

## 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 that 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 establishing a temporary safety zone around the air show and fireworks display and is therefore expected to be categorically excluded, under section 2.B.2. Figure 2-1, paragraph 34(g), of the Instruction. Comments on this section will be considered before we make the final decision on whether this proposed rule should be categorically excluded from further environmental review. 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 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 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.T09-0225 to read as follows:

### § 165.T09-0225 Safety Zone; Milwaukee Air and Water Show, Lake Michigan, Milwaukee, WI

(a) *Location.* The following area is a temporary safety zone: A 4,000 yard by 1,000 yard rectangle located on Lake Michigan, parallel to Bradford Beach in Milwaukee, Wisconsin. The safety zone will encompass all U.S. waters of Lake Michigan bound by a line drawn from 43°02'57" N, 087°52'53" W; then north to 43°04'40" N, 087°51'29" W; then east to 43°04'33" N, 087°51'12" W; then south to 43°02'50" N, 087°52'36" W; then west returning to the point of origin (NAD 83).

(b) *Effective period.* This regulation is effective from 12:01 a.m. on June 10, 2010 through 11:59 p.m. on June 13, 2010. It will be enforced between noon and 4 p.m. on June 10, 2010, between the hours of 2:30 p.m. and 9:30 p.m. on June 11, 2010, and again between the hours of 9 a.m. and 5 p.m. on June 12 and 13, 2010. The Captain of the Port, Sector Lake Michigan, or his or her on-scene representative may terminate this operation at anytime.

(c) *Regulations.* (1) In accordance with the general regulations in section 165.23 of this part, entry into, transiting, or anchoring in this safety zone is prohibited unless authorized by the Captain of the Port, Sector Lake Michigan, or his or her designated on-scene representative.

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

(3) The "on-scene representative" of the Captain of the Port, Sector Lake Michigan, is any Coast Guard commissioned, warrant, or petty officer who has been designated by the Captain of the Port, Sector Lake Michigan, to act or his or her behalf. The on-scene representative of the Captain of the Port, Sector Lake Michigan, will be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The Captain of the Port, Sector Lake Michigan, or his or her designated on-scene representative may be contacted via VHF Channel 16.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port, Sector Lake Michigan, or his or her designated on-scene representative to obtain permission to do so. 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 or her on-scene representative.

Dated: April 1, 2010.

**L. Barndt,**

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

[FR Doc. 2010-8475 Filed 4-13-10; 8:45 am]

**BILLING CODE 9110-04-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 60, 61, and 63

[EPA-R06-OAR-2006-0851; FRL-9137-1]

### Delegation of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants for the State of Louisiana

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

**ACTION:** Proposed rule.

**SUMMARY:** The EPA is proposing to approve the Louisiana Department of Environmental Quality (LDEQ) updated regulations for receiving delegation of EPA authority for implementation and enforcement of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPs) for all sources (both part 70 and non-part 70 sources). These regulations apply to certain NSPS promulgated by EPA at 40 CFR part 60, as amended through July 1, 2008; and certain NESHAPs promulgated by EPA, as amended through July 1, 2008, for both 40 CFR part 61 and 63 standards. The rule also incorporates by reference certain other revisions made after July 1, 2008. The delegation of authority under this action does not apply to sources located in Indian Country. EPA is providing notice that it has approved delegation of certain NSPS to LDEQ, and taking direct final action to approve the delegation of certain NESHAPs to LDEQ.

**DATES:** Written comments must be received on or before *May 14, 2010*.

**ADDRESSES:** Comments may be mailed to Mr. Guy Donaldson, Chief, Air Planning Section (6PD-L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733.

Comments may also be submitted electronically or through hand delivery/ courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Mr. Kenneth Boyce, Air Planning Section (6PD-L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733, telephone (214) 665-7259, fax (214) 665-7263, e-mail address [boyce.kenneth@epa.gov](mailto:boyce.kenneth@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the final rules section of this **Federal Register**, EPA is approving the State's request for delegation of authority 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 relevant adverse comments are received in response to this action, 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. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

For additional information, see the direct final rule, which is located in the rules section of this **Federal Register**.

Dated: February 8, 2010.

