

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.

[FR Doc. E9-23279 Filed 9-25-09; 8:45 am]

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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.

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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.

[FR Doc. E9-23280 Filed 9-25-09; 8:45 am]

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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).

to be calculated to three decimal places; and consistency with the Postal Service's unused rate adjustment authority (bank), which is calculated to three decimal places. *Id.* at 2–3.

The Commission amends the last sentence in 39 CFR 3010.21(a) and 3010.22(b) to read, "The result is expressed as a percentage, rounded to three decimal places." The amendment also corrects an inadvertent error in the current heading for part 3010 from "Regulation of Rules for Market Dominant Products" to "Regulation of Rates for Market Dominant Products". *Id.* at 3.

Only two comments were submitted in response to Order No. 246. The Postal Service and the Public Representative both filed comments in support of the proposed change.²

It is ordered:

1. The Commission adopts the referenced amendments as final rules revising the price cap calculation in 39 CFR part 3010 and the part heading for 39 CFR part 3010. The part heading and sections affected by these revisions are set forth in their entirety, following the Secretary's signature, to provide context and clarity.

2. These rules shall take effect 30 days after publication in the **Federal Register**.

3. The Secretary shall arrange for publication of this order in the **Federal Register**.

List of Subjects in 39 CFR Part 3010

Administrative practice and procedure; Postal Service.

Dated: September 22, 2009.

By the Commission.

Shoshana M. Grove,
Secretary.

■ For the reasons discussed in the preamble, the Commission amends chapter III of title 39 of the Code of Federal Regulations as follows:

PART 3010—REGULATION OF RATES FOR MARKET DOMINANT PRODUCTS

■ 1. The authority citation for 39 CFR part 3010 continues to read as follows:

Authority: 39 U.S.C. 503; 3622.

■ 2. Revise the part heading of part 3010 to read as set forth above.

■ 3. Revise § 3010.21 to read as follows:

§ 3010.21 Calculation of annual limitation.

(a) The calculation of an annual limitation involves three steps. First, a simple average CPI-U index is

calculated by summing the most recently available 12 monthly CPI-U values from the date the Postal Service files its notice of rate adjustment and dividing the sum by 12 (Recent Average). Then, a second simple average CPI-U index is similarly calculated by summing the 12 monthly CPI-U values immediately preceding the Recent Average and dividing the sum by 12 (Base Average). Finally, the annual limitation is calculated by dividing the Recent Average by the Base Average and subtracting 1 from the quotient. The result is expressed as a percentage, rounded to three decimal places.

(b) The formula for calculating an annual limitation is as follows: Annual Limitation = (Recent Average/Base Average) – 1.

■ 4. Revise § 3010.22 to read as follows:

§ 3010.22 Calculation of less than annual limitation.

(a) If a notice of rate adjustment is filed less than 1 year after the last Type 1-A or Type 1-B notice of rate adjustment applicable to an affected class of mail, then the annual limitation will recognize the rate increases that have occurred during the preceding 12 months. When the effects of those increases are removed, the remaining partial year limitation is the applicable restriction on rate increases.

(b) The applicable partial year limitation is calculated in two steps. First, a simple average CPI-U index is calculated by summing the 12 most recently available monthly CPI-U values from the date the Postal Service files its notice of rate adjustment and dividing the sum by 12 (Recent Average). The partial year limitation is then calculated by dividing the Recent Average by the Recent Average from the most recent previous notice of rate adjustment (Previous Recent Average) applicable to each affected class of mail and subtracting 1 from the quotient. The result is expressed as a percentage, rounded to three decimal places.

(c) The formula for calculating the partial year limitation for a notice of rate adjustment filed less than 1 year after the last notice is as follows: Partial Year Limitation = (Recent Average/Previous Recent Average) – 1.

[FR Doc. E9-23321 Filed 9-25-09; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 49

[EPA-R01-OAR-2009-0305; A-1-FRL-8949-8]

Approval and Promulgation of Air Quality Implementation Plans; Mohegan Tribe of Indians of Connecticut

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a Tribal Implementation Plan ("TIP") submitted by the Mohegan Tribe of Indians of Connecticut ("the Tribe"). This revision adds new emission units to the Tribe's TIP, while maintaining an enforceable cap on nitrogen oxide emissions from stationary sources owned by the Mohegan Tribal Gaming Authority and located within the external boundaries of the Mohegan Reservation. The revision also provides the Administrator of The Mohegan Environmental Protection Department with enforcement authority for violations of the Mohegan TIP and establishes a right of appeal to the Director of Regulation and Compliance and the Mohegan courts. This action is intended to help attain the National Ambient Air Quality Standards (NAAQS) for ground-level ozone. This action is being taken in accordance with the Clean Air Act.

DATES: This direct final rule will be effective November 27, 2009, unless EPA receives adverse comments by October 28, 2009. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA-R01-OAR-2009-0305 by one of the following methods:

1. *www.regulations.gov*: Follow the on-line instructions for submitting comments.

2. *E-mail*: mcdonnell.ida@epa.gov.

3. *Fax*: (617) 918-0653.

4. *Mail*: "Docket Identification Number EPA-R01-OAR-2009-0305," Ida McDonnell, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100 (mail code CAP), Boston, MA 02114-2023.

5. *Hand Delivery or Courier*: Deliver your comments to: Ida McDonnell, Air Permits, Toxics and Indoor Air Unit, Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, One

²Initial Comments of the United States Postal Service, July 30, 2009; Public Representative Comments, August 21, 2009.