

*Executive Order 13175—Consultation and Coordination With Indian Tribal Governments*

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13175. NASA has determined that this removal of Subpart 1204.3 does not significantly or uniquely affect the communities of the Indian tribal governments or impose substantial direct compliance costs on them, the funding and consultation requirements of Executive Order 13175 does not apply.

*Regulatory Flexibility Act*

It has been certified that removal of Subpart 1204.3 is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it does not have a significant economic impact on a substantial number of small entities.

*Administrative Procedure Act*

This final rule responds to Executive Order 13992 that requires agencies to remove the CFR regulations that set forth processes and procedures for issuing guidance documents. Therefore, in accordance with 5 U.S.C. 553, the Administrator of NASA has concluded that there is good cause to publish this rule without prior opportunity for public comment because the action is of Agency organization, procedure, or practice. See 5 U.S.C 553(b)(3)(A).

*Statutory Authority*

Part 1204 is established under the National Aeronautics and Space Act (Space Act). In accordance with 51 U.S.C. 20113(a), “In the performance of its functions, the Administration is authorized to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of its operations and the exercise of the powers vested in it by law.”

*Paperwork Reduction Act*

This rule does not contain an information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

*Unfunded Mandates Reform Act of 1995*

This rule will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments.

**List of Subjects in 14 CFR Part 1204**

Administrative practice and procedure.

Accordingly, 14 CFR part 1204 is amended as follows:

**PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY**

**Subpart 3 [Removed and Reserved]**

■ Under the authority of 51 U.S.C. 20113(a), subpart 3, consisting of §§ 1204.300 through 1204.313, is removed and reserved.

**Nanette Smith,**

*Team Lead, NASA Directives and Regulations.*

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**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

**[Docket Number USCG-2021-0616]**

**RIN 1625-AA87**

**Security Zone; Corpus Christi Ship Channel, Corpus Christi, TX**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing three 500-yard radius temporary security zones around Motor Vessel (M/V) ARC ENDURANCE, M/V LIBERTY PEACE, and M/V OCEAN FREEDOM. These zones are needed to protect the vessels, which will be carrying military cargo onboard, while they are transiting the Corpus Christi Ship Channel in Corpus Christi, TX. Entry of vessels or persons into the zones are prohibited unless specifically authorized by the Captain of the Port Sector Corpus Christi (COTP) or a designated representative.

**DATES:** This rule is effective without actual notice August 9, 2021 through August 20, 2021. For the purposes of enforcement, actual notice will be used from August 2, 2021 until August 9, 2021.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG-2021-0616 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 on this rule, call or email Lieutenant Commander Anthony Garofalo, Sector Corpus Christi

Waterways Management Division, U.S. Coast Guard; telephone 361-939-5130, email [Anthony.M.Garofalo@uscg.mil](mailto:Anthony.M.Garofalo@uscg.mil).

**SUPPLEMENTARY INFORMATION:**

**I. Table of Abbreviations**

CFR Code of Federal Regulations  
COTP Captain of the Port Sector Corpus Christi  
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 it is impracticable. We must establish these security zones by August 2, 2021 to ensure security of these vessels and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

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 contrary to the public interest because immediate action is needed to provide for the security of these vessels.

**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 Captain of the Port Sector Corpus Christi (COTP) has determined that potential hazards associated with the transit of the M/V ARC ENDURANCE, M/V LIBERTY PEACE, and M/V OCEAN FREEDOM when loaded with military cargo will be a security concern within a 500-yard radius of the vessels. This rule is needed to protect the vessels while they are transiting within Corpus Christi, TX, from August 2, 2021 through August 20, 2021.

**IV. Discussion of the Rule**

The Coast Guard is establishing three 500-yard radius temporary security zones around M/V ARC ENDURANCE,

M/V LIBERTY PEACE, and M/V OCEAN FREEDOM. The zones for the vessels will be enforced from the time the first vessel arrives on August 2, 2021, until the last vessel arrives Corpus Christi Ship Channel on August 14, 2021. The duration of the zones is intended to protect the vessels and military cargo on board while the vessels are in transit. No vessel or person will be permitted to enter the security zones without obtaining permission from the COTP or a designated representative.

Entry into these security zones are prohibited unless authorized by the COTP or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector Corpus Christi. Persons or vessels desiring to enter or pass through these zones must request permission from the COTP or a designated representative on VHF-FM channel 16 or by telephone at 361-939-0450. If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative. The COTP or a designated representative will inform the public through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate of the enforcement times and dates for these security zones.

## 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 size, duration, and location of the security zones. This rule will impact a small designated area of the Corpus Christi Ship Channel during the vessels' transits while loaded with cargo over a nineteen-day period. Moreover, the Coast Guard will issue BNMs via VHF-FM marine channel 16

about the zones as appropriate and the rule allows vessels to seek permission to enter the zones.

### 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 temporary security zones 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.

