

result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### Taking of Private Property

This proposed rule would 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 proposed 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 proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that may disproportionately affect children.

#### Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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 proposed 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 proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

#### Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 5100.1 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 made a preliminary determination under the Instruction that this action is not likely to have a significant effect on the human environment. There are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

#### List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

2. Revise § 33 CFR 117.150 to read as follows:

##### § 117.150 Connection Slough.

The draw of the Reclamation District No. 2027 bridge between Mandeville and Bacon Islands, mile 2.5 near Stockton, from May 15 through September 15, shall open on signal between the hours of 9 a.m. and 5 p.m., and it shall open upon 12 hours advance notice between the hours of 5 p.m. and 9 a.m.; and from September 16 through May 14 the draw shall open upon 12 hours advance notice between

the hours of 9 a.m. and 5 p.m., and it shall open upon 24 hours advance notice between the hours of 5 p.m. and 9 a.m.

Advance notice shall be given to the drawbridge operator by telephone at (209) 464–2959 or (209) 464–7928 weekdays between 8 a.m. and 5 p.m., and at (209) 993–8878 all other times.

Dated: November 12, 2008.

**P.F. Zukunft,**

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

[FR Doc. E8–28476 Filed 11–28–08; 8:45 am]

**BILLING CODE 4910–15–P**

## POSTAL REGULATORY COMMISSION

### 39 CFR Part 3001

[Docket No. RM2009–2; Order No. 139]

#### Periodic Reporting Rules

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Proposed rule; availability of rulemaking petition.

**SUMMARY:** Under a new law, the Postal Service must file an annual compliance report on costs, revenues, rates, and quality of service associated with its products. It recently filed documents with the Commission to change some of the methods it uses to compile the fiscal year 2008 report. In the Commission's view, these documents constitute a rulemaking petition. Therefore, this document provides notice of the Service's filing and an opportunity for public comment.

**DATES:** 1. *Initial comments:* December 5, 2008.

2. *Reply comments:* December 12, 2008.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, 202–789–6820 and [stephen.sharfman@prc.gov](mailto:stephen.sharfman@prc.gov).

**SUPPLEMENTARY INFORMATION:** Regulatory History. 73 FR 51983 (September 8, 2008); 73 FR 55464 (September 25, 2008); 73 FR 67455 (November 14, 2008).

On November 19, 2008, the Postal Service filed a petition to initiate an informal rulemaking proceeding to change accepted costing methods for purposes of periodic reporting.<sup>1</sup> The

<sup>1</sup> Petition of the United States Postal Service Requesting Initiation of a Proceeding to Consider Further Proposed Methodology Changes for the FY

informal rulemaking procedures proposed would be comparable to those followed in Docket Nos. RM2008–2 and RM2008–6, and RM2009–1. In Docket No. RM2008–2, nine numbered proposals were the subject of notice and comment rulemaking procedures. In Docket No. RM2008–6, the Postal Service proposed two additional proposals to change costing methods, numbered ten and eleven. The Postal Service offered an additional proposal (numbered twelve) in Docket No. RM2009–1. Proposals one through nine, and ten through eleven were evaluated in PRC Order No. 115, October 10, 2008 and PRC Order No. 118, October 22, 2008, respectively. Proposal Twelve is pending. See PRC Order No. 130, November 7, 2008. The Postal Service refers to the change in accepted costing methods that it proposes in this docket as Proposal Thirteen. Labeling it Proposal Thirteen indicates that the proposal is sequential to, but distinguishable from, the proposals in Docket Nos. RM2008–2, RM2008–6, and RM2009–1. See Petition at 1.

*Substance of the Postal Service's proposal.* Single-piece Parcel Post was separated from competitive Parcel Post products in the FY 2007 Annual Compliance Report (FY 2007 ACR) without the benefit of input cost data that directly reflected the distinction. The FY 2007 ACR employed a cost model for single-piece Parcel Post that included mail processing and transportation cost avoidance estimates for Inter-BMC and Intra-BMC Parcel Post to support the discounts charged for those categories. See USPS–FY07–15 and USPS–FY07–16. In Docket No. RM2008–6, for FY 2008, the Commission approved the collection of “bottom up” costs separately for single-piece Parcel Post and for the various competitive Parcel Post products in the Postal Service's basic data collection systems (In-Office Cost System, Carrier Cost System, and Transportation Cost System). See Order No. 118, October 22, 2008, Proposal Ten. Because new input data will be used in the FY 2008 Annual Compliance Report (FY 2008 ACR) to obtain single-piece Parcel Post costs, adjustments need to be made to the models that estimate the costs associated with inter-BMC and intra-BMC single-piece parcels.

