

information is available, regardless of which year's formula grant funds were used to support the activities being reported on, *e.g.*, during a reporting period, activities may have been funded from two or more formula grant awards.

(i) *Technical assistance.* States shall include, within their plan, a description of technical assistance needs. Specific direction regarding the development and inclusion of all technical assistance needs and priorities will be provided in the "Application Kit for Formula Grants under the JJDP.".

(j) [Reserved]

(k) [Reserved]

#### § 31.304 Definitions.

(a) *Criminal-type offender.* A juvenile offender who has been charged with or adjudicated for conduct which would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

(b) *Detain or confine* means to hold, keep, or restrain a person such that he is not free to leave, or such that a reasonable person would believe that he is not free to leave, except that a juvenile held by law enforcement solely for the purpose of returning him to his parent or guardian or pending his transfer to the custody of a child welfare or social service agency is not detained or confined within the meaning of this definition.

(c) *Facility.* A place, an institution, a building or part thereof, set of buildings or an area whether or not enclosing a building or set of buildings which is used for the lawful custody and treatment of juveniles and may be owned and/or operated by public and private agencies.

(d) *Juvenile offender.* An individual subject to the exercise of juvenile court jurisdiction for purposes of adjudication and treatment based on age and offense limitations by defined as State law, *i.e.*, a criminal-type offender or a status offender.

(e) *Juvenile who has been adjudicated as having committed an offense.* A juvenile with respect to whom the juvenile court has determined that such juvenile is a juvenile offender, *i.e.*, a criminal-type offender or a status offender.

(f) *Juvenile who is accused of having committed an offense.* A juvenile with respect to whom a petition has been filed in the juvenile court or other action has occurred alleging that such juvenile is a juvenile offender, *i.e.*, a criminal-type offender or a status offender, and no final adjudication has been made by the juvenile court.

(g) *Lawful custody.* The exercise of care, supervision and control over a

juvenile offender or non-offender pursuant to the provisions of the law or of a judicial order or decree.

(h) *Local private agency.* For the purposes of the pass-through requirement of section 223(a)(5), a local private agency is defined as a private non-profit agency or organization that provides program services within an identifiable unit or a combination of units of general local government.

(i) *Non-offender.* A juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes for reasons other than legally prohibited conduct of the juvenile.

(j) *Other individual accused of having committed a criminal offense.* An individual, adult or juvenile, who has been charged with committing a criminal offense in a court exercising criminal jurisdiction.

(k) *Other individual convicted of a criminal offense.* An individual, adult or juvenile, who has been convicted of a criminal offense in court exercising criminal jurisdiction.

(l) *Private agency.* A private non-profit agency, organization or institution is:

(1) Any corporation, foundation, trust, association, cooperative, or accredited institution of higher education not under public supervision or control; and

(2) Any other agency, organization or institution which operates primarily for scientific, education, service, charitable, or similar public purposes, but which is not under public supervision or control, and no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held by IRS to be tax-exempt under the provisions of section 501(c)(3) of the 1954 Internal Revenue Code.

(m) *Secure.* As used to define a detention or correctional facility this term includes residential facilities which include construction features designed to physically restrict the movements and activities of persons in custody such as locked rooms and buildings, fences, or other physical structures. It does not include facilities where physical restriction of movement or activity is provided solely through facility staff.

#### General Conditions and Assurances

§ 31.400 [Reserved]

§ 31.401 [Reserved]

§ 31.402 Application on file.

Any Federal funds awarded pursuant to an application must be distributed and expended pursuant to and in

accordance with the programs contained in the applicant State's current approved application. Any departures therefrom, other than to the extent permitted by current program and fiscal regulations and guidelines, must be submitted for advance approval by the Administrator of OJJDP.

§ 31.403 [Reserved]

§ 31.404 [Reserved]

Dated: May 12, 2021.

**Maureen A. Henneberg,**

*Acting Assistant Attorney General, Office of Justice Programs.*

[FR Doc. 2021-10435 Filed 6-10-21; 8:45 am]

BILLING CODE 4410-18-P

## OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

### 29 CFR Part 2204

#### Rules Implementing the Equal Access to Justice Act; Correction

**AGENCY:** Occupational Safety and Health Review Commission.

**ACTION:** Correcting amendment.

**SUMMARY:** This document corrects the final rule published by the Occupational Safety and Health Review Commission in the **Federal Register** on May 17, 2021. That rule revised the Occupational Safety and Health Review Commission's rules implementing the Equal Access to Justice Act.

**DATES:** Effective June 11, 2021

**FOR FURTHER INFORMATION CONTACT:**

Carter Tellinghuisen, Attorney-Advisor, Office of the General Counsel, by telephone at (202) 606-5410 ext. 211, by email at [ctellinghuisen@oshrc.gov](mailto:ctellinghuisen@oshrc.gov), or by mail at 1120 20th Street NW, Ninth Floor, Washington, DC 20036-3457.

