

## 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 might 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 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 made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. A preliminary environmental analysis checklist supporting this determination is available in the docket where indicated under **ADDRESSES**. This proposed rule involves the establishment of a special local regulation which is categorically excluded from further environmental analysis under paragraph 34(h) 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 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

### PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

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

2. Add § 100.123 to read as follows:

#### § 100.123: Fran Schnarr Open Water Championships, Huntington Bay, New York.

(a) *Regulated area.* All navigable waters of Huntington Bay, NY within 100 yards of the swim race course consisting of the following points: Start/Finish at approximate position 40°54'25.8" N 073°24'28.8" N, East Turn at approximate position 40°54'45" N 073°23'36.6" N and a West Turn at approximate position 40°54'31.2" N 073°25'21" N.

(b) *Definitions.* The following definition applies to this section: *Designated on-scene patrol personnel*, means any commissioned, warrant or petty officer of the U.S. Coast Guard operating Coast Guard vessels who have been authorized to act on the behalf of

the Captain of the Port Long Island Sound.

(c) *Special local regulations.* (1) The general regulations contained in 33 CFR 100.35 and 100.40 apply.

(2) In accordance with the general regulations in § 100.35 of this part, No person or vessel may enter, transit, or remain within the regulated area during the effective period of regulation unless they are officially participating in the Fran Schnarr Open Water Swim event or are otherwise authorized by the Designated On-scene Patrol Personnel.

(3) All persons and vessels must comply with the instructions from the Coast Guard Captain of the Port Long Island Sound or the designated on-scene patrol personnel. The Designated On-scene Patrol Personnel may delay, modify, or cancel the swim event as conditions or circumstances require.

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

(5) Persons and vessels desiring to enter the regulated area may request permission to enter from the designated on scene patrol personnel on VHF-16 or to the Captain of the Port, Long Island Sound via phone at (203) 468-4401.

(d) *Enforcement Period.* This rule is enforced from 7:15 a.m. to 11:30 a.m. on a specified day each July to be determined on an annual basis. Notification of the specific date for the swim race and enforcement of the special local regulation will be made via separate notice in the **Federal Register**, marine broadcasts and local notice to mariners.

Dated: June 17, 2009.

**Daniel A. Ronan,**

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

[FR Doc. E9-24007 Filed 10-5-09; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Parts 151, 155, and 160

[USCG-2008-1070]

RIN 1625-AB27

#### Nontank Vessel Response Plans and Other Vessel Response Plan Requirements

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of public meetings; request for comments; correction.

**SUMMARY:** The Coast Guard is issuing a correction to an earlier document that

published on September 25, 2009, in order to correct the date of the Washington, DC, public meeting. Our earlier notice listed 2 different dates for the same meeting; the correct date is October 28, 2009.

**DATES:** The public meetings will be held at the following locations:

- Washington, DC, October 28, 2009, from 1 p.m. to 3:30 p.m.
- Oakland, CA, November 3, 2009, from 1 p.m. to 3:30 p.m.
- New Orleans, LA, November 19, 2009, from 4:30 p.m. to 7 p.m.

Written comments and related material may also be submitted to Coast Guard personnel specified at that meeting. The comment period for the proposed rule closes November 30, 2009. All comments and related material submitted after the meeting must either be submitted to our online docket via <http://www.regulations.gov> on or before November 30, 2009, or reach the Docket Management Facility by that date.

**ADDRESSES:** The public meetings will be held at the following locations:

- Washington, DC—United States Coast Guard Headquarters Building, Room 4202, 2100 Second St., SW., Washington, DC 20593.
- Oakland, CA—Ronald V. Dellums Federal Building, Auditorium, 3rd Floor North Tower, 1301 Clay Street, Oakland, CA 94612.
- New Orleans, LA—Ernest N. Morial Convention Center, Room 208, Exhibit Hall A, 900 Convention Center Blvd., New Orleans, LA 70130.

