

minimize litigation, eliminate ambiguity, and reduce burden.

### Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

### Indian Tribal Governments

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.

### Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

### Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

### Environment

We have analyzed this rule under Department of Homeland Security Management Directive 0023.1 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction because the rule establishes a safety zone.

An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under ADDRESSES.

### 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:** 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Public Law 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add temporary § 165.T11–145 to read as follows:

#### § 165.T11–145 Safety zone; BWRC 300 Enduro, Lake Moolvalya, Parker, AZ.

(a) *Location.* The following area is a safety zone: All waters of the Colorado River, from surface to bottom and shore to shore, extending from the Headgate Dam at 34°10.15 N, 114°16.40 W following the river northeast to 34°11.76 N, 114°13.50 W.

(b) *Enforcement Period.* This section will be enforced from 6 a.m. to 6 p.m., each day, beginning October 23, 2009 through October 25, 2009. If the event concludes prior to the scheduled termination time, the Captain of the Port will cease enforcement of this safety zone and will announce that fact via Broadcast Notice to Mariners.

(c) *Definitions.* The following definition applies to this section: *Designated representative*, means any commissioned, warrant, or petty officers of the Coast Guard on board Coast

Guard, Coast Guard Auxiliary, or local, state, or federal law enforcement vessels who have been authorized to act on the behalf of the Captain of the Port.

(d) *Regulations.* (1) Entry into, transit through or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port of San Diego or his designated on-scene representative.

(2) Mariners requesting permission to transit through the safety zone may request authorization to do so from the Patrol Commander (PATCOM). The PATCOM may be contacted on VHF–FM Channel 16.

(3) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated representative.

(4) Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(5) The Coast Guard may be assisted by other federal, state, or local agencies.

Dated: July 6, 2009.

**T.H. Farris,**

*Captain, U.S. Coast Guard, Captain of the Port San Diego.*

[FR Doc. E9–18126 Filed 7–29–09; 8:45 am]

BILLING CODE 4910–15–P

### DEPARTMENT OF HOMELAND SECURITY

#### Coast Guard

#### 33 CFR Part 165

[USCG–2009–0666]

#### Safety Zone; Milwaukee Harbor, Milwaukee, WI

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce the safety zone for Milwaukee Harbor for annual fireworks events in the Captain of the Port Lake Michigan zone from 9:30 p.m. on August 8, 2009, through 10 p.m. on September 12, 2009. This action is necessary and intended to ensure safety of life on the navigable waters immediately prior to, during, and immediately after the fireworks events. During the enforcement period, no person or vessel may enter the safety zone without permission of the Captain of the Port Lake Michigan.

**DATES:** The regulations in 33 CFR 165.935 will be enforced from 9:30 p.m. through 10 p.m. on August 8, 2009; from 10:15 p.m. through 10:45 p.m. on August 16, 2009; from 9:30 p.m. through

10 p.m. on August 21, 2009; and from 9:30 p.m. through 10 p.m. on September 11–12, 2009.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, call or e-mail BM2 Adam Kraft, Prevention Department, Coast Guard Sector Lake Michigan, Milwaukee, WI; telephone 414-747-7154, e-mail [Adam.D.Kraft@uscg.mil](mailto:Adam.D.Kraft@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the Safety Zone, Milwaukee Harbor, Milwaukee, WI, as listed in 33 CFR 165.935 for the following events, dates, and times:

(1) *Arab World Fest fireworks display* on August 8, 2009, from 9:30 p.m. through 10 p.m.;

(2) *Irish Fest fireworks display* on August 16, 2009, from 10:15 p.m. through 10:45 p.m.;

(3) *Mexican Fiesta fireworks display* on August 21, 2009, from 9:30 p.m. through 10 p.m.; and

(4) *Indian Summer fireworks display* on September 11–12, 2009, from 9:30 p.m. through 10 p.m.

All vessels must obtain permission from the Captain of the Port or a designated on-scene representative to enter, move within, or exit the safety zone. Vessels and persons granted permission to enter the safety zone shall obey all lawful orders or directions of the Captain of the Port or a designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

This notice is issued under authority of 33 CFR 165.935 Safety Zone, Milwaukee Harbor, Milwaukee, WI, and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of these enforcement periods via broadcast Notice to Mariners or Local Notice to Mariners. The Captain of the Port will issue a Broadcast Notice to Mariners notifying the public when enforcement of the safety zone established by this section is suspended. The Captain of the Port or the designated on-scene representative may be contacted via VHF-FM Channel 16.

Dated: July 16, 2009.

