

is not possible to describe even in general terms those techniques without disclosing the very material to be withheld. We may also withhold records whose release would disclose guidelines for law enforcement investigations or prosecutions if this disclosure could reasonably be expected to create a risk that someone could circumvent requirements of law or of regulation.

(f) *Life and physical safety.* Under the FOIA Exemption 7(F) (5 U.S.C. 552(b)(7)(f)), we may withhold records whose disclosure could reasonably be expected to endanger the life or physical safety of any individual. This protection extends to threats and harassment, as well as to physical violence.

§ 402.150 The FOIA Exemptions 8 and 9: Records on financial institutions; records on wells.

Exemption 8 permits us to withhold records about regulation or supervision of financial institutions. Exemption 9 permits the withholding of geological and geophysical information and data, including maps, concerning wells.

§ 402.155 Records available for public inspection.

(a) Under the FOIA, SSA is required to make available for public inspection in an electronic format:

- (1) Final opinions made in the adjudication of cases;
- (2) An agency's statements and interpretations of policy that have been adopted but are not published in the **Federal Register**;

(3) Administrative staff manuals and instructions that affect the public; and

(4) Copies of records, regardless of form or format, that an agency determines will likely become the subject of subsequent requests, as well as records that have been requested and released three or more times, unless said materials are published and copies are offered to sale.

(b) SSA will not use or cite instructional manuals issued to our employees, general statements of policy, and other materials which are used in processing claims as a precedent for an action against a person unless we have indexed the record and published it or made it available, or unless the person has timely notice of the record.

(c) Records that the FOIA requires SSA to make available for public inspection in an electronic format may be accessed through www.ssa.gov free of charge. Such records include:

(1) Compilation of Social Security Laws and Regulations;

(2) SSA regulations under the retirement, survivors, disability, and

supplemental security income programs, *i.e.*, 20 CFR parts 401, 402, 404, 416, and 422;

- (3) Social Security Handbook;
- (4) Social Security Rulings and Acquiescence Rulings;
- (5) SSA's Public Programs Operations Manual System;
- (6) SSA's Organizational Structure;
- (7) State and Local Coverage Handbook for State Social Security Administrators; and
- (8) Hearings, Appeals, and Litigation Law Manual.

§ 402.160 Where records are published.

(a) *Methods of publication.* Materials we are required to publish pursuant to the provisions of 5 U.S.C. 552(a)(1) and (a)(2), we publish in one of the following ways:

(1) By publication in the **Federal Register** of Social Security Administration regulations, and by their subsequent inclusion in the Code of Federal Regulations;

(2) By publication in the **Federal Register** of appropriate general notices;

(3) By other forms of publication, when incorporated by reference in the **Federal Register** with the approval of the Director of the Federal Register; and

(4) By publication in the "Social Security Rulings" of indexes of precedential social security orders and opinions issued in the adjudication of claims, statements of policy and interpretations that have been adopted but have not been published in the **Federal Register**.

(b) *Publication of rulings.* Although not required pursuant to 5 U.S.C. 552(a)(1) and (a)(2), we publish the following rulings in the **Federal Register** and by other forms of publication:

(1) We publish Social Security Rulings in the **Federal Register** under the authority of the Commissioner of Social Security. They are binding on all components of SSA. These rulings represent precedent final opinions and orders and statements of policy and interpretations that we have adopted.

(2) We publish Social Security Acquiescence Rulings in the **Federal Register** under the authority of the Commissioner of Social Security. They are binding on all components of SSA, except with respect to claims subject to the relitigation procedures established in 20 CFR 404.985(c) and 416.1485(c). For a description of Social Security Acquiescence Rulings, see 20 CFR 404.985(b) and 416.1485(b).

§ 402.165 Publications for sale through the Government Publishing Office.

