

directions given to them by the Captain of the Port Buffalo, or his on-scene representative.

Dated: July 11, 2017.

**Joseph S. Dufresne,**

*Captain, U.S. Coast Guard, Captain of the Port Buffalo.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2017-0581]

RIN 1625-AA00

#### Safety Zone; Lake Michigan, Calumet Harbor, Chicago, IL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing two temporary safety zones on Lake Michigan in Calumet Harbor, in Chicago, IL. This action is necessary and intended to ensure safety of life on the navigable waters of the United States immediately prior to, during, and after a lakebed rock removal operation involving explosives. Entry of vessels or persons into these zones is prohibited unless specifically authorized by the Captain of the Port Lake Michigan.

**DATES:** This rule is effective from midnight on August 1, 2017 through midnight on December 16, 2017.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG-2017-0581 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 rule, call or email LT John Ramos, Marine Safety Unit Chicago, U.S. Coast Guard; telephone (630) 986-2155, email [D09-DG-MSUChicago-Waterways@uscg.mil](mailto:D09-DG-MSUChicago-Waterways@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 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 doing so would be impracticable. The Coast Guard did not receive the final details for this event until there was insufficient time remaining before the event to publish a NPRM. Delaying the effective date of this rule to wait for a comment period to run would be impracticable because it would inhibit the Coast Guard's ability to protect the public and vessels from the hazards associated with a lakebed rock removal operation from August 1, 2017 through December 15, 2017.

We are issuing this rule, and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this temporary rule effective less than 30 days after publication in the **Federal Register**. For the same reasons discussed in the preceding paragraph, waiting for a 30 day notice period to run would be impracticable.

##### III. Legal Authority and Need for Rule

The legal basis for the rule is the Coast Guard's authority to establish safety zones: 33 U.S.C. 1231; 33 CFR 1.05-1, 160.5; Department of Homeland Security Delegation No. 0170.1.

From August 1, 2017 through December 15, 2017, a rock removal operation involving explosives will take place on Lake Michigan in Calumet Harbor, in Chicago, IL. The Captain of the Port Lake Michigan has determined that the lakebed rock removal operation will pose a significant risk to public safety and property. Such hazards include detonation of explosive material and a change in the depth of water for a small period of time.

##### IV. Discussion of the Rule

With the aforementioned hazards in mind, the Captain of the Port Lake Michigan has determined that two temporary safety zones are necessary to ensure the safety of the public during the rock removal operation on Lake Michigan in Calumet Harbor. Safety

zone one will be enforced from midnight on August 1, 2017 through midnight on December 16, 2017. Safety zone one will encompass all waters of Lake Michigan in Chicago, IL, bounded by a line drawn from the Calumet Harbor Entrance South Side Light at 41°44.1348' N., 087°30.3790' W. then southwest to 41°43.8568' N., 087°30.6587' W. then southeast to 41°43.5801' N., 087°30.2830' W. then east to the Calumet Harbor Breakwater South End Light at 41°43.5619' N., 087°29.6016' W. (NAD 83). Safety zone two will be enforced intermittently from midnight on August 1, 2017 through midnight on December 16, 2017. Safety zone two will encompass all waters of Lake Michigan in Chicago, IL, within a 2000 foot radius from 41°43.6665' N., 087°30.3805' W. (NAD 83).

Entry into, transiting, or anchoring within the safety zones is prohibited unless authorized by the Captain of the Port Lake Michigan, or a designated on-scene representative. The Captain of the Port or a designated on-scene representative may be contacted via VHF Channel 16.

##### 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. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 13771 ("Reducing Regulation and Controlling Regulatory Costs"), directs agencies to reduce regulation and control regulatory costs and provides that "for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process." This rule has not been designated a "significant regulatory action," under Executive Order 12866. Accordingly, it has not been reviewed by the Office of Management and Budget.

As this rule is not a significant regulatory action, this rule is exempt from the requirements of Executive Order 13771. See OMB's Memorandum

titled “Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017 titled ‘Reducing Regulation and Controlling Regulatory Costs’” (February 2, 2017).

We conclude that this rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The two safety zones created by this rule will be relatively small and safety zone two will be enforced intermittently only for short periods of time. Under certain conditions, moreover, vessels may still transit through the safety zones when permitted by the Captain of the Port.

#### *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.

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this temporary rule on small entities. This rule will affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit on a portion of Lake Michigan in Calumet Harbor from midnight August 1, 2017 through midnight December 16, 2017.

These safety zones will not have a significant economic impact on a substantial number of small entities for the reasons cited in the *Regulatory Planning and Review* section. Additionally, before the enforcement of the zones, we will issue local Broadcast Notice to Mariners and Local Notice to Mariners so vessel owners and operators can plan accordingly.

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 contact 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. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

#### *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 Management Directive 023–01 and Commandant Instruction M16475.ID, 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 the establishment of two safety zones for a lakebed rock removal operation involving explosives on Lake Michigan in Calumet Harbor, in Chicago, IL. It is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated in the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

#### *G. Protest Activities*

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact 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 parts 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:** 33 U.S.C. 1231; 50 U.S.C. 191; 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.T09–0581 to read as follows:

**§ 165.T09-0581 Safety Zone; Lake Michigan, Calumet Harbor, Chicago, IL.**

(a) *Location.* Safety zone one; all navigable waters of Lake Michigan bounded by a line drawn from the Calumet Harbor Entrance South Side Light at 41°44.1348' N., 087°30.3790' W. then southwest to 41°43.8568' N., 087°30.6587' W. then southeast to 41°43.5801' N., 087°30.2830' W. then east to the Calumet Harbor Breakwater South End Light at 41°43.5619' N., 087°29.6016' W. (NAD 83). Safety zone two; all navigable waters of Lake Michigan within a 2000 foot radius from 41°43.6665' N., 087°30.3805' W. (NAD 83).

*Enforcement period.* This rule will be enforced from midnight on August 1, 2017 through midnight on December 16, 2017 for safety zone one. Safety zone two will be enforced intermittently from midnight on August 1, 2017 through midnight on December 16, 2017.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within these safety zones is prohibited unless authorized by the Captain of the Port Lake Michigan or a designated on-scene representative.

(2) These safety zones are closed to all vessel traffic, except as may be permitted by the Captain of the Port Lake Michigan or a designated on-scene representative.

(3) The "on-scene representative" of the Captain of the Port Lake Michigan is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Lake Michigan to act on his or her behalf.

(4) Vessel operators desiring to enter or operate within the safety zones shall contact the Captain of the Port Lake Michigan or an on-scene representative to obtain permission to do so. The Captain of the Port Lake Michigan or an on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zones must comply with all directions given to them by the Captain of the Port Lake Michigan, or an on-scene representative.

Dated: July 11, 2017.

**Amy B. Cocanour,**

*Captain, U.S. Coast Guard, Captain of the Port, Lake Michigan.*

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**POSTAL REGULATORY COMMISSION****39 CFR Part 3020**

**[Docket Nos. MC2010-21 and CP2010-36]**

**Update to Competitive Product List**

**AGENCY:** Postal Regulatory Commission.  
**ACTION:** Final rule.

**SUMMARY:** The Commission is updating the competitive product list. This action reflects a publication policy adopted by Commission order. The referenced policy assumes periodic updates. The updates are identified in the body of this document. The competitive product list, which is re-published in its entirety, includes these updates.

**DATES:**

*Effective Date:* July 17, 2017.