You may submit written comments identified by docket number USCG–2008–1070 before or after the meeting using any one of the following methods:

- (1) *Federal eRulemaking Portal:* <http://www.regulations.gov>.
- (2) *Fax:* 202–493–2251.
- (3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.
- (4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. Our online docket for this rulemaking is available on the Internet at <http://www.regulations.gov> under docket number USCG–2008–1070.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this proposed rulemaking, contact Lieutenant Jarrod DeWitz, U.S. Coast Guard, Office of Vessel Activities, Vessel Response Plan

Review Team, telephone (202) 372–1219. You may also e-mail questions to [Jarrod.M.DeWitz@uscg.mil](mailto:Jarrod.M.DeWitz@uscg.mil). If you have questions on viewing or submitting material to the docket, call Ms. Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

**SUPPLEMENTARY INFORMATION:**

**Background and Purpose**

The Coast Guard is issuing this correction to an earlier notice that published on September 25, 2009, (74 FR 48891) in order to correct the date of the Washington, DC, public meeting. Our earlier notice listed 2 different dates for the same meeting; the correct date is October 28, 2009. The time/location of the Washington, DC, public meeting remains unchanged. The dates/times/locations for the Oakland, CA, and New Orleans, LA, public meetings remain unchanged.

We encourage you to participate in this rulemaking by submitting comments either orally at a meeting or in writing. If you bring written comments to a meeting, you may submit them to Coast Guard personnel specified at the meeting to receive written comments. These comments will be submitted to our online public docket. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided.

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008 issue of the **Federal Register** (73 FR 3316).

**Information on Service for Individuals With Disabilities**

For information on facilities or services for individuals with disabilities or to request special assistance at the public meeting, contact Lieutenant Jarrod DeWitz at the telephone number indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

**Public Meeting**

The Coast Guard will hold three public meetings regarding this proposed rulemaking on the following dates and at the following locations:

- Washington, DC, October 28, 2009, from 1 p.m. to 3:30 p.m., at the United States Coast Guard Headquarters Building, Room 4202, 2100 Second Street, SW., Washington, DC 20593.

**Note:** A government-issued photo identification (for example, a driver's license) will be required for entrance to the building.

- Oakland, CA, November 3, 2009, from 1 p.m. to 3:30 p.m., at the Ronald V. Dellums Federal Building, Auditorium, 3rd Floor North Tower, 1301 Clay Street, Oakland, CA 94612.

**Note:** A government-issued photo identification (for example, a driver's license) will be required for entrance to the building.

- New Orleans, LA, November 19, 2009, from 4:30 p.m. to 7 p.m., at the Ernest N. Morial Convention Center, Room 208, Exhibit Hall A, 900 Convention Center Blvd., New Orleans, LA 70130.

Members of the public may attend these meetings up to the seating capacity of the rooms. The meetings may conclude before the allotted time if all matters of concern have been addressed.

We plan to record each meeting using an audio-digital recorder and to make that audio recording available through a link in our online docket. A written summary of comments made and a list of attendees will be placed in the docket after each meeting concludes.

Dated: September 30, 2009.

**Stefan G. Venckus,**

*Chief, Office of Regulations and Administrative Law, United States Coast Guard.*

[FR Doc. E9–24008 Filed 10–5–09; 8:45 am]

**BILLING CODE 4910–15–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

**[EPA–R04–OAR–2009–0751–200920; FRL–8965–9]**

**Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; North Carolina: Hickory-Morganton-Lenoir; Determination of Attaining Data for the 1997 Fine Particulate Matter Standard**

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to determine that the Hickory-Morganton-Lenoir, North Carolina, (hereafter referred to as “Hickory, North Carolina”) nonattainment area for the 1997 fine particulate matter (PM<sub>2.5</sub>) National Ambient Air Quality Standard (NAAQS) has attained the 1997 PM<sub>2.5</sub>