

Designation Authorization (ODA) that has been authorized by the Manager, Los Angeles ACO to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane and the approval must specifically refer to this AD.

#### Related Information

(j) For more information about this AD, contact Samuel Lee, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5262; fax (562) 627-5210.

#### Material Incorporated by Reference

(k) You must use Boeing Service Bulletin DC10-28-244, dated February 25, 2010, to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of the service information specified in this AD under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, 3855 Lakewood Boulevard, MC D800-0019, Long Beach, California 90846-0001; telephone 206-544-5000, extension 2; fax 206-766-5683; e-mail [dse.boecom@boeing.com](mailto:dse.boecom@boeing.com); Internet <https://www.myboeingfleet.com>.

(3) You may review copies of the service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221.

(4) You may also review copies of the service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at an NARA facility, call 202-741-6030, or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

Issued in Renton, Washington, on September 16, 2010.

**Robert D. Breneman,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2010-24171 Filed 10-4-10; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2010-0895]

RIN 1625-AA00

### Safety Zone; Interstate 5 Bridge Repairs, Columbia River, Portland, OR

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the waters of the Columbia River due to repairs being made to the Interstate 5 Bridge. The safety zone is necessary to ensure the safety of the workers involved as well as the maritime public and will do so by prohibiting all persons and vessels from entering or remaining in the safety zone unless authorized by the Captain of the Port or his designated representative.

**DATES:** This rule is effective in the CFR on October 5, 2010 through 5 p.m. on October 13, 2010. This rule is effective with actual notice for purposes of enforcement starting at 6 a.m. on October 4, 2010.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2010-0895 and are available online by going to <http://www.regulations.gov>, inserting USCG-2010-0895 in the "Keyword" box, and then clicking "Search." They are 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 temporary rule, call or e-mail BM2 Silvestre Suga, Waterways Management Division, Coast Guard Marine Safety Unit Portland; telephone 503-247-4015, e-mail [D13-SG-M-MSUPortlandWWM@uscg.mil](mailto:D13-SG-M-MSUPortlandWWM@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

The Coast Guard is issuing this temporary final 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 to do so would be contrary to public interest since the repairs to the Interstate 5 Bridge would be completed by the time notice could be published and comments taken.

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** because to do otherwise would be contrary to the public interest since the repairs to the Interstate 5 Bridge would be completed by the time the 30 day period will have passed.

#### Basis and Purpose

The Oregon Department of Transportation will be conducting inspections and repairs to the Interstate 5 Bridge over the Columbia River on October 4, 5, 8, 11, 12, and 13, 2010. A tug and barge equipped with a man lift will be in position under the bridge to conduct the work. Due to the inherent dangers associated with such work, a safety zone is necessary to help ensure the safety of the workers involved as well as the maritime public.

#### Discussion of Rule

The safety zone created by this rule encompasses all waters of the Columbia River within the area created by connecting the following four piers of the Interstate 5 Bridge: East Pier 3 across the wide span channel to East Pier 5 then downstream under the bridge to West Pier 5, across the wide span channel to West Pier 3, then back upstream under the bridge to East Pier 3. The piers are numbered from the North bank to the South bank. Geographically this location is a rectangle enclosing the wide span channel of the Interstate 5 Bridge starting at the draw span reaching across to the first pier of the high span and then back to the draw span.

The safety zone will be in effect from 6 a.m. through 5 p.m. on October 4, 5, 8, 11, 12, and 13, 2010.

All persons and vessels are prohibited from entering or remaining in the safety zone unless authorized by the Captain of the Port or designated representative.

#### 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. The Coast Guard has made this

determination based on the fact that the safety zone is limited in size and duration and maritime traffic will be able to transit around the safety zone.

#### **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 and operators of vessels intending to operate in the area covered by the safety zone created in this rule. The safety zone will not have a significant economic impact on a substantial number of small entities, however, because the safety zone is limited in size and duration and maritime traffic will be able to transit around the safety zone.

#### **Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offer to assist small entities in understanding the rule so that they can 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 M16475.1D, 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 the establishment of 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, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T13–164 to read as follows:

### **§ 165.T13–164 Safety Zone; Interstate 5 Bridge Repairs, Columbia River, Portland, OR.**

(a) *Location.* The following area is a safety zone: All waters of the Columbia River within the area created by connecting the following four piers of the Interstate 5 Bridge: East Pier 3 across the wide span channel to East Pier 5 then downstream under the bridge to West Pier 5, across the wide span channel to West Pier 3, then back upstream under the bridge to East Pier 3. The piers are numbered from the North bank to the South bank. Geographically this location is a rectangle enclosing the wide span channel of the Interstate 5 Bridge starting at the draw span reaching across to the first pier of the high span and then back to the draw span.

(b) *Regulations.* In accordance with the general regulations in 33 CFR Part 165, Subpart C, no person may enter or remain in the safety zone created in this section or bring, cause to be brought, or allow to remain in the safety zone created in this section any vehicle, vessel, or object unless authorized by the Captain of the Port or his designated representative. Designated representatives are Coast Guard personnel authorized by the Captain of the Port to grant persons or vessels permission to enter or remain in the safety zone created by this section. See 33 CFR Part 165, Subpart C, for additional information and requirements.

(c) *Enforcement Period.* The safety zone created by this section will be enforced from 6 a.m. through 5 p.m. on October 4, 5, 8, 11, 12, and 13, 2010.

Dated: September 20, 2010.

**D.E. Kaup,**

*Captain, U.S. Coast Guard, Captain of the Port, Columbia River.*

[FR Doc. 2010–24878 Filed 10–4–10; 8:45 am]

**BILLING CODE 9110–04–P**

## **DEPARTMENT OF VETERANS AFFAIRS**

### **38 CFR Part 3**

**RIN 2900–AN24**

### **Presumptions of Service Connection for Persian Gulf Service; Correction**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Correcting amendment.

**SUMMARY:** The Department of Veterans Affairs (VA) published in the **Federal Register** of September 29, 2010, a document amending its adjudication regulations concerning presumptive service connection for certain diseases. In the regulatory text of that document, VA inadvertently omitted a comma following the word “etiology” in the first sentence of § 3.317(a)(2)(ii). This document corrects that omission.

**DATES:** *Effective Date:* This correction is effective October 5, 2010.

**FOR FURTHER INFORMATION CONTACT:** William F. Russo, Director of Regulations Management (02REG), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, or call (202) 273–9515 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:** On September 29, 2010, VA published in the **Federal Register** (75 FR 59968), an amendment to 38 CFR 3.317 to implement a decision of the Secretary of Veterans Affairs that there is a positive association between service in Southwest Asia during certain periods and the subsequent development of certain infectious diseases. In the first sentence of § 3.317(a)(2)(ii), we inadvertently omitted a comma following the word “etiology.” This correction document adds the comma immediately following the word “etiology” in that sentence.

### **List of Subjects in 38 CFR Part 3**

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Radioactive materials, Veterans, Vietnam.

Approved: September 30, 2010.

**William F. Russo,**

*Director, Regulations Management, Office of the General Counsel, Department of Veterans Affairs.*

■ For the reason set out in the preamble, VA is correcting 38 CFR part 3 as follows:

### **PART 3—ADJUDICATION**

■ 1. The authority citation for part 3, subpart A continues to read as follows:

**Authority:** 38 U.S.C. 501(a), unless otherwise noted.

### **§ 3.317 [Corrected]**

■ 2. In § 3.317, paragraph (a)(2)(ii), first sentence, add a comma immediately after the word “etiology.”

[FR Doc. 2010–24898 Filed 10–4–10; 8:45 am]

**BILLING CODE P**

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 261**

**[EPA–R06–RCRA–2008–0418; SW–FRL–9209–8]**

### **Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Correction**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Correcting amendments.

**SUMMARY:** On July 31, 2009, EPA published a direct final action granting a petition submitted by WRB Refining, LLC Company to exclude (or delist) the thermal desorber residual solids with Hazardous Waste Numbers: F037, F038, K048, K049, K050, and K051. In the July 31, 2009 rule, EPA inadvertently recorded the arsenic delisting level as 0.0129 mg/l. The arsenic delisting limit should be 1.29 mg/l. We are making this correction in this document.

**DATES:** This action is effective October 5, 2010.

**FOR FURTHER INFORMATION CONTACT:** Michelle Peace (214) 665–7430, or e-mail her at [peace.michelle@epa.gov](mailto:peace.michelle@epa.gov).

**SUPPLEMENTARY INFORMATION:** EPA published an approval for 5,000 cubic yards of thermal desorber residual solids. The arsenic delisting exclusion limit in the direct final rule is incorrect. Therefore, in this correction notice we are correcting the arsenic value limit and correcting it in Table 1 of appendix IX to part 261—Waste Excluded Under §§ 260.20 and 260.22. Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedures are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is such good cause for making today’s rule final without prior proposal and opportunity for comment because we are merely correcting the error which was included in a previous action. Thus, notice and public procedure are unnecessary.