*Applicability Dates:* April 5, 2017, Priority Mail Contract 299 (MC2017-100 and CP2017-147); April 5, 2017, Priority Mail Contract 300 (MC2017-101 and CP2017-148); April 5, 2017, Priority Mail Contract 301 (MC2017-102 and CP2017-149); April 5, 2017, Priority Mail Contract 302 (MC2017-103 and CP2017-150); April 5, 2017, Priority Mail Contract 303 (MC2017-104 and CP2017-151); April 17, 2017, Priority Mail Express Contract 46 (MC2017-106 and CP2017-153); April 17, 2017, Priority Mail Contract 304 (MC2017-107 and CP2017-154); April 17, 2017, Priority Mail Express, Priority Mail & First-Class Package Service Contract 16 (MC2017-108 and CP2017-155); April 17, 2017, First Class Package Service Contract 75 (MC2017-109 and CP2017-156); April 19, 2017, Priority Mail Contract 305 (MC2017-110 and CP2017-158); April 19, 2017, Priority Mail Contract 306 (MC2017-111 and CP2017-159); April 19, 2017, Priority Mail Contract 307 (MC2017-112 and CP2017-160); April 19, 2017, Priority Mail Express & Priority Mail Contract 45 (MC2017-113 and CP2017-161); April 20, 2017, Global Expedited Package Services (GEPS)—Non-Published Rates 12 (MC2017-105 and CP2017-152); April 25, 2017, Priority Mail Express & Priority Mail Contract 46 (MC2017-114 and CP2017-165); April 25, 2017, First-Class Package Service Contract 76 (MC2017-117 and CP2017-168); April 25, 2017, Priority Mail Contract 308 (MC2017-115 and CP2017-166); April 25, 2017, Priority Mail Contract 309 (MC2017-116 and CP2017-167); April 25, 2017, Priority Mail Contract 47 (MC2017-118 and CP2017-169); May 1, 2017, Priority Mail Contract 310 (MC2017-119 and CP2017-170); May 1, 2017, Priority Mail Contract 311 (MC2017-120 and CP2017-171); May 1, 2017, Priority Mail Contract 312 (MC2017-121 and CP2017-172); May 4, 2017, Priority Mail Contract 313 (MC2017-122 and CP2017-173); May 4, 2017, Priority Mail Express & Priority Mail Contract 47 (MC2017-123 and CP2017-174); May 9, 2017, Priority Mail Contract 314 (MC2017-124 and CP2017-176); May 9, 2017, Priority Mail Express, Priority Mail & First-Class Package Service Contract 17 (MC2017-125 and CP2017-177); May 10, 2017, Priority Mail Express & Priority Mail Contract 48 (MC2017-126 and CP2017-179); May 15, 2017, Priority Mail Contract 315 (MC2017-127 and CP2017-180); May 15, 2017, Priority Mail Contract 316 (MC2017-128 and CP2017-181); May 16, 2017, Priority Mail Contract 317 (MC2017-129 and CP2017-182); May 18, 2017, Priority Mail Express, Priority Mail & First-Class Package Service Contract 18 (MC2017-131 and CP2017-185); May 18, 2017, Priority Mail Contract 318 (MC2017-130 and CP2017-184); May 23, 2017, Priority Mail Contract 319 (MC2017-133 and CP2017-188); May 23, 2017, Priority Mail Express, Priority Mail & First-Class Package Service Contract 19 (MC2017-132 and CP2017-187); May 30, 2017, Priority Mail Contract 320 (MC2017-134 and CP2017-191); May 30, 2017, First-Class Package Service Contract 77 (MC2017-135 and CP2017-192); May 31, 2017, Priority Mail Contract 321 (MC2017-136 and CP2017-194); May 31, 2017, Priority Mail Contract 322 (MC2017-137 and CP2017-195); June 9, 2017, Priority Mail Contract 323 (MC2017-138 and CP2017-196); June 13, 2017, Priority Mail Contract 324 (MC2017-139 and CP2017-198); June 13, 2017, Priority Mail Contract 325 (MC2017-140 and CP2017-199); June 13, 2017, Priority Mail Contract 326 (MC2017-141 and CP2017-200); June 13, 2017, Priority Mail Express Contract 48 (MC2017-142 and CP2017-201); June 14, 2017, Priority Mail Contract 327 (MC2017-143 and CP2017-202); June 20, 2017, Priority Mail Express & Priority Mail Contract 49 (MC2017-147 and CP2017-206); June 20, 2017, Priority Mail & First-Class Package Service Contract 43 (MC2017-144 and CP2017-203); June 20, 2017, Priority Mail & First-Class Package Service Contract 44 (MC2017-145 and CP2017-204); June 20, 2017, Priority Mail Contract 328 (MC2017-146 and CP2017-205); June 26, 2017, Priority Mail Contract 329 (MC2017-150 and CP2017-211); June 26, 2017, Priority Mail Contract 330 (MC2017-151 and CP2017-212); June 26, 2017, Priority Mail & First-Class Package Service Contract 45 (MC2017-148 and CP2017-209); June 26, 2017, Priority