

§ 165.T07–0977 Safety Zone; Savannah River, M/V BIGLIFT BAFFIN, Savannah, GA.

(a) *Location.* The following is a safety zone: The moving safety zone will include all navigable waters of the Savannah River, within a 500-yard radius of the vessel M/V BIGLIFT BAFFIN while transiting the Savannah River and laden with oversized cranes. The fixed zone will include all navigable waters of the Savannah River, within a 500-yard radius of vessel M/V BIGLIFT BAFFIN while moored at Georgia Port Authority Garden City Terminal Berth No. 1 and laden with oversized cranes.

(b) *Definition.* 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 Savannah (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) Persons or vessels desiring to enter, transit through, anchor in, or remain within the safety zone may contact COTP Savannah by telephone at (912) 247–0073, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted by the COTP Savannah or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the COTP or a designated representative.

(3) The Coast Guard will provide notice of the regulated areas by Broadcast Notice to Mariners, Marine Safety Information Bulletins, and on-scene designated representatives.

(d) *Effective and Enforcement period.* This section is effective from February 9, 2023 through February 26, 2023. The moving zone will be enforced while the vessel is transiting with the cranes embarked, and the fixed zone will be enforced while the vessel is moored at the facility, and the cranes are onboard.

Dated: January 31, 2023.

K.A. Broyles,

Commander, U.S. Coast Guard, Captain of the Port, Savannah, GA.

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DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 165**

[Docket Number USCG–2023–0067]

RIN 1625–AA00

Safety Zone; Upper Mississippi River Mile Marker 490.2–489.7 Davenport, IA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for all navigable waters in the Upper Mississippi River at Mile Marker (MM) 490.2 to MM 489.7. The safety zone is needed to protect personnel, vessels, and the marine environment from all potential hazards associated with electrical line work. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Upper Mississippi River (COTP) or a designated representative.

DATES: This rule is effective without actual notice from February 7, 2023 through March 6, 2023. For the purposes of enforcement, actual notice will be used from February 6, 2023 until February 7, 2023.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2023–0067 in the search box and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Commander Richard Cherkauer, Sector Upper Mississippi River Waterways Management Division, U.S. Coast Guard; telephone 314–269–2560, email Richard.G.Cherkauer@uscg.mil.

SUPPLEMENTARY INFORMATION:**I. Table of Abbreviations**

CFR Code of Federal Regulations
COTP Captain of The Port Sector Upper Mississippi River
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. The work for this project has already begun and the NPRM process would hinder the progress of the ongoing work and compromise public safety. We must establish this temporary safety zone immediately 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 this rule would be contrary to the public interest due to potential safety hazards associated with the ongoing electrical line work.

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 Upper Mississippi River (COTP) has determined that potential hazards associated with electrical line work will be a safety concern for anyone operating or transiting within the Upper Mississippi River from MM 490.2 to MM 489.7. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while electrical line work is being conducted.

IV. Discussion of the Rule

This rule establishes a safety zone during an electric power line installation project over the Upper Mississippi River. The safety zone will cover all navigable waters from MM 490.2 to MM 489.7. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while electrical line work is being conducted. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard (USCG) assigned to units under the operational control of USCG Sector Upper Mississippi River. To seek

permission to enter, contact the COTP or a designated representative via VHF-FM channel 16, or through USCG Sector Upper Mississippi River at 314-269-2332. Persons and vessels permitted to enter the safety zone must comply with all lawful orders or directions issued by the COTP or designated representative. The COTP or a designated representative will inform the public of the effective period for the safety zone as well as any changes in the dates and times of enforcement, as well as reductions in the size of the safety zone as conditions improve, through Local Notice to Mariners (LNMs), Broadcast Notices to Mariners (BNMs), and/or Safety Marine Information Broadcast (SMIB), as appropriate.

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 the 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 a safety zone located on the Upper Mississippi River MM 490.2 to MM 489.7 near Davenport, IA. The Safety Zone will be active only while work associated with the power line crossing is being conducted, from February 6, 2023 until March 6, 2023.

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 safety

zone 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 because the zone will be enforced only when work is being conducted.

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 call or email 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.

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 encompassing the width of the Upper Mississippi River from MM 490.2 to MM 489.7. It is categorically excluded from further review under paragraph L60 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 protestors. 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, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

- 2. Add § 165.T08–0789 to read as follows:

§ 165.T08–0789 Safety Zone; Upper Mississippi River, Mile Markers 490.2–489.7, Davenport, IA.

(a) *Location.* The following area is a safety zone: all navigable waters within the Upper Mississippi River, Mile Markers (MM) 490.2–489.7.