**SUPPLEMENTARY INFORMATION:** OSHRC

published revisions to its rules implementing the Equal Access to Justice Act on May 17, 2021 (86 FR 26658). This document makes a correction to the final rule.

#### List of Subjects in 29 CFR Part 2204

Administrative practice and procedure, Equal access to justice.

Accordingly, 29 CFR part 2204 is amended by making the following correcting amendments:

**PART 2204—IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN PROCEEDINGS BEFORE THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**

■ 1. The authority citation for part 2204 continues to read as follows:

**Authority:** 5 U.S.C. 504.

■ 2. In § 2204.302, revise paragraph (a) to read as follows:

**§ 2204.302 Net worth exhibit.**

(a) Each applicant except a qualified tax-exempt organization, cooperative association, or, in the case of an application for an award related to an allegedly excessive demand by the Secretary, a small entity as that term is defined by 5 U.S.C. 601(6), shall provide with its application a detailed exhibit showing the net worth of the applicant as required by § 2204.301(c) when the proceeding was initiated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's assets and liabilities and is sufficient to determine whether the applicant qualifies as a party as defined in § 2204.201. The judge or Commission may require an applicant to file additional information to determine its eligibility for an award.

\* \* \* \* \*

Cynthia L. Attwood,  
Chairman.

Amanda Wood Laihow,  
Commissioner.

[FR Doc. 2021-11906 Filed 6-10-21; 8:45 am]

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**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

[Docket Number USCG-2019-0785]

RIN 1625-AA11

**Regulated Navigation Areas; Harbor Entrances Along the Coast of Northern California**

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

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is amending the Regulated Navigation Area (RNA) at the harbor bar entrance to Crescent City Harbor. This document will update inapplicable coordinates of the area and replace with updated coordinates.

**DATES:** This rule is effective July 12, 2021.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2019-0785 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 about this rulemaking, call or email Lieutenant Marcia Medina, Coast Guard District 11 Waterways Office; telephone 510-437-2978, email [Marcia.A.Medina@uscg.mil](mailto:Marcia.A.Medina@uscg.mil).

**SUPPLEMENTARY INFORMATION:**

**I. Table of Abbreviations**

CFR Code of Federal Regulations  
DHS Department of Homeland Security  
FR Federal Register  
NOAA National Oceanic and Atmospheric Administration  
NPRM Notice of proposed rulemaking  
OMB Office of Management and Budget  
RNA Regulated Navigation Area  
§ Section  
U.S.C. United States Code

**II. Background Information and Regulatory History**

On July 17, 2020, the Coast Guard published a final rule titled "Regulated Navigation Area: Harbor Entrances Along the Coast of Northern California" at 85 FR 43437 that added 33 CFR 165.1196. That rule established a RNA at the harbor entrance of Crescent City, California. Since publishing the previous rule, the Eleventh Coast Guard District was contacted by the National Oceanographic and Atmospheric Administration (NOAA) Marine Chart Division, part of the Nautical Data Branch of the Office of Coast Survey of the National Ocean Service. The NOAA Marine Chart Division brought to the Coast Guard's attention that the geographic coordinates for the RNA at the harbor entrance of Crescent City appeared to incorrectly capture the entirety of the harbor entrance. The Coast Guard agreed, and worked with the NOAA Marine Chart Division to develop new coordinates that properly capture the entirety of the harbor entrance of Crescent City. On November 30, 2020, the Coast Guard published a notice of proposed rulemaking (NPRM) titled "Regulated Navigation Areas; Harbor Entrances Along the Coast of Northern California" (85 FR 76502). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to the update of the geographic coordinates of the harbor entrance of Crescent City. During the comment period that ended December 30, 2020, we received no comments.

**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 Commander of the Eleventh Coast Guard District has determined that there is a need to amend the Regulated Navigation Area: Harbor Entrances along the Coast of Northern California at 33 CFR 165.1196 to update the geographic coordinates of the harbor entrance to Crescent City.

**IV. Discussion of Comments, Changes and the Rule**

As noted above, we received no comments on our NPRM published on November 30, 2020.

This rule corrects the geographic coordinates listed in the RNA of the harbor entrance to Crescent City. The updated coordinates do not materially affect the size or the general geographic location of the RNA. Instead, the updated coordinates correct an issue raised by the NOAA Marine Chart Division. Specifically, the updated coordinates fully and properly capture the entirety of the harbor entrance to Crescent City.

**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 limited economic impact of this rule's amendment. The final rule will merely update geographic coordinates. It has no bearing on the impact or the effective period of the current RNA.

**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