

**§ 1473.8 Definition of significant guidance document.**

(a) The term *significant guidance document* means a guidance document that will be disseminated to regulated entities or the general public and that may reasonably be anticipated:

(1) To lead to an annual effect on the economy of \$100 million or more or adversely affect in a material way the U.S. economy, a sector of the U.S. economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) To create serious inconsistency or otherwise interfere with an action taken or planned by another Federal agency;

(3) To alter materially the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) To raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in E.O. 12866, as further amended.

(b) The term *significant guidance document* does not include the categories of documents excluded by § 1473.2 or any other category of guidance documents exempted in writing by the Office of General Counsel in consultation with OIRA.

**§ 1473.9 Procedure for guidance documents identified as "significant".**

(a) FMCS will make an initial, preliminary determination about a guidance document's significance. Thereafter, FMCS must consult with OIRA to determine whether guidance is significant guidance, unless the guidance is otherwise exempted from such a determination by the Administrator of OIRA.

(b) Significant guidance documents, as determined by the Administrator of OIRA, must be reviewed by OIRA under E.O. 12866 before issuance; and must demonstrate compliance with the applicable requirements for regulations or rules, including significant regulatory actions, set forth in E.O. 12866, E.O. 13563, E.O. 13609, E.O. 13771, and E.O. 13777.

(c) Significant guidance documents must be signed by the Director.

**§ 1473.10 Notice-and-comment procedures.**

(a) Except as provided in paragraph (b) of this section, all proposed Federal Mediation and Conciliation Service guidance documents determined to be a "significant guidance document" within the meaning of § 1473.8 shall be subject to the following informal notice-and-comment procedures. The Office of

General Counsel shall publish a notice in the **Federal Register** announcing that a draft of the proposed guidance document is publicly available, shall post the draft guidance document on its website, shall invite public comment on the draft document for a minimum of 30 days, and shall prepare and post a public response to major concerns raised in the comments, as appropriate, on its guidance portal, either before or when the guidance document is finalized and issued.

(b) The requirements of paragraph (a) of this section will not apply to any significant guidance document or categories of significant guidance documents for which the Office of General Counsel finds, in consultation with OIRA, the proposing department, and the Director, good cause that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest (and incorporates the finding of good cause and a brief statement of reasons therefor in the guidance issued).

(c) Where appropriate, the Office of General Counsel or the proposing department may recommend to the Director that a particular guidance document that is otherwise of importance to the Service's interests shall also be subject to the informal notice-and-comment procedures described in paragraph (a) of this section.

**§ 1473.11 Petitions to withdraw or modify guidance.**

(a) Any person may petition the Office of General Counsel to withdraw or modify a particular guidance document as specified by § 1473.5(d).

(b) The Office of General Counsel should respond to all requests in a timely manner, but no later than 90 days after receipt of the request.

**§ 1473.12 Rescinded guidance.**

(a) The Office of General Counsel, in consultation with the Director and the issuing department, shall determine whether to rescind a guidance document.

(b) Once rescinded, the hyperlink to the guidance document will be removed. The name, title, unique identifier, and date of rescission will be listed on the guidance portal for at least one year after rescission.

(c) No party or employee of the Federal Mediation and Conciliation Service may cite, use, or rely on rescinded guidance documents, except to establish historical facts.

**§ 1473.13 Exigent circumstances.**

In emergency situations or when the Federal Mediation and Conciliation

Service is required by statutory deadline or court order to act more quickly than normal review procedures allow, the issuing department shall coordinate with the Office of General Counsel to notify OIRA as soon as possible and, to the extent practicable, shall comply with the requirements of this subpart at the earliest opportunity. Wherever practicable, the Office of General Counsel should schedule its proceedings to permit sufficient time to comply with the procedures set forth in this subpart.

**§ 1473.14 Reports to Congress and the Government Accountability Office (GAO).**

Unless otherwise determined in writing by the Office of General Counsel, it is the policy of the Service that upon issuing a guidance document determined to be "significant" within the meaning of § 1473.8, the Director will submit a report to Congress and GAO in accordance with the procedures described in 5 U.S.C. 801 (the "Congressional Review Act").

**§ 1473.15 No judicial review or enforceable rights.**

This subpart is intended to improve the internal management of the Federal Mediation and Conciliation Service. As such, it is for the use of Federal Mediation and Conciliation Service personnel only and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its agencies or other entities, its officers or employees, or any other person.

**Subpart B—[Reserved]**

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**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 110**

[Docket Number USCG-2016-0989]

RIN 1625-AA01

**Anchorage Regulations; Passagassawakeag River, Belfast, ME; Corrections**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Correcting amendments.

**SUMMARY:** On July 8, 2019, the Coast Guard published a final rule that established two special anchorage areas in the Passagassawakeag River in the

vicinity of Belfast, ME, effective August 7, 2019. That rule contained errors in the coordinates describing the boundaries of these special anchorage areas, causing parts of them to extend into the navigable channel. This document corrects those errors.

**DATES:** Effective April 20, 2020.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this document, call or email Mr. Craig D. Lapiejko, Coast Guard First District Waterways Management Branch, telephone 617-223-8351, email [Craig.D.Lapiejko@uscg.mil](mailto:Craig.D.Lapiejko@uscg.mil).

**SUPPLEMENTARY INFORMATION:** On July 8, 2019, the Coast Guard published a final rule titled "Anchorage Regulations; Passagassawakeag River, Belfast, ME" (84 FR 32269). Effective August 7, 2019, it established Special Anchorage Area A and Special Anchorage Area B in the Passagassawakeag River, Belfast Bay, Belfast, Maine.

