

noteworthy that, in subsection 811(h), Congress authorized the issuance of temporary scheduling actions by order rather than by rule. In the alternative, even if this action were subject to 5 U.S.C. 553, the Acting Administrator finds that there is good cause to forgo the notice and comment and the delayed effective date requirements of such section, as any further delays in the process for extending the temporary scheduling order would be impracticable and contrary to the public interest in view of the manifest urgency to avoid an imminent hazard to the public safety that these substances would present if scheduling expired, for the reasons expressed in the temporary scheduling order (84 FR 15505, April 16, 2019). Further, DEA believes that this order extending the temporary scheduling action is not a “rule” as defined by 5 U.S.C. 601(2), and, accordingly, is not subject to the requirements of the Regulatory Flexibility Act. The requirements for the preparation of an initial regulatory flexibility analysis in 5 U.S.C. 603(a) are not applicable where, as here, DEA is not required by 5 U.S.C. 553 or any other law to publish a general notice of proposed rulemaking.

Additionally, this action is not a significant regulatory action as defined by Executive Order (E.O.) 12866 (Regulatory Planning and Review) section 3(f), and the principles reaffirmed in E.O. 13563 (Improving Regulation and Regulatory Review), and, accordingly, this action has not been reviewed by the Office of Management and Budget.

This action will not have substantial direct effects 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. Therefore, in accordance with E.O. 13132 (Federalism), it is determined that this action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

As noted above, this action is an order, not a rule. Accordingly, the Congressional Review Act (CRA) is inapplicable, as it applies only to rules. 5 U.S.C. 801, 804(3). It is in the public interest to maintain the temporary placement of 5F-EDMB-PINACA, 5F-MDMB-PICA, FUB-AKB48, 5F-CUMYL-PINACA and FUB-144 in schedule I because they pose a public health risk, for the reasons expressed in the temporary scheduling order (84 FR 15505, April 16, 2019). The temporary scheduling action was taken pursuant to 21 U.S.C. 811(h), which is specifically

designed to enable DEA to act in an expeditious manner to avoid an imminent hazard to the public safety. Under subsection 811(h), temporary scheduling orders are not subject to notice and comment rulemaking procedures. DEA understands that the CSA frames temporary scheduling actions as orders rather than rules to ensure that the process moves swiftly, and this extension of the temporary scheduling order continues to serve that purpose. For the same reasons that underlie subsection 811(h), that is, the need to place these substances in schedule I because they pose an imminent hazard to public safety, it would be contrary to the public interest to delay implementation of this extension of the temporary scheduling order.

Therefore, in accordance with 5 U.S.C. 808(2), this order extending the temporary scheduling order shall take effect immediately upon its publication. DEA will submit a copy of this order to both Houses of Congress and to the Comptroller General, although such filing is not required under the CRA, 5 U.S.C. 801–808, because, as noted above, this action is an order, not a rule.

**D. Christopher Evans,**

*Acting Administrator.*

[FR Doc. 2021–06555 Filed 3–30–21; 8:45 am]

**BILLING CODE 4410–09–P**

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG–2021–0153]

#### Annual Fireworks Displays and Other Events in the Eighth Coast Guard District Requiring Safety Zones

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce a safety zone for the Riverfest fireworks display on the Neches River in Port Neches, TX from 8:30 p.m. through 10 p.m. on May 1, 2021 to provide for the safety of life on navigable waterways during this event. Our regulation for fireworks displays and other events within the Eighth Coast Guard District identifies the regulated area for this event in Port Neches, TX. During the enforcement periods, the operator of any vessel in the regulated area must comply with directions from the Patrol

Commander or designated representative.

