

Signed: December 1, 2009.

**John J. Manfreda,**  
*Administrator.*

Approved: December 1, 2009.

**Timothy E. Skud,**  
*Deputy Assistant Secretary (Tax, Trade, and  
Tariff Policy).*

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BILLING CODE 4810-31-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2009-0764]

#### Drawbridge Operation Regulation; Gulf Intracoastal Waterway, Dunedin, FL

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** The Commander, Seventh Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Dunedin Causeway bridge across the Gulf Intracoastal Waterway, mile 141.9, at Dunedin, FL. The deviation is necessary to facilitate rehabilitation of the bascule leaves of the bridge. This deviation allows the bridge to conduct single leaf operations while repairs are conducted with a three hour notice for double leaf operations.

**DATES:** This deviation is effective from 7 a.m. on September 8, 2009 through 6 p.m. on February 28, 2010.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of docket USCG-2009-0764 and are available online by going to <http://www.regulations.gov>, inserting USCG-2009-0764 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 Mr. Gene Stratton, Bridge Branch, Seventh Coast Guard district; telephone 305-415-6740, e-mail [allen.e.stratton@uscg.mil](mailto:allen.e.stratton@uscg.mil). If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

**SUPPLEMENTARY INFORMATION:** Coastal Marine Construction, INC, on behalf of Pinellas County, FL, has requested a deviation to the regulations of the Dunedin Causeway bridge, mile 141.9, across the Gulf Intracoastal Waterway as required by 33 CFR 117.5: Except as otherwise authorized or required by this part, drawbridges must open promptly and fully for the passage of vessels when a request or signal to open is given in accordance with this subpart. To facilitate the repair of the bascule leaves, one leaf will be required to remain in the closed position upon signal from a vessel, except with a three hour notification for an opening requiring both leaves. This deviation effectively reduces the horizontal clearance of 91 feet by half for vessels requiring an opening. The Mean High Water clearance in the closed position remains 24 feet. Vessels not requiring an opening may pass at any time. This action will affect a limited number of vessels as the ability to use the full 91 foot horizontal clearance is available with a three hour notification. This action is necessary to allow Coastal Marine Construction, INC to conduct necessary repairs the bascule leaves safely and efficiently.

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: November 6, 2009.

**Scott A. Buschman,**  
*Captain, U.S. Coast Guard Commander,  
Seventh Coast Guard District, Acting.*  
[FR Doc. E9-29126 Filed 12-7-09; 8:45 am]

BILLING CODE 9110-04-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2009-0989]

RIN 1625-AA00

#### Safety Zone; Chimes and Lights Fireworks Display, Port Orchard, WA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the waters of Port Orchard, WA during the Chimes and Lights fireworks display. This action is necessary to provide for the safety of recreational and commercial boaters in the area during

the fireworks show on December 5, 2009. Entry into, transit through, mooring, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port, Puget Sound or Designated Representative.

**DATES:** This rule is effective from 5 p.m. to 8 p.m., December 5, 2009.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2009-0989 and are available online by going to <http://www.regulations.gov>, inserting USCG-2009-0989 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 ENS Ashley M. Wanzer, Sector Seattle Waterways Management Division, Coast Guard; telephone (206) 217-6175, e-mail [SectorSeattleWWM@uscg.mil](mailto:SectorSeattleWWM@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 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 it is contrary to the public interest to delay the effective date of this rule. Delaying the effective date by first publishing an NPRM would be contrary to the safety zone's intended objective since immediate action is necessary to ensure the safety of vessels and spectators gathering in the vicinity of the fireworks launching barge and display sites. Hazards include premature detonations, dangerous detonations, dangerous projectiles and falling or burning debris. Additionally, the zone should have negligible impact on vessel transits due to the fact that vessels will be limited

from the area for only three hours and vessels can still transit in the majority of Puget Sound during the event.

Accordingly, under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM.

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 immediate action is necessary to ensure the safety of vessels and spectators gathering in the vicinity of the fireworks launching barge and display sites. For this reason, following normal rulemaking procedures in this case would be impracticable and contrary to the public interest.

### **Background and Purpose**

The Coast Guard is establishing a temporary safety zone to allow for a safe fireworks display. This event may result in a number of vessels congregating near fireworks launching barge and site. The safety zone is needed to protect watercraft and their occupants from safety hazards associated with fireworks displays. The Captain of the Port, Puget Sound may be assisted by other federal and local agencies in the enforcement of this safety zone.

### **Discussion of Rule**

The Coast Guard is establishing a safety zone on the specified waters of Port Orchard, WA. The safety zone will encompass all waters of Sinclair Inlet extending out to a 500' radius from the fireworks launch site located north of the town of Port Orchard at Radar Site "C" at 47°32'45" N, 122°38'02" W (NAD 1983). This rule, for safety concerns, will control vessels and personnel movements in a safety zone. Entry into this zone is prohibited unless authorized by the Captain of the Port, Puget Sound or Designated Representative. The Captain of the Port, Puget Sound may be assisted by other federal and local agencies in the enforcement of this 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.

### **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 temporary rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit a portion of the Puget Sound while this rule is enforced. The safety zone will not have significant economic impact on a substantial number of small entities for the following reasons. This temporary rule will be in effect for no more than 3 hours when vessel traffic volume is low. Traffic will be allowed to pass through the zone with the permission of the Captain of the Port or Designated Representative, and if safe to do so.

### **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 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 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 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 M16475.1D, 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 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 temporary safety zone. An environmental checklist and categorical exclusion determination are available 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 temporary § 165.T13–123, to read as follows:

**§ 165.T13–123 Safety Zone; Chimes and Lights Fireworks Display, Port Orchard, WA.**

(a) *Safety Zone*. The following area is designated a safety zone: Port Orchard Bay, WA

(i) Location. All waters of Sinclair Inlet extending out to a 500' radius from the fireworks launch site located north of the town of Port Orchard at Radar Site "C" at 47°32'45" N, 122°38'02" W (NAD 1983).

(ii) Effective time and date. 5 p.m. to 8 p.m. on December 5, 2009.

(b) *Regulations.* In accordance with the general regulations in Section 165.23 of this part, no person or vessel may enter or remain in this zone unless authorized by the Captain of the Port or Designated Representative.

(c) *Enforcement Period.* This section is effective from 5 p.m. to 8 p.m. on December 5, 2009. If the need for the termination of the safety zone occurs before the scheduled termination time, the Captain of the Port will cease enforcement of this section and will announce that fact via Broadcast Notice to Mariners.

Dated: November 13, 2009.

**Suzanne E. Englebert,**

*Captain, U.S. Coast Guard, Captain of the Port, Puget Sound.*

[FR Doc. E9-29124 Filed 12-7-09; 8:45 am]

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**ENVIRONMENTAL PROTECTION  
AGENCY**

## 40 CFR Part 300

[EPA-HQ-SFUND-1990-0011; FRL-9089-8]

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

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

**ACTION:** Direct Final Notice of Deletion of the Kerr-McGee (Reed-Keppler Park) (RKP) Superfund Site from the National Priorities List.

**SUMMARY:** EPA, Region 5 is publishing a direct final Notice of Deletion of the

Kerr-McGee Reed-Keppler Park Superfund Site (Site), located in West Chicago, Illinois, 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 to 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 Illinois, through the Illinois Environmental Protection Agency (IEPA), 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 is effective February 8, 2010 unless EPA receives adverse comments by January 7, 2010. 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-1990-0011, by one of the following methods:

- **E-mail:** Timothy Fischer, Remedial Project Manager, at [timothy.fischer@epa.gov](mailto:timothy.fischer@epa.gov) or Janet Pope, Community Involvement Coordinator, at [pope.janet@epa.gov](mailto:pope.janet@epa.gov).

- *Fax:* Gladys Beard at (312) 886-4071.

- *Mail:* Timothy Fischer, Remedial Project Manager, U.S. Environmental Protection Agency (SR-6J), 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886-5787, or Janet Pope, Community Involvement Coordinator, U.S. Environmental Protection Agency (SI-7J), 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-0628 or 1-800-621-8431.

- *Hand delivery:* Janet Pope, Community Involvement Coordinator, U.S. Environmental Protection Agency (SI-7J), 77 West Jackson Blvd., Chicago, IL 60604. Such deliveries are only accepted during the docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information. The normal business hours are Monday through Friday, 8:30 a.m. to 4:30 p.m.

**Instructions:** Direct your comments to Docket ID no. EPA-HQ-SFUND-1990-0011. 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.epa.gov/epaosopr/pic/nr/>