

[FR Doc. 2010-17133 Filed 7-13-10; 8:45 am]

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**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 165**

[Docket No. USCG-2010-0613]

**Safety Zones: Annual Events Requiring Safety Zones in the Captain of the Port Buffalo Zone****AGENCY:** Coast Guard, DHS.**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce the safety zones for annual fireworks displays in the Captain of the Port Buffalo Zone from July 2, 2010 through July 31, 2010. This action is necessary to protect the safety of life and property on navigable waters during these events. During the enforcement period, no person or vessel may enter the safety zones without the permission of the Captain of the Port Buffalo.

**DATES:** This notice provides information about enforcement of safety zones in 33 CFR Part 165.939 enforced from July 2, 2010 at 9:30 p.m. through July 25, 2010 at 10 p.m.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, call or e-mail MST2 Jessica Seguin, Marine Events Coordinator, Coast Guard Sector Buffalo, 1 Fuhrmann Blvd., Buffalo, NY 14203; Coast Guard telephone 716-843-9353, e-mail

*Jessica.L.Seguina@USCG.Mil.***SUPPLEMENTARY INFORMATION:**

The Coast Guard will enforce the following safety zones listed in 33 CFR 165.939:

1. Boldt Castle 4th of July Fireworks on the St. Lawrence River, Heart Island, NY in 33 CFR 165.939(a)(1) on July 4, 2010 from 9 p.m. to 10 p.m.

2. French Festival Fireworks on the St. Lawrence River, Cape Vincent, NY in 33 CFR 165.939(a)(3) on July 10, 2010 from 9:30 p.m. to 10:30 p.m.

3. Brewerton Fireworks on Oneida River near Lake Ontario, Brewerton, NY in 33 CFR 165.939(a)(4) on July 3, 2010 from 9:30 p.m. to 10 p.m.

4. Seneca River Days on the Seneca River, Baldwinsville, NY in 33 CFR 165.939(a)(7) on July 9, 2010 from 9 p.m. to 10 p.m.

5. Oswego Harborfest on Lake Ontario, Oswego, NY in 33 CFR 165.939(a)(8) on July 24, 2010 from 9:30 p.m. to 10 p.m.

6. Village Fireworks on Sodus Bay, Sodus Point, NY in 33 CFR 165.939(a)(9) on July 3, 2010 from 10 p.m. to 10:30 p.m.

7. City of Syracuse Fireworks Celebration on Onondaga Lake, Syracuse, NY in 33 CFR 165.939(a)(10) on July 2, 2010 from 9:30 p.m. to 10:30 p.m.

8. Tom Graves Memorial on Port Bay, Wolcott, NY in 33 CFR 165.939(a)(11) on July 3, 2010 from 9:30 p.m. to 10 p.m.

9. North Tonawanda Fireworks Display on the East Niagara River, North Tonawanda, NY in 33 CFR 165.939(a)(13) on July 4, 2010 from 9 p.m. to 10 p.m.

10. Tonawanda's Canal Fest Fireworks, on the East Niagara River, Tonawanda, NY in 33 CFR 165.939(a)(14) on July 25, 2010 from 9:30 p.m. to 10 p.m.

11. Fairport Harbor Mardi Gras Fireworks on Lake Erie, Fairport Harbor Beach, OH in 33 CFR 165.939(a)(17) on July 5, 2010 from 10 p.m. to 10:30 p.m.

12. Mentor Harbor Yacht Club Fireworks Celebration on Lake Erie, Mentor Harbor, OH in 33 CFR 165.939(a)(19) on July 3, 2010 from 10 p.m. to 10:30 p.m.

13. City of Cleveland 4th of July Fireworks in Cleveland Harbor and Lake Erie, Cleveland, OH in 33 CFR 165.939(a)(21) on July 4, 2010 from 10 p.m. to 10:20 p.m.

14. Lorain 4th of July Celebration in Lorain Harbor, Lorain, OH in 33 CFR 165.939(a)(25) on July 4, 2010 from 10 p.m. to 11 p.m.