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 Directive 023-01 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 security zones lasting for the duration of time that the M/V ARC ENDURANCE, M/V LIBERTY PEACE, and M/V OCEAN FREEDOM are within the Corpus Christi Ship Channel. It will prohibit entry within a 500 yard radius of the M/V ARC ENDURANCE, M/V LIBERTY PEACE, and M/V OCEAN FREEDOM while the vessels are transiting within the Corpus Christi Ship Channel. It is categorically excluded from further review under paragraph L60 in Appendix A, Table 1 of DHS Instruction

Manual 023-01-001-01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

#### 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 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; 33 CFR 1.05-1, 6.04-1, 6.04-6, and 160.5; Department of Homeland Security Delegation No. 00170.1.

■ 2. Revision No. 01.2.2. Add § 165.T08-0616 to read as follows:

#### § 165.T08-0616 Security Zone; Corpus Christi Ship Channel. Corpus Christi, TX.

(a) *Location.* The following areas are a security zone: All navigable waters encompassing a 500-yard radius around Motor Vessel (M/V) ARC ENDURANCE, M/V LIBERTY PEACE, and M/V OCEAN FREEDOM while the vessels are in the Corpus Christi Ship Channel.

(b) *Effective period.* This section is from August 2, 2021 through August 20, 2021.

(c) *Regulations.* (1) The general regulations in § 165.33 of this part apply. Entry into the zones is prohibited unless authorized by the Captain of the Port Sector Corpus Christi (COTP) or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector Corpus Christi.

(2) Persons or vessels desiring to enter or pass through the zones must request permission from the COTP Sector Corpus Christi on VHF-FM channel 16 or by telephone at 361-939-0450.

(3) If permission is granted, all persons and vessels shall comply with

the instructions of the COTP or designated representative.

(d) *Information broadcasts.* The COTP or a designated representative will inform the public through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate of the enforcement times and dates for these security zones.

Dated: July 31, 2021.

**H.C. Govertsen,**

*Captain, U.S. Coast Guard, Captain of the Port Corpus Christi.*

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#### POSTAL SERVICE

#### 39 CFR Part 111

#### New Mailing Standards for Domestic Mailing Services Products

**AGENCY:** Postal Service™.

**ACTION:** Final rule.

**SUMMARY:** On May 28, 2021, the Postal Service (USPS®) filed a notice of mailing services price adjustments with the Postal Regulatory Commission (PRC), effective August 29, 2021. On June 23, 2021 USPS further filed a notice to change the maximum size limitation for presorted First-Class Mail postcards. This final rule contains the revisions to *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®) to implement the changes coincident with the price adjustments and postcard size limitation changes.

**DATES:** Effective August 29, 2021.

**FOR FURTHER INFORMATION CONTACT:** Jacqueline Erwin at (202) 268-2158 or Dale Kennedy at (202) 268-6592.

**SUPPLEMENTARY INFORMATION:** On July 19, 2021, the PRC favorably reviewed the price adjustments proposed by the Postal Service. On July 28, 2021, the PRC favorably reviewed the presorted postcard maximum size limitations proposed by the Postal Service. The price adjustments, presorted postcard maximum limitations and DMM revisions are scheduled to become effective on August 29, 2021. Final prices are available under Docket No. R2021-2 (Order No. 5937), and presorted postcard maximum size limitations are available under Docket No. MC2021-104 (Order No. 5946) on the Postal Regulatory Commission's website at [www.prc.gov](http://www.prc.gov).

#### Direct Pallet Discount for Marketing Mail High Density Flats

The Postal Service is offering additional discounts to move additional USPS Marketing Mail High Density flats to direct pallets. Flat shaped pieces on direct pallets are operationally desirable, as pallets can be directly cross docked to the Destination Delivery Units (DDUs). The pallets will consist of Carrier Route and finer sorted bundles such as High Density, High Density Plus, and Saturation. The nature of their make-up allows the Postal Service to avoid moving these pallets to bundle sorters within the plant, sorting the bundles, and moving these bundles back to the dock to be transported to the DDU.

#### First-Class Mail Nonautomation Letters Change

The Postal Service is offering two prices for nonautomation machinable letters, AADC and Mixed AADC; and three prices for nonautomation nonmachinable letters, 5-digit, 3-digit, and Mixed ADC. This structural change will reduce revenue at risk and better align prices for customers mailing nonautomation letters, machinable and nonmachinable. This change will also eliminate the nonmachinable surcharge applicable to nonautomation presort letters.

#### First-Class Mail Commercial Larger Postcard

The Postal Service is offering to increase the maximum dimensions for commercial postcards, from 4-1/4 inches by 6 inches to 6 inches by 9 inches.

#### Comments on Proposed Changes and USPS Responses

The Postal Service received two formal comments on the June 3, 2021 proposed rule.

#### Customer Comment

One comment expressed concerns around the lack of clarity surrounding future price increase from a timing and scale perspective.

#### USPS Response

In its notice of mailing services price adjustments with the PRC, the Postal Service explained that the Governors determined to shift from the Postal Service's previous January implementation schedule for annual price increases to an August timeline for 2021 in light of the recent adoption of the PRC's amendments to the ratemaking system and the urgent need to begin addressing the Postal Service's financial challenges through