotape on NARA property outside a  
NARA facility so long as you do not  
impede vehicular or pedestrian traffic.

(b) You may film, photograph, or  
videotape inside a NARA facility during  
regular business hours in public areas,  
including research rooms and exhibition  
areas, unless otherwise posted, under  
the following conditions:

(1) You may not use a flash or other  
supplemental lighting; and  
(2) You may not use a selfie stick,  
monopod, tripod, or similar equipment.

■ 3. In § 1280.84, revise paragraph (a) to  
read as follows:

##### § 1280.84 Using the Rotunda.

(a) We do not allow private group  
event activities (e.g., dinner/reception,  
program) to be held in the Rotunda or  
the exhibit galleries in the National  
Archives Museum. We may, at our  
discretion, allow attendees at private  
group events to enter the Rotunda and