**DATES:** The regulations in 33 CFR 165.801 Table 3 will be enforced from 8:30 p.m. through 10 p.m. on May 1, 2021, or in the event of postponement due to rain, on May 2, 2021.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notice of enforcement, call or email Mr. Scott Whalen, U.S. Coast Guard; telephone 409–719–5086, email [scott.k.whalen@uscg.mil](mailto:scott.k.whalen@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce safety zone regulations in 33 CFR 165.801 Table 3 for the Port Neches Riverfest fireworks display from 8:30 p.m. through 10 p.m. on May 1, 2021, or in the event of rain, on May 2, 2021. This action is being taken to provide for the safety of life on navigable waterways before, during, and after a pyrotechnics display. Our annual fireworks displays and other events in the Eighth Coast Guard District requiring safety zones, § 165.801, specifies the location of the safety zone for the Riverfest fireworks display which encompasses a 500-yard radius of the fireworks barge anchored on the Neches River in approximate position 29°59'51" N 093°57'06" W (NAD83). During the enforcement period, as reflected in § 165.801 Table 3, if you are the operator of a vessel in the regulated area you must comply with directions from the Patrol Commander or designated representative.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of the enforcement periods via Local Notice to Mariners, Marine Safety Information Bulletin and Vessel Traffic Service Advisory.

Dated: March 22, 2021.

**Molly A. Wike,**

*Captain, U.S. Coast Guard, Captain of the Port, Marine Safety Zone Port Arthur.*

[FR Doc. 2021–06453 Filed 3–30–21; 8:45 am]

**BILLING CODE 9110–04–P**

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## POSTAL SERVICE

### 39 CFR Part 111

#### Priority Mail Express Delivery Times

**AGENCY:** Postal Service™.

**ACTION:** Final rule.

**SUMMARY:** The Postal Service is amending *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®) in various sections to revise the Priority Mail Express® delivery times and to

eliminate the optional 10:30 a.m. delivery time.

**DATES:** *Effective Date:* May 23, 2021.

**FOR FURTHER INFORMATION CONTACT:** Markes Lucius at (202) 268–6170, Denis Baranov (202) 268–4880, or Garry Rodriguez at (202) 268–7281.

**SUPPLEMENTARY INFORMATION:** Currently, the Priority Mail Express service guarantee delivery times for most domestic mail including Priority Mail Express Military Service® and Hold For Pickup service are 12:00 p.m. or 3:00 p.m. as designated by the 3-digit or 5-digit destination ZIP® Code delivery areas and defined in the Priority Mail Express Delivery directory. The Postal Service is revising the 12:00 p.m. and 3:00 p.m. Priority Mail Express service guarantee delivery times to 6:00 p.m. The Postal Service is also eliminating the optional 10:30 a.m. delivery time.

The revisions to the Priority Mail Express service guarantee delivery times and elimination of the optional 10:30 a.m. delivery time will enable the Postal Service to improve the quality of service and provide a more efficient customer experience.

The Postal Service adopts the following changes to *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM), incorporated by reference in the *Code of Federal Regulations*. See 39 CFR 111.1.

**List of Subjects in 39 CFR Part 111**

Administrative practice and procedure, Postal Service.

Accordingly, 39 CFR part 111 is amended as follows:

**PART 111—[AMENDED]**

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Revise the *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM) as follows:

**Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)**

**100 Retail Mail Letters, Cards, Flats, and Parcels**

\* \* \* \* \*

**110 Retail Mail Priority Mail Express**

**113 Prices and Eligibility**

**1.0 Prices and Fees**

\* \* \* \* \*

*[Delete 1.6, “Optional Delivery Fee” in its entirety.]*

\* \* \* \* \*

**4.0 Service Features of Priority Mail Express**

\* \* \* \* \*

**4.2 Priority Mail Express 1-Day Delivery**

\* \* \* \* \*

**4.2.3 Delivery Time**

*[Revise the first sentence of 4.2.3 to read as follows:]*

Items are delivered by 6 p.m. on the next delivery day. \* \* \*

**4.2.4 Hold for Pickup**

*[Revise the text of 4.2.4 to read as follows:]*

Except for Priority Mail Express mailpieces containing cremated remains, under Hold for Pickup service, items presented under 4.2 are available for pickup by the addressee at the destination facility by 6:00 p.m. of the next day that the destination office is open for retail business.

**4.3 Priority Mail Express 2-Day Delivery**

\* \* \* \* \*

**4.3.3 Delivery Time**

*[Revise the text of 4.3.3 to read as follows:]*

Items are delivered by 6 p.m. on the second delivery day. If delivery is not made, the addressee is notified. A reminder notice is left on the third day after the attempted delivery. A second delivery is attempted only upon customer request.

**4.3.4 Hold for Pickup**

*[Revise the text of 4.3.4 to read as follows:]*

Except for Priority Mail Express mailpieces containing cremated remains, under Hold for Pickup service, items presented under 4.3 are available for pickup by the addressee at the destination facility by 6:00 p.m. of the second delivery day that the destination office is open for retail business.

\* \* \* \* \*

**200 Commercial Mail Letters, Flats, and Parcels**

\* \* \* \* \*

**210 Commercial Mail Priority Mail Express**

**213 Prices and Eligibility**

**1.0 Prices and Fees**

\* \* \* \* \*

*[Delete 1.8, “Optional Delivery Fee” in its entirety and renumber 1.9 as 1.8.]*

\* \* \* \* \*

**4.2 Priority Mail Express 1-Day Delivery**

\* \* \* \* \*

**4.2.3 Delivery Times**

*[Revise the text of 4.2.3 to read as follows:]*

Except for items endorsed “Guaranteed by End of Day” per an approved customer agreement, items are delivered by 6 p.m. on the next delivery day. If delivery is not made, the addressee is notified. A reminder notice is left on the third day after the attempted delivery. A second delivery is attempted only upon customer request.

**4.2.4 Hold for Pickup**

*[Revise the text of 4.2.4 to read as follows:]*

Except for Priority Mail Express mailpieces containing cremated remains, under Hold for Pickup service, items presented under 4.2 are available for pickup by the addressee at the destination facility by 6 p.m. of the next day that the destination office is open for retail business.

**4.3 Priority Mail Express 2-Day Delivery**

\* \* \* \* \*

**4.3.3 Delivery Times**

*[Revise the text of 4.3.3 to read as follows:]*

Except for items endorsed “Guaranteed by End of Day” per an approved customer agreement, items are delivered by 6 p.m. on the second delivery day. If delivery is not made, the addressee is notified. A reminder notice is left on the third day after the attempted delivery. A second delivery is attempted only upon customer request.

**4.3.4 Hold for Pickup**

*[Revise the text of 4.3.4 to read as follows:]*

Except for Priority Mail Express mailpieces containing cremated remains, under Hold for Pickup service, items presented under 4.3 are available for pickup by the addressee at the destination facility by 6 p.m. of the second delivery day that the destination office is open for retail business.

\* \* \* \* \*

**600 Basic Standards For All Mailing Services**

\* \* \* \* \*

604 Postage Payment Methods and Refunds

\* \* \* \* \*

9.0 Exchanges and Refunds

\* \* \* \* \*

9.2 Postage and Fee Refunds

\* \* \* \* \*

9.2.1 General Standards

A refund for postage and fees may be made:

\* \* \* \* \*

[Revise the text of item e to read as follows:]

e. Under 9.5 for Priority Mail Express postage and Sunday/holiday premium fee refunds.

\* \* \* \* \*

9.2.5 Applying for Refund

A customer may apply for refunds under 9.2, as follows:

[Revise the first sentence of item a to read as follows:]

a. Online (preferred) at www.USPS.com/help: For domestic, Priority Mail Express (postage, Sunday/holiday premium fee), and for Certified Mail, Return Receipt (hardcopy and electronic), Signature Confirmation, and USPS Tracking (USPS Marketing Mail only), extra services only. \* \* \*

\* \* \* \* \*

9.5 Priority Mail Express Postage and Fees Refunds

9.5.1 Priority Mail Express 1-Day and 2-Day Delivery

[Revise the text of 9.5.1 to read as follows:]

For Priority Mail Express 1-Day and 2-Day Delivery, the USPS refunds the postage and Sunday or holiday premium fee for an item not delivered, for an item for which delivery was not attempted, or if the item was not made available for claim by the delivery date and time specified at the time of mailing, subject to the standards for this service, unless the delay was caused by one of the situations in 9.5.5.

\* \* \* \* \*

700 Special Standards

703 Nonprofit USPS Marketing Mail and Other Unique Eligibility

\* \* \* \* \*

2.0 Overseas Military and Diplomatic Post Office Mail

\* \* \* \* \*

2.6 Priority Mail Express Military Service (PMEMS)

\* \* \* \* \*

2.6.5 To APO/FPO and DPO Destinations

[Revise the text of 2.6.5 to read as follows:]

Under PMEMS, items mailed to APO/FPO and DPO destinations (from the United States) are available for delivery at the destination APO/FPO or DPO Post Office by 6:00 p.m. on the designated delivery day.

2.6.6 From APO/FPO and DPO Destinations

[Revise the text of 2.6.5 to read as follows:]

Under PMEMS, items mailed from APO/FPO and DPO locations (going to the United States) are delivered to an addressee within the delivery area of the destination Post Office by 6:00 p.m. on the designated delivery day.

\* \* \* \* \*

Ruth B. Stevenson,

Attorney, Federal Compliance.

[FR Doc. 2021-06648 Filed 3-29-21; 4:15 pm]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R03-OAR-2020-0198; FRL-10022-11-Region 3]

Air Plan Approval; West Virginia; 1997 8-Hour Ozone National Ambient Air Quality Standard Second Maintenance Plan for the West Virginia Portion of the Wheeling, WV-OH Area Comprising Marshall and Ohio Counties

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a state implementation plan (SIP) revision submitted by the West Virginia Department of Environmental Protection (WVDEP) on behalf of the State of West Virginia (WV). This revision pertains to West Virginia's plan for maintaining the 1997 8-hour ozone national ambient air quality standard (NAAQS) for the West Virginia portion of the Wheeling, WV-OH area (Wheeling Area) comprising Marshall and Ohio Counties. EPA is approving these revisions to the West Virginia SIP in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on April 30, 2021.

ADDRESSES: EPA has established a docket for this action under Docket ID

Number EPA-R03-OAR-2020-0198. All documents in the docket are listed on the https://www.regulations.gov website. Although listed in the index, some information is not publicly available, e.g., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through https://www.regulations.gov, or please contact the person identified in the FOR FURTHER INFORMATION CONTACT section for additional availability information. FOR FURTHER INFORMATION CONTACT: Keila M. Pagán-Incle, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814-2926. Ms. Pagán-Incle can also be reached via electronic mail at pagan-incle.keila@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On June 29, 2020 (85 FR 38831), EPA published a notice of proposed rulemaking (NPRM) for the State of West Virginia. In the NPRM, EPA proposed approval of West Virginia's plan for maintaining the 1997 ozone NAAQS through June 14, 2027, in accordance with CAA section 175A. The formal SIP revision was submitted by WVDEP on December 10, 2019.

II. Summary of SIP Revision and EPA Analysis

On May 15, 2007 (72 FR 27247, effective June 14, 2007), EPA approved a redesignation request (and maintenance plan) from WVDEP for the Wheeling Area. Per CAA section 175A(b), at the end of the eighth year after the effective date of the redesignation, the state must also submit a second maintenance plan to ensure ongoing maintenance of the standard for an additional 10 years, and in South Coast Air Quality Management District v. EPA (South Coast II),<sup>1</sup> the D.C. Circuit held that this requirement cannot be waived for areas, like the Wheeling Area, that had been redesignated to attainment for the 1997 ozone NAAQS prior to revocation and that were designated attainment for the 2008 ozone NAAQS. CAA section 175A sets forth the criteria for adequate maintenance plans. In addition, EPA has published longstanding guidance

<sup>1</sup> 882 F.3d 1138 (D.C. Cir. 2018).