

Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded this action is one of a category of actions that 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 this rule involves a regulation establishing, disestablishing, or changing Regulated Navigation Areas and security or safety zones. An environmental analysis checklist and a categorical exclusion determination are 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 has amended 33 CFR part 165 as follows:

PART 165—SPECIFIC 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. Add new § 165.827 to read as follows:

§ 165.827 Regulated Navigation Area; Galveston Channel, TX.

(a) *Location.* The following area is a regulated navigation area: All waters of the Galveston Channel within the area from Latitude 29°20'19" N, Longitude 094°46'36" W, east to Latitude 29°20'06" N, Longitude 094°46'15" W, south to Latitude 29°19'47" N, Longitude 094°46'27" W, west to Latitude 29°19'51" N, Longitude 094°46'45" W, and north to Latitude 29°20'19" N, Longitude 094°46'36" W.

(b) *Regulations.* (1) Vessels navigating this area must do so at a minimum safe speed so as to not cause any wake.

(2) Vessels may proceed at greater than a minimum safe speed with permission of the Captain of the Port Houston-Galveston or a designated representative.

(3) To request permission as required by these regulations, contact the Sector Houston-Galveston Command Center by telephone at (713)671–5113.

Dated: July 27, 2010.

Mary E. Landry,

Rear Admiral, U.S. Coast Guard, District 8 Commander.

[FR Doc. 2010–19521 Filed 8–6–10; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2010–0208]

RIN 1625–AA00

Safety Zone; Kanawha River Mile 56.7 to 57.6, Charleston, WV

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the waters of the Kanawha River beginning at mile 56.7 (C&O Railroad) and ending at mile 57.6 (Interstate Route 64 Bridge), extending the entire width of the river. This safety zone is needed to protect persons and vessels from the potential safety hazards associated with the Toyota Governor's Cup Jet Ski Race. Entry into this zone is prohibited unless specifically authorized by the Captain of the Port Ohio Valley or a designated representative.

DATES: This rule is effective from 12 p.m. on August 20, 2010, to 5:30 p.m. on August 22, 2010.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2010–0208 and are available online by going to <http://www.regulations.gov>, inserting USCG–2010–0208 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 Petty Officer Sean Lewis, Marine Safety Unit Huntington Coast Guard; telephone 304–733–0198 extension 2135, e-mail Sean.T.Lewis@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 given the short period of time before the race. Immediate action is needed to protect the race participants, vessels, and mariners from the hazards associated with this race. 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** because waiting 30 days would be impracticable, as immediate action is needed to protect the race participants, vessels, and mariners from the hazards associated with this race.

Basis and Purpose

The Upstate Watercraft Promotions, Inc. is sponsoring a jet ski race from 12 p.m. to 6 p.m. on August 20, 2010 and from 6 a.m. to 5:30 p.m. on the dates of August 21 and 22, 2010. This race will be held on the Kanawha River in Charleston, WV at mile 57.6–57.6. The Coast guard believes a safety zone is necessary because a hazardous situation could exist for vessels, mariners and spectators in the vicinity of the jet ski race. A safety zone is needed to protect those vessels, mariners and spectators from the hazards associated with this race.

Discussion of Rule

The Captain of the Port Ohio Valley is establishing a temporary safety zone for the waters of the Kanawha River beginning at mile 56.7 (C&O Railroad) and ending at mile 57.6 (Interstate Route 64 Bridge). The term “participating vessel” includes all vessels registered with the jet ski race event officials to work in the event. With the exception of participating vessels and those mariners operating participating vessels, all vessels and persons are prohibited from transiting within this safety zone unless authorized by the Captain of the Port Ohio Valley or a designated representative. The Captain of the Port Ohio Valley may be contacted on VHF–

FM Channels 13 or 16, or by telephone at 800-253-7465. This rule will be enforced from 12 p.m. to 6 p.m. on August 20, 2010, and from 6 a.m. to 5:30 p.m. on the dates of August 21 and 22, 2010. The Captain of the Port Ohio Valley will inform the public through broadcast notice to mariners of the enforcement period for the safety zone.

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. This rule is not a significant regulatory action because of the following reasons: (a) It does not affect the economy over the upper limit given in section 3(f)(1) of Executive Order 12866. (b) It does not create any inconsistencies nor interferes with any action or planned actions taken by other agencies. (c) It will not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof. (d) It will not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive order.

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 the Kanawha River beginning at mile marker 56.7 and ending at mile marker 57.6 from 12 p.m. to 6 p.m. on August 20, 2010, and from

6 a.m. to 5:30 p.m. on the dates of August 21 and 22, 2010. This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. The sponsor of the event has worked closely with users of the river to provide awareness and gain their support of this event. The event sponsor took similar measures during the 2009 inaugural event and was successful at minimizing any burden on users of the river. Although, the safety zone will apply to the entire width of the river, traffic will be allowed to pass through the zone with the permission of the Coast Guard patrol commander. Finally, before the effective period, we will issue maritime advisories widely available to users of the river.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 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 (adjusted for inflation) 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 cause 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 system 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 that 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 regulations establishing, disestablishing, or changing Regulated navigation areas and security or safety zones. The rule fits this category because the Coast Guard is establishing a safety zone from mile 56.7 to 57.6 on the Kanawha River.

An environmental analysis checklist and a categorical exclusion determination are 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, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195;

33 CFR 1.05-1(g), 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.T08-0208 is added to read as follows:

§ 165.T08-0208 Safety Zone; Kanawha River Mile 56.7 to Mile 57.6 Charleston, WV.

(a) Location. The waters of the Kanawha River beginning at mile 56.7 (C&O Railroad) and ending at mile 57.6 (Interstate Route 64 Bridge), extending the entire width of the river.

(b) Enforcement periods. This section of this rule will be enforced from 12 p.m. to 6 p.m. on August 20, 2010, and from 6 a.m. to 5:30 p.m. on the dates of August 21 and 22, 2010.

(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 Captain of the Port Ohio Valley.

(2) Persons or vessels requiring entry into or passage through this zone must request permission from the Captain of the Port Ohio Valley, or a designated representative. They may be contacted on VHF-FM Channels 13 or 16, or by telephone at 800-253-7465.

(3) All persons and vessels shall comply with the instructions of the Captain of the Port Ohio Valley and designated on-scene U.S. Coast Guard patrol personnel.

(4) On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

Dated: July 21, 2010.

A.E. Tucci,

Commander, U.S. Coast Guard, Acting Captain of the Port Sector Ohio Valley.

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POSTAL SERVICE™

39 CFR Part 111

Content of Periodicals Mail

AGENCY: Postal Service™

ACTION: Final rule; revised.

SUMMARY: The Postal Service is revising *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®) 707.3, to update “content requirements” on materials eligible for mailing at Periodicals prices with authorized Periodicals publications.

DATES: *Effective Date:* August 9, 2010.

FOR FURTHER INFORMATION CONTACT: Jerry Lease, 202-268-7264.

SUPPLEMENTARY INFORMATION: The final rule titled “Content of Periodicals Mail” published by the **Federal Register** on

July 20, 2010 (75 FR 41989-41991) is revised to incorporate minor changes in text and an earlier effective date. The DMM standards will be updated during its regular monthly update on September 7, 2010.

After discussions with Periodicals customers, the Postal Service agreed to review the standards governing contents of Periodicals mail, and decided to update several standards. This rule removes the current advertising limitation on loose supplements, except for unwrapped copies of loose addressed supplements included in a mailing for an authorized Periodicals publication. The final rule also revises the regulations on pages, specifically multi-layer pages, giving publishers more latitude in page design. The provisions concerning the mailing of products and product samples have been updated and simplified. Finally, the standards governing protective covers and attachments have been updated for consistency with past rulings. This final rule was developed in collaboration with numerous publishers and Periodicals industry associations.

Background

In the 1980s, and again in the 1990s, the Postal Service undertook extensive reviews of the standards governing content that could be mailed as part of a periodical publication at Periodicals prices (formerly second-class rates). Advances in technology, and difficulty in applying the standards, were key factors in those reviews. On March 27, 1995, the Postal Service published a final rule in the **Federal Register** (60 FR 10021-10029) revising the standards.

Since that time, the standards governing contents of a publication eligible for Periodicals prices have not changed, except for several minor modifications. In addition, there has been no discernable movement of printed advertising materials, or other matter, from Standard Mail to Periodicals mail.

The changes to the standards reflected in this final rule concentrate on four areas of “content” provisions and mailpiece construction:

- DMM 707.3.3.1, *Pages*.
- DMM 707.3.3.5, *Supplements*.
- DMM 707.3.4.3, *Products*.
- DMM 707.3.5, *Mailpiece Construction*.

Construction.

○ Specifically DMM 707.3.5.4,

Without Mailing Wrapper.

○ and DMM 707.3.5.6, *Cover Page and Protective Cover*.

Pages

A requirement for all Periodicals publications is that they be comprised