**Al Armendariz,**

*Regional Administrator, Region 6.*

[FR Doc. 2010-8524 Filed 4-13-10; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 228**

[FRL-9136-9]

**Ocean Dumping; Guam Ocean Dredged Material Disposal Site Designation**

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

**ACTION:** Proposed rule.

**SUMMARY:** The EPA is proposing to designate the Guam Deep Ocean Disposal Site (G-DODS) as a permanent ocean dredged material disposal site (ODMDS) located offshore of Guam. Dredging is essential for maintaining safe navigation at port and naval facilities in Apra Harbor and other locations around Guam. Not all dredged materials are suitable for beneficial re-use (e.g., construction materials, landfill cover), and not all suitable materials can be re-used or stockpiled for future use given costs, logistical constraints, and capacity of existing land disposal or re-handling sites. Therefore, there is a need to designate a permanent ODMDS offshore of Guam. Disposal operations at the site will be limited to a maximum of 1 million cubic yards (764,555 cubic meters) per calendar year and must be conducted in accordance with the Site Management and Monitoring Plan. The proposed ODMDS will be monitored periodically to ensure that the site operates as expected.

**DATES:** Comments on this proposed rule must be received no later than May 14, 2010.

**FOR FURTHER INFORMATION CONTACT:** Mr. Allan Ota, Dredging and Sediment Management Team, U.S. Environmental Protection Agency, Region IX (WTR-8), 75 Hawthorne Street, San Francisco, CA 94105, telephone (415) 972-3476 or FAX: (415) 947-3537 or E-mail: [ota.allan@epa.gov](mailto:ota.allan@epa.gov).

**SUPPLEMENTARY INFORMATION:** The supporting document for this site designation is the Final Environmental

Impact Statement for the Designation of an Ocean Dredged Material Disposal Site Offshore of Guam. This document is available for public inspection at the following locations:

1. Guam EPA's Main Office, 17-3304 Mariner Avenue, Tiyan, Guam 96913.
2. Nieves M. Flores Memorial Public Library, 254 Martyr Street, Hagatna, Guam 96910.
3. Barrigada Public Library, 177 San Roque Drive, Barrigada, Guam 96913.
4. Dededo Public Library, 283 West Santa Barbara Avenue, Dededo, Guam 96929.
5. Maria R. Aguigui Memorial Library (Agat Public Library), 376 Cruz Avenue, Guam 96915.
6. Rosa Aguigui Reyes Memorial Library (Merizo Public Library), 376 Cruz Avenue, Merizo, Guam 96915.
7. Yona Public Library, 265 Sister Mary Eucharita Drive, Yona, Guam 96915.
8. EPA Region IX, Library, 75 Hawthorne Street, 13th Floor, San Francisco, California 94105.
9. EPA Public Information Reference Unit, Room 2904, 401 M Street, SW., Washington, DC 20460.
10. EPA Web site: <http://www.epa.gov/region9/>.
11. U.S. Army Corps of Engineers' (USACE) Web site: <http://www.poh.usace.army.mil>.

**A. Potentially Affected Entities**

Entities potentially affected by this action are persons, organizations, or government bodies seeking to dispose of dredged material in ocean waters at the G-DODS, under the Marine Protection Research and Sanctuaries Act, 33 U.S.C. 1401 *et seq.* The Rule would be primarily of relevance to parties of the island of Guam seeking permits from the USACE to transport dredged material for the purpose of disposal into ocean waters at the G-DODS, as well as the USACE itself (when proposing to dispose of dredged material at the G-DODS). Potentially affected categories and entities seeking to use the G-DODS and thus subject to this Rule include:

Category	Examples of potentially affected entities
Industry and General Public .....	<ul style="list-style-type: none"> <li>• Ports.</li> <li>• Marinas and Harbors.</li> <li>• Shipyards and Marine Repair Facilities.</li> <li>• Berth owners.</li> </ul>
State, local and Tribal governments .....	<ul style="list-style-type: none"> <li>• Governments owning and/or responsible for ports, harbors, and/or berths.</li> <li>• Government agencies requiring disposal of dredged material associated with public works projects.</li> </ul>
Federal government .....	<ul style="list-style-type: none"> <li>• USACE Civil Works and O &amp; M projects.</li> <li>• Other Federal agencies, including the Department of Defense.</li> </ul>