

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.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 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 establishing a safety zone around a fireworks display. Under figure 2-1, paragraph (34)(g), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule.

### List of Subjects 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.T05-0274 to read as follows:

#### § 165.T05-0274 Safety Zone; Norfolk Tides Post-Game Fireworks Displays, Elizabeth River, Norfolk, VA.

(a) *Regulated area.* The following area is a safety zone: specified waters of the Elizabeth River located within a 210-foot radius of the fireworks launching site located at approximate position 36°50'30" N/076°16'42" W (NAD 1983), directly behind Harbor Park Stadium in the vicinity of Norfolk, VA.

(b) *Definition.* For the purposes of this part, *Captain of the Port Representative* means any U.S. Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain

of the Port, Hampton Roads, Virginia to act on his behalf.

(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, Hampton Roads or his designated representatives.

(2) The operator of any vessel 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 shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

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

(3) The Captain of the Port, Hampton Roads can be reached through the Sector Duty Officer at Sector Hampton Roads in Portsmouth, Virginia at telephone Number (757) 668-5555.

(4) The Coast Guard Representatives enforcing the safety zone can be contacted on VHF-FM marine band radio channel 13 (165.65Mhz) and channel 16 (156.8 Mhz).

(d) *Effective period.* This regulation will be in effect on July 2, July 3, August 21, September 3, and September 4, 2009 from 9 p.m. until 10:30 p.m.

Dated: June 30, 2009.

**M.S. Ogle,**

*Captain, U.S. Coast Guard, Captain of the Port Hampton Roads.*

[FR Doc. E9-17104 Filed 7-17-09; 8:45 am]

BILLING CODE 4910-15-P

### DEPARTMENT OF HOMELAND SECURITY

#### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2009-0632]

#### Safety Zones: Annual Events Requiring Safety Zones in the Captain of the Port Detroit Zone

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement.

**SUMMARY:** The Coast Guard will enforce the safety zones for annual fireworks events in the Captain of the Port Detroit zone from 9 p.m. on July 3, 2009 through 11 p.m. on July 25, 2009. This action is necessary and intended to ensure safety of life on the navigable waters immediately prior to, during, and immediately after fireworks events. This rule will establish restrictions upon, and control movement of, vessels in a specified area immediately prior to,

during, and immediately after fireworks events. During the enforcement period, no person or vessel may enter the safety zone without permission of the Captain of the Port.

**DATES:** The regulations in 33 CFR part 165 will be enforced as listed below under the subject heading

**SUPPLEMENTARY INFORMATION.**

**FOR FURTHER INFORMATION CONTACT:** CDR Joseph Snowden, Prevention, U.S. Coast Guard Sector Detroit, 110 Mount Elliot Ave., Detroit, MI 48207; (313)–568–9580, e-mail [Joseph.H.Snowden@uscg.mil](mailto:Joseph.H.Snowden@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the following safety zones which were published in the August 8, 2008 issue of the **Federal Register**. (73 FR 46194):

*Section 165.941(a)(22) Catawba Island Club Fireworks, Catawba Island, OH.* This regulation is effective and will be enforced from 9 p.m. until 10 p.m. on July 3, 2009.

*Section 165.941(a)(43) Lexington Independence Festival Fireworks, Lexington, MI.* This regulation will be effective from 9:30 p.m. on July 3, 2009 to 10:30 p.m. on July 5, 2009. This regulation will be enforced from 9:30 p.m. until 10:30 p.m. on July 3, 2009. In the event of inclement weather, this regulation will be enforced from 9:30 p.m. until 10:30 p.m. on July 5, 2009.

*Section 165.941(a)(31) Safety zone; Lake Erie Metropark Fireworks, Gibraltar, MI.* This regulation is effective and will be enforced from 10 p.m. to 11 p.m. on July 3, 2009.

*Section 165.941(a)(37) Safety zone; Caseville Fireworks, Caseville, MI.* This regulation is effective from 10 p.m. on July 3, 2009 to 11 p.m. on July 5, 2009. This regulation will be enforced from 10 p.m. until 11 p.m. on July 3, 2009. In the event of inclement weather, this regulation will be enforced from 10 p.m. until 11 p.m. on July 5, 2009.

*Section 165.941(a)(32) Safety zone; City of St. Clair Fireworks, St. Clair, MI.* This regulation will be effective from 10 p.m. July 4, 2009 to 11 p.m. on July 5, 2009. This regulation will be enforced from 10 p.m. until 11 p.m. on July 4, 2009. In the event of inclement weather, this regulation will be enforced from 10 p.m. until 11 p.m. on July 5, 2009.

*Section 165.941(a)(5) Alpena Fireworks, Alpena, MI.* This regulation is effective from 10 p.m. on July 4, 2009 to 11 p.m. on July 5, 2009. This regulation will be enforced from 10 p.m. until 11 p.m. on July 4, 2009. In the event of inclement weather, this regulation will be enforced from 10 p.m. until 11 p.m. on July 5, 2009.

