

motion of the Administration, the presiding officer shall then enter an order terminating the proceeding.

(3) In the event the Administration fails to prosecute or a person who has requested a hearing fails to plead (including by failing to file an answer) or otherwise defend, said party shall be deemed to be in default and the opposing party may move to terminate the proceeding. Upon such motion, the presiding officer shall then enter an order terminating the proceeding, absent a showing of good cause by the party deemed to be in default. Upon termination of the proceeding by the presiding officer, a party may seek relief only by filing a motion establishing good cause to excuse its default with the Office of the Administrator.

\* \* \* \* \*

(d) *Default.* A default shall be deemed to constitute a waiver of the applicant's/registrant's right to a hearing and an admission of the factual allegations of the order to show cause.

(e) *Procedure.* (1) In the event that an applicant/registrant is deemed to be in default pursuant to paragraph (b)(1) of this section, or the presiding officer has issued an order termination the proceeding pursuant to paragraphs (b)(2) or (3) of this section, the Administration may then file a request for final agency action with the Administrator, along with a record to support its request. In such circumstances, the Administrator may enter a default pursuant to § 1316.67 of this chapter.

(2) In the event that the Administration is deemed to be in default and the presiding officer has issued an order terminating the proceeding pursuant to paragraph (b)(3) of this section, the presiding officer shall transmit the record to the Administrator for his consideration no later than five (5) business days after the date of issuance of the order. Upon termination of the proceeding by the presiding officer, the Administration may seek relief only by filing a motion establishing good cause to excuse its default with the Office of the Administrator.

(3) A party held to be in default may move to set aside a default issued by the Administrator by filing a motion no later than 30 days from the date of issuance by the Administrator of a default. Any such motion shall be granted only upon a showing of good cause to excuse the default.

## PART 1316—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

■ 7. The authority citation for part 1316, subpart D, continues to read as follows:

**Authority:** 21 U.S.C. 811, 812, 871(b), 875, 958(d), 965.

■ 8. Amend § 1316.47 by revising the section heading and paragraphs (a) and (b) to read as follows:

### § 1316.47 Request for hearing; answer.

(a) *Hearing request format.* Any person entitled to a hearing and desiring a hearing shall, within the period permitted for filing, file a request for a hearing that complies with the following format (see the Table of DEA Mailing Addresses in § 1321.01 of this chapter for the current mailing address):

(Date)

Drug Enforcement Administration,  
Attn: Hearing Clerk/OALJ  
(Mailing Address)

Subject: Request for Hearing

Dear Sir:

The undersigned \_\_\_\_ (Name of the Person) hereby requests a hearing in the matter of: \_\_\_\_

(Identification of the proceeding).

(State with particularity the interest of the person in the proceeding.)

All notices to be sent pursuant to the proceeding should be addressed to:

(Name)

(Street Address)

(City and State)

Respectfully yours,

(Signature of Person)

(b) *Filing of an answer.* A party shall file an answer as required under § 1301.37(d) or 1309.46(d) of this chapter, as applicable. The presiding officer, upon request and a showing of good cause, may grant a reasonable extension of the time allowed for filing the answer.

■ 9. Revise the first sentence of § 1316.49 to read as follows:

### § 1316.49 Waiver of hearing.

In proceedings other than those conducted under part 1301 or part 1309 of this chapter, any person entitled to a hearing may, within the period permitted for filing a request for hearing or notice of appearance, file with the Administrator a waiver of an opportunity for a hearing, together with a written statement regarding his position on the matters of fact and law involved in such hearing. \* \* \*

**Timothy J. Shea,**

*Acting Administrator.*

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**BILLING CODE 4410-09-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR Part 110

[Docket Number USCG-2020-0154]

### Anchorage Regulations; Multiple Anchorages on the Mississippi River From MM 12 AHP to MM 85 AHP

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of inquiry; request for comments.

**SUMMARY:** We are requesting your comments regarding potential changes to multiple anchorages along the Mississippi River from mile marker (MM) 12 ahead of passes (AHP), to MM 85 AHP. Pilot associations have requested the Coast Guard to consider these potential changes because they believe there are currently not enough anchorage grounds along the river system to facilitate the safe anchorage of shallow and deep draft vessels. In this document we identify anchorage grounds locations that we have been requested to establish, expand or revise. We seek your comments on whether we should consider modifying our anchorage grounds regulations covering MM 12 AHP to MM 85 AHP, and if so, how.

**DATES:** Your comments and related material must reach the Coast Guard on or before November 30, 2020.

**ADDRESSES:** You may submit comments identified by docket number USCG-2020-0154 using the Federal portal at <https://www.regulations.gov>. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this potential rulemaking, call or email Lieutenant Commander Corinne Plummer, Sector New Orleans, U.S. Coast Guard; telephone 504-365-2375, email [Corinne.M.Plummer@uscg.mil](mailto:Corinne.M.Plummer@uscg.mil).

### SUPPLEMENTARY INFORMATION:

#### I. Table of Abbreviations

AHP Above Head of Passes  
CFR Code of Federal Regulations  
COTP Captain of the Port New Orleans  
CRPPA Crescent River Port Pilots' Association  
DHS Department of Homeland Security  
FR Federal Register  
LDB Left Descending Bank  
LMR Lower Mississippi River  
MM Mile Marker  
MNSA Maritime Navigation Safety Association

NOI Notice of Inquiry  
 NPRM Notice of proposed rulemaking  
 RDB Right Descending Bank  
 § Section  
 U.S.C. United States Code

## II. Background and Purpose

The Coast Guard is issuing this Notice of Inquiry (NOI) to solicit comments from industry, the maritime community, local stakeholders and other interested persons regarding potential multiple changes to anchorages along the Lower Mississippi River (LMR). The Coast Guard was approached by industry, who identified multiple locations along the LMR where an anchorage could potentially be established, expanded or revised in order to accommodate the

increasing vessel traffic along the Lower Mississippi River. The authority for the Coast Guard to establish or amend anchorage ground regulations is found in 33 U.S.C. 471 and Department of Homeland Security Delegation No. 0170.1. The requesting document is available in the docket.

There are currently 12 established anchorage grounds along the Lower Mississippi River between MM 12 AHP and MM 85 AHP that total of 33.54 statute miles of approved anchorage area, longitudinally along the Lower Mississippi River. The potential changes would add an additional 3.75 statute miles of longitudinal anchorage area. Those additions are broken into the following: 2.65 miles of space would be

added to current anchorage grounds and 1.1 miles would be created in two new anchorage grounds locations.

At this time, the potential changes to these anchorage grounds would not affect the width of the previously established anchorage grounds, only the overall length of the anchorages. Current anchorage widths within this area of the Mississippi River from MM12–MM85 range from 400' to 800'. The anchorage grounds widths are listed in the table below for reference purposes.

The current anchorages regulations for this area of the LMR can be found in 33 CFR 110.195. The recommended changes are listed in ascending mile-marker order as follows:

### POTENTIAL CHANGES TO EXISTING ANCHORAGE GROUNDS

Anchorage name	Change	Existing location	Recommended location	Existing width	33 CFR 110.195
Boothville .....	Expand 0.95 Miles .....	MM 13.0–18.5 .....	MM 12.05–18.5 .....	750'	(a)(4)
Point Michel .....	Expand 0.8 Miles .....	MM 40.8–42.2 .....	MM 40.0–42.2 .....	500'	(a)(35)
Magnolia .....	Expand 0.1 Miles .....	MM 45.5–47.6 .....	MM 45.4–47.6 .....	700'	(a)(7)
Davant .....	Expand 0.3 Miles .....	MM 52.8–53.9 .....	MM 52.5–53.9 .....	800'	(a)(9)
Alliance .....	Expand 0.2 Miles .....	MM 63.8–65.8 .....	MM 63.6–65.8 .....	400'	(a)(10)
Wills Point .....	Shift up river 0.02 Miles and Expand 0.15 Miles .....	MM 66.5–67.6 .....	MM 66.7–67.9 .....	600'	(a)(11)
Cedar Grove .....	Add language to protect revetments, cables and pipelines.	MM 69.56–70.9 .....	N/A .....	500'	(a)(12)
Belle Chasse .....	Expand 0.05 Miles .....	MM 73.1–75.2 .....	MM 73.05–75.2 .....	575'	(a)(13)
Lower 12 Mile Point	Add language to protect revetments, cables and pipelines.	MM 78.6–80.8 .....	N/A .....	500'	(a)(14)
Lower 9 Mile Point ..	Expand 0.1 Miles .....	MM 82.7–85.0 .....	MM 82.6–85.0 .....	500'	(a)(15)

### POTENTIAL NEW ANCHORAGE GROUNDS

Anchorage name	Change	Location
Phoenix .....	Establish 0.6 Miles Length x 400' Width on the Left Descending Bank .....	MM 57.82–58.42
Bertrandville .....	Establish 0.5 Miles Length x 400' Width on the Left Descending Bank .....	MM 68.5–69.0

## III. Information Requested

We seek your comments on whether we should consider modifying the anchorage grounds regulations covering MM 12 AHP to MM 85 AHP based on this report, and if so, how. In particular, the Coast Guard requests your input to determine if there remains a need for additional anchorage grounds in this area, and if so, to what extent and for what purpose; if the establishment of two additional anchorage grounds and the recommended changes to expand currently regulated anchorage grounds would meet current and anticipated industry needs; or if other options should be considered.

## IV. Public Participation and Request for Comments

We encourage you to submit comments through the Federal portal at <https://www.regulations.gov>. If your

material cannot be submitted using <https://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. In your submission, please include the docket number for this notice of inquiry and provide a reason for each suggestion or recommendation.

We accept anonymous comments. All comments received will be posted without change to <https://www.regulations.gov> and will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's rulemaking System of Records notice (85 FR 14226, March 11, 2020).

Documents mentioned in this notice of inquiry as being available in the docket, and all public comments, will be in our online docket at [https://](https://www.regulations.gov)

[www.regulations.gov](https://www.regulations.gov) and can be viewed by following that website's instructions.

This document is issued under authority of 5 U.S.C. 552(a).

Dated: September 18, 2020.

**J.P. Nadeau,**

*Rear Admiral, U.S. Coast Guard, Commander, Coast Guard District Eight.*

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