

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 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 establishing a temporary safety zone. 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, 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.T05-0719 to read as follows:

#### § 165.T05-0719 Safety Zone; Potomac River, St. Mary's River, St. Inigoes, MD.

(a) *Regulated Area.* The following area is a safety zone: All waters in the St. Mary's River, near its confluence with the Potomac River, within a one nautical mile radius of an airborne CH-53D Sea Stallion helicopter in approximate position latitude 38°06'49" N, longitude 76°26'35" W, located approximately 2,300 yards west-northwest of Sage Point, Maryland (NAD 1983).

(b) *Regulations.* The general safety zone regulations found in § 165.23 apply to the safety zone created by this temporary section, § 165.T05-0719.

(1) All vessels and persons are prohibited from entering this zone, except as authorized by the Coast Guard Captain of the Port Baltimore.

(2) Persons or vessels requiring entry into or passage within the zone must request authorization from the Captain of the Port Baltimore or his designated representative by telephone at 410-576-

2693 or on VHF-FM marine band radio channel 16.

(3) All Coast Guard assets enforcing this safety zone can be contacted on VHF-FM marine band radio channels 13 and 16.

(4) The operator of any vessel within or in the immediate vicinity of this safety zone shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant or petty officer on board a vessel displaying a Coast Guard Ensign, and

(ii) Proceed as directed by any commissioned, warrant or petty officer on board a vessel displaying a Coast Guard Ensign.

(c) *Definitions.* *Captain of the Port Baltimore* means the Commander, Coast Guard Sector Baltimore or any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port Baltimore to act on his behalf.

*Designated representative* means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port Baltimore to assist in enforcing the safety zone described in paragraph (a) of this section.

(d) *Enforcement.* The U.S. Coast Guard may be assisted by Federal, State and local agencies in the patrol and enforcement of the zone.

(e) *Enforcement period.* This section will be enforced for a two-hour period on a single day during the week of August 16, 2010, and if necessary due to inclement weather or availability of aircraft, for a two-hour period on a single day during the week of August 23, 2010.

Dated: August 5, 2010.

**Mark P. O'Malley,**

*Captain, U.S. Coast Guard, Captain of the Port Baltimore, Maryland.*

[FR Doc. 2010-20919 Filed 8-23-10; 8:45 am]

**BILLING CODE 9110-04-P**

#### POSTAL SERVICE

#### 39 CFR Part 111

#### Mailing of Cigarettes and Smokeless Tobacco Products to APO/FPO/DPO Destination Addresses

**AGENCY:** Postal Service™.

**ACTION:** Final rule.

**SUMMARY:** The Postal Service is revising the *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®) 503.9 and 601.11 to permit the mailing of cigarettes and smokeless tobacco to APO/FPO/DPO

destination addresses via Express Mail® Military Service or Priority Mail® service with Delivery Confirmation™.

**DATES:** *Effective Date:* August 27, 2010.

**FOR FURTHER INFORMATION CONTACT:** Mary Collins, 202-268-5440, Anthony Alverno, 202-268-2997 or Jeff Burger, 202-268-7251.

**SUPPLEMENTARY INFORMATION:** On May 5, 2010, the Postal Service published a proposed rule in the **Federal Register** (75 FR 24534-24541) to implement the Prevent All Cigarette Trafficking (PACT) Act of 2009, Public Law 111-154. After solicitation and consideration of the comments received in response to the proposed rule, the Postal Service published a **Federal Register** final rule on May 27, 2010 (75 FR 29662-29671) to implement the PACT Act effective June 29, 2010.

The final rule established eligibility requirements under which shipments of cigarettes and smokeless tobacco could be sent via U.S. mail under the PACT Act. One of the exceptions in the PACT Act allows for gift shipments sent by certain individuals. The Postal Service implemented this requirement in the final rule by providing that shipments sent by individuals in non-commercial transactions must be sent by Express Mail with Hold for Pickup for domestic shipments. With respect to shipments to Air Force/Army Post Offices (APOs), Fleet Post Offices (FPOs), or Diplomatic Post Offices (DPOs) destination addresses, the standards in DMM section 601.11.6.2 provided that shipments of cigarettes and smokeless tobacco must be sent via Express Mail. This is consistent with the PACT Act requirement that shipments by certain individuals must be sent using "the systems of the Postal Service that provide for the tracking and confirmation of delivery." 18 U.S.C. 1716E(b)(4)(ii)(IV). Express Mail service offers both tracking and confirmation of delivery and was accordingly required for shipments to APO/FPO/DPO destination addresses.

No comments were received in response to the Postal Service's solicitation for comments on the proposed rule in connection with shipments to APO/FPO/DPO addressees. Subsequent to the publication of the final rule, however, the Postal Service received inquiries from customers concerning the requirement to use Express Mail service for shipments to APO/FPO/DPO destination addresses in Iraq and Afghanistan. In particular, customers advised that Express Mail service is not offered to APO/FPO/DPO destination addresses in certain places where large

numbers of troops are located, particularly Iraq and Afghanistan. As a result, the Postal Service undertook to investigate whether there are alternative mailing options for military families sending packages containing cigarettes and smokeless tobacco that would satisfy the requirements of the PACT Act.

