

users. Additionally, the Coast Guard will inform unexpected users of the waterway through our Local and Broadcast Notice to Mariners of the closure periods for the bridge so that vessels can arrange their transits to minimize any impacts caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the draw must return to its original operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: November 24, 2010.

**Waverly W. Gregory, Jr.,**  
Chief, Bridge Administration Branch, Fifth  
Coast Guard District.

[FR Doc. 2010-30745 Filed 12-7-10; 8:45 am]

BILLING CODE 9110-04-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2008-0747]

RIN 1625-AA11

#### Regulated Navigation Area; Thea Foss and Wheeler-Osgood Waterways EPA Superfund Cleanup Site, Commencement Bay, Tacoma, WA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is establishing a permanent regulated navigation area (RNA) on portions of the Thea Foss and Wheeler-Osgood Waterways in Commencement Bay, Tacoma, Washington. The RNA will prohibit activities that would disturb the seabed in portions of those waterways that are subject to the U.S. Environmental Protection Agency's (EPA's) Commencement Bay Nearshore/Tideflats superfund cleanup remediation efforts. This RNA will prohibit activities that would disturb the seabed, such as anchoring, dragging, trawling, spudding or other activities that involve disrupting the integrity of the cap. It would not affect transit or navigation of the area.

**DATES:** This rule is effective January 7, 2011.

**ADDRESSES:** Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG-2008-0747 and are available online by going to <http://www.regulations.gov>, inserting USCG-2008-0747 in the "Keyword" box, and then clicking "Search." This material is

also available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or e-mail LTJG Ashley Wanzer, Waterways Management, Sector Puget Sound, Coast Guard; telephone 206-217-6175, e-mail [SectorSeattleWWM@uscg.mil](mailto:SectorSeattleWWM@uscg.mil). If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory Information

On June 2, 2010, we published a supplemental notice of proposed rulemaking (SNPRM) entitled Regulated Navigation Area; Thea Foss and Wheeler-Osgood Waterways EPA Superfund Cleanup Site, Commencement Bay, Tacoma, WA in the **Federal Register** (75 FR 105). We received no comments on the proposed rule. We did not receive any comments requesting a public meeting and we did not hold a public meeting.

##### Basis and Purpose

The basis for this rulemaking is the Coast Guard's authority, as delegated by the Secretary of Homeland Security, to establish RNAs under 33 U.S.C. 1226, 1231; 46 U.S.C. 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05-1, 6.04-1, 6.04-6, 160.5; Pub. L. 107-295, 116 Stat. 2064; DHS Delegation No. 0170.1. The purpose of this RNA is to preserve the integrity of the clean sediment caps placed over certain areas of the Thea Foss and Wheeler-Osgood Waterways as part of the EPA's Commencement Bay Nearshore/Tideflats superfund cleanup remediation process in those waters. These caps consist of approximately three feet of sand and gravel, designed to withstand activities common to a working waterfront, covering approximately 30 acres of sediment in the waterway.

This RNA would prohibit activities that could disturb the seabed or the sediment caps, such as anchoring, dragging, trawling, or spudding. It would not affect transit or navigation of the area.

##### Background

On August 20, 2008, we published a notice of proposed rulemaking (NPRM; 73 FR 162) to establish a regulated navigation area on a portion of the Thea Foss and Wheeler-Osgood Waterways,

Commencement Bay, Tacoma, WA. On June 2, 2010, we published an SNPRM which revised the coordinates for this regulated navigation area and incorporated revisions for waiver requests per public comment on the initial notice of proposed rulemaking.

##### Discussion of Comments and Changes

We received no comments on the NPRM or SNPRM.

##### Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

##### Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

This rule is not a significant regulatory action because this RNA encompasses a small area and does not impact commercial or recreational traffic, and prohibited activities are not routine for the designated areas.

##### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. 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.

This rule may affect the following entities, some of which may be small entities: The owners or operators of vessels intending to anchor, dredge, spud, lay cable or disturb the seabed in any fashion in any of the areas outlined by this regulation. The RNA would not have a significant economic impact on small entities due to its minimal restrictive area and ample opportunities for avoiding this region.

##### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement

Fairness Act of 1996 (Pub. L. 104–121), in the NPRM we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

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.

#### Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

#### Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

#### 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.

#### Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

#### Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive

Order 12988, Civil Justice Reform, to 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 023–01 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 that 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. This rule involves a regulated navigation area which prevents activities which would disturb the seabed within the areas outlined in this regulation. 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 proposes to amend 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, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.1329 to read as follows:

#### § 165.1329 Regulated Navigation Area; Thea Foss and Wheeler-Osgood Waterways EPA Superfund Cleanup Site, Commencement Bay, Tacoma, WA.

(a) *Regulated Areas.* The following areas are regulated navigation areas:

(1) All waters of the Thea Foss Waterway bounded by a line connecting the following points: Point 1: 47°15′43.49″ N, 122°26′23.29″ W; Point 2: 47°15′44.59″ N, 122°26′19.89″ W; Point 3: 47°15′39.01″ N, 122°26′15.99″ W; Point 4: 47°15′37.91″ N, 122°26′19.39″ W. [Datum: NAD 1983].

(2) All waters of the Thea Foss Waterway bounded by a line connecting the following points: Point 1: 47°15′22.74″ N, 122°25′57.15″ W; Point 2: 47°15′22.52″ N, 122°26′0.18″ W; Point 3: 47°15′18.05″ N, 122°25′59.48″ W; Point 4: 47°15′18.26″ N, 122°25′56.45″ W. [Datum: NAD 1983].

(3) All waters of the Thea Foss and Wheeler-Osgood Waterways south of a line bounded by connecting the following points: Point 1: 47°15'13.94" N, 122°26'05.56" W; Point 2: 47°15'15.01" N, 122°25'55.14" W. [Datum: NAD 1983].

(b) *Regulations.* (1) All vessels and persons are prohibited from activities that would disturb the seabed, such as anchoring, dragging, trawling, spudding, or other activities that involve disrupting the integrity of the sediment caps installed in the designated regulated navigation area, pursuant to the remediation efforts of the U.S. Environmental Protection Agency (EPA) and others in the Thea Foss and Wheeler-Osgood Waterways EPA superfund cleanup site. Vessels may otherwise transit or navigate within this area without reservation.

(2) The prohibition described in paragraph (b)(1) of this section does not apply to vessels or persons engaged in activities associated with remediation efforts in the Thea Foss or Wheeler-Osgood Waterways superfund sites, provided that the Captain of the Port, Puget Sound (COTP), is given advance notice of those activities by the EPA.

(c) *Waiver.* Upon written request stating the need and proposed conditions of the waiver, and any proposed precautionary measures, the COTP may authorize a waiver from this section if the COTP determines that the activity for which the waiver is sought can take place without undue risk to the remediation efforts described in paragraph (b)(1) of this section. The COTP will consult with EPA in making this determination when necessary and practicable.

Dated: October 11, 2010.

**G.T. Blore,**

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

[FR Doc. 2010-30742 Filed 12-7-10; 8:45 am]

**BILLING CODE 9110-04-P**

## POSTAL SERVICE

### 39 CFR Part 111

#### Domestic Shipping Services Pricing and Mailing Standards Changes

**AGENCY:** Postal Service™.

**ACTION:** Final rule; correction.

**SUMMARY:** The Postal Service published in the *Federal Register* of November 8, 2010 (75 FR 68430-68447), a document revising *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®), to reflect changes to prices and mailing standards

for the following Shipping Services: Express Mail®, Priority Mail®, Parcel Select®, and Recipient Services. This document clarifies and amends mailing standards and shipping package information.

**DATES:** *Effective Date:* January 2, 2011.

**FOR FURTHER INFORMATION CONTACT:** John Gullo at 202-268-8057, or Carol Lunkins at 202-268-7262.

**SUPPLEMENTARY INFORMATION:** The Postal Service published a document in the *Federal Register* on November 8, 2010, (75 FR 68430-68447), citing the standards for the January 2, 2011, Shipping Services price change. Under this correction, the Postal Service amends the final rule to make revisions to the standards for determining single-piece weight; to clarify how to order Critical Mail envelopes; and to clarify the eligibility standards for Priority Mail Commercial Plus prices.

#### Determining Single-Piece Weight

In the original final rule, the Postal Service outlined the procedure for determining single-piece weight for all mail classes. We felt this may cause some confusion when, in fact, the intent was to show the procedure for determining single-piece weight for Shipping Services mailpieces only. The corrected language is shown below and in the applicable DMM reference sections.

To determine single-piece weight for Shipping Services products, express all single-piece weights in decimal pounds rounded off to two decimal places for all pieces mailed at Express Mail, Priority Mail (except for Critical Mail), and Parcel Select prices. Additionally, express all single-piece weights in decimal pounds rounded off to two decimal places for parcels mailed at Parcel Post, Bound Printed Matter, Media Mail, and Library Mail prices. Mailers using the Electronic Verification System (eVS) may round off to two or four decimals, because eVS automatically rounds to the appropriate decimal place. For all other mailpieces, express all single-piece weights in decimal pounds rounded off to four decimal places.

#### Critical Mail

In the preamble of the original final rule, the Postal Service indicated that mailers could order the new Critical Mail envelopes from the USPS Web site by logging on to <http://www.usps.com/shop>. The Web site is not to be used for ordering the new Critical Mail products, because the Postal Service has established a toll-free phone number

dedicated to authorized Critical Mail customers.

Critical Mail envelopes are provided free of charge by USPS and must be used only for Critical Mail. Authorized customers may order these envelopes only by calling Expedited Packaging Supplies at 1-800-610-8734. These envelopes are not available online or at retail Post Office locations.

Additionally, the original final rule indicated that for Critical Mail prices, customers must meet the account volume threshold of 5,000 barcoded, automation-compatible letter-size and flat-size pieces. This amended final rule clarifies that Critical Mail prices are available to customers who mail a combined total of 5,000 barcoded, automation-compatible Critical Mail and Priority Mail letters and flats in the previous calendar year. As well, all new Critical Mail customers must have a customer commitment agreement with the Postal Service.

#### Priority Mail Commercial Plus Account Volume Thresholds

In the original final rule, the Postal Service provided standards indicating that the Priority Mail Commercial Plus account volume threshold was reduced from 100,000 pieces to 75,000 total pieces of Priority Mail. This correction clarifies that the Priority Mail Commercial Plus account volume threshold of 75,000 total pieces include Critical Mail.

Additionally, a new alternative threshold was established that permits Commercial Plus prices for customers who exceed 5,000 Priority Mail letters and flats. Again, to clarify, the Priority Mail Commercial Plus account volume threshold includes Critical Mail letters and flats, but does not include the Priority Mail Padded Flat Rate Envelope, and requires a combined total of 5,000 Priority Mail and Critical Mail barcoded, automation-compatible letters and flats in the previous calendar year.

The above corrections are being made to the following DMM sections: 223.1.3.1, 223.1.8, 223.3.1, 313.1.9, 323.1.3.1, 323.1.8, 413.1.9, 423.1.3.1, 423.1.10, 423.3.1, 453.1.4.1, and 604.7.1.1.

The Postal Service adopts the following changes to *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM), which is incorporated by reference in the *Code of Federal Regulations*. See 39 CFR 111.1.

#### List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

■ Accordingly, 39 CFR Part 111 is amended as follows: