

amend 33 CFR parts 100 and 165 as follows:

#### List of Subjects

##### 33 CFR Part 100

Regattas and Marine Parades.

##### 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233.

#### § 100.901 [Amended]

2. In Table 1 to § 100.901 Table, under the entry for "Sector Saulte Ste. Marie, MI" remove the following: "Duluth Fourth Fest Fireworks.

*Sponsor:* Office of the Mayor, Duluth, MN.

*Date:* 4th of July weekend.

*Location:* That portion of the Duluth Harbor Basin Northern Section bounded on the south by a line drawn on a bearing of 087° true from the Cargill Pier through Duluth Basin Lighted Buoy #5 (LLNR 15905) to the opposite shore on the north by the Duluth Aerial Bridge. That portion of Duluth Harbor Basin Northern Section within 600 yards of position 46°46'47" N 092°06'10" W."

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

3. 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.

4. Add § 165.945 to read as follows:

#### § 165.945 Safety Zones; Annual Fireworks Events in the Captain of the Port Duluth Zone.

(a) *Safety Zones.* The following areas are designated Safety zones.

(1) *Duluth Fourth Fest, Duluth, MN.*

(i) *Location.* All waters of the Duluth Harbor Basin Northern Section within 600 yards of position 46°46'47" N, 092°06'10" W.; at Duluth, MN. (DATUM: NAD 83).

(ii) *Enforcement date.* This section is enforced from 7 p.m. to 11 p.m. on July 4 of each year.

(2) *Cornucopia Fireworks, Cornucopia, WI.* (i) *Location.* All waters of Lake Superior bounded by the arc of a circle with a 100-foot radius from the Fireworks launch site with its center position: 46°48'36" N, 090°48' 36" W.; at Cornucopia, WI. (DATUM: NAD 83).

(ii) *Enforcement date.* This section is enforced from 9 p.m. to 11 p.m. on July 4 of each year.

(3) *City of Bayfield Fireworks, Bayfield, WI.* (i) *Location.* All waters of Lake Superior bounded by the arc of a circle with a 100-foot radius from the Fireworks launch site with its center in position: 46°48' 36" N, 090°48' 36" W.; Bayfield, WI. (DATUM: NAD 83).

(ii) *Enforcement date.* This paragraph is enforced from 9 p.m. to 11 p.m. on July 4 of each year.

(4) *Madeline Island Fireworks, LaPointe, WI.* (i) *Location.* All waters of Lake Superior bounded by the arc of a circle with a 250-foot radius from the fireworks launch site with its center in position: 46°46'42" N, 090°47'18" W.; at Lapointe, WI. (DATUM: NAD 83).

(ii) *Enforcement date.* This paragraph is enforced from 9:15 p.m. to 10:30 p.m. on July 4 of each year.

(5) *Ashland Fireworks, Ashland, WI.* (i) All waters of Lake Superior, near Ashland, Wisconsin, bounded by the arc of a circle with a 250-foot radius from the Fireworks launch site with its center in position: 46°46'42" N, 090°47'18" W.; Ashland, WI. (DATUM: NAD 83).

(ii) *Enforcement date.* This paragraph is enforced from 9 p.m. to 11 p.m. on July 4 of each year.

(b) *Definitions.* The following definitions apply to this section:

(1) *Designated Representative* means any Coast Guard commissioned, warrant, or petty officer designated by the Captain of the Port Duluth to monitor a safety zone, permit entry into the zone, give legally enforceable orders to persons or vessels within the zones, and take other actions authorized by the Captain of the Port.

(2) *Public vessel* means vessels owned, chartered, or operated by the United States, or by a State or political subdivision thereof.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Duluth, or his designated representative.

(2)(i) These safety zones are closed to all vessel traffic, except as may be permitted by the Captain of the Port, or his designated representative.

(ii) All persons and vessels must comply with the instructions of the Coast Guard Captain of the Port, or his designated representative.

(iii) Upon being hailed by the U.S. Coast Guard by siren, radio, flashing light or other means, the operator of a vessel shall proceed as directed.

(3)(i) All vessels must obtain permission from the Captain of the Port,

or his designated representative to enter, move within, or exit the safety zone established in this section when this safety zone is enforced.

(ii) Vessels and persons granted permission to enter the safety zone must obey all lawful orders or directions of the Captain of the Port or a designated representative.

(iii) While within a safety zone, all vessels must operate at the minimum speed necessary to maintain a safe course.

(d) *Exemption.* Public vessels, as defined in paragraph (b) of this section, are exempt from the requirements in this section.

(e) *Waiver.* For any vessel, the Captain of the Port Duluth, or his designated representative may waive any of the requirements of this section, upon finding that operational conditions or other circumstances are such that application of this section is unnecessary or impractical for the purposes of public or environmental safety.

(f) *Notification.* The Captain of the Port Duluth will notify the public by all appropriate means that the zones in this proposal will be enforced. Notification may include publication in the **Federal Register**, Broadcast Notice to Mariners, or Local Notice to Mariners. The Captain of the Port will issue a Broadcast Notice to Mariners notifying the public when enforcement of the safety zone established by this section is cancelled.

Dated: May 19, 2009.

**M.P. Lebsack,**

*Commander, U.S. Coast Guard, Captain of the Port Duluth.*

[FR Doc. E9-12603 Filed 5-29-09; 8:45 am]

**BILLING CODE 4910-15-P**

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 52

[EPA-R04-OAR-2008-0797-200824(b); FRL-8911-4]

#### Approval and Promulgation of Air Quality Implementation Plans: South Carolina; Approval of Section 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standard for Cherokee County

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve a revision to the South Carolina State Implementation Plan (SIP) concerning the maintenance plan addressing the

1997 8-hour ozone standard for Cherokee County, South Carolina. This maintenance plan was submitted for EPA action on December 13, 2007, by the State of South Carolina, and ensures the continued attainment of the 1997 8-hour ozone national ambient air quality standard through the year 2014. EPA is proposing to approve the SIP revision pursuant to section 110 of the Clean Air Act. The maintenance plan meets all the statutory and regulatory requirements, and is consistent with EPA's guidance. On March 12, 2008, EPA issued a revised ozone standard. Today's action, however, is being taken to address requirements under the 1997 8-hour ozone standard. Requirements for the Cherokee County Area under the 2008 8-hour ozone standard will be addressed in the future.

In the Final Rules Section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

**DATES:** Written comments must be received on or before July 1, 2009.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R04-OAR-2008-1186 by one of the following methods:

1. <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

2. *E-mail:* [benjamin.lynorae@epa.gov](mailto:benjamin.lynorae@epa.gov).

3. *Fax:* (404) 562-9019.

4. *Mail:* "EPA-R04-OAR-2008-0797," 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.

5. *Hand Delivery or Courier:* Lynorae Benjamin, Chief, 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. Such deliveries are only accepted during the

Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding federal holidays.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

**FOR FURTHER INFORMATION CONTACT:** Zuri Farnago, 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. Mr. Farnago may be reached by phone at (404) 562-9152 or by electronic mail address [farnago.zuri@epa.gov](mailto:farnago.zuri@epa.gov).

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule which is published in the Rules section of this **Federal Register**.

Dated: May 15, 2009.

**Beverly H. Banister,**

*Acting Regional Administrator, Region 4.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 63

[EPA-HQ-OAR-2008-0053; FRL-8910-9]

RIN 2060-AN47

### National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Paints and Allied Products Manufacturing

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing national emission standards for control of hazardous air pollutants (HAP) for the Paints and Allied Products Manufacturing area source category. The proposed emissions standards for new and existing sources are based on EPA's proposed determination as to what constitutes the generally available control technology or management practices (GACT) for the area source category.

**DATES:** Comments must be received on or before July 1, 2009, unless a public hearing is requested by June 11, 2009. If a hearing is requested on this proposed rule, written comments must be received by July 16, 2009. Under the Paperwork Reduction Act, comments on the information collection provisions

must be received by the Office of Management and Budget on or before July 1, 2009.

**ADDRESSES:** EPA will accept comment on the proposal for 30 days after publication in the **Federal Register**. Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2008-0053, by one of the following methods:

• *Federal eRulemaking Portal:* <http://www.regulations.gov>: Follow the instructions for submitting comments.

• *Agency Web site:* <http://www.epa.gov/oar/docket.html>. Follow the instructions for submitting comments on the EPA Air and Radiation Docket Web site.

• *E-mail:* [a-and-r-Docket@epa.gov](mailto:a-and-r-Docket@epa.gov). Include Docket ID No. EPA-HQ-OAR-2008-0053 in the subject line of the message.

• *Fax:* Send comments to (202) 566-9744, Attention Docket ID No. EPA-HQ-OAR-2008-0053.

• *Mail:* Area Source NESHAP for Paints and Allied Products Manufacturing Docket, Environmental Protection Agency, Air and Radiation Docket and Information Center, Mailcode: 2822T, 1200 Pennsylvania Avenue NW., Washington, DC 20460. Please include a total of two copies. In addition, please mail a copy of your comments on the information collection provisions to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attn: Desk Officer for EPA, 725 17th Street NW., Washington, DC 20503.

• *Hand Delivery:* EPA Docket Center, Public Reading Room, EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC 20460. 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-OAR-2008-0053. 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.