

Restricted Area R-2502A, Fort Irwin, CA (74 FR 33382). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received during the comment period.

Section 73.25 of 14 CFR Part 73 was republished in FAA Order 7400.8R, dated February 5, 2009.

### Military Operation Area (MOA)

Restricted areas are regulatory airspace designations, under Title 14 Code of Federal Regulations (CFR) part 73, which are established to confine or segregate activities considered hazardous to non-participating aircraft. A MOA is a non-rulemaking type of SUA established to separate or segregate certain non-hazardous military flight activities from aircraft operating in accordance with instrument flight rules (IFR), and to identify for visual flight rules (VFR) pilots where those activities are conducted. IFR aircraft may be routed through an active MOA only when air traffic control can provide approved separation from the MOA activity. VFR pilots are not restricted from flying in an active MOA, but are advised to exercise caution while doing so.

Unlike restricted areas, which are designated through rulemaking procedures, MOAs are non-rulemaking airspace areas that are established administratively and published in the National Flight Data Digest. Normally MOA actions are not published in a NPRM, but instead, are advertised for public comment through a non-rule circular that is distributed by an FAA Service Center office to aviation interests in the affected area. However, when a non-rulemaking action is connected to a rulemaking action, FAA procedures allow for the non-rulemaking action to be included in the Rule. In such cases, the NPRM replaces the non-rule circularization requirement. Because the change to the Silver MOA North was necessary, due to the establishment of the restricted area, the MOA was modified to exclude the airspace contained in R-2502A.

### MOA Change

#### Silver MOA North, CA

Boundaries. Beginning at lat. 35°39'00" N., long. 115°53'03" W.; to lat. 35°24'30" N., long. 115°53'03" W.; to lat. 35°06'50" N., long. 116°20'00" W.; to lat. 35°04'30" N., long. 116°29'00" W.; to lat. 35°07'00" N., long. 116°34'03" W.; to point of beginning. Excluding the airspace below 3,000 feet AGL within a 3NM radius of the town of Baker, CA (lat. 35°16'00" N. long. 116°04'33" W.) and R2502A.

### The Rule

The FAA is amending Title 14 CFR part 73 to establish Restricted Area R-2502A at Fort Irwin, CA. The U.S. Army has requested this restricted area because the existing special use airspace does not include the airspace above the expanded land maneuver area created to support the NTC. This action will ensure a safe training environment, isolated from the public, for military air and ground maneuvers from the surface to the upper limits of restricted airspace.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes restricted area airspace at Fort Irwin, CA.

### Environmental Review

The FAA has determined that the Environmental Assessment (EA) prepared by the Department of Army associated with the proposed project, is adequate for adoption in accordance with FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures," Paragraph 404d. The FAA has independently evaluated the information contained in the EA and takes full responsibility for the scope and content that addresses FAA actions.

Further, the FAA has issued its own Finding of No Significant Impact (FONSI). The FAA's Adoption of Environmental Assessment and FONSI are combined into a single document dated August 1, 2008. A copy of the Adoption of Environmental Assessment and FONSI document has been inserted into the official docket for this rulemaking.

### List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

### The Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

### PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

### § 73.25 [Amended]

■ 2. § 73.25 is amended as follows:

\* \* \* \* \*

### R-2502A Fort Irwin, CA [New]

Boundaries. Beginning at lat. 35°25'48" N., long. 116°18'48" W.; to lat. 35°25'30" N., long. 116°09'46" W.; to lat. 35°23'15" N., long. 116°09'47" W.; to lat. 35°06'54" N., long. 116°30'17" W.; to lat. 35°07'00" N., long. 116°34'03" W.; to lat. 35°18'45" N., long. 116°18'48" W. to point of beginning.

Designated altitudes. Surface to 16,000 feet MSL.

Time of designation. Continuous.

Controlling agency. FAA, Hi-Desert TRACON, Edwards, CA.

Using agency. Commander, Fort Irwin, CA.

\* \* \* \* \*

Issued in Washington, DC, on September 28, 2009.

**Edith V. Parish,**

*Manager, Airspace and Rules Group.*

[FR Doc. E9–23879 Filed 10–2–09; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR Part 117

[Docket Number USCG–2009–0857]

**Drawbridge Operating Regulations; Victoria Barge Canal, Bloomington, TX**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Union Pacific Railroad (UPRR) Vertical Lift Span Bridge across the Victoria Barge Canal, mile 29.4 at Bloomington, Victoria County, Texas. The deviation is necessary to allow for joint replacement on the draw span. This deviation provides for the bridge to remain closed to navigation for 8 consecutive hours on October 19 and 20, 2009, from 8 a.m. to 4 p.m. each day.