*Section 165.941(a)(47) Safety zone; Belle Maer Harbor 4th of July Fireworks, Harrison Township, MI.* This regulation will be effective from 10 p.m. July 4, 2009 to 11 p.m. on July 5, 2009. This regulation will be enforced from 10 p.m. until 11 p.m. on July 4, 2009. In the event of inclement weather, this regulation will be enforced from 10 p.m. until 11 p.m. on July 5, 2009.

*Section 165.941(a)(42) Safety zone; Grosse Pointe Yacht Club 4th of July Fireworks, Grosse Pointe Shores, MI.* This regulation will be effective from 10 p.m. July 4, 2009 to 10:30 p.m. on July 5, 2009. This regulation will be enforced from 10 p.m. until 10:30 p.m. on July 4, 2009. In the event of inclement weather, this regulation will be enforced from 10 p.m. until 10:30 p.m. on July 5, 2009.

*Section 165.941(a)(34) Safety zone; Port Austin Fireworks, Port Austin, MI.* This regulation will be effective from 10 p.m. July 4, 2009 to 10:30 p.m. on July 5, 2009. This regulation will be enforced from 10 p.m. until 10:30 p.m. on July 4, 2009. In the event of inclement weather, this regulation will be enforced from 10 p.m. until 10:30 p.m. on July 5, 2009.

*Section 165.941(a)(8) Safety zone; Harrisville Fireworks, Harrisville, MI.* This regulation will be effective from 10 p.m. July 4, 2009 to 11 p.m. on July 5, 2009. This regulation will be enforced from 10 p.m. until 11 p.m. on July 4, 2009. In the event of inclement weather, this regulation will be enforced from 10 p.m. until 11 p.m. on July 5, 2009.

*Section 165.941(a)(38) Safety zone; Algonac Pickerel Tournament Fireworks, Algonac, MI.* This regulation will be effective from 10 p.m. July 4, 2009 to 10:30 p.m. on July 5, 2009. This regulation will be enforced from 10 p.m. until 10:30 p.m. on July 4, 2009. In the event of inclement weather, this regulation will be enforced from 10 p.m. until 10:30 p.m. on July 5, 2009.

*Section 165.941(a)(36) Safety zone; Grosse Pointe Farms Fireworks, Grosse Pointe Farms, MI.* This regulation will be effective from 10 p.m. July 4, 2009 to 10:30 p.m. on July 5, 2009. This regulation will be enforced from 10 p.m. until 10:30 p.m. on July 4, 2009. In the event of inclement weather, this regulation will be enforced from 10 p.m. until 10:30 p.m. on July 5, 2009.

*Section 165.941(a)(23) Safety zone; Red, White and Blues Bang Fireworks, Huron, OH.* This regulation is effective and will be enforced from 10 p.m. until 11 p.m. on July 4, 2009.

*Section 165.941(a)(46) Safety zone; Trenton Fireworks, Trenton, MI.* This regulation will be effective from 10 p.m. July 4, 2009 to 11 p.m. on July 5, 2009. This regulation will be enforced from 10 p.m. until 11 p.m. on July 4, 2009. In the

event of inclement weather, this regulation will be enforced from 10 p.m. until 11 p.m. on July 5, 2009.

*Section 165.941(a)(45) Safety zone; Grosse Isle Yacht Club Fireworks, Grosse Isle, MI.* This regulation will be effective from 9 p.m. July 4, 2009 to 11 p.m. on July 5, 2009. This regulation will be enforced from 9 p.m. until 11 p.m. on July 4, 2009. In the event of inclement weather, this regulation will be enforced from 9 p.m. until 11 p.m. on July 5, 2009.

*Section 165.941(a)(3) Safety zone; Au Gres City Fireworks, Au Gres, MI.* This regulation is effective and will be enforced from 10 p.m. until 11 p.m. on July 4, 2009.

*Section 165.941(a)(21) Safety zone; Lakeside July 4th Fireworks, Lakeside, OH.* This regulation will be effective from 9:30 p.m. July 4, 2009 to 10:30 p.m. on July 5, 2009. This regulation will be enforced from 9:30 p.m. until 10:30 p.m. on July 4, 2009. In the event of inclement weather, this regulation will be enforced from 9:30 p.m. until 10:30 p.m. on July 5, 2009.

*Section 165.941(a)(6) Safety zone; Put-in-Bay Fourth of July Fireworks, Put-in-Bay, OH.* This regulation will be effective from 10 p.m. July 4, 2009 to 11 p.m. on July 5, 2009. This regulation will be enforced from 10 p.m. until 11 p.m. on July 4, 2009. In the event of inclement weather, this regulation will be enforced from 10 p.m. until 11 p.m. on July 5, 2009.

*Section 165.941(a)(17) Safety zone; Luna Pier Fireworks, Luna Pier, MI.* This regulation is effective and will be enforced from 10 p.m. until 11 p.m. on July 4, 2009.

*Section 165.941(a)(48) Safety zone; Tawas City 4th of July Fireworks, Tawas, MI.* This regulation will be effective from 9:30 p.m. July 4, 2009 to 10:30 p.m. on July 5, 2009. This regulation will be enforced from 9:30 p.m. until 10:30 p.m. on July 4, 2009. In the event of inclement weather, this regulation will be enforced from 9:30 p.m. until 10:30 p.m. on July 5, 2009.

