

### 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. We did not receive any comments for this section.

### 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. We did not receive any comments for this section.

### 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 that 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(g), 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.T09-0174 to read as follows:

#### **§ 165.T09-0174 Safety Zone; Red Bull Air Race, Detroit River, Detroit, MI.**

(a) *Location.* The following area is a temporary safety zone: All U.S. waters of the Detroit River, Detroit, MI, bound by a line extending from a point on land southwest of Joe Louis Arena at position 42°19.4' N; 083°3.3' W, northeast along the Detroit shoreline to a point on land at position 42°20.0' N; 083°1.2' W, southeast to the international border with Canada at position 42°19.8' N 083°1.0' W, southwest along the international border to position 42°19.2' N; 083°3.3' W, and northwest to the point of origin at position 42°19.4' N; 083°3.3' W. (DATUM: NAD 83).

(b) *Effective Period.* This regulation is effective from 9 a.m. on June 3, 2010 through 6:30 p.m. on June 6, 2010. The safety zone will be enforced daily from 9 a.m. to 6:30 p.m. on June 3, 2010 through June 6, 2010.

(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 Detroit, or his designated on-scene representative.

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

Dated: May 7, 2010.

**E.J. Marohn,**

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

[FR Doc. 2010-13118 Filed 6-1-10; 8:45 am]

**BILLING CODE 9110-04-P**

### **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Part 52**

[R05-OAR-2009-0731; FRL-9157-9]

#### **Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Particulate Matter Standards; Withdrawal of Direct Final Rule**

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

**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** Due to the receipt of an adverse comment, EPA is withdrawing the April 8, 2010 (75 FR 17865), direct final rule approving Wisconsin’s update to its state ambient air quality standards. The updates were made to the particulate matter standards by adding fine particulate standards and revoking the state’s coarse particulate standards. The State of Wisconsin submitted this revision as a modification to the State Implementation Plan on September 11, 2009. In the direct final rule, EPA stated that if adverse comments were submitted by May 10, 2010, the rule would be withdrawn and not take effect. On May 7, 2010, EPA received a comment. EPA believes this comment is adverse and, therefore, EPA is withdrawing the direct final rule. EPA will address the comment in a subsequent final action based upon the proposed action also published on April 8, 2010 (75 FR 17894). EPA will not institute a second comment period on this action.

**DATES:** The direct final rule published at 75 FR 17865 on April 8, 2010, is withdrawn as of June 2, 2010.

**FOR FURTHER INFORMATION CONTACT:** Matt Rau, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson

Boulevard, Chicago, Illinois 60604, (312) 886-6524, [rau.matthew@epa.gov](mailto:rau.matthew@epa.gov).

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: May 14, 2010.

**Walter W. Kovalick,**

*Acting Regional Administrator, Region 5.*

#### PART 52—[AMENDED]

■ Accordingly, the amendment to 40 CFR 52.2570 published in the **Federal Register** on April 8, 2010 (75 FR 17865) on pages 17867-17868 is withdrawn as of June 2, 2010.

[FR Doc. 2010-13175 Filed 6-1-10; 8:45 am]

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### DEPARTMENT OF TRANSPORTATION

#### Surface Transportation Board

#### 49 CFR Parts 1002, 1011, 1152, and 1180

[STB Ex Parte No. 685]

#### Removal of Delegations of Authority to Secretary

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Correcting amendments.

**SUMMARY:** The Surface Transportation Board (Board or STB) published final rules in this proceeding on October 15, 2009, in the **Federal Register**. The rule amended STB regulations by eliminating the Secretary of the Board and reassigning the delegations of authority from the Secretary to other Offices of the Board. As published, the final regulations contained errors where information was inadvertently added, deleted, or duplicated. This document sets forth corrections to the final regulations to eliminate confusion in interpretation of the regulations.

**DATES:** Effective on June 2, 2010.

**FOR FURTHER INFORMATION CONTACT:**

Cynthia T. Brown at (202) 245-0350. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

**SUPPLEMENTARY INFORMATION:** The regulations at 49 CFR 1002.1, 1011.7, 1152.21, 1152.27, and 1180.4, include erroneous sections that should be replaced with the amendments set forth in this document. The Surface Transportation Board (Board or STB)

published final rules in this proceeding on October 15, 2009, in the **Federal Register**, at 74 FR 52900.

#### List of Subjects

##### 49 CFR Part 1002

Administrative practice and procedure, Common carriers, and Freedom of information.

##### 49 CFR Part 1011

Administrative practice and procedure, Authority delegations (Government agencies), and Organization and functions (Government agencies).

##### 49 CFR Part 1152

Administrative practice and procedure, Railroads, Reporting and recordkeeping requirements, and Uniform system of accounts.

##### 49 CFR Part 1180

Administrative practice and procedure, Railroads, and Reporting and recordkeeping requirements.

Dated: May 26, 2010.

**Andrea Pope-Matheson,**  
*Clearance Clerk.*

■ Accordingly, 49 CFR parts 1002, 1011, 1152, and 1180 are corrected by making the following correcting amendments:

#### PART 1002—FEES

■ 1. The authority citation for part 1002 continues to read as follows:

**Authority:** 5 U.S.C. 552(a)(4)(A) and 553; 31 U.S.C. 9701; and 49 U.S.C. 721. Section 1002.1(g)(11) also issued under 5 U.S.C. 5514 and 31 U.S.C. 3717.

■ 2. Revise § 1002.1(f)(1) to read as follows:

**§ 1002.1 Fees for records search, review, copying, certification, and related services.**

\* \* \* \* \*

(f) The fee for search and copying services requiring computer processing are as follows:

(1) A fee of \$70.00 per hour for professional staff time will be charged when it is required to fulfill a request for computer data.

\* \* \* \* \*

#### PART 1011—BOARD ORGANIZATION; DELEGATIONS OF AUTHORITY

■ 3. The authority citation for part 1011 continues to read as follows:

**Authority:** 5 U.S.C. 553; 31 U.S.C. 9701; 49 U.S.C. 701, 721, 11123, 11124, 11144, 14122, and 15722.

■ 4. Revise § 1011.7 to read as follows:

#### § 1011.7 Delegations of authority by the Board to specific offices of the Board.

(a) *Office of Proceedings.* (1) The Director of the Office of Proceedings is delegated the following authority:

(i) Whether (in consultation with involved Offices) to waive filing fees set forth at 49 CFR 1002.2(f).

(ii) To issue, on written request, informal opinions and interpretations (exclusive of informal opinions and interpretations on carrier tariff provisions), which are not binding on the Board. In issuing informal opinions or interpretations, the Director of the Office of Proceedings shall consult with the Directors of the appropriate Board offices. Such requests must be directed to the Director of the Office of Proceedings, Surface Transportation Board, Washington, DC 20423-0001. Authority to issue informal opinions and interpretations on carrier tariff provisions is delegated at paragraph (b)(2) of this section to the Office of Public Assistance, Governmental Affairs, and Compliance.

(2) In addition to the authority delegated at 49 CFR 1011.6(c)(3), (d), (g), and (h), the Director of the Office of Proceedings shall have authority initially to determine the following:

(i) Whether to designate abandonment proceedings for oral hearings on request.

(ii) Whether offers of financial assistance satisfy the statutory standards of 49 U.S.C. 10904(d) for purposes of negotiations or, in exemption proceedings, for purposes of partial revocation and negotiations.

(iii) Whether:

(A) To impose, modify, or remove environmental or historic preservation conditions; and

(B) In abandonment proceedings, to impose public use conditions under 49 U.S.C. 10905 and the implementing regulations at 49 CFR 1152.28.

(iv) In abandonment proceedings, when a request for interim trail use/rail banking is filed under 49 CFR 1152.29, to determine whether the National Trails System Act, 16 U.S.C. 1247(d), is applicable and, where appropriate, to issue Certificates of Interim Trail Use or Abandonment (in application proceedings) or Notices of Interim Trail Use or Abandonment (in exemption proceedings).

(v) In any abandonment proceeding where interim trail use/rail banking is an issue, to make such findings and issue decisions as may be necessary for the orderly administration of the National Trails System Act, 16 U.S.C. 1247(d).

(vi) Whether to institute requested declaratory order proceedings under 5 U.S.C. 554(e).