**DATES:** This deviation is effective from 8 a.m. on Monday, October 19, 2009 until 4 p.m. on Tuesday, October 20, 2009.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of docket USCG–2009–0857 and are available online by going to <http://www.regulations.gov>, inserting USCG–2009–0857 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 rule, call or e-mail Phil Johnson, Bridge Administration Branch, Eighth Coast Guard District; telephone 504–671–2128, e-mail [Philip.R.Johnson@uscg.mil](mailto:Philip.R.Johnson@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 Victoria County Navigation District has requested a temporary deviation from the operating schedule of the UPRR Vertical Lift Span Bridge across the Victoria Barge Canal, mile 29.4 at Bloomington, Texas. The vertical lift bridge has a vertical clearance of 22 feet above high water in the closed-to-navigation position and 50 feet above high water in the open-to-navigation position.

Presently, the bridge opens on signal for the passage of vessels. This deviation allows the draw span of the bridge to remain closed to navigation for 8 consecutive hours between 8 a.m. and 4 p.m. each day on October 19 and 20, 2009. Navigation on the waterway consists mainly of tugs with tows. Due to prior experience and coordination with waterway users, it has been determined that this closure will not have a significant effect on these vessels.

The vertical lift bridge has a vertical clearance of 22 feet above high water in the closed-to-navigation position and 50 feet above high water in the open-to-navigation position. No alternate routes are available. The closures are necessary to allow for rail joint replacement on the bridge. As this work is proposed during hurricane season, the work may be postponed and rescheduled, should any tropical storms or hurricanes enter or develop in the Gulf of Mexico. The Coast Guard has coordinated the closures with the commercial users of the waterway.

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 21, 2009.

**David M. Frank,**

*Bridge Administrator.*

[FR Doc. E9–23874 Filed 10–2–09; 8:45 am]

**BILLING CODE 4910–15–P**

## POSTAL REGULATORY COMMISSION

### 39 CFR Part 3020

[Docket No. CP2009–62; Order No. 296]

#### New Postal Product

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission is adding Inbound Direct Entry Contracts with Foreign Postal Administrations (MC2008–6) to the Competitive Product List. This action is consistent with changes in a recent law governing postal operations. Republication of the lists of market dominant and competitive products is also consistent with new requirements in the law.

**DATES:** Effective October 5, 2009 and is applicable beginning September 4, 2009.

**FOR FURTHER INFORMATION CONTACT:**

Stephen L. Sharfman, General Counsel, 202–789–6820 or [stephen.sharfman@prc.gov](mailto:stephen.sharfman@prc.gov).

**SUPPLEMENTARY INFORMATION:** *Regulatory History*, 74 FR 44880 (August 31, 2009).

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- II. Background
- III. Comments
- IV. Commission Analysis
- V. Ordering Paragraphs

#### I. Introduction

The Postal Service requests to add a new Inbound Direct Entry (IDE) contract to the Inbound Direct Entry Contracts with Foreign Postal Administrations

product established in Docket No. MC2008–6.<sup>1</sup> In its filing, the Postal Service also requests to have the instant contract designated as the new baseline agreement for purposes of determining the functional equivalence of future IDE contracts. *Id.* at 2. For the reasons discussed below, the Commission approves the addition of the instant contract to the Competitive Product List as a new product, Inbound Direct Entry Contracts with Foreign Postal Administrations 1 (referred to hereinafter as IDE 1).

#### II. Background

On August 21, 2009, the Postal Service filed a notice pursuant to 39 U.S.C. 3633 and 39 CFR 3015.5 announcing that it has entered into an Inbound Direct Entry (IDE) contract with New Zealand Post Limited (NZP), the public postal operator of New Zealand. It states that the NZP agreement is functionally equivalent to previously established IDE contracts filed in Docket Nos. CP2008–14, CP2008–15 and CP2009–41. *Id.* at 1. The IDE product allows the Postal Service to provide foreign postal administrations with the ability to ship sacks of parcels that are pre-labeled for direct entry into the Postal Service’s mailstream in exchange for applicable domestic postage plus a sack handling fee. The core of the service is the sack handling and entry as domestic mail.

The Postal Service also publicly filed a redacted version of the contract, an application for non-public treatment of supporting materials, a certified statement required by 39 CFR 3015(c)(2), a redacted version of the Governors’ Decision that authorizes IDE contracts, and a redacted version of the supporting financial information. The contract and supporting financial information were filed under seal.

The Notice states that the instant contract is functionally equivalent to the IDE contracts previously submitted, fits within the Mail Classification Schedule (MCS) language included in Attachment A to Governors’ Decision No. 08–6, and should be included within the IDE contracts product. *Id.* at 2. In Order No. 105, the Commission approved the individual IDE contracts in Docket No. MC2008–6 as functionally equivalent and added the contracts to the Competitive Product List as one product under the IDE classification.<sup>2</sup>

<sup>1</sup> Notice of United States Postal Service of Filing Functionally Equivalent Inbound Direct Entry Contracts Negotiated Service Agreement, August 21, 2009 (Notice).

<sup>2</sup> See Docket Nos. MC2008–6, CP2008–14 and CP2008–15, Order Concerning Prices Under Inbound Direct Entry Contracts With Certain