On August 15, 2019, the Coast Guard was made aware of a discrepancy between the boundaries of the Belfast special anchorage areas and the navigable channel by a cartographer from the National Oceanic and Atmospheric Administration (NOAA). We have reviewed the information provided by NOAA's cartographic production team and agree that there is a discrepancy between the boundaries of the Belfast special anchorage areas and the navigable channel.

In the notice of proposed rulemaking we published to start the process of designating these special anchorage areas, we made it clear that they are intended to reduce the risk of vessel collisions and to promote safe and efficient travel in the navigable channel of the Passagassawakeag River to the mouth of Belfast Bay (82 FR 46004, October 3, 2017). The potential of vessels anchoring in the navigable channel is contrary to waterway safety and coordinates identifying any portion of either special anchorage area in the navigable channel are errors that must be corrected promptly to reduce the risk of vessel collisions in the navigable channel. As we stated in the final rule, we made no changes from the proposed rule (84 FR 32269, 32270, July 8, 2019). This document corrects the coordinates in 33 CFR 110.4(b) that place any of the boundaries of Special Anchorage Area A and Special Anchorage Area B in the navigable channel of the Passagassawakeag River.

We find good cause under 5 U.S.C. 553(d) to make this correction effective on its date of publication. Delaying its effective date would continue the risk of vessel collisions in the navigable

channel based on errors in the coordinates describing the special anchorage areas.

#### List of Subjects in 33 CFR Part 110

Anchorage Regulations.

Accordingly, 33 CFR part 110 is corrected by making the following correcting amendments:

#### PART 110—ANCHORAGE REGULATIONS

■ 1. The authority citation for part 110 continues to read as follows:

**Authority:** 33 U.S.C. 471, 2071; 46 U.S.C. 70034; 33 CFR 1.05-1; Department of Homeland Security Delegation No. 0170.1

■ 2. In § 110.4, revise paragraphs (d)(1) and (2) to read as follows:

##### § 110.4 Penobscot Bay, Maine.

\* \* \* \* \*

(d) \* \* \*

(1) *Special anchorage area A.* All of the waters enclosed by a line beginning at latitude 44°25'47.2458" N, longitude 069°00'7.5943" W; thence to latitude 44°25'48" N, longitude 068°59'57" W; thence to latitude 44°25'39" N, longitude 068°59'17" W; thence to latitude 44°25'33" N, longitude 068°59'15" W; thence to latitude 44°25'30" N, longitude 068°58'48" W; thence to latitude 44°25'23.9162" N, longitude 069°58'54.0838" W; thence to latitude 44°25'42.7050" N, longitude 069°59'55.2686" W thence to the point of beginning.

(2) *Special anchorage area B.* All of the waters enclosed by a line beginning at latitude 44°25'45.3309" N, longitude 069°00'09.0265" W; thence to latitude 44°25'41.1720" N, longitude 068°59'58.2017" W; thence to latitude 44°25'27.7645" N, longitude 068°59'23.3130" W; thence to latitude 44°25'18.2707" N, longitude 068°58'58.6083" W; thence to latitude 44°24'56" N, longitude 068°59'23" W; thence to latitude 44°25'21.0416" N, longitude 068°59'37.5019" W; thence to latitude 44°25'35.5413" N, longitude 068°59'58.1933" W; thence to the point of beginning.

\* \* \* \* \*

Dated: April 3, 2020.

**A. J. Tiongsong,**

*Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.*

[FR Doc. 2020-07618 Filed 4-17-20; 8:45 am]

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## POSTAL SERVICE

### 39 CFR Part 501

#### Authorization To Manufacture and Distribute Postage Evidencing Systems

**AGENCY:** Postal Service™.

**ACTION:** Final rule.

**SUMMARY:** The Postal Service is amending its Postage Evidencing Systems regulations. These changes set forth the current procedure (which may be updated based upon changes to postal regulations) to become an authorized Postage Evidencing System (PES) provider. The changes also update or create new definitions, update all references of the Office of Payment Technology to the Office of Commercial Payment, and reorganize or reword certain provisions currently in the regulations for clarity.

**DATES:** Effective May 20, 2020.

**FOR FURTHER INFORMATION CONTACT:** Lisa H Arcari, Director, Commercial Payment, [lisa.h.arcari@usps.gov](mailto:lisa.h.arcari@usps.gov), 202-268-4270.

**SUPPLEMENTARY INFORMATION:** The Postal Service issued proposed revisions to 39 CFR part 501, set forth in the **Federal Register** on February 6, 2020 (85 FR 6838). The proposal made several changes: (1) It introduced a PES Provider Applicant Guide, (2) it cleaned up some grammatical and formatting issues, and (3) it updated the contact information for the office of Commercial Payment, the successor organization to Payment Technology.

One set of comments was received in response to the **Federal Register** Notice. The comments raised and the Postal Service's responses are summarized below.

**Industry comment:** The final rule should clarify that modifications to the underlying substantive standards referenced in the Guide will continue to be made via publication in the **Federal Register**, including notice and opportunity for comment by affected stakeholders. The Intelligent Mail® Indicia Performance Criteria (IMIPC) will be controlled and distributed by the Commercial Payment group. The Guide should be updated in accordance with updates to other Postal Regulations, but substantive changes in requirements should not be communicated in the Guide.

**USPS response:** The Postal Service agrees that the Guide, although it sets forth the methodology for a PES provider applicant to be approved as a PES provider, is not a replacement for regulations governing application. The