

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.

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. 0170.01.

■ 2. Add § 165.T11-289 to read as follows:

#### § 165.T11-289 Safety Zone; NASSCO Launching of USNS Charles Drew, San Diego Bay, San Diego, CA.

(a) *Location.* The safety zone encompasses the navigable waters encompassed by the following coordinates:

Beginning at 32°41.39' N, 117°08.66' W; thence to 32°41.24' N, 117°09.05' W; thence to 32°41.05' N, 117°08.73' W; thence to 32°41.20' N, 117°08.34' W; thence north along the shoreline back to 32°41.39' N, 117°08.66' W.

(b) *Enforcement Period.* This section will be enforced from 6:30 a.m. until 8:30 a.m. on February 27, 2010. If the event concludes prior to the scheduled

termination time, the COTP will cease enforcement of this safety zone and will announce that fact via Broadcast Notice to Mariners.

(c) *Definitions.* The following definition applies to this section: *designated representative*, means any commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, and local, state, and federal law enforcement vessels who have been authorized to act on the behalf of the Captain of the Port.

(d) *Regulations.* (1) No person or vessel may enter or remain in a safety zone without the permission of the COTP or his designated representative.

(2) Mariners requesting permission to transit through the safety zone may request authorization to do so from the Patrol Commander (PATCOM). The PATCOM may be contacted on VHF-FM Channel 16.

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

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

(5) The Coast Guard may be assisted by other Federal, State, or local agencies.

Dated: February 16, 2010.

**D.L. Leblanc,**

*Commander, U.S. Coast Guard, Acting Captain of the Port San Diego.*

[FR Doc. 2010-3964 Filed 2-23-10; 4:15 pm]

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## DEPARTMENT OF THE INTERIOR

### National Park Service

#### 36 CFR Part 7

[Docket No. E8-27047J]

RIN 1024-AD71

#### Special Regulation: Areas of the National Park System, National Capital Region; Correction

**AGENCY:** National Park Service, Interior.

**ACTION:** Correcting amendments.

**SUMMARY:** The National Park Service (NPS) published the final rule governing viewing of the Inaugural Parade by the Presidential Inaugural Committee in the **Federal Register** on November 17, 2008. That document inadvertently left out text that was intended to be retained from the previous regulation. That document also retained a paragraph that

should have been removed. This document makes correcting amendments restoring the missing text to the appropriate paragraph, and removing the unnecessary paragraph.

**DATES:** *Effective Date:* February 26, 2010.

#### FOR FURTHER INFORMATION CONTACT:

National Park Service, Regional Director of the National Capital Region, 1100 Ohio Drive, SW., Room 336, Washington, DC 20242.

#### SUPPLEMENTARY INFORMATION:

On November 17, 2008 (73 FR 67739), the National Park Service published a final rule to revise the special regulations for the National Capital Parks in Washington, DC. The purposes of the revision were to: (1) Clarify the regulations on issuance of permits for events in National Capital Parks, (2) respond to a decision of the U.S. District Court for the District of Columbia related to practice and procedure of permit application processing for the Presidential Inaugural Committee, and (3) provide more public access to park areas along the inaugural parade route. The paragraph revised was entitled "Permit processing".

Through a formatting error, the portion of the paragraph that notified the public of conditions under which a permit could be denied was omitted. That same formatting error resulted in a duplicate paragraph. Paragraph (g)(5)(iv) was revised and redesignated (g)(4)(vi), but the old paragraph (g)(5)(iv) was retained in error. This correction restores the omitted language, unchanged in wording or content, to the paragraph on permit processing, removes the old duplicate paragraph, and redesignates the sections after it to restore correct numbering.

#### Need for Correction

As published and codified, the regulation omitted important information that the public needs in order to plan a demonstration in a time, place, and manner that will increase the chances of approval of the permit by the National Park Service. It also contained a duplicate paragraph that could cause confusion in interpretation of the regulation.

#### List of Subjects in 36 CFR Part 7

District of Columbia, National parks, Reporting and recordkeeping requirements.

■ In consideration of the reasons stated in the preamble, the National Park Service makes the following correcting amendments to 36 CFR part 7:

## PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

■ 1. The authority citation for Part 7 continues to read as follows:

**Authority:** 16 U.S.C. 1, 3, 9a, 462(k); Sec. 7.96 also issued under D.C. Code 10–137(2001) and D.C. Code 50–2201 (2001).