(b) *Enforcement period.* This section is subject to enforcement from February 6, 2023 through March 6, 2023.

(c) *Regulations.* (1) In accordance with the general safety zone regulations in § 165.23, entry of persons or vessels into this safety zone described in paragraph (a) of this section is 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 (USCG) assigned to units under the operational control of USCG Sector Upper Mississippi River.

(2) To seek permission to enter, contact the COTP or a designated representative via VHF–FM channel 16, or through USCG Sector Upper Mississippi River at 314–269–2332. Persons and vessels permitted to enter the safety zone must comply with all lawful orders or directions issued by the COTP or designated representative.

(d) *Informational broadcasts.* The COTP or a designated representative will inform the public of the effective period for the safety zone as well as any changes in the dates and times of enforcement, as well as reductions in size or scope of the safety zone as ice or flood conditions improve, through Local Notice to Mariners (LNMs), Broadcast Notices to Mariners (BNMs), and/or Safety Marine Information Broadcast (SMIB) as appropriate.

Dated: February 1, 2023.

A.R. Bender,

Captain, U.S. Coast Guard, Captain of the Port Sector Upper Mississippi River.

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POSTAL SERVICE**39 CFR Part 111****Address Correction Notices**

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: The Postal Service is amending *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®) sections 507.4.2.6 and 705.23, to update information regarding address correction requests and to remove hardcopy address correction notice options for Full-Service and Seamless Acceptance mailers.

DATES: *Effective Date:* July 9, 2023.

FOR FURTHER INFORMATION CONTACT: Starlene Blackwood at (901) 681–4475 or Garry Rodriguez at (202) 268–7281.

SUPPLEMENTARY INFORMATION: On November 9, 2022, the Postal Service published a notice of proposed rulemaking (87 FR 67615–67617) to update information regarding address correction requests and to remove hardcopy address correction notice options for Full-Service and Seamless Acceptance mailers. In response to the proposed rule, the Postal Service received two formal responses containing several comments as follows:

Comment: Incorrect address information has plagued the system for decades. ACS data even lags local information sources, which may cause a list to be updated to an old address. Publishers find the hard-copy notices preferable due to them being easier to read, issues with notice can easily be identified before updating a database. An automated process carries substantial risk that error will not be spotted.

Response: ACS and Manual address corrections are generated using the same data source. Manual notices are delayed due to the process required to print, mail, and deliver the forms. Automated download of ACS notices is an option but not required. The SingleSource ACS™ fulfillment option, available on *PostalPro* at postalpro.usps.com, offers customers an option to download and review a printable report prior to updating.

Comment: Publishers are wary of automatic download because some may not have the knowledge to manage this type of set-up.

Response: Automated download of ACS notices is an option but not required. The SingleSource ACS fulfillment option, available on *PostalPro* offers customers an option to

download and review a printable report prior to updating.

Comment: Electronic records require electronic skills. The smaller newspapers do not have the technical staff on site and no available personnel with the skills to merge records electronically. The hard-copy notices keep them in business.

Response: ACS and Manual address corrections are generated using the same data source. Manual notices are delayed due to the process required to print, mail, and deliver the forms. Automated download of ACS notices is an option but not required. The SingleSource ACS fulfillment option, available on *PostalPro*, offers customers an option to download and review a printable report prior to updating.

Comment: The Business Customer Gateway is not intuitive. Publishers do not know they need to perform additional steps to receive the service, so they don't sign up. There is no easy manual for navigating through BCG if all the publisher wants to do is enroll in/use ACS. Also, there may be an added expense of hiring someone to complete set up, thus making the hardcopy notice easy as a traditional tool.

Response: Single Source ACS is an available option which removes the need for handling different file formats and allows customers to download a printable report. Customers can also reach out to the Mailing Shipping & Solution Center for assistance with the Business Customer Gateway by calling 1–877–672–0007 or email MSSC@usps.gov.

Comment: This proposal may lead to more undelivered newspapers due to not being able to find the bandwidth to learn ACS, execute regular updates and incorporate changes. Lengthening the lead time for adoption could help to avoid this possibility.

Response: The Postal Service will not implement this change until July 9, 2023 and will work closely with customers to ensure they understand the ACS requirements. Also, there is the Single Source ACS option available.

Comment: The proposal may introduce a new entry barrier for enrollment into Full-Service. Full Service adoption requires software programming time, changes in address label printing and attention to certain compliance issues. The return on this time and resource investment is extraordinarily meager.

Response: Only the full-service automation option mailers will be affected by this change beginning July 9, 2023. Non full-service automation option mailers are encouraged to migrate over to the full-service