

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 that this action is one of the category of actions which do not individually or cumulatively have significant effect on the human environment. Therefore, this rule is categorically excluded, under section 2.B.2 Figure 2-1, paragraph (34)(g), of the Instruction and neither an environmental assessment nor an environmental impact statement is required. This rule involves the establishing, disestablishing, or changing of a safety zone. An environmental analysis checklist and a categorical exclusion determination are available in the docket 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.T09-0399 to read as follows:

#### § 165.T09-0399 Safety Zone, Kinnickinnic River Sediment Removal Project, Milwaukee, WI.

(a) *Location.* All waters of the Kinnickinnic River between the West Becher Street Bridge located at 43°00'37" N, 087°54'51" W and the South Kinnickinnic Avenue Bridge located at 43°00'29" N, 087°54'30" W (NAD 83).

(b) *Enforcement period.* This regulation is enforced from 7 a.m. local on June 12, 2009 until 11:59 p.m. on

December 31, 2009. The Captain of the Port, Sector Lake Michigan may terminate this zone at any time.

(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 Sector Lake Michigan, or his on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Sector Lake Michigan or his on-scene representative.

(3) The "on-scene representative" of the Captain of the Port is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port to act on his behalf. The on-scene representative of the Captain of the Port will be aboard either a Coast Guard or Coast Guard Auxiliary vessel.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port Sector Lake Michigan or his on-scene representative to obtain permission to do so. The Captain of the Port or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Sector Lake Michigan or his on-scene representative.

Dated: June 12, 2009.

**B.C. Jones,**

*Captain, U.S. Coast Guard, Captain of the Port Sector Lake Michigan.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2009-0469]

#### Security and Safety Zone Regulations, Large Passenger Vessel Protection, Portland, OR Captain of the Port Zone

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce the security and safety zone in 33 CFR 165.1318 for large passenger vessels operating in the Portland, Oregon Captain of the Port Zone during the dates and times listed in **DATES**. This action is necessary to ensure the

security and safety of the large passenger vessels, including their crew and passengers, as well as the maritime public. During the enforcement period, no person or vessel may enter or remain in the security and safety zone without permission of the Captain of the Port, Portland, Oregon.

**DATES:** The regulations in 33 CFR 165.1318 will be enforced during the following dates and times for the vessels noted:

(1) LPV Carnival Splendor: From 7 a.m. June 9, 2009, through 12 a.m. (midnight) June 10, 2009.

(2) LPV Carnival Splendor: From 7 a.m. June 16, 2009, through 12 a.m. (midnight) June 17, 2009.

(3) LPV The World: From 7 a.m. June 19, 2009, through 12 a.m. (midnight) June 20, 2009.

(4) LPV Norwegian Pearl: From 7 a.m. September 22, 2009, through 12 a.m. (midnight) September 23, 2009.

(5) LPV Norwegian Star: From 7 a.m. September 22, 2009, through 12 a.m. (midnight) September 23, 2009.

(6) LPV Serenade of the Seas: From 7 a.m. September 29, 2009, through 12 a.m. (midnight) September 30, 2009.

(7) LPV Veendam: From 5:30 a.m. September 29, 2009, through 12 a.m. (midnight) September 30, 2009.

(8) LPV Millennium: From 7 a.m. October 3, 2009, through 12 a.m. (midnight) October 4, 2009.

(9) LPV Mercury: From 7 a.m. October 16, 2009, through 12 a.m. (midnight) October 17, 2009.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, call or e-mail MST1 Jaime Sayers, U.S. Coast Guard Sector Portland, Waterways Management Branch; telephone 503-240-9319, e-mail [Jaime.A.Sayers@uscg.mil](mailto:Jaime.A.Sayers@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the security and safety zone regulation in 33 CFR 165.1318 for large passenger vessels operating in the Portland, Oregon Captain of the Port Zone during the dates and times listed in **DATES**.

Under the provisions of 33 CFR 165.1318 and 33 CFR 165 Subparts C and D, no person or vessel may enter or remain in the security and safety zone without permission of the Captain of the Port, Portland, Oregon. Persons or vessels wishing to enter the safety and security zone may request permission to do so from the on scene Captain of the Port representative via VHF Channel 16 or 13. The Coast Guard may be assisted by other Federal, State, or local enforcement agencies in enforcing this regulation.

This notice is issued under authority of 33 CFR 165.1318 and 5 U.S.C. 552(a).

In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with notification of the enforcement periods via a Local Notice to Mariners.

Dated: June 22, 2009.

**F.G. Myer,**

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

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**BILLING CODE 4910-15-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[EPA-HQ-SFUND-2009-0146; FRL-8926-1]

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

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

**ACTION:** Direct Final Notice of Deletion of the Wilson Farm Superfund Site (Site) from the National Priorities List.

**SUMMARY:** EPA, Region 2, is publishing a direct final notice of deletion of the Site, located in Plumsted Township, Ocean County, New Jersey, 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 Notice of Deletion is being published by EPA with the concurrence of the State of New Jersey, through the Department of Environmental Protection (NJDEP). EPA and NJDEP have determined that all appropriate remedial actions under CERCLA, including operation and maintenance, have been implemented.

**DATES:** This direct final deletion will be effective September 8, 2009 unless EPA receives significant adverse comments by August 6, 2009. If significant adverse comments are received, EPA will publish a timely withdrawal of this 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-2009-0146, by one of the following methods:

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

*E-mail:* [zeolla.michael@epa.gov](mailto:zeolla.michael@epa.gov).

*Fax:* To the attention of Michael Zeolla at (212) 637-4393.

*Mail:* To the attention of Michael Zeolla, Remedial Project Manager, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region 2, 290 Broadway, 19th Floor, New York, New York 10007-1866.

*Hand Delivery:* Superfund Records Center, 290 Broadway, 18th Floor, New York, NY 10007-1866 (*telephone:* 212-637-4308). Such deliveries are only accepted during the Docket's normal hours of operation (Monday to Friday from 9 a.m. to 5 p.m.). Special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID no. EPA-HQ-SFUND-2009-0146; EPA's policy is that all comments received will be included in the 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 CBI or otherwise protected through <http://www.regulations.gov> or via 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 comments. If you send comments to EPA via e-mail, your e-mail address will be included as part of the comment that is placed in the Docket and made available on the Web Site. If you submit electronic comments, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM that 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 comments. 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 can be available either electronically in <http://www.regulations.gov> or in hard copy at: