

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 guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have concluded that this action is one of a category of actions which does not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2-1, paragraph (32)(e), of the Instruction.

Under figure 2-1, paragraph (32)(e), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05-1(g); Department of Homeland Security Delegation No. 0170.1.

■ 2. Add a new § 117.702 to read as follows:

§ 117.702 Arthur Kill

(a) The draw of the Arthur Kill (AK) Railroad Bridge shall be maintained in the full open position for navigation at all times, except during periods when it is closed for the passage of rail traffic.

(b) The bridge owner/operator shall maintain a dedicated telephone hot line for vessel operators to call the bridge in advance to coordinate anticipated bridge closures. The telephone hot line number shall be posted on signs at the bridge clearly visible from both the up and downstream sides of the bridge.

(c) Tide restrained deep draft vessels shall notify the bridge operator, daily, of their expected times of vessel transits through the bridge, by calling the designated telephone hot line.

(d) The bridge shall not be closed for the passage of rail traffic during any predicted high tide period if a tide restrained deep draft vessel has provided the bridge operator with an advance notice of their intent to transit

through the bridge. For the purposes of this regulation, the predicted high tide period shall be considered to be from two-hours before each predicted high tide to a half-hour after each predicted high tide taken at the Battery, New York.

(e) The bridge operator shall issue a manual broadcast notice to mariners of the intent to close the bridge for a period of up to thirty minutes for the passage of rail traffic, on VHF-FM channels 13 and 16 (minimum range of 15 miles) 90-minutes before and again at 75-minutes before each bridge closure.

(f) Beginning at 60 minutes prior to each bridge closure, automated or manual broadcast notice to mariners must be repeated at 15 minute intervals and again at 10 and 5 minutes prior to each bridge closure and once again as the bridge begins to close and appropriate sound signal given.

(g) Two fifteen minute bridge closures may be provided each day for the passage of multiple rail traffic movements across the bridge. Each fifteen minute bridge closure shall be separated by at least a thirty minute period when the bridge is returned to and remains in the full open position. Notification of the two fifteen minute closures shall follow the same procedures outlined in paragraphs e and f above.

(h) A vessel operator may request up to a 30 minute delay for any bridge closure in order to allow vessel traffic to meet tide or current requirements; however, the request to delay the bridge closure must be made within 30 minutes following the initial broadcast for the bridge closure. Requests received after the initial 30 minute broadcast will not be granted.

(i) In the event of a bridge operational failure, the bridge operator shall immediately notify the Coast Guard Captain of the Port New York. The bridge owner/operator must provide and dispatch a bridge repair crew to be on scene at the bridge no later than 45 minutes after the bridge fails to operate. A repair crew must remain at the bridge at all times until the bridge has been fully restored to normal operations or the bridge must be raised and locked in the fully open position.

■ 3. Section 117.747 is revised to read as follows:

§ 117.747 Raritan River

(a) The draw of New Jersey Transit Rail Operations Railroad Bridge at mile 0.5 shall open on signal; except that, from 6 a.m. to 9:30 a.m. and 4:30 p.m. to 7:30 p.m., Monday through Friday, except holidays, the bridge need not open.

(b) The bridge owner shall provide and keep in good legible condition two clearance gauges with figures not less than 12 inches high designed, installed and maintained according to the provisions of § 118.160 of this chapter.

(c) Trains and locomotives shall be controlled so that any delay in opening the draw span shall not exceed ten minutes. However, if a train moving toward the bridge has crossed the home signal for the bridge before the signal requesting opening of the bridge is given, the train may continue across the bridge and must clear the bridge interlocks before the bridge may be opened.

Dated: September 8, 2009.

Joseph L. Nimmich,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2009-0864]

Drawbridge Operation Regulation; Cape Fear River and Northeast Cape Fear River, Wilmington, NC

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander Fifth Coast Guard District has issued a temporary deviation from the regulations governing the operation of the Cape Fear River Memorial Bridge at mile 26.8 and the Isabel S. Holmes Bridge at mile 1.0 across Northeast Cape Fear River at Wilmington NC. The deviation is necessary to accommodate a road race. This deviation allows the bridges to remain in the closed position to vessels.

DATES: This deviation is effective from 8 a.m. to 10 a.m. on October 4, 2009.

ADDRESSES: Documents mentioned in this preamble as being available in the docket are part of docket USCG-2009-0864 and are available online by going to <http://www.regulations.gov>, inserting USCG-2009-0864 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 rule, call or e-mail Gary Heyer, Bridge Management Specialist, Fifth Coast Guard District; telephone 757-398-6629, e-mail Gary.S.Heyer@uscg.mil. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

SUPPLEMENTARY INFORMATION: The Cape Fear River Memorial Bridge at mile 26.8, a vertical-lift type bridge, and the Isabel S. Holmes Bridge at mile 1.0 across Northeast Cape Fear River, a bascule lift bridge, have vertical clearances in the closed positions to vessels of 65 feet and 40 feet above mean high water, respectively.

The North Carolina Department of Transportation has requested a temporary deviation from the current operating regulations of the aforementioned bridges set out in 33 CFR 117.823 and 33 CFR 117.829 (a), respectively, to accommodate the annual Riverfest 8K Run. The deviation would allow the two drawbridges to remain in the closed position to vessels from 8 a.m. to 10 a.m. on Sunday, October 4, 2009.

The Coast Guard will inform the users of the waterways through our Local and Broadcast Notices to Mariners of the closure periods for the bridges so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

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 15, 2009.

Waverly W. Gregory, Jr.,

Chief, Bridge Administration Branch, Fifth Coast Guard District.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2009-0865]

Drawbridge Operation Regulation; Cape Fear River and Northeast Cape Fear River, Wilmington, NC

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander Fifth Coast Guard District has issued a temporary deviation from the regulations governing the operation of the Cape Fear River Memorial Bridge at mile 26.8 and the Isabel S. Holmes Bridge at mile 1.0 across Northeast Cape Fear River at Wilmington NC. The deviation is necessary to accommodate a road race. The deviation allows the bridges to remain in the closed position.

DATES: This deviation is effective from 7 a.m. to 11 a.m. on November 1, 2009.

ADDRESSES: Documents mentioned in this preamble as being available in the docket are part of docket USCG-2009-0865 and are available online by going to <http://www.regulations.gov>, inserting USCG-2009-0865 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 rule, call or e-mail Gary Heyer, Bridge Management Specialist, Fifth Coast Guard District, telephone 757-398-6629, e-mail Gary.S.Heyer@uscg.mil. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

SUPPLEMENTARY INFORMATION: The Cape Fear River Memorial Bridge at mile 26.8, a vertical-lift type bridge, and the Isabel S. Holmes Bridge at mile 1.0 across Northeast Cape Fear River, a bascule lift bridge, has vertical clearances in the closed positions to vessels of 65 feet and 40 feet above mean high water, respectively.

The North Carolina Department of Transportation has requested a temporary deviation from the current operating regulations of the aforementioned bridges set out in 33 CFR 117.823 and 33 CFR 117.829 (a), respectively, to accommodate the annual Battleship Half Marathon. The deviation would allow the two drawbridges to remain in the closed position to vessels from 7 a.m. to 11 a.m. on Sunday, November 1, 2009.

The Coast Guard will inform the users of the waterways through our Local and Broadcast Notices to Mariners of the closure periods for the bridges so that vessels can arrange their transits to

minimize any impact caused by the temporary deviation.

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 15, 2009.

Waverly W. Gregory, Jr.,

Chief, Bridge Administration Branch, By Direction of the Commander, Fifth Coast Guard District.

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POSTAL REGULATORY COMMISSION

39 CFR Part 3010

[Docket No. RM2009-8; Order No. 303]

Postal Rates

AGENCY: Postal Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission has approved a rounding convention used in the statutory price cap calculation for purposes of establishing rates for certain postal products. This change will facilitate small rate adjustments and promote consistency with the treatment of unused rate adjustment rounding.

DATES: Effective October 28, 2009.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, 202-789-6820 or stephen.sharfman@prc.gov.

SUPPLEMENTARY INFORMATION:

Regulatory History

72 FR 63662 (November 9, 2007).

74 FR 27843 (June 11, 2009).

74 FR 36132 (July 22, 2009).

This order adopts the amendments proposed to the inflation-based price cap calculation as set forth in Order No. 246.¹ The amendments allow the Commission to calculate the price cap using three decimal places, as opposed to one decimal place. *Id.* at 2-3.

Order No. 246 explains that previously data limitations only allowed for the use of one decimal place. *Id.* at 2. Order No. 246 also sets forth the developments that make three decimal places more appropriate, including small rate adjustments proposed by the Postal Service, which require a greater degree of precision from the cap; the availability of data that allows the cap

¹ PRC Order No. 246, Notice of Proposed Rulemaking to Amend the Cap Calculation in the System of Ratemaking, July 10, 2009 (Order No. 246).