■ 2. In section 7.96:

■ a. Add paragraph (g)(4)(vii);

■ b. Remove paragraph (g)(5)(iv); and

■ c. Redesignate paragraphs (g)(5)(v) through (g)(5)(xiv) as paragraphs (g)(5)(iv) through (g)(5)(xiii), respectively.

The addition reads as follows:

### § 7.96 National Capital Region.

\* \* \* \* \*

(g) \* \* \*

(4) \* \* \*

(vii) A permit may be denied in writing by the Regional Director upon the following grounds:

(A) A fully executed prior application for the same time and place has been received, and a permit has been or will be granted authorizing activities which do not reasonably permit multiple occupancy of the particular area; in that event, an alternate site, if available for the activity, will be proposed by the Regional Director to the applicant.

(B) It reasonably appears that the proposed demonstration or special event will present a clear and present danger to the public safety, good order, or health.

(C) The proposed demonstration or special event is of such a nature or duration that it cannot reasonably be accommodated in the particular area applied for; in that event, the Regional Director shall propose an alternate site to the applicant, if available for the activity; in this connection, the Regional Director shall reasonably take into account possible damage to the park, including trees, shrubbery, other plantings, park installations and statues.

(D) The application proposes activities contrary to any of the provisions of this section or other applicable law or regulation.

\* \* \* \* \*

Dated: January 20, 2010.

**Thomas L. Strickland,**

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 2010–3337 Filed 2–25–10; 8:45 am]

**BILLING CODE 4312–52–M**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 63

[EPA–R09–OAR–2010–0044; FRL–9111–2]

### Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Arizona, Maricopa County Air Quality Department; State of Nevada, Nevada Division of Environmental Protection, Washoe County District Health Department

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is amending certain regulations to reflect the current delegation status of national emission standards for hazardous air pollutants (NESHAP) in Arizona and Nevada. Several NESHAP were delegated to the Maricopa County Air Quality Department, Nevada Division of Environmental Protection, and Washoe County District Health Department within the past 18 months. The purpose of this action is to update the listing in the Code of Federal Regulations.

**DATES:** This rule is effective on April 27, 2010 without further notice, unless EPA receives adverse comments by March 29, 2010. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

**ADDRESSES:** Submit comments, identified by docket number EPA–R09–OAR–2010–0044, by one of the following methods:

1. *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions.

2. *E-mail:* [steckel.andrew@epa.gov](mailto:steckel.andrew@epa.gov).

3. *Mail or delivery:* Andrew Steckel (AIR–4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

**Instructions:** All comments 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 Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through <http://www.regulations.gov> or e-mail. <http://www.regulations.gov> is an “anonymous access” system, and EPA will not know your identity or contact

information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

**Docket:** The index to the docket for this action is available electronically at <http://www.regulations.gov> and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Mae Wang, EPA Region IX, (415) 947–4124, [wang.mae@epa.gov](mailto:wang.mae@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document, “we,” “us” and “our” refer to EPA.

### Table of Contents

- I. Background
  - A. Delegation of NESHAP
  - B. Maricopa County Delegations
  - C. Nevada Delegations
  - D. Washoe County Delegations
- II. EPA Action
- III. Statutory and Executive Order Reviews

### I. Background

#### A. Delegation of NESHAP

Section 112(l) of the Clean Air Act, as amended in 1990 (CAA), authorizes EPA to delegate to State or local air pollution control agencies the authority to implement and enforce the standards set out in the Code of Federal Regulations, Title 40 (40 CFR), Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories. On November 26, 1993, EPA promulgated regulations, codified at 40 CFR Part 63, Subpart E (hereinafter referred to as “Subpart E”), establishing procedures for EPA’s approval of State rules or programs under section 112(l) (see 58 FR 62262). Subpart E was later amended on September 14, 2000 (see 65 FR 55810).

Any request for approval under CAA section 112(l) must meet the approval criteria in 112(l)(5) and Subpart E. To streamline the approval process for future applications, a State or local agency may submit a one-time demonstration that it has adequate authorities and resources to implement