

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, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. A new temporary § 165.T11–0385 is added to read as follows:

#### § 165.T11–0385 Safety Zone; Upper Mississippi River, Mile 180.0 to 179.0.

(a) *Location.* The following area is a safety zone: all waters of the Upper Mississippi River, Mile 180.0 to 179.0 extending the entire width of the waterway.

(b) *Effective date.* This rule is effective from 12 p.m. on June 23, 2011 through 6 p.m. CDT on June 25, 2011.

(c) *Periods of enforcement.* This rule will be enforced from 3:30 p.m. until 5 p.m. CDT on June 23 and 24, 2011, as well as, 1:30 p.m. until 3 p.m. CDT on June 25, 2011. The Captain of the Port Upper Mississippi River will inform the public of the enforcement periods and any safety zone changes through broadcast notice to mariners.

(d) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port Upper Mississippi River or a designated representative.

(2) Persons or vessels requiring entry into or passage through the zone must request permission from the Captain of the Port Upper Mississippi River or a designated representative. The Captain of the Port Upper Mississippi River representative may be contacted at (314) 269–2332.

(3) All persons and vessels shall comply with the instructions of the Captain of the Port Upper Mississippi River or their designated representative. Designated Captain of the Port representatives include United States Coast Guard commissioned, warrant, and petty officers.

Dated: May 25, 2011.

**S.L. Hudson,**

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

[FR Doc. 2011–15621 Filed 6–21–11; 8:45 am]

**BILLING CODE 4910–15–P**

### DEPARTMENT OF HOMELAND SECURITY

#### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG–2011–0432]

RIN 1625–AA00

#### Safety Zone; Waterway Closure, Morgan City-Port Allen Route from Mile Marker 0 to Port Allen Lock

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on specified waters of the Gulf Intracoastal Water Way, closing the Morgan City-Port Allen Route from MM 0 to the Port Allen lock to all commercial traffic. This temporary safety zone is needed to protect the general public, levee system, vessels and tows from destruction, loss or injury due to hazards associated with rising flood water.

**DATES:** Effective Date: this rule is effective in the CFR from June 22, 2011 until 11:59 p.m. July 31, 2011. This rule is effective with actual notice for purposes of enforcement beginning 12:01 a.m. May 16, 2011 through 11:59 p.m. July 31, 2011.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG–2011–0432 and are available online by going to <http://www.regulations.gov>, inserting USCG–2011–0432 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 Lieutenant (LT) Russell Pickering, Coast Guard; telephone 985–380–5334, e-mail [russell.t.pickering@uscg.mil](mailto:russell.t.pickering@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 publishing a NPRM would be impracticable since immediate action is needed to protect the general public, levee system, vessels and tows from the hazards associated with rising flood water on the Morgan City-Port Allen Route.

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**. Publishing a NPRM and delaying its effective date would be impracticable since immediate action is needed to protect the general public, levee system, vessels and tows from destruction, loss or injury due to the hazards associated with rising flood water on the Morgan City-Port Allen Route.

##### Basis and Purpose

Captains of the Port Morgan City and New Orleans, Louisiana have determined that there is a need to close certain waterways contingent on the predicted river heights and currents. This temporary safety zone is needed to protect the general public, levee system, vessels and tows from destruction, loss or injury from flood waters and associated hazards.

##### Discussion of Rule

The Coast Guard is establishing a temporary safety zone on the specified waters of the Gulf Intracoastal Water Way on the Morgan City-Port Allen Route from MM 0 to the Port Allen lock. Commercial vessels and tows may not enter this zone unless authorized by the Captains of the Port Morgan City or New Orleans.

##### 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.

Although this regulation will restrict access to the area, the effect of the rule will not be significant because notifications to the marine community will be made through broadcast notices to mariners and Local Notices to Mariners and Marine Safety Information Bulletins. Vessels requiring entry into or passage through the temporary safety zone may request permission from the Captains of the Port Morgan City or New Orleans, or a designated representative and entry will be evaluated on a case-by-case-basis to minimize impact and protect the general public, levee system, vessels and tows from destruction, loss or injury due to the hazards associated with rising flood water.

#### **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 will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit through the temporary safety zone from May 16, 2011 through July 31, 2011. This temporary safety zone is not expected to have a significant economic impact on a substantial number of small entities because vessels requiring entry into or passage through the temporary safety zone may request permission from the Captains of the Port Morgan City or New Orleans, or a designated representative.

If you are a small business entity and are significantly affected by this regulation, please contact LT Russell Pickering, Marine Safety Unit Morgan City, at (985) 380–5334.

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

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 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 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 affect 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 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. This rule involves an emergency situation and will be in effect for over one week, but is not expected to result in any significant adverse environmental impact as described in NEPA.

An environmental analysis checklist and a categorical exclusion determination will be provided and made available at the docket as indicated in the **ADDRESSES** section.

#### 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. 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, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. A new temporary § 165.T08–0432 is added to read as follows:

##### § 165.T08–0432 Safety Zone; Waterway Closure, Morgan City–Port Allen Route from Mile Marker 0 to Port Allen Lock.

(a) *Location.* Waters of the Gulf Intracoastal Water Way on the Morgan City–Port Allen route from MM 0 to the Port Allen lock.

(b) *Effective date.* This rule is effective May 16, 2011 through July 31, 2011.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captains of the Port Morgan City or New Orleans.

(2) Vessels requiring entry into or passage through the Safety Zone must request permission from the Captains of the Port Morgan City or New Orleans, or a designated representative. They may be contacted on VHF Channel 13 or 16, or by telephone at 985–380–5370.

(3) All persons and vessels shall comply with the instructions of the Captains of the Port Morgan City or New Orleans and designated on-scene patrol personnel. On-scene patrol personnel

include commissioned, warrant, and petty officers of the U.S. Coast Guard.

Dated: May 16, 2011.

**J.C. Burton,**

*Captain, U.S. Coast Guard, Captain of the Port Morgan City, Louisiana.*

**E.M. Stanton,**

*Captain, U.S. Coast Guard, Captain of the Port New Orleans, Louisiana.*

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**BILLING CODE 9110–04–P**

#### POSTAL SERVICE

##### 39 CFR Part 952

##### Rules of Practice in Proceedings Relative to False Representation and Lottery Orders

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** The Postal Service is adopting revised rules for proceedings relative to false representation and lottery orders. The primary purpose of this exercise is to update the rules and align them with current practices.

**DATES:** *Effective date:* July 22, 2011.

**FOR FURTHER INFORMATION CONTACT:**

Diane M. Mego, Esq., 703–812–1905.

**SUPPLEMENTARY INFORMATION:** On March 15, 2011, the Postal Service published and requested comments concerning a proposed revision of 39 CFR part 952, concerning the rules of practice in proceedings relative to false representation and lottery orders (76 FR 13937–13944). The proposed rules of procedure were intended to have the same general coverage as the existing rules. The proposed new rules, however, were updated, were more comprehensive than the existing rules, and were intended to reflect more precisely current practice. No comments were received in response to this request.

Accordingly, the Postal Service has determined to adopt the revision of 39 CFR part 952 as proposed, with minor non-substantive changes in paragraphing and punctuation. The revised rules will completely replace the existing rules of practice, and in accordance with section 952.2 will apply to all formal proceedings before the Postal Service under 39 U.S.C. 3005, including such cases instituted under prior rules of practice.

##### List of Subjects in 39 CFR Part 952

Administrative practice and procedure, Fraud, False Representations, Lotteries, Penalties, Postal Service.

For the reasons stated in the preamble, the Postal Service revises 39 CFR part 952 to read as follows:

#### PART 952—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO FALSE REPRESENTATION AND LOTTERY ORDERS

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- 952.34 Ex parte communications.

**Authority:** 39 U.S.C. 204, 401, 3005, 3012, 3016.

##### § 952.1 Authority.

These rules of practice are issued by the Judicial Officer of the United States Postal Service (see § 952.26) pursuant to authority delegated by the Postmaster General, and in accordance with 39 U.S.C. 3005, and are governed by the Administrative Procedure Act, 5 U.S.C. 551, *et seq.*

##### § 952.2 Scope.

These rules of practice shall be applicable in all formal proceedings before the Postal Service under 39 U.S.C. 3005, including such cases instituted under prior rules of practice pertaining to these or predecessor statutes, unless timely shown to be prejudicial to Respondent.

##### § 952.3 Informal dispositions.

This part does not preclude the disposition of any matter by agreement between the parties either before or after