*Section 165.941(a)(24) Safety zone; Ecorse Water Festival Fireworks, Ecorse, MI.* This regulation will be effective from 9:30 p.m. July 4, 2009 to 10:30 p.m. on July 5, 2009. This regulation will be enforced from 9:30 p.m. until 10:30 p.m. on July 4, 2009. In the event of inclement weather, this regulation will be enforced from 9:30 p.m. until 10:30 p.m. on July 5, 2009.

*Section 165.941(a)(24) Safety zone; Huron Riverfest Fireworks, Huron, OH.* This regulation will be effective from 10 p.m. July 10, 2009 to 11 p.m. on July 11, 2009. This regulation will be enforced from 10 p.m. until 11 p.m. on July 10,

2009. In the event of inclement weather, this regulation will be enforced from 10 p.m. until 11 p.m. on July 11, 2009.

*Section 165.941(a)(9) Safety zone; Harbor Beach Fireworks, Harbor Beach, MI.* This regulation will be effective from 10 p.m. July 11, 2009 to 11 p.m. on July 12, 2009. This regulation will be enforced from 10 p.m. until 11 p.m. on July 11, 2009. In the event of inclement weather, this regulation will be enforced from 10 p.m. until 11 p.m. on July 12, 2009.

*Section 165.941(a)(10) Safety zone; Trenton Rotary Roar on the River Fireworks, Trenton, MI.* This regulation is effective and will be enforced from 10 p.m. until 11 p.m. on July 25, 2009.

Under the provisions of 33 CFR 165.20, entry into, transiting, or anchoring within these safety zones is prohibited unless authorized by the Captain of the Port Detroit or his designated representative. Vessels that wish to transit through the safety zones may request permission from the Captain of the Port Detroit. Requests must be made in advance and approved by the Captain of the Port before transits will be authorized. Approvals will be granted on a case by case basis. The Captain of the Port may be contacted via U.S. Coast Guard Sector Detroit on channel 16, VHF-FM. The Coast Guard will give notice to the public via a Broadcast to Mariners that the regulation is in effect.

This notice is issued under authority of 33 CFR 165.20 and 5 U.S.C. 552(a). If the District Commander, Captain of the Port, or other official authorized to do so, determines that the regulated area need not be enforced for the full duration stated in this notice, he or she may use a Broadcast Notice to Mariners to grant general permission to enter the safety zone.

Dated: July 1, 2009.

**F.M. Midgette,**

*Captain, U.S. Coast Guard, Captain of the Port Detroit.*

[FR Doc. E9-17100 Filed 7-17-09; 8:45 am]

**BILLING CODE 4910-15-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[EPA-HQ-SFUND-2009-0466; FRL-8932-5]

### National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Direct final notice of deletion of the Central Wood Preserving Company Superfund Site from the National Priorities List.

**SUMMARY:** The Environmental Protection Agency (EPA) region 6 is publishing a direct final notice of deletion of the Central Wood Preserving Company Superfund Site (Site), located in East Feliciana Parish, Louisiana, from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This direct final deletion is being published by EPA with the concurrence of the State of Louisiana; through the Louisiana Department of Environmental Quality because EPA has determined that all appropriate response actions under CERCLA have been completed. However, this deletion does not preclude future actions under Superfund.

**DATES:** This direct final deletion will be effective September 18, 2009 unless EPA receives adverse comments by August 19, 2009. If adverse comments are received, EPA will publish a timely withdrawal of the direct final deletion in the **Federal Register** informing the public that the deletion will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-SFUND-2009-0466, by one of the following methods:

- <http://www.regulations.gov>. Follow on-line instructions for submitting comments.
- *E-mail:* [stankosky.laura@epa.gov](mailto:stankosky.laura@epa.gov).
- *Fax:* (214) 665-6660.
- *Mail:* Laura Stankosky, Remedial Project Manager (RPM) (6SF-RL), U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-7525.
- *Hand delivery:* U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID No. EPA-HQ-SFUND-2009-0466. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any

personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

### Docket

All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in the hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at:

U.S. EPA, Region 6, by appointment in the 7th Floor Reception Area, 1445 Ross Ave. Dallas, TX 75202-2722, (214) 665-7525, Monday through Friday 9 a.m. to 4 p.m.; Audubon Regional Library Clinton Branch, 12220 Woodville Street, Clinton, LA 70722 (225) 683-8753 Monday through Thursday 9 a.m. to 5 p.m, Friday 9 a.m. to 3 p.m., and Saturday 9 a.m. to 1 p.m.; Louisiana Department of Environmental Quality, Galvez Building, 602 North Fifth Street, Baton Rouge, LA 70802, (225) 219-5337 Monday through Friday 8 a.m. to 4:30 p.m.

**FOR FURTHER INFORMATION CONTACT:** Laura Stankosky, Remedial Project Manager (RPM) (6SF-RL), ([stankosky.laura@epa.gov](mailto:stankosky.laura@epa.gov)) U.S. Environmental Protection Agency,