These regulations can be found in 73 Fed. Reg. 28704 (May 19, 2008).

Under the provisions of 33 CFR 165.23, entry into, transiting, or anchoring within these safety zones is prohibited unless authorized by the Captain of the Port Buffalo or his designated representative. Vessels that wish to transit through the safety zones may request permission from the Captain of the Port Buffalo. Requests must be made in advance and approved by the Captain of Port before transits will be authorized. Approvals will be granted on a case-by-case basis. The Captain of the Port may be contacted via U.S. Coast Guard Sector Buffalo on channel 16, VHF-FM. The Coast Guard will give notice to the public via a Broadcast to Mariners that the regulation is in effect.

This notice is issued under authority of 33 CFR 165.939 and 5 U.S.C. 552 (a). If the District Commander, Captain of the Port, or other official authorized to do so, determines that the regulated area need not be enforced for the full

duration stated in this notice, he or she may use a Broadcast Notice to Mariners to grant general permission to enter the safety zone.

Dated: June 28, 2010.

**R.S. Burchell,***Captain, U. S. Coast Guard, Captain of the Port Buffalo.*

[FR Doc. 2010-17168 Filed 7-13-10; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[EPA-R09-OAR-2010-0514; FRL-9172-3]

**Revisions to the California State Implementation Plan, Sacramento Metropolitan Air Quality Management District and South Coast Air Quality Management District****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve revisions to the Sacramento Metropolitan Air Quality Management District (SMAQMD) and South Coast Air Quality Management District (SCAQMD) portions of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) from vanishing oils, rust inhibitors, plastic coatings, rubber coatings, glass coatings, and aerospace operations. We are approving local rules that regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** This rule is effective on September 13, 2010 without further notice, unless EPA receives adverse comments by August 13, 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-2010-0514], by one of the following methods:

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

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

3. *Mail or deliver:* 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. Electronic files should avoid the use of special characters, any form

of encryption, and be free of any defects or viruses.

*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:** Nicole Law, EPA Region IX, (415) 947–4126, [law.nicole@epa.gov](mailto:law.nicole@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document, “we,” “us,” and “our” refer to EPA.

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**I. The State’s Submittal**

*A. What rules did the State submit?*

Table 1 lists the rules we are approving with the dates that they were adopted by the local air agencies and submitted by the California Air Resources Board (CARB).

TABLE 1—SUBMITTED RULES

Local agency	Rule No.	Rule title	Adopted/ amended	Submitted
SCAQMD .....	1144	Vanishing Oils and Rust Inhibitors .....	03/06/09	05/17/10
SCAQMD .....	1145	Plastic, Rubber, Leather, and Glass Coatings .....	12/04/09	05/17/10
SMAQMD .....	456	Aerospace Assembly and Component Coating Operations .....	10/23/08	09/15/09

On June 8, 2010, EPA determined that the submittal for SCAQMD 1144 and SCAQMD 1145 met the completeness criteria in 40 CFR Part 51 Appendix V, which must be met before formal EPA review.

On January 21, 2010, EPA determined that the submittal for SMAQMD 456 met the completeness criteria in 40 CFR Part 51 Appendix V, which must be met before formal EPA review.

*B. Are there other versions of these rules?*

There are no previous versions of SCAQMD Rule 1144 in the SIP. We approved an earlier version of SCAQMD Rule 1145 into the SIP on May 4, 1999 (64 FR 23774). The SCAQMD adopted revisions to the SIP-approved version on December 3, 2004 and December 4, 2009 and CARB submitted them to us on March 17, 2009 and May 17, 2010. An earlier version of SMAQMD Rule 456 was approved into the SIP on November 9, 1998 (63 FR 60214) and the SMAQMD adopted a revision to that version on October 23, 2008. CARB submitted it to us on September 15, 2009. While we can act on only the most recently submitted version, we have reviewed materials provided with previous submittals.

*C. What is the purpose of the submitted rules and rule revisions?*

VOCs help produce ground-level ozone and smog, which harm human health and the environment. Section 110(a) of the CAA requires States to submit regulations that control VOC emissions. SCAQMD Rule 1144 will regulate vanishing oils and rust inhibitors at industrial facilities. SCAQMD Rule 1145 lowers VOC content limits and begins to regulate the leather coatings. SMAQMD Rule 456 lowers an exemption threshold and the VOC content limit for cleaning solvents. EPA’s technical support documents (TSD) have more information about these rules.

**II. EPA’s Evaluation and Action**

*A. How is EPA evaluating the rules?*

Generally, SIP rules must be enforceable (see section 110(a) of the Act), must require Reasonably Available Control Technology (RACT) for each category of sources covered by a Control Techniques Guidelines (CTG) document as well as each major source in nonattainment areas (see sections 182(a)(2) and (b)(2)), and must not relax existing requirements (see sections 110(l) and 193). The SCAQMD and SMAQMD regulate ozone nonattainment areas (see 40 CFR part

81), so the districts must implement RACT for appropriate source categories.

Guidance and policy documents that we use to evaluate enforceability and RACT requirements consistently include the following:

1. “Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,” EPA, May 25, 1988 (the Bluebook).
2. “Guidance Document for Correcting Common VOC & Other Rule Deficiencies,” EPA Region 9, August 21, 2001 (the Little Bluebook).
3. “Model Volatile Organic Compound Rules for Reasonable Available Control Technology,” EPA-Staff Working Document, June 1992.
4. “Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings,” EPA-453/R-08-003, September 2008.
5. “Surface Coating Operations at Aerospace Manufacturing & Rework Operations,” EPA-453/R-97-004, December 1997.

*B. Do the rules meet the evaluation criteria?*

We believe these rules are consistent with the relevant policy and guidance regarding enforceability, RACT, and SIP relaxations. SMAQMD Rule 456 has RACT deficiencies, but the rule is not subject to RACT because the one facility

in the district under this category emits less than 25 tons of VOC per year. The TSDs have more information on our evaluation.

*C. EPA Recommendations to Further Improve the Rules*

The TSDs describe additional rule revisions that we recommend for the next time the local agencies modify the rules.

*D. Public Comment and Final Action*

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted rules because we believe they fulfill all relevant requirements. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing approval of the same submitted rules. If we receive adverse comments by August 13, 2010, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on September 13, 2010. This will incorporate the rules into the federally enforceable SIP.

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.

**III. Statutory and Executive Order Reviews**

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions

of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of

this action must be filed in the United States Court of Appeals for the appropriate circuit by September 13, 2010. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the Proposed Rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements (*see* section 307(b)(2)).

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

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: June 18, 2010.

**Jared Blumenfeld**,  
*Regional Administrator, Region IX.*

■ Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

**PART 52—[AMENDED]**

■ 1. The authority citation for Part 52 continues to read as follows:

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

**Subpart F—California**

■ 2. Section 52.220, is amended by adding paragraphs (c)(377) (i)(A)(3) and (379) to read as follows:

**§ 52.220 Identification of plan.**

\* \* \* \* \*  
(c) \* \* \*  
(377) \* \* \*  
(i) \* \* \*  
(A) \* \* \*

(3) Rule 456, "Aerospace Assembly and Component Coating Operations," amended on October 23, 2008.

\* \* \* \* \*

(379) New and amended regulations for the following APCDs were submitted on May 17, 2010 by the Governor's designee.

- (i) Incorporation by Reference.
- (A) South Coast Air Quality Management District.

(1) Rule 1144, "Vanishing Oils and Rust Inhibitors," adopted on March 6, 2009.

(2) Rule 1145, "Plastic, Rubber, Leather, and Glass Coatings," amended on December 4, 2009.

\* \* \* \* \*

[FR Doc. 2010-17077 Filed 7-13-10; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[EPA-HQ-OPP-2008-0533; FRL-8833-2]

#### Residues of Quaternary Ammonium Compounds, N-Alkyl (C<sub>12-14</sub>) Dimethyl Ethylbenzyl Ammonium Chloride; Exemption from the Requirