

### 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 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 which 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, because the rule establishes a safety zone. An environmental analysis checklist and a categorical exclusion determination are will be available in the docket where indicated under **ADDRESSES**.

### List of Subjects in 33 CFR Part 147

Continental shelf, Marine safety, Navigation (water).

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 147 as follows:

### PART 147—SAFETY ZONES

■ 1. The authority citation for part 147 continues to read as follows:

**Authority:** 14 U.S.C. 85; 43 U.S.C. 1333; Department of Homeland Security Delegation No. 1070.1.

■ 2. Revise § 147.845 to read as follows:

#### § 147.845 Perdido Regional Host safety zone.

(a) *Description.* The Perdido Regional Host is located at position 26°07'44" N,

094°53'53" W. The area within 500 meters (1640.4 feet) from each point on the structure's outer edge is a safety zone.

(b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

- (1) An attending vessel;
- (2) A vessel under 100 feet in length overall not engaged in towing; or
- (3) A vessel authorized by the Commander, Eighth Coast Guard District or a designated representative.

Dated: September 8, 2009.

**Mary E. Landry,**

*Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.*

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## LIBRARY OF CONGRESS

### Copyright Office

#### 37 CFR Part 201

[Docket No. RM 2008–08]

### Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Interim rule.

**SUMMARY:** The Librarian of Congress is extending, on an interim basis, the existing classes of works with respect to which the prohibition against circumvention of technological measures that effectively control access to copyrighted works shall not apply to persons who engage in noninfringing uses.

**DATES:** *Effective Date:* October 28, 2009.

#### FOR FURTHER INFORMATION CONTACT:

David Carson, General Counsel, Copyright Office, GC/I&R, P.O. Box 70400, Washington, DC 20024. Telephone: (202) 707–8380. Telefax: (202) 707–8366.

**SUPPLEMENTARY INFORMATION:** Section 1201(a)(1) of the copyright law prohibits the circumvention of technological measures that control access to works protected by copyright. It also provides that every three years, the Register of Copyrights is to conduct a rulemaking proceeding to determine whether users of particular classes of copyrighted works are, or in the next three years are likely to be, adversely affected by that prohibition in their ability to make noninfringing uses of copyrighted works. That determination is made by

the Librarian of Congress upon the recommendation of the Register of Copyrights. Section 1201(a)(1)(D) provides that "The Librarian shall publish any class of copyrighted works for which the Librarian has determined, pursuant to the rulemaking conducted under subparagraph (C), that noninfringing uses by persons who are users of a copyrighted work are, or are likely to be, adversely affected, and the prohibition contained in subparagraph (A) shall not apply to such users with respect to such class of works for the ensuing 3-year period."

The Register of Copyrights is conducting the fourth of these triennial rulemaking proceedings and is in the final stages of making her recommendation to the Librarian of Congress. The rulemaking conducted in 2006 identified six classes of works to be subject to exemption from the prohibition on circumvention for the period beginning November 27, 2006, and ending October 27, 2009. Because the Register will not be able to present her recommendation to the Librarian of Congress before October 27, it is necessary to extend the effective dates of the existing regulation identifying those classes of works until the time that the Librarian acts upon the recommendation of the Register. It is anticipated that this extension will be in effect for no more than a few weeks.

Accordingly, the Register of Copyrights recommends to the Librarian of Congress that the existing regulation, codified at 37 CFR 201.40(b), be amended on an interim basis to strike the reference to the October 27, 2009, termination date for the list of classes of works identified in the regulation.

The Librarian of Congress accepts the recommendation of the Register of Copyrights and adopts the following interim rule.

#### List of Subjects in 37 CFR Part 201

Cable television, Copyright, Exemptions to prohibition against circumvention, Literary works, Recordings, Satellites.

Dated: October 20, 2009.

Marybeth Peters,  
Register of Copyrights.

#### Interim Regulation

■ For the reasons set forth in the preamble, 37 CFR part 201 is amended as follows:

#### PART 201—GENERAL PROVISIONS

■ 1. The authority citation for part 201 continues to read as follows:

Authority: 17 U.S.C. 702.

#### § 201.40 [Amended]

■ 2. Section 201.40 (b) introductory text is amended by removing "from November 27, 2006, through October 27, 2009," and adding in its place "commencing November 27, 2006."

Dated: October 22, 2009.

James H. Billington,  
Librarian of Congress.

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BILLING CODE 1410-30-P

## POSTAL SERVICE

### 39 CFR Part 20

#### Return Address Requirement —Outbound International Commercial Bulk Mailings

AGENCY: Postal Service™.

ACTION: Final rule with comment period.

**SUMMARY:** The Postal Service is revising the *Mailing Standards of the United States Postal Service*, International Mail Manual (IMM®) to require that mailpieces prepared as a commercial bulk mailing must bear a complete U.S. return address.

**DATES:** *Effective date:* January 4, 2010.

*Comment date:* Mail or deliver written comments until December 4, 2009.

**ADDRESSES:** Mail or deliver written comments to the Manager, Mailing Standards, U.S. Postal Service, 475 L'Enfant Plaza, SW., Room 3436, Washington, DC 20260-3436. You may inspect and photocopy all written comments at USPS Headquarters Library, 475 L'Enfant Plaza, SW., 11th Floor N., Washington, DC between 9 a.m. and 4 p.m., Monday through Friday. E-mail comments, containing the name and address of the commenter, may be sent to [MailingStandards@usps.gov](mailto:MailingStandards@usps.gov) with a subject line of "Return Address Requirement—Outbound International Commercial Bulk Mailings." Faxed comments will not be accepted.

**FOR FURTHER INFORMATION CONTACT:** Rick Klutts at 813-877-0372.

**SUPPLEMENTARY INFORMATION:** The Postal Service is making this change to be consistent with the amended regulations of the Universal Postal Union (UPU) Proposal 25.123.2 that revises Article RL 123, Paragraph 10 of the UPU Letter Post Regulations. This revision will codify that mailpieces prepared as a commercial bulk mailing must bear a complete return address in the country of origin of the mail. For this purpose, a "bulk mailing" is any International Priority Airmail™ (IPA®) or

International Surface Air Lift® (ISAL®) mailing, or any other mailing paid with an advance deposit account presented to the USPS for weighing and acceptance.

The Postal Service hereby adopts the following changes to *Mailing Standards of the United States Postal Service*, International Mail Manual (IMM), which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 20.1.

#### List of Subjects in 39 CFR Part 20

Foreign relations, International postal services.

■ Accordingly, 39 CFR part 20 is amended as follows:

#### PART 20—[AMENDED]

■ 1. The authority citation for 39 CFR part 20 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 401, 404, 407, 408, 3622, 3632, and 3633.

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

#### Mailing Standards of the United States Postal Service, International Mail Manual (IMM)

##### 1 International Mail Services

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##### 120 Preparation for Mailing

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##### 122 Addressing

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##### 122.2 Return Address

[Revise 122.2 as follows:]

Due to heightened security, many foreign postal administrations require complete sender and addressee information in roman letters and arabic numerals on postal items. The complete address of the sender, including ZIP Code and country of origin, should be shown in the upper left corner of the address side of the envelope, card, flat, or package. Only one return address may be used, and it must be located so that it does not affect either the clarity of the address of destination or the application of service labels and notations (postmarks, etc.). Unregistered items bearing a return address in another country are accepted only at the sender's risk. In the case of bulk mailings, all mailpieces must bear a complete U.S. return address. For the purpose of this section, a "bulk mailing" is any IPA or ISAL mailing, or any other mailing paid with an advance