To accommodate the needs of military families that ship to these destinations, the USPS® has identified alternative mailing options for mailpieces containing cigarettes and smokeless tobacco sent as gifts between individual adults to APO/FPO/DPO destinations. With this change, mailings of cigarettes and smokeless tobacco will be permitted to APO/FPO/DPO destination addresses when using Priority Mail® with Delivery Confirmation Service, when not otherwise restricted in accordance with the requirements of the host country. This measure should expand mailing options to accommodate the needs of military families. Mailers should be advised, however, that packages containing mailable cigarettes or smokeless tobacco are still subject to all other requirements in DMM 601.11.6, including marking requirements, a weight limitation of 10 ounces per package, as well as frequency limitations of no more than 10 shipments per 30 day period. The revised frequently asked question below explains the requirement in more detail:

Q: May individual customers in the United States send cigarettes and smokeless tobacco as gifts in overseas military mail?

A. That depends. Some overseas host countries do not allow cigarettes and tobacco items in military mail, and such gifts may be prohibited, so first check the *Postal Bulletin*, or the link at <http://postcalc.usps.gov/Restrictions.aspx>, for cigarette/tobacco restrictions based on the ZIP Code of the APO/FPO/DPO installation. If cigarettes and smokeless tobacco items are permitted, customers must use Express Mail Military Service (EMMS) or Priority Mail with Delivery Confirmation for shipping these items to APO/FPO/DPO destination addresses. For Express Mail shipments, Hold for Pickup service is not required. Regardless of the mail service used, however, the package must weigh 10 ounces or less and bear the complete name and address of the sender and addressee, along with the marking "PERMITTED TOBACCO MAILING — DELIVER ONLY TO AGE-VERIFIED ADULT OF LEGAL AGE." The sender must show photo identification establishing that he or she is at least 18 years old or the minimum age for

purchase of tobacco where the package is entered, whichever is higher. Furthermore, at the time of the transaction, the sender must orally affirm that the addressee is at least 18 years old or the minimum age for purchase of tobacco where the package is being delivered, whichever is higher. No more than 10 such mailings may be sent by a single individual in a 30-day period.

In conjunction with this change, we are also clarifying the product description for Delivery Confirmation when used with products sent to APO/FPO/DPO destination addresses. Specifically, DMM section 503.9.2.1 is clarified to specify that for APO/FPO/DPO shipments, Delivery Confirmation service may not always provide the mailer with online information regarding the date and time of an event scan.

The applicable standards contained in this final rule will be incorporated into the DMM monthly update on October 4, 2010.

The Postal Service hereby adopts the following changes to the *Mailing Standards for the United States Postal Service*, Domestic Mail Manual (DMM), which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1.

**List of Subjects in 39 CFR Part 111**

Administrative practice and procedure, Postal Service.

■ Accordingly, 39 CFR part 111 is amended as follows:

**PART 111—[AMENDED]**

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

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

***Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)***

\* \* \* \* \*

**500 Additional Mailing Services**

**503 Extra Services**

\* \* \* \* \*

**9.0 Delivery Confirmation**

\* \* \* \* \*

**9.2. Basic Information**

**9.2.1 Description**

[Revise 9.2.1 by adding a new last sentence as follows:]

\* \* \* For mailings to APO/FPO/DPO destination addresses, Delivery Confirmation service may not always provide the mailer with online information regarding the date and time of an event scan.

\* \* \* \* \*

**600 Basic Standards for All Mailing Services**

**601 Mailability**

\* \* \* \* \*

**11.0 Cigarettes and Smokeless Tobacco**

\* \* \* \* \*

**11.3 Mailability Exceptions**

\* \* \* These exceptions do not apply to the following:

\* \* \* \* \*

[Revise text in item 11.3 c as follows:]

c. mail presented at APO, FPO, or DPO installations destined to addresses in the United States.

\* \* \* \* \*

**11.6 Exception for Certain Individuals**

\* \* \* \* \*

**11.6.2 Mailing**

\* \* \* Each mailing under the certain individuals exception must:

[Revise text in item "a" as follows and delete items "e" through "g" in their entirety.]

a. be entered as Express Mail with Hold for Pickup service (waiver of signature and pickup services not permitted); unless shipped to APO/FPO/DPO addresses under 11.6.4.

\* \* \* \* \*

**11.6.3 Mailing**

Delivery under the certain individuals exception is made under the following conditions:

[Revise text in items "a" and "c" as follows:]

a. The recipient receiving or signing for the article must be an adult of at least the minimum age for the legal sale or purchase of tobacco products at the place of delivery. \* \* \*

c. For Express Mail articles, once age is established, the recipient must sign PS Form 3849 in the appropriate signature block.