The public may purchase publications containing information pertaining to the

program, organization, functions, and procedures of SSA from the electronic U.S. Government Bookstore maintained by the Government Publishing Office. The publications for sale include but are not limited to:

(a) Title 20, parts 400 through 499, of the Code of Federal Regulations;

(b) **Federal Register** issues; and

(c) Compilation of the Social Security Laws.

[FR Doc. 2023-09824 Filed 6-5-23; 8:45 am]

BILLING CODE 4191-02-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG-2023-0429]

RIN 1625-AA08

Special Local Regulation; Henderson Bay, Henderson Bay, NY

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a special local regulation for certain waters of Henderson Bay. This action is necessary to provide for the safety of life on these navigable waters near Henderson Bay, Henderson Bay, NY, during the swimming portion of a triathlon on July 8, 2023. This proposed rulemaking would prohibit persons and vessels from being in the regulated area unless authorized by the Captain of the Port Sector Buffalo 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 6, 2023.

ADDRESSES: You may submit comments identified by docket number USCG-2023-0429 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.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email MST2 Andrew Nevenner, Waterways Management Division, MSD Massena, U.S. Coast Guard; telephone 315-769-5483, email SMB-MSDMassena-WaterwaysManagement@uscg.mil.

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

CFR Code of Federal Regulations
 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 27, 2023, the Henderson Business and Community Council notified the Coast Guard that it will be conducting the Henderson Harbor Triathlon Starting at 8 a.m. on July 8, 2023. The swim portion of the triathlon will start and end at the Henderson Boat Launch and will be approximately 750-meters in length. This proposed rulemaking would prohibit persons and vessels from being in the special local regulation zone unless authorized by the Captain of the Port Buffalo or a designated representative.

The purpose of this rulemaking is to ensure the safety of life of the participants within the regulated area 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 from 8 a.m. through 11 a.m. on July 8, 2023. The special local regulation would cover all navigable waters within a 750-meter marked swim course near the Henderson Boat Launch. The duration of the zone is intended to ensure the safety of swimmers before, during, and after the scheduled 8 through 11 a.m. swimming event. No vessel or person would be permitted to enter the special local regulation 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 Executive Order 12866. 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 special local regulation. Vessel traffic would be minimal due to the closure of the Henderson Boat Launch. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF-FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

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 special local regulation 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 3 hours that would prohibit

entry within the regulated area. Normally such actions are categorically excluded from further review under paragraph L61of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. 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–2023–0429 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 is proposing 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. In § 100.901, amend Table 1 by adding “Henderson Harbor Sprint Triathlon” to read as follows:

§ 100.901 Great Lakes annual marine events.

* * * * *

TABLE 1

| | | | | | | |
|---|---|---|---|---|---|---|
| * | * | * | * | * | * | * |
| Sector Buffalo, NY: | | | | | | |
| Fireworks by Grucci | | | | | | |
| <i>Sponsor:</i> New York Power Authority. | | | | | | |
| <i>Date:</i> Last weekend of July. | | | | | | |
| <i>Location:</i> Lake Ontario, Wright’s Landing/Oswego Harbor, NY within an 800 foot radius of the fireworks launching platform located in approximate position 43°28’10” N 076°31’04” W. | | | | | | |
| Flagship International Kilo Speed Challenge | | | | | | |
| <i>Sponsor:</i> Presque Isle Powerboat Racing Association. | | | | | | |
| <i>Date:</i> 3rd or 4th weekend of June. | | | | | | |
| <i>Location:</i> That portion of Lake Erie, Presque Isle Bay, south of a line drawn from 42°08’54” N 080°05’42” W; to 42°07’ N 080°21’ W will be a regulated area. That portion of Lake Erie, Presque Isle Bay, north of a line drawn from 42°08’54” N 080°05’42” W; to 42°07’ N 080°21’ W will be a “caution area”. All vessels transiting the caution area will be operated at bare steerageway, keeping the vessel’s wake at a minimum, and will exercise a high degree of caution in the area. The bay entrance will not be effected. | | | | | | |
| Flagship International Offshore Challenge | | | | | | |
| <i>Sponsor:</i> Presque Isle Powerboat Racing Association. | | | | | | |
| <i>Date:</i> 3rd or 4th weekend of June. | | | | | | |
| <i>Location:</i> That portion of Lake Erie, Presque Isle Bay, Entrance Channel, and the enclosed area from Erie Harbor Pier Head Light (LLNR 3430) northeast to 42°12’48” N 079°57’24” W, thence south to shore just east of Shades Beach. | | | | | | |
| Friendship Festival Airshow | | | | | | |
| <i>Sponsor:</i> Friendship Festival. | | | | | | |
| <i>Date:</i> 4th of July holiday. | | | | | | |
| <i>Location:</i> That portion of the Niagara River and Buffalo. Harbor from: | | | | | | |
| Latitude | | | Longitude | | | |
| 42°54.4’ N | | | 078°54.1’ W, thence to | | | |
| 42°54.4’ N | | | 078°54.4’ W, thence along the International Border to | | | |
| 42°52.9’ N | | | 078°54.9’ W, thence to | | | |
| 42°52.5’ N | | | 078°54.3’ W, thence to | | | |
| 42°52.7’ N | | | 078°53.9’ W, thence to | | | |

TABLE 1—Continued

| | |
|------------------|--|
| 42°52.8' N | 078°53.8' W, thence to |
| 42°53.1' N | 078°53.6' W, thence to |
| 42°53.2' N | 078°53.6' W, thence to |
| 42°53.3' N | 078°53.7' W, thence along the breakwall to |
| 42°54.4' N | 078°54.1' W. |

NFBRA Red Dog Kilo Time Trials

Sponsor: Niagara Frontier Boat Racing Association.

Date: 4th or 5th weekend of September.

Location: That portion of the Niagara River, Tonawanda Channel, between Tonawanda Channel Buoy 31 to approximately ½ mile southwest of Twomile Creek along a line drawn from 43°00'45" N 078°55'06" W to 43°00'28" N 078°54'56" W (Sipco Oil Company).

Sodus Bay 4th of July Fireworks

Sponsor: Sodus Bay Historical Society.

Date: 4th of July holiday.

Location: Lake Ontario, within a 500 foot radius around a barge anchored in approximate position 43°15.73' N 076°58.23' W, in Sodus Bay.

Tallship Erie

Sponsor: Erie Maritime Programs, Inc.

Date: 1st or 2nd weekend of July.

Location: That portion of Lake Erie, Presque Isle Bay Entrance Channel and Presque Isle Bay from:

| Latitude | Longitude |
|------------------|---|
| 42°10' N | 080°03' W, thence to |
| 42°08.1' N | 080°07' W, thence to |
| 42°07.9' N | 080°06.8' W, thence east along the shoreline and structures to: |
| 42°09.2' N | 080°02.6' W, thence to |
| 42°10' N | 080°03' W. |

Thomas Graves Memorial Fireworks Display

Sponsor: Port Bay Improvement Association.

Date: 1st or 2nd weekend of July.

Location: That portion of Lake Ontario, Port Bay Harbor, NY within a 500 ft radius surrounding a barge anchored in approximate position 43°17'46" N 076°50'02" W.

Thunder Island Offshore Challenge

Sponsor: Thunder on the Water Inc.

Date: 3rd or 4th weekend of June.

Location: That portion of Lake Ontario, Oswego Harbor from the West Pier Head Light (LLNR 2080) north to:

| Latitude | Longitude |
|-------------------|---|
| 43°29'02" N | 076°32'04" W, thence to |
| 43°26'18" N | 076°39'30" W, thence to |
| 43°24'55" N | 076°37'45" W, thence along the shoreline to the West Pier Head Light (LLNR 2080). |

We Love Erie Days Fireworks

Sponsor: We Love Erie Days Festival, Inc.

Date: 3rd weekend of August.

Location: That portion of Lake Erie, Erie Harbor, within a 300 foot radius, surrounding the Erie Sand and Gravel Pier, located in position 42°08'16" N 080°05'40" W.

Christmas in July

Sponsor: Henderson Business and Community Council.

Date: Final weekend of July.

Location: The regulated area would cover all navigable waters within Henderson Bay starting at point 43°51'44" N 76°12'07.3" W and running north adjacent to the shore to point 43°52'12.2" N 76°11'32.7" W, continuing northwest to point 43°53'40.9" N 76°12'40.6" W and running south adjacent to the shore to point 43°51'47.2" N 76°14'08.3" W, ending at the starting position at point 43°51'44.0" N 76°12'07.3" W.

| Latitude | Longitude |
|---------------------|---|
| 43°51'44" N | 076°12'07.3" W, thence to |
| 43°52'12.2" N | 076°11'32.7" W, thence to |
| 43°53'40.9" N | 076°14'08.3" W, thence (along the shoreline to end at the starting position). |

Henderson Harbor Sprint Triathlon

Sponsor: Henderson Business and Community Council.

Date: On or around the 2nd weekend of July.

Enforcement Period: 0800–1100.

Location: The regulated area would cover navigable waters within Henderson Bay starting at point 43°51'02.5" N 076°12'21.9" W and running northeast adjacent to the shore to point 43°51'05.9" N 076°12'12.2" W, continuing west to point 43°51'06.2" N 076°12'21.2" W, ending at starting position at point 43°51'02.5" N 076°12'21.9" W.

| Latitude | Longitude |
|---------------------|---|
| 43°51'02.5" N | 076°12'21.9" W, thence to |
| 43°51'05.9" N | 076°12'12.2" W, thence to |
| 43°51'06.2" N | 076°12'21.2" W, thence (along the shoreline to end at the starting position). |

¹ All coordinates listed in Table 100.901 reference Datum NAD 1983.

² As noted in paragraph (a)(3) of this section, the enforcement dates and times for each of the listed events in this table are subject to change. In the event of a change, or for enforcement periods listed that do not allow a specific date or dates to be determined, the Captain of the Port will provide notice to the public by publishing a Notice of Enforcement in the **Federal Register**, as well as, issuing a Broadcast Notice to Mariner.

Dated: May 25, 2023.

Mark I. Kuperman,

Captain, U.S. Coast Guard, Captain of the Port Buffalo.

[FR Doc. 2023–11654 Filed 6–5–23; 8:45 am]

BILLING CODE 9110–04–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3050

[Docket No. RM2023–7; Order No. 6528]

Periodic Reporting

AGENCY: Postal Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is acknowledging a recent filing requesting the Commission initiate a rulemaking proceeding to consider changes to analytical principles relating to periodic reports (Proposal Two). This document informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* June 29, 2023.

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.

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

SUPPLEMENTARY INFORMATION:

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- I. Introduction
- II. Proposal Two
- III. Notice and Comment
- IV. Ordering Paragraphs

I. Introduction

On May 26, 2023, the Postal Service filed a petition pursuant to 39 CFR 3050.11 requesting that the Commission initiate a rulemaking proceeding to consider changes to analytical principles relating to periodic reports.¹ The Petition identifies the proposed

analytical changes filed in this docket as Proposal Two.

II. Proposal Two

Background. The Postal Service Reform Act of 2022² modified and expanded the Postal Service's ability to enter into interagency agreements (IAAs) to provide property and services to, or on behalf of, other government agencies. Specifically, 39 U.S.C. 3703 for the first time authorizes the Postal Service to enter into agreements with agencies of any state government, local government, or tribal government to provide property or nonpostal services to the public on behalf of such agencies for non-commercial purposes. At the same time, with respect to the Postal Service's pre-existing authority under 39 U.S.C. 411 to provide property and services to other Federal agencies, the PSRA specifies that “[t]he Postal Service may establish a program to provide property and nonpostal services to other Government [*i.e.*, federal] agencies within the meaning of section 411,³ but only if such program provides a net contribution to the Postal Service, defined as reimbursement that covers at least 100 percent of the costs attributable” 39 U.S.C. 3704.

Under the PSRA, the Postal Service must submit a report to the Commission after the close of each fiscal year. *See* 39 U.S.C. 3705(a).

Upon receiving the Postal Service's report and providing an opportunity for public comment, the Commission must make a written determination of compliance. 39 U.S.C. 3705(e).

Because the PSRA was enacted on April 6, 2022 (during FY 2022 Quarter 3), the Postal Service's first report responsive to this new statutory requirement was due December 29, 2022, covering FY 2022. In its report, the Postal Service stated that there were no agreements with state, local, or tribal governments pursuant to 39 U.S.C. 3703

in effect during FY 2022.⁴ Pursuant to 39 U.S.C. 3705(a)(1), the Postal Service provided non-public information on costs and revenue for Federal IAAs that were in effect during FY 2022.⁵ In response to information requests, the Postal Service also provided non-public rate information with respect to Federal IAAs, and publicly reported the number of agreements, as well as the revenue, costs, and contribution for the program as a whole under section 3704.⁶

Because 39 U.S.C. 3704 requires that the Federal IAA program as a whole provide contribution to the Postal Service, *i.e.*, reimbursement that covers at least 100 percent of the costs attributable to such agreements, the Commission sought information in order to better understand the underlying cost models and methodologies used by the Postal Service in calculating and distributing costs to IAAs. FY 2022 ACD at 101. The Commission found that “[b]ased on the Postal Service's responses, it appears that the underlying cost models and methodologies employed by the Postal Service are, in some instances, underdeveloped.” *Id.* Nevertheless, the Commission found that for purposes of the first compliance review of the overall Federal IAA program under 39 U.S.C. 3705(e)(2), the record reflected that the total reimbursement the Postal Service received from other Federal agencies for services rendered pursuant to IAAs effective in FY 2022 exceeded the total estimated cost associated with providing such services; hence the Federal IAA program as a whole complied with 39 U.S.C. 3704 for FY

⁴ Docket No. ACR2022, United States Postal Service FY 2022 Annual Compliance Report, December 29, 2022, at 102 (FY 2022 ACR).

⁵ *Id.* at 102. With respect to quality of service, in Docket No. RM2022–7, the Commission established certain reporting requirements for nonpostal services, including that the Postal Service shall provide quantitative measures of service performance for nonpostal services annually (or, where unavailable, qualitative descriptions). *See* 39 CFR 3055.25. Specifically for IAAs under 39 U.S.C. 3704, the Commission mandated that the Postal Service report the quality of service for the IAA program as a whole. *See id.* 3055.25(c). The Commission also specified that the reporting requirements shall not go into effect until the beginning of FY 2024 to allow the Postal Service to set service standards and (if needed) file a petition for an exception from reporting pursuant to 39 CFR 3055.3. Docket No. RM2022–7, Order Revising Rules for Periodic Reporting of Service Performance, February 9, 2023, at 16–17 (Order No. 6439).

⁶ Docket No. ACR2022, Annual Compliance Determination Report, FY 2022, May 29, 2023, at 99–102 (FY 2022 ACD).

² Postal Service Reform Act of 2022 (PSRA), Public Law 117–108, 136 Stat. 1127 (2022).

³ Prior to the enactment of the PSRA, the Postal Service's authority for these agreements was governed by 39 U.S.C. 411, which authorizes the Postal Service to “furnish property and services” to “Executive agencies within the meaning of [5 U.S.C. 105] and the Government Publishing Office. . . .” 39 U.S.C. 411. Section 105 of Title 5 of the United States Code specifies that an “‘Executive agency’ means an Executive department, a Government corporation, and an independent establishment” of the U.S. Government, as those terms are defined in 5 U.S.C. chapter 1. 5 U.S.C. 105.

¹ Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Two), May 26, 2023 (Petition).