

(Authority: 15 U.S.C. 46; 15 U.S.C. 57a; 5 U.S.C. 601 note)

April J. Tabor,
Secretary.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2024–0544]

RIN 1625–AA08

Special Local Regulation; Cayuga Lake, Ithaca, NY

AGENCY: Coast Guard, Department of Homeland Security (DHS).

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a temporary special local regulation for certain waters of the Cayuga Lake. This action is necessary to provide for the safety of life on these navigable waters near Ithaca, NY, during a marine event on August 10, 2024. This proposed rulemaking would prohibit persons and vessels from transiting the area unless authorized by the Captain of the Port Sector Eastern Great Lakes or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before July 25, 2024.

ADDRESSES: You may submit comments identified by docket number USCG–2024–0544 using the Federal Decision-Making 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. This notice of proposed rulemaking with its plain-language, 100-word-or-less proposed rule summary will be available in this same docket.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Joseph Stranc, Marine Safety Unit Thousand Islands, U.S. Coast Guard; telephone 315–774–8524, email SMB-MSUThousandIslands-WaterwaysManagement@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations

COTP Captain of the Port Sector Eastern Great Lakes
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

On March 4, 2024, an organization notified the Coast Guard that it will be conducting a swim event from 6 a.m. to 11:30 a.m. on August 10, 2024. The event will take place within the following boundaries: starting at point 42°30′07.01″ N, 076°30′57.04″ W; running adjacent shore to point 42°30′30.03″ N, 076°31′09.34″ W; thence to 42°29′50.20″ N, 076°32′24.99″ W; running adjacent to the shore to point 42°29′34.71″ N, 076°32′17.11″ W; thence back to starting position.

Due to the potential hazards associated with the swim event, the Captain of the Port Sector Eastern Great Lakes (COTP) determined that the potential hazards associated with the swimming event would be a safety concern for anyone within the swim area. The purpose of this rulemaking is to ensure the safety of participants of the event on within the navigable waters within the boundaries described above before, during, and after the scheduled event. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70041.

III. Discussion of Proposed Rule

The COTP is proposing to establish a special local regulation in Cayuga Lake from 6 a.m. to 11:30 a.m. on August 10, 2024. The area regulated by this special local regulation will cover all navigable waters, from surface to bottom, within the area formed by connecting the following latitude and longitude points in the following order: starting at point 42°30′07.01″ N, 076°30′57.04″ W; running adjacent shore to point 42°30′30.03″ N, 076°31′09.34″ W; thence to 42°29′50.20″ N, 076°32′24.99″ W; running adjacent to the shore to point 42°29′34.71″ N, 076°32′17.11″ W; thence back to starting position.

The duration of the proposed special local regulation is intended to ensure the safety of event participants on these navigable waters before, during, and after the scheduled swim event. No vessel or person would be permitted to enter the regulated area without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

We developed this proposed 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 NPRM has not been designated a “significant regulatory action,” under section 3(f) of Executive Order 12866, as amended by Executive Order 14094 (Modernizing Regulatory Review). Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the size, location, duration, and time-of-day of the regulated area. Vessel traffic would be able to safely transit through this regulated area which would impact a small designated area of Cayuga Lake for less than 6 hours during the morning. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the regulated area, and the rule would allow vessels to seek permission to transit through the area.

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 proposed rule would not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the area may be small entities, for the reasons stated in section IV.A above, this proposed rule would not have a significant economic impact on any vessel owner or operator.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see

ADDRESSES) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

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 proposed rule. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

This proposed rule would 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 proposed 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 proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would 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 proposed rule has implications for federalism or Indian tribes, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

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 proposed rule would not result in such an expenditure, we do discuss the potential effects of this proposed rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed 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 made a preliminary determination 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 proposed rule involves a special local regulation lasting 5.5 hours that would prohibit entry to the swim area of the Cayuga Lake without authorization from COTP or their designated representative.

Normally such actions are categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A preliminary 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. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

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.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments through the Federal Decision-Making Portal at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG–2024–0544 in the search box and click “Search.” Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using <https://www.regulations.gov>, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in docket. To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select “Supporting & Related Material” in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the <https://www.regulations.gov> Frequently Asked Questions web page. Also, if you click on the Dockets tab and then the proposed rule, you should see a “Subscribe” option for email alerts. The option will notify you when comments are posted, or a final rule is published.

We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

Personal information. We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1.