\* \* \* \* \*

[Add new item 11.6.4 as follows:]

### 11.6.4 Tobacco Product Shipments to APO/FPO/DPO

Shipments of cigarettes and smokeless tobacco may not be sent to APO/FPO/DPO destination addresses to which the mailing of tobacco is restricted (see 703.2.3.1). To the extent cigarettes or smokeless tobacco are permitted to be mailed to an APO/FPO/DPO destination addresses, such mailings under the certain individuals exception must comply with all of the requirements of 11.6, with the exception that mailings may be entered as either Express Mail Military Service (EMMS) or Priority Mail service with Delivery Confirmation. Regardless of the service elected, the mailing must bear the full name and mailing address of the sender and recipient.

\* \* \* \* \*

We will publish an amendment to 39 CFR part 111 to reflect these changes.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 2010-20835 Filed 8-23-10; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R04-OAR-2009-0043-201024; FRL-9192-6]

### Approval and Promulgation of Air Quality Implementation Plans; North Carolina and South Carolina; Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina; Notice of Completeness Determination for the Purpose of Stopping Sanctions Clock

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of Letter to Governor Regarding Completeness and Stopping of Sanctions Clock.

**SUMMARY:** EPA is now giving notice of an action that EPA has already taken to find two State Implementation Plan (SIP) revisions complete and stop sanctions clocks associated with the Charlotte-Gastonia-Rock Hill North Carolina, South Carolina 1997 8-hour ozone nonattainment area (hereafter referred to as the “bi-state Charlotte Area”). Pursuant to the Clean Air Act (CAA) and its implementing regulations, EPA has made an affirmative determination of completeness for the attainment demonstrations submitted by the States of North Carolina and South Carolina the bi-state Charlotte Area. On May 27, 2010, letters announcing this

determination were sent to the Governors of North Carolina and South Carolina, effectively stopping the sanctions clock started on May 8, 2009, by a finding of failure to submit the attainment demonstrations. This notice is simply an announcement of a determination that EPA has already made.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-R04-OAR-2009-0043. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office’s official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Nacosta C. Ward, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. The telephone number is (404) 562-9140. Ms. Ward can also be reached via electronic mail at [ward.nacosta@epa.gov](mailto:ward.nacosta@epa.gov).

**SUPPLEMENTARY INFORMATION:** Effective June 15, 2004, the bi-state Charlotte Area was designated nonattainment for the 8-hour ozone national ambient air quality standards (NAAQS) with a moderate classification. The bi-state Charlotte Area is comprised of Cabarrus, Gaston, Lincoln, Mecklenburg, Rowan, Union and a portion of Iredell (Davidson and Coddle Creek Townships) Counties in North Carolina; and a portion of York County, South Carolina. For the 1997 8-hour ozone NAAQS, States were required to submit an attainment demonstration, reasonable further progress plan, and

reasonable available control technology submittals (for areas classified as moderate or above) by June 15, 2007. EPA received the required submittals from North Carolina on June 15, 2007, and South Carolina on August 31, 2007.

On December 19, 2008, and December 22, 2008, the States of North Carolina and South Carolina, respectively, submitted letters to EPA withdrawing their attainment demonstrations for the bi-state Charlotte Area. On May 8, 2009, EPA published a finding of failure to submit final rulemaking for North Carolina and South Carolina for these required SIPs. 74 FR 21550.

On November 12, 2009, and April 5, 2010, North Carolina submitted all components of the North Carolina attainment demonstration SIP for North Carolina’s portion of the bi-state Charlotte Area. On November 13, 2009, and April 29, 2010, South Carolina submitted all components of the attainment demonstration SIP for South Carolina’s portion of the bi-state Charlotte Area. EPA has done a completeness review, in accordance with Section 2.0 “Criteria” of Appendix V of 40 CFR Part 51—Criteria for Determining the Completeness of Plan Submissions, to ensure that the States have submitted all of the required information for the SIP submissions.

As explained in the letters sent by EPA to the Governors of North and South Carolina, on May 27, 2010,<sup>1</sup> EPA has determined that the States have corrected the deficiency identified in EPA’s promulgated finding of failure to submit the required attainment demonstration SIPs for the bi-state Charlotte Area. Specifically, EPA has determined that both North Carolina and South Carolina have submitted complete SIP submittals for the bi-state Charlotte Area to meet the CAA requirement for attainment demonstrations for moderate nonattainment areas under the 1997 8-hour ozone NAAQS. EPA will make a determination on the approvability of these attainment demonstration SIPs for the bi-state Charlotte Area in a separate action. This announcement only relates to a completeness determination for the attainment demonstration SIPs for the bi-state Charlotte Area, and is separate from EPA’s determination of approvability of these attainment demonstrations. This action is simply a notice of a determination that EPA already made through correspondence

<sup>1</sup> In the May 27, 2010, letters, EPA inadvertently identified incorrect submittal dates for North Carolina and South Carolina’s SIP submissions. On June 18, 2010, EPA sent letters to North Carolina and South Carolina to correct the dates of the SIP submissions.