

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 the establishment of a safety zone and is therefore categorically excluded under paragraph 34(g) of the Instruction.

A final environmental analysis check list and 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; 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add temporary § 165.T09-0791 as follows:

§ 165.T09-0791 Safety Zone; Revolution 3 Cedar Point Triathlon, Lake Erie & Sandusky Bay, Cedar Point, OH.

(a) *Location.* The following area is a safety zone:

(1) Primary Safety Zone; Lake Erie. All waters of Lake Erie within the geographic area bounded by the following coordinates: Starting at position 41°29′06″ N, 082°40′56″ W; then extending northeast to position 41°29′37″ N, 082°40′14″ W; then extending southeast to position 41°29′14″ N, 082°39′52″ W; then extending southwest to position 41°28′46″ N, 082°40′38″ W; then returning to the starting position. [DATUM: NAD 83].

(2) Alternate Safety Zone; Sandusky Bay. All waters of the Sandusky Bay within the geographic area bounded by the following coordinates: Starting at position 41°28′22″ N, 082°40′44″ W; then extending northwest to position 41°28′45″ N, 082°41′11″ W; then extending southeast to position 41°28′12″ N, 082°41′06″ W; then returning to the starting position. [DATUM: NAD 83].

(b) *Effective Period.* This regulation is effective from 6:30 a.m. through 9:30 a.m. on September 12, 2010. This regulation will be enforced as follows:

(1) On September 12, 2010 from 6:30 a.m. to 9:30 a.m., the safety zone listed in paragraph (a)(1) of this section will be enforced. In the event of inclement weather, the alternate safety zone listed in paragraph (a)(2) of this section will be enforced.

(c) *Regulations.*

(1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting or anchoring within the safety zones is prohibited unless authorized by the Captain of the Port Detroit, or designated on-scene representative.

(2) The safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Detroit, or designated on-scene representative.

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

Dated: August 26, 2010.

J.E. Ogden,

Captain, U.S. Coast Guard, Captain of the Port Detroit.

[FR Doc. 2010-22771 Filed 9-10-10; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA-HQ-SFUND-1987-0002; FRL-9199-5]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the Rocky Mountain Arsenal Federal Facility

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) Region 8 announces the deletion of portions of the On-Post Operable Unit (OU3), specifically the Central and Eastern Surface Areas including surface media and structures (CES), and the surface media of the Off-Post Operable Unit (OU4) (OPS) of the Rocky Mountain Arsenal Federal Facility (RMA) located in Commerce City, Colorado 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 partial deletion pertains to the surface media (soil, surface water, sediment) and structures (both former structures that have been demolished and structures retained for future use) within the CES and the surface media of the entire OPS. The rest of the On-Post OU, including groundwater below RMA that is west of E Street, and the groundwater that comprises the Off-Post OU will remain on the NPL and is not being considered for deletion as part of this action. Response activities will continue at those OUs. The EPA and the State of Colorado, through the Colorado Department of Public Health and Environment (CDPHE), have determined that all appropriate response actions under CERCLA, other than operation, maintenance, and five-year reviews, have been completed. However, the deletion of these parcels does not preclude future actions under Superfund.

DATES: *Effective Date:* This action is effective September 13, 2010.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA-HQ-SFUND-1987-0002. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the site information repositories. Locations, contacts, phone numbers and viewing hours are:

- EPA's Region 8 Superfund Records Center, 1595 Wynkoop Street, Denver, Colorado 80202-2466. Hours: 8 a.m. to 4 p.m. by appointment (call 303-312-6473), Monday through Friday, excluding legal holidays; and the
- Joint Administrative Records Facility, Rocky Mountain Arsenal, 5650 Havana Street, Building 129, Commerce City, Colorado 80022-1748. Hours: 12 p.m. to 4 p.m., Monday through Friday, excluding legal holidays, or by appointment (call 303-289-0983).

FOR FURTHER INFORMATION CONTACT: Jennifer Chergo, Community Involvement Coordinator (8OC), U.S. Environmental Protection Agency, Region 8, 1595 Wynkoop Street, Denver,

Colorado 80202-1129, 1-800-227-8917 or 303-312-6601; fax number: 303-312-7110; e-mail: chergo.jennifer@epa.gov.

SUPPLEMENTARY INFORMATION: The portion of the site to be deleted from the NPL is the surface media (soil, surface water, sediment) and structures (both former structures that have been demolished and structures retained for future use) within the CES and the surface media of the entire OPS. A Notice of Intent for partial Deletion for this Site was published in the **Federal Register** on June 17, 2010. The RMA Site-Specific Advisory Board (SSAB) requested additional time to adequately review the documentation. The public comment period for the NOIDp was extended through August 16, 2010 (75 FR 42361).

EPA received comment letters from seven organizations/individuals. Authors of five of the letters voiced their support for proceeding with the partial deletion based upon their confidence in the thoroughness of the cleanup activities conducted by the U.S. Army and Shell Oil Company; though one letter, from the Audubon Society of Greater Denver, was received after the public comment period closed. Authors of the remaining two letters were opposed to the proposed partial deletion of the CES and OPS. All public comments and EPA's responses are included in a Responsiveness Summary document available in both the docket, EPA-HQ-SFUND-1987-0002, at <http://www.regulations.gov> and in the local repositories listed above. Based on our responses to these comments, and in consultation with the State of Colorado through CDPHE, EPA has determined that all appropriate response actions under CERCLA, other than operation, maintenance, and five-year reviews, have been completed and it is appropriate to proceed with deletion of the CES and the OPS.

EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Deletion of a site from the NPL does not preclude further remedial action. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system. Deletion of portions of a site from the NPL does not affect responsible party liability, in the unlikely event that future conditions warrant further actions.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties,

Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 2, 2010.

Stephen S. Tuber,

Acting Regional Administrator, Region 8.

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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA-2010-0003]

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated in the table below.

ADDRESSES: The final BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Roy E. Wright, Deputy Director, Risk Analysis Division, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3461, or (e-mail) roy.e.wright@dhs.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Federal