**L. Barndt,**

*Captain, U.S. Coast Guard, Captain of the Port Lake Michigan.*

[FR Doc. E9-18161 Filed 7-29-09; 8:45 am]

**BILLING CODE 4910-15-P**

## POSTAL REGULATORY COMMISSION

### 39 CFR Part 3020

[Docket Nos. MC2009–29 and C2009–39; Order No. 233]

#### Priority Mail Contract

**AGENCY:** Postal Rate Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission is adding the Priority Mail Contract 13 to the Competitive Product List. This action is consistent with changes in a recent law governing postal operations. Republication of the lists of market dominant and competitive products is also consistent with new requirements in the law.

**DATES:** Effective July 30, 2009 and is applicable beginning July 1, 2009.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, 202-7889-6820 or [stephen.sharfman@prc.gov](mailto:stephen.sharfman@prc.gov).

#### SUPPLEMENTARY INFORMATION:

*Regulatory History*, 74 FR 30647 (June 26, 2009).

- I. Background
- II. Comments
- III. Commission Analysis
- IV. Ordering Paragraphs

#### I. Background

The Postal Service seeks to add a new product identified as Priority Mail Contract 13 to the Competitive Product List. For the reasons discussed below, the Commission approves the Request.

On June 15, 2009, the Postal Service filed a notice, pursuant to 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5, announcing that it has entered into an additional contract (Priority Mail Contract 13), which it attempts to classify within the previously proposed Priority Mail Contract Group product.<sup>1</sup> In support, the Postal Service filed the proposed contract and referenced Governors' Decision 09–6 filed in Docket No. MC2009–25. *Id.* at 1. The Notice has been assigned Docket No. CP2009–39.

In response to Order No. 224,<sup>2</sup> and in accordance with 39 U.S.C. 3642 and 39 CFR part 3020 subpart B, the Postal Service filed a formal request to add Priority Mail Contract 13 to the Competitive Product List as a separate

product.<sup>3</sup> The Postal Service asserts that the Priority Mail Contract 13 product is a competitive product “not of general applicability” within the meaning of 39 U.S.C. 3632(b)(3). This Request has been assigned Docket No. MC2009–29.

In support of its Notice and Request, the Postal Service filed the following materials: (1) A redacted version of the contract which, among other things, provides that the contract will expire 3 years from the effective date, which is proposed to be the day that the Commission issues all regulatory approvals;<sup>4</sup> (2) requested changes in the Mail Classification Schedule product list;<sup>5</sup> (3) a Statement of Supporting Justification as required by 39 CFR 3020.32;<sup>6</sup> and (4) certification of compliance with 39 U.S.C. 3633(a).<sup>7</sup>

In the Statement of Supporting Justification, Mary Prince Anderson, Acting Manager, Sales and Communications, Expedited Shipping, asserts that the service to be provided under the contract will cover its attributable costs, make a positive contribution to coverage of institutional costs, and will increase contribution toward the requisite 5.5 percent of the Postal Service's total institutional costs. Request, Attachment B, at 1. W. Ashley Lyons, Manager, Corporate Financial Planning, Finance Department, certifies that the contract complies with 39 U.S.C. 3633(a). Notice, Attachment B.

The Postal Service filed much of the supporting materials, including the unredacted contract, under seal. In its Notice, the Postal Service maintains that the contract and related financial information, including the customer's name and the accompanying analyses that provide prices, terms, conditions, and financial projections, should remain confidential. Notice at 2–3.

In Order No. 224, the Commission gave notice of the two dockets, requested supplemental information, appointed a public representative, and provided the public with an opportunity to comment.<sup>8</sup> On June 23, 2009, the Postal Service filed the supplemental information requested.<sup>9</sup>

<sup>3</sup> Request of the United States Postal Service to Add Priority Mail Contract 13 to Competitive Product List, June 23, 2009 (Request).

<sup>4</sup> Attachment A to the Notice.

<sup>5</sup> Attachment A to the Request.

<sup>6</sup> Attachment B to the Request.

<sup>7</sup> Attachment B to the Notice.

<sup>8</sup> Order No. 224 at 1–4.

<sup>9</sup> Response of the United States Postal Service to Commission's Request for Supplemental Information in Order No. 224, June 23, 2009.

<sup>1</sup> Notice of Establishment of Rates and Class Not of General Applicability (Priority Mail Contract 13), June 15, 2009 (Notice).

<sup>2</sup> PRC Order No. 224, Notice and Order Concerning Filing of Priority Mail Contract 13 Negotiated Service Agreement, June 17, 2009 (Order No. 224).