

Dated: September 26, 2007.

Bernadette Dunham,

Deputy Director, Center for Veterinary Medicine.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. CGD08-07-022]

Drawbridge Operation Regulations; Milhomme Bayou, Stephenville, LA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations; request for comments.

SUMMARY: The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Stephenville Bridge across Milhomme Bayou, mile 12.2, at Stephenville, St. Martin Parish, Louisiana. This deviation will test a change to the drawbridge operation schedule to determine whether a permanent change to the schedule is needed. The deviation will allow the draw of the Stephenville Bridge to open on signal if at least one hour of advance notice is given. During the advance notice period, the draw shall open on less than one hour notice for an emergency and shall open on demand should a temporary surge in waterway traffic occur.

DATES: This deviation is effective from October 5, 2007 until April 2, 2008.

ADDRESSES: You may mail comments and related material to Commander (dpb), Eighth Coast Guard District, 500 Poydras Street, New Orleans, Louisiana 70130-3310. The Commander, Eighth Coast Guard District, Bridge Administration Branch maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the Bridge Administration office between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Bart Marcules, Bridge Administration Branch, telephone (504) 671-2128.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in evaluating this test schedule by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this deviation [CGD08-07-022], indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8 by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. Comments must be received by December 4, 2007.

Background and Purpose

St. Martin Parish has requested that the operating regulation on the Stephenville Bridge be changed in order to operate the bridge more efficiently. The Stephenville Bridge is located on Milhomme Bayou at mile 12.2 in Stephenville, St. Martin Parish, Louisiana. The Bridge has a vertical clearance of 5.8 feet above mean high water, an elevation of 3.5 feet Mean Sea Level (MSL) in the closed position and unlimited in the open position. The Stephenville Bridge opens on signal as required by 33 CFR 117.5. This operating schedule has been in effect since 2002 when this bridge replaced an existing bridge in the area.

The previous bridge's operating schedule was, "shall open on signal; except that, from 10 p.m. to 6 a.m. the draw shall open on signal if at least two hours notice is given. During the advance notice period, the draw shall open on less than two hours notice for an emergency and shall open on demand should a temporary surge in waterway traffic occur."

Since the completion of the current bridge, the waterway traffic has been minimal and during the past twelve months an average of 5 boats per day have requested an opening. Most of the boats requesting openings are commercial vessels consisting of tugboats with barges and shrimp trawlers that routinely transit this waterway and are able to give advance notice.

Due to this waterway being a secondary route, the Port Allen Alternate route is the primary route, little impact is expected on navigation during this test schedule period. Also, prior coordination with the main waterway user group in the area indicates no expected impacts.

A Notice of Proposed Rule Making [CGD08-07-023], is being issued in conjunction with this Temporary Deviation to obtain public comments. The Coast Guard will evaluate public comments from this Temporary Deviation and the above referenced Notice of Proposed Rule Making to determine if a permanent special drawbridge operating regulation is warranted.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular 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: September 21, 2007.

David M. Frank,

Bridge Administrator.

[FR Doc. 07-4860 Filed 10-4-07; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[COTP LA-LB 07-004]

RIN 1625-AA00

Safety Zone; Queensway Bay, Long Beach, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the Long Beach Harbor to encompass the waters between Queensway Bay to Island White at Long Beach harbor for the Annual Los Angeles and Long Beach Tug Boat Race. This safety zone is needed to prevent vessels from transiting the area during the race in order to protect vessels and personnel from potential damage and injury. Entry into this safety zone will be prohibited unless specifically authorized by the Captain of the Port, Los Angeles-Long Beach, or his on-scene representative.

DATES: This rule is effective from 5 p.m. to 7 p.m. on September 27, 2007.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket COTP LA-LB 07-004 and are available for inspection or copying at Sector Los Angeles—Long Beach, 1001 S. Seaside Ave, San Pedro, CA 90731 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Peter Gooding,

Chief of the Waterways Management Division at (310) 732-2020.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Publishing a NPRM, which would incorporate a comment period before a final rule could be issued, and delaying the rule's effective date is contrary to public safety because immediate action is necessary to protect the public and waters of the United States.

Under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective fewer than 30 days after publication in the **Federal Register**. Delaying this rule would be contrary to the public interest of ensuring the safety of spectators and vessels during this event and immediate action is necessary to prevent possible loss of life or property. This temporary safety zone should have minimal negative impact on the public and navigation because it will be enforced for only a two hour period on one day. In addition, the area restricted by the safety zone is minimal, allowing vessels to transit around the safety zone to pass.

Background and Purpose

On September 27, 2007, the Annual Port of Los Angeles and Long Beach Tug Boat Races will be held in the vicinity of Queensway Bay, Echo anchorages, and to extend around Island White. The Captain of the Port is establishing a safety zone to prevent vessels from transiting the area and to protect vessels and personnel from potential damage and injury resulting from the race.

Discussion of Rule

This safety zone includes the waters of the Long Beach Harbor within the boundaries defined by a line drawn from a point located at 33°45'11" N, 118°11'14" W; then south to a point located at 33°44'40" N, 118°11'00" W; then northeast to a point located at 33°45'03" N, 118°09'19" W; then north to a point located at 33°45'19" N, 118°09'28" W; then west back toward the starting point to 33°45'11" N, 118°11'14" W [NAD 1983].

Vessels are excluded from the area encompassed by this safety zone from 5 p.m. to 7 p.m. on September 27, 2007. Persons and vessels are prohibited from entering into or transiting through this safety zone unless authorized by the Captain of the Port, or his on-scene representative. By prohibiting all vessel traffic from entering the waters surrounding this event, the safety of the

race personnel and the public will be enhanced. U.S. Coast Guard personnel will enforce this safety zone.

The Captain of the Port may, in his discretion grant waivers or exemptions to this rule, either on a case-by-case basis or categorically to a particular class of vessel that otherwise is subject to adequate control measures.

The Coast Guard will issue a Broadcast Notice to Mariners to further ensure the local boating traffic is aware of the safety zone and its geographical boundaries. Vessels or persons violating this section will be subject to both criminal and civil penalties.

Regulatory Evaluation

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.

Although the safety zone will restrict boating traffic within the navigable waters of the Long Beach Harbor between Queensway Bay and Island White, the effect of this regulation will not be significant as the safety zone will encompass only a small portion of the waterway and will be short in duration. The entities most likely to be affected are pleasure craft engaged in recreational activities and sightseeing. As such, the Coast Guard expects the economic impact of this rule to be minimal.

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 entities. This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit or anchor in the affected portion of the Long Beach Harbor from 5 p.m. to 7 p.m. on September 27, 2007. Although the safety zone will restrict boating traffic within the navigable waters of Long Beach Harbor in the vicinity of Queensway Bay east around

Island White, the effect of this regulation will not be significant as the safety zone will encompass only a small portion of the waterway and will be short in duration. The entities most likely to be affected are small commercial and pleasure craft engaged in recreational activities and sightseeing. As such, the Coast Guard expects the economic impact of this rule to be minimal. This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: The safety zone only encompasses a small portion of the waterway, it is short in duration, vessel traffic can pass safely around the safety zone, and the Captain of the Port may authorize entry into the safety zone, if necessary. Before the enforcement period, we will issue maritime advisories widely available to users of this area. 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.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), 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. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Lieutenant Commander Peter Gooding, at Coast Sector Los Angeles—Long Beach, Waterways Management Division, at telephone (310) 732-2020.

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 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 effect 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 Commandant Instruction M16475.ID and Department of Homeland Security Management Directive 5100.1, 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 that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation because it establishes a safety zone.

A final “Environmental Analysis Check List” and a final “Categorical Exclusion Determination” will be 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 and 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T11–241 to read as follows:

§ 165.T11–241 Safety Zone; Queensway Bay Long Beach, California

(a) *Location.* The following area comprises the geographical boundary of a safety zone: All navigable waters of the Pacific Ocean within the boundaries defined by a line drawn from a point located at 33°45′11″ N, 118°11′14″ W; then south to a point located at 33°44′40″ N, 118°11′00″ W; then northeast to a point located at 33°45′03″ N, 118°09′19″ W; then north to a point located at 33°45′19″ N, 118°09′28″ W; then west heading back toward the starting point finishing at 33°45′11″ N, 118°11′14″ W [NAD 1983].

(b) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within this safety zone by all vessels is prohibited, unless authorized by the Captain of the Port (COTP), or his on-scene representative.

(2) On-scene representative means any commissioned, warrant, and petty officer of the Coast Guard onboard a Coast Guard, Coast Guard Auxiliary, local, state, or federal law enforcement vessel authorized to act on behalf of the COTP.

(3) Mariners may request permission of the COTP, or his on-scene representative to transit through the safety zone. The COTP or his on-scene representative may be contacted via VHF–FM Channel 16.

(c) *Enforcement.* (1) All persons and vessels shall comply with the instructions of the COTP or his on-scene representative.

(2) Upon being hailed by the COTP or his on-scene representative by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(3) The Coast Guard may be assisted in the patrol and enforcement of this safety zone by other federal, state, or local law enforcement as necessary.

(d) *Enforcement period.* This section will be enforced from 5 p.m. to 7 p.m. on September 27, 2007.

Dated: September 12, 2007.

P.E. Wiedenhoef,

Captain, U.S. Coast Guard, Captain of the Port, Los Angeles—Long Beach.

[FR Doc. E7-19675 Filed 10-4-07; 8:45 am]

BILLING CODE 4910-15-P

POSTAL SERVICE

39 CFR Part 111

New Standards for Mailing Lithium Batteries

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service™ is revising the standards for mailing lithium and lithium-ion batteries. The new standards identify all small consumer-type lithium batteries asailable when properly packaged and labeled.

DATES: *Effective Date:* October 5, 2007.

FOR FURTHER INFORMATION CONTACT: Bert Olsen, 202-268-7276.

SUPPLEMENTARY INFORMATION:

Background

We published a proposed rule in the *Federal Register* (72 FR 20463, April 25, 2007) to revise the standards for mailing lithium and lithium-ion batteries. The standards published in the proposed rule and adopted in this final rule, are consistent with, yet slightly more restrictive than, Department of Transportation (DOT) and International Air Transportation Association (IATA) regulations for transportation of lithium batteries. The new proposed standards provide clearer guidance to mailers and postal employees regarding the mailability of consumer-type lithium batteries than current standards provide.

Comments Received

We received comments from two trade associations which were generally supportive of the proposed standards. Their comments and our responses follow:

1. *Comment:* Do not limit the weight of a mailpiece containing lithium-ion batteries.

Within DOT regulations, the Postal Service agrees not to limit the weight of a mailpiece containing lithium-ion batteries since the proposed rule additionally limits the maximum allowable gram equivalency to 8 grams per battery and the maximum number of batteries per mailpiece to 3. The gram

quantity restriction per cell and battery, and the restriction on the number of batteries per mailpiece, ensures compliance with DOT regulations. Therefore, the final rule does not contain a maximum mailpiece weight limit for packages containing lithium-ion batteries.

2. *Comment:* Do not restrict the number of lithium-ion batteries to the number of batteries needed to operate the device.

Within DOT regulations, the Postal Service agrees not to limit the number of lithium-ion batteries that can be mailed to the number of batteries needed to operate the device since the proposal already limits the number of batteries per mailpiece to 3. Therefore, the final rule does not restrict the number of lithium-ion batteries to the number needed to operate the device but rather limits the number of lithium-ion batteries per mailpiece to 3.

3. *Comment:* Do not restrict the mailing of primary lithium batteries to those only in their original retail packaging.

The Postal Service believes that the requirement to mail primary batteries in the original packaging offers assurance of adequate primary packaging. However, we are changing the final rule to read, “in the originally sealed packaging” regardless of the source of the packaging to allow for originally sealed packaging from sources other than retailers.

4. *Comment:* USPS required labeling: “Surface Mail Only,” in addition to DOT labeling: “Primary Lithium Batteries—Forbidden for Transportation Aboard Passenger Aircraft,” is redundant and will add to the cost of the label.

The Postal Service believes labels that read “Surface Mail Only” are known to postal employees and quickly recognized. Therefore, the final rule adopts the standards to require labeling as published in the proposal.

5. *Comment:* USPS should not require package labeling in excess of current DOT requirements.

DOT has announced their revised labeling requirements will be effective January 1, 2008. Postal labeling requirements will reflect DOT changes. In addition, the Postal Service believes that requiring labeling of mailpieces containing secondary as well as primary batteries and cells is a cautionary measure that identifies the content of the package. Therefore, the final rule adopts the standards to require labeling as published in the proposal.

6. *Comment:* Mailpieces containing primary lithium batteries should not be limited to 5 pounds. The DOT weight

limit is 11 pounds of batteries in a shipping container and the Postal Service should adopt the same requirements.

The Postal Service believes it is not practical for postal personnel to discern the aggregate weight of batteries within a mailpiece. We believe that mailpieces containing individual batteries (batteries not packed with or installed in equipment) should not exceed 5 pounds. However, we recognize that when batteries are packed with or contained in devices, the devices themselves could easily account for the majority of the weight of a mailpiece and easily exceed 5 pounds. Therefore, the final rule adopts a 5 pound maximum mailpiece weight limit when primary batteries are not packed with or installed in the devices they operate and an 11 pound mailpiece weight limit when batteries are packed with or installed in the device they operate.

7. *Comment:* Do not prohibit damaged or recalled batteries from being mailed.

The Postal Service is not prohibiting the mailing of damaged or recalled batteries, but rather we are requiring that these batteries be mailed only with prior approval from the manager, Mailing Standards. Therefore, the final rule adopts the standard for mailing damaged or recalled batteries as published in the proposed rule.

Lithium batteries other than small consumer-type batteries remain nonailable.

We adopt the following amendments to *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM), incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1, 111.4.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

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

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001-3011, 3201-3219, 3403-3406, 3621, 3626, 5001.

■ 2. Revise the following sections of the *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM), as follows:

* * * * *

600 Basic Standards for All Mailing Services

601 Mailability

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