

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.

#### 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, Rev. 1, associated implementing instructions, 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 a safety zone that will prohibit entry within 500 yards of tugs and barges used to work, inspect, survey and remove/replace cables in the Straits of Mackinac. It is categorically excluded from further review under paragraph L[60(a)] of 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. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

#### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email 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, Revision No. 01.2.

■ 2. Add § 165.T09-0747 to read as follows:

#### § 165.T09-0747 Safety Zone; Tugs Champion, Valerie B, Nancy Anne and Barges Kokosing I, Kokosing III, Kokosing IV operating in the Straits of Mackinac, MI.

(a) *Location.* The following areas are safety zones: All navigable water within 500 yards of the Tugs Valerie B, Nancy Anne, Champion and Barges Kokosing I, III, and IV while conducting work, inspection, surveying and removing/replacing cables in the Straits of Mackinac.

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Sault Sainte Marie (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into, transiting, or anchoring within the safety zone described in paragraph (a) of this section is prohibited unless authorized by the Captain of the Port, Sault Sainte Marie or his designated representative.

(2) Before a vessel operator may enter or operate within the safety zones, they must obtain permission from the Captain of the Port, Sault Sainte Marie, or his designated representative via VHF Channel 16 or telephone at (906) 635-3233. Vessel operators given permission to enter or operate in the safety zone must comply with all orders given to them by the Captain of the Port, Sault Sainte Marie or his designated representative.

(d) *Enforcement period.* This section will be enforced from October 1, 2021, to November 30, 2021.

Dated: September 21, 2021.

A.R. Jones,

Captain, U.S. Coast Guard, Captain of the Port Sault Sainte Marie.

[FR Doc. 2021-20882 Filed 9-24-21; 8:45 am]

BILLING CODE 9110-04-P

#### POSTAL SERVICE

#### 39 CFR Parts 111, 113 and 211

#### Treatment of Regulations on Hazardous, Restricted, and Perishable Mail

**AGENCY:** Postal Service™.

**ACTION:** Final rule.

**SUMMARY:** The Postal Service amends certain regulations to clarify the regulatory treatment of Publication 52, *Hazardous, Restricted, and Perishable Mail*.

**DATES:** This rule is effective September 27, 2021.

**FOR FURTHER INFORMATION CONTACT:** Dale E. Kennedy, Director, Product Classification, at 202-268-6592.

**SUPPLEMENTARY INFORMATION:** The Postal Service has long maintained regulations on hazardous, restricted, and perishable mail. For many years, those regulations were located in Mailing Standards of the United States Postal Service, *Domestic Mail Manual* (“DMM”). The DMM is a regulation of the Postal Service. 39 CFR 211.2(a)(2). Annual editions of the DMM are incorporated by reference into 39 CFR 111.1. As explained in Postal Service regulations, interim regulations are published in the DMM pending the next volume’s incorporation into the Code of Federal Regulations, and changes to the DMM are announced in

the **Federal Register**. 39 CFR 111.3. As an additional reference, the Postal Service developed Publication 52, *Hazardous, Restricted, and Perishable Mail*.

On July 28, 2014, as part of a continuing initiative to reduce the size of the DMM, the Postal Service removed from that publication the detailed mailing standards relating to hazardous, restricted, and perishable materials. In place of these detailed provisions, revised DMM 601.8.0 advised that mailing standards specific to hazardous, restricted, and perishable mail would be incorporated into Publication 52, and could be found on the Postal Explorer website at *pe.usps.com*. The Postal Service subsequently promulgated new regulations incorporating an edition of Publication 52 by reference into 39 CFR 113.2. See 83 FR 1189 (2018).

The Postal Service, in consultation with the Office of the Federal Register, has determined that clarification of the status of Publication 52 would be helpful, particularly in order to ensure that changes to Publication 52 are comprehensively noticed in the **Federal Register**. To that end, the Postal Service hereby makes certain changes to its rules.

First, DMM section 601.8.1 is amended to clarify that the substantive mailability rules in Publication 52, as in effect and available on the Postal Service's website at any given time, are incorporated by reference into that DMM section.

Second, 39 CFR 211.2(a) will be amended to clarify that Publication 52 contains regulations of the Postal Service. In connection with this change, language in 39 CFR 211.2(a) regarding publication in the **Federal Register** and Code of Federal Regulations will be moved to more clearly express the intent that any regulations of the Postal Service may, where appropriate, be published in those outlets. Moreover, 39 CFR 211.2(a)(3) is expanded somewhat to clarify that Publications and Memoranda of Policy may also qualify as regulations, and that status as regulations depends not on the formal designation of a document, but on its statement of binding rules of future effect beyond those stated elsewhere in Postal Service regulations.

Third, 39 CFR part 113, which includes the incorporation by reference of Publication 52 (39 CFR 113.2), is removed. The temporary rules in 39 CFR 113.3 regarding COVID-19 related Category B infectious substances are duplicative of rules in Publication 52, and so it is unnecessary to maintain such rules in the Code of Federal Regulations. Compare 85 FR 23745 with

Postal Bulletin 22544 (Apr. 23, 2020), at 6–7 (amending Publication 52 appendix C, USPS Packaging Instruction 6C).

#### List of Subjects

##### 39 CFR Part 111

Administrative practice and procedure, Postal Service.

##### 39 CFR Part 113

Administrative practice and procedure, Hazardous substances, Postal service.

##### 39 CFR Part 211

Administrative practice and procedure, Postal Service.

Accordingly, for the reasons stated, the Postal Service amends 39 CFR parts 111, 113, and 211 as follows:

#### PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR part 111 is revised 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, 401–404, 414, 416, 3001–3018, 3201–3220, 3401–3406, 3621, 3622, 3626, 3629, 3631–3633, 3641, 3681–3685, 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)

\* \* \* \* \*

#### 600 Basic Standards for All Mailing Services

##### 601 Mailability

\* \* \* \* \*

#### 8.0 Hazardous, Restricted, and Perishable Mail

##### 8.1 General

Effective July 7, 2014, all content applicable to hazardous, restricted, or perishable mail was removed and incorporated into Publication 52, *Hazardous, Restricted, and Perishable Mail*. The contents of Publication 52, as in effect and available on the Postal Service website at the relevant time, are incorporated by reference into this section.

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#### PART 113—[REMOVED]

■ 3. Under the authority of 39 U.S.C. 401(2), remove part 113.

#### PART 211—APPLICATION OF REGULATIONS

■ 4. The authority citation for part 211 is revised to read as follows:

**Authority:** 39 U.S.C. 201, 202, 205, 401–404, 406, 407, 410, 411, 413, 414, 416, 1001–1011, 1201–1209, 2008–2010, 2201, 2601–2605, 2901–2902, 3001–3018, 3201–3220, 3401–3406, 3621–3629, 3631–3633, 3641, 3654, 3681–3685, 3691, 5001–5007, 5401–5403, 5601–5605; 39 U.S.C. note.

■ 5. Amend § 211.2 by revising the introductory text to paragraph (a) and paragraphs (a)(2) and (3) to read as follows:

#### § 211.2 Regulations of the Postal Service.

(a) The regulations of the Postal Service consist of the following, any of which may, but are not required to, be published in the **Federal Register** and the Code of Federal Regulations:

\* \* \* \* \*

(2) The *Mailing Standards of the United States Postal Service, Domestic Mail Manual*; the *Postal Operations Manual*; the *Administrative Support Manual*; the *Employee and Labor Relations Manual*; the *Financial Management Manual*; the *International Mail Manual*; those portions of Chapter 2 of the former *Postal Service Manual* and chapter 7 of the former *Postal Manual* retained in force; and Publication 52, *Hazardous, Restricted, and Perishable Mail*; and

(3) Headquarters Circulars, Management Instructions, Regional Instructions, Handbooks, Memoranda of Policy, Publications, delegations of authority, and other regulatory issuances and directives of the Postal Service or the former Post Office Department, to the extent that such documents state binding rules of future effect beyond those stated in other regulations of the Postal Service then in effect.

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Joshua J. Hofer,

Attorney, Ethics & Legal Compliance.

[FR Doc. 2021–20425 Filed 9–24–21; 8:45 am]

BILLING CODE 7710–12–P

#### POSTAL SERVICE

##### 39 CFR Part 233

#### Mail Screening Regulations

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** On August 20, 2021, The Postal Service amended its regulations regarding the screening of mail to be consistent with aviation regulations regarding the transportation of mail via aircraft; continue to enhance the security and ensure the safety of all persons and property onboard aircraft carrying mail; and prevent and deter the