■ 2. Add § 160.T09–0544 to read as follows:

§ 160.T09–0544 Women Swimmin' for Hospicare, Cayuga Lake, Ithaca, NY.

(a) *Enforcement period.* Coast Guard Sector Eastern Great Lakes Captain of the Port (COTP) will enforce this section from 6 a.m. to 11:30 a.m. on August 10, 2024, upon the navigable waters of Cayuga Lake as described in paragraph (b) of this section.

(b) *Regulated area.* The regulations in this section apply to the following area: All navigable waters within Cayuga Lake starting at point 42°30'07.01" N 076°30'57.04" W and running adjacent to the shore to point 42°30'30.03" N 076°31'09.34" W, continuing to point 42°29'50.20" N 076°32'24.99" W, running adjacent to the shore to point 42°29'34.71" N 076°32'17.11" W, back to the starting position.

(c) *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 COTP in the enforcement of the regulations in this section.

(d) *Regulations.* All vessels will be required to request permission from the COTP or their designated representative to transit the area and will operate at a no wake speed to reduce the wake to a minimum, and in a manner which will not endanger participants in the event or any other craft. The COTP or their designated representative may be contacted on Channel 16 (156.8 MHz) by the call sign "Coast Guard Patrol Commander".

Dated: June 28, 2024.

M.I. Kuperman,

Captain, U.S. Coast Guard, Captain of the Port Sector Eastern Great Lakes.

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POSTAL REGULATORY COMMISSION**39 CFR Part 3055**

[Docket No. RM2024–9; Order No. 7247]

RIN 3211–AA39

Service Performance Measurement Systems for Market Dominant Products

AGENCY: Postal Regulatory Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Advance Notice of Proposed Rulemaking seeks comment on the Commission's review of the accuracy, reliability, and

representativeness of the Postal Service's Internal Service Performance Measurement (SPM) System. SPM produces service performance results that are an amalgamation of granular and siloed evaluations of performance for the individual segments of mail collection (First Mile), mail processing (Processing Duration), and mail delivery (Last Mile). Given recent changes in operations and mail mix, the Commission has concerns about the continued validity of the design and implementation of each of these three systems, as well as how the systems function collectively as a whole. This document informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Technical Conference:* July 24, 2024, at 11 a.m., Eastern Time (ET), Virtual. *Comments are due:* September 11, 2024. *Reply comments are due:* October 9, 2024.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <https://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives. The Rule Summary can be found on the Commission's Rule Summary Page at <https://www.prc.gov/rule-summary-page>.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION: Pursuant to 39 U.S.C. 503, 3652 and 3691, the Commission finds that it is appropriate to initiate this proceeding to review the accuracy, reliability, and representativeness of the Postal Service's Internal Service Performance Measurement (SPM) System. The Commission seeks comments regarding this review.

SPM produces composite service performance results that are generated using several different data sources and data processing methods. The service performance results produced by SPM are an amalgamation of granular and siloed evaluations of performance for the individual segments of mail collection (First Mile), mail processing (Processing Duration), and mail delivery (Last Mile). Given recent changes in operations and mail mix, the Commission has concerns about the continued validity of the design and implementation of each of these three systems, as well as how the systems function collectively as a whole.

Commission Information Request No. 1 is being issued today in this docket

and the Postal Service shall fully respond by August 14, 2024.

A technical conference will be held live via Microsoft Teams on July 24, 2024, at 11 a.m. ET. This technical conference is an informal, off-the-record opportunity to interactively discuss and clarify technical issues related to the nature and extent of the information sought in Commission Information Request No. 1, as well as to identify and discuss information relevant to evaluating the SPM System. Details on how to participate appear in Order No. 7247.

Interested persons are invited to provide written comments to facilitate the Commission's review of the accuracy, reliability, and representativeness of SPM. Below, the Commission identifies specific topics on which it would particularly appreciate comment. However, commenters are not limited to addressing these identified topics—the Commission will consider all comments that fall within the scope of this proceeding.

1. Is SPM in its current state producing accurate, reliable, and/or representative measurements of the Postal Service's service performance? If not, what specific aspect of SPM's design and/or implementation is causing service performance measurement to be inaccurate, unreliable, and/or unrepresentative?
2. Are there modifications that could be made to SPM in its current state that would result in it being more accurate, reliable, and/or representative?
3. Are there alternative measurement systems (either external or internal) that would be more accurate, reliable, and/or representative than SPM?

By the Commission.

Erica A. Barker,
Secretary.

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