The Postal Service provides electronic spreadsheets showing where the FY 2008 data will go when it is received. *Id.* at 3. Those spreadsheets are briefly described below.

Parcel Post Single-Piece Trans.xls: Cost model showing transportation costs allocated to Inter- and Intra-BMC single-piece Parcel Post (replacing portions of USPS–FY07–16).

Parcel Post Single-Piece MP.xls: Cost model showing mail processing costs allocated to Inter- and Intra-BMC single-piece Parcel Post (replacing portions of USPS–FY07–15).

Parcel Post Cost Model Modifications.doc: Document describing modifications made to the Parcel Post mail processing and transportation cost models (formerly portions of USPS–FY07–15 and USPS–FY07–16) to accommodate new reporting methods in the [Cost and Revenue Analysis] CRA for single-piece Parcel Post.

The objective, background, rationale, and impact of Proposal Thirteen is described in an attachment to the Postal Service's Petition. It is reproduced below.

### I. Procedural Expedition

The same factors that led the Commission to expedite review of the 11 proposals disposed of in Docket Nos. RM2008–2, RM2008–6, and RM2009–1 apply here. Proposal Thirteen appears to be a relatively straightforward proposal to adapt the cost avoidance models for single-piece Parcel Post to use the new CRA inputs that will soon become available. The Postal Service states that compared to the models employed in its FY 2007 ACR, these models are essentially unchanged in their conceptual approach, the mechanical relationships of the data elements, the assumptions used, and the analytical techniques applied. *Id.* at 2. Accordingly, public comments, if any, will be due on December 5, 2008, and reply comments will be due on or before December 12, 2008.

### II. Substance of Postal Service Proposals

The Postal Service proposal, *see* Petition at 3, is described below.

*Proposal Thirteen.* Development of Single-Piece Parcel Post Mail Processing and Transportation cost Models.

*Objective.* Develop single-piece Parcel Post mail processing and transportation cost models that contain cost estimates for the Inter-BMC and Intra-BMC price categories.

*Background.* Parcel Post mail processing (USPS–FY07–15) and transportation (USPS–FY07–16) cost models were filed in Docket No. ACR2007. These cost models were used to derive cost estimates for all the Parcel Post price categories using a single set of cost model parameters. This methodology was relied upon because some parameters were only available in aggregate form. For example, an aggregate mail processing unit cost by

shape estimate (USPS–FY07–26) was all that was available at that time.

*Rationale.* As the Commission discussed in Order No. 118, the Postal Service is now able to provide separate mail processing and transportation cost data for single-piece Parcel Post, Parcel Select, and Parcel Return Service for Fiscal Year 2008. It is therefore now possible to develop separate single-piece Parcel Post mail processing and transportation cost models. The document titled “Parcel Post Cost Model Modifications” lists the modifications required to develop single-piece Parcel Post mail processing and transportation cost models using the cost models that were filed in USPS–FY07–15 and USPS–FY07–16, respectively, as starting points.

*Impact.* In Docket No. ACR2007, single-piece Parcel Post mail processing and transportation cost estimates for the Inter-BMC and Intra-BMC price categories were not developed for the reasons described above. The fact that several cells on page 1 of the proposed mail processing model contain values of zero is not an indication that there is a problem with the model. These values merely indicate that the USPS–FY07–15 aggregate cost by shape estimate was removed from the model, given that it is not comparable to the single-piece estimate that should be used and is not yet available. The results that appear on page 1 of the proposed transportation cost model are also not meaningful as they were calculated using cost segment 8 and 14 data that represent all of Parcel Post, rather than the more narrowly defined category of single-piece Parcel Post. The single-piece transportation cost data are not yet available. Once all the Fiscal Year 2008 cost data are available and incorporated into the proposed cost models, it will only be possible to compare the single-piece Inter-BMC and Intra-BMC mail processing and transportation cost estimates to the aggregate (single-piece and bulk-entered) Inter-BMC and Intra-BMC cost estimates derived in USPS–FY07–15 and USPS–FY07–16, respectively.

### III. Ordering Paragraphs

*It is Ordered:*

1. The Commission establishes Docket No. RM2009–2 to consider the Petition of the United States Postal Service Requesting Initiation of a Proceeding to Consider Further Proposed Methodology Changes for the FY 2008 ACR (Proposal Thirteen), filed November 19, 2008.

2. Interested persons may submit initial comments on or before December 5, 2008.

- 3. Reply comments may be submitted on or before December 12, 2008.
- 4. William C. Miller is designated as the Public Representative representing the interests of the general public in this proceeding.
- 5. The Secretary shall arrange for publication of this notice in the **Federal Register**.

By the Commission.  
**Authority:** 39 U.S.C 3652.

**Steven W. Williams,**  
*Secretary.*  
 [FR Doc. E8-28396 Filed 11-28-08; 8:45 am]  
**BILLING CODE 7710-FW-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 63**

[EPA-HQ-OAR-2004-0083; FRL-8747-2]  
 RIN 2060-AM71

**Amendments to National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities**

**AGENCY:** Environmental Protection Agency (EPA).  
**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to amend the national emission standards for electric arc furnace (EAF) steelmaking facilities that are area sources of hazardous air pollutants published on December 28, 2007. The amendments to the area source standards for EAF steelmaking facilities would clarify applicability of the opacity limit, make the performance test requirements for particulate matter consistent with requirements in the new source performance standards for EAF steelmaking facilities, allow title V test data to be used to demonstrate compliance, and revise the definition of “scrap provider” to include electric arc furnace steelmaking facilities that own

and operate a scrap shredder. In the “Rules and Regulations” section of this **Federal Register**, we are amending the area source standards for EAF steelmaking facilities as a direct final rule without a prior proposed rule. If we receive no adverse comment, we will not take further action on this proposed rule.

**DATES:** Written comments must be received by December 31, 2008.  
**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2004-0083, by mail to National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities Docket, Environmental Protection Agency, Mailcode: 6102T, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Please include a total of two copies. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Mr. Phil Mulrine, Sector Policies and Programs Division, Office of Air Quality Planning and Standards (D243-02), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number: (919) 541-5289; fax number: (919) 541-3207; e-mail address: *mulrine.phil@epa.gov*.

**SUPPLEMENTARY INFORMATION:** The information presented in this document is organized as follows:

- I. Why is EPA issuing this proposed rule?
- II. Does this action apply to me?
- III. Where can I get a copy of this document?
- IV. Statutory and Executive Order Reviews
  - A. Executive Order 12866: Regulatory Planning and Review
  - B. Paperwork Reduction Act
  - C. Regulatory Flexibility Act
  - D. Unfunded Mandates Reform Act
  - E. Executive Order 13132: Federalism
  - F. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments

- G. Executive Order 13045: Protection of Children from Environmental Health and Safety Risks
- H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
- I. National Technology Transfer Advancement Act
- J. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

**I. Why is EPA issuing this proposed rule?**

This document proposes to take action on amendments to the national emission standards for EAF steelmaking area sources (40 CFR part 63, subpart YYYYY). We have published a direct final rule amending the area source standards for EAF steelmaking facilities in the “Rules and Regulations” section of this **Federal Register** because we view this as a noncontroversial action and anticipate no adverse comment. We have explained our reasons for this action in the preamble to the direct final rule.

If we receive no adverse comment, we will not take further action on this proposed rule. If we receive adverse comment, we will withdraw the amendments in the direct final rule or certain amendments in the direct final rule and those amendments will not take effect. We would address all public comments in any subsequent final rule based on this proposed rule.

We do not intend to institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information, please see the information provided in the **ADDRESSES** section of this document.

**II. Does this action apply to me?**

Categories and entities potentially regulated by the proposed rule include:

Category	NAICS code <sup>1</sup>	Examples of regulated entities
Industry .....	331111 ....	Steel mills with electric arc furnace steelmaking facilities that are area sources.

<sup>1</sup> North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this proposed action. To determine whether your facility would be regulated by this proposed action, you should examine the applicability criteria in 40 CFR 63.10680 of subpart

YYYYY (National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities). If you have any questions regarding the applicability of this action to a particular entity, consult either the air permit authority for the entity or your EPA regional

representative as listed in 40 CFR 63.13 of subpart A (General Provisions).

**III. Where can I get a copy of this document?**

In addition to being available in the docket, an electronic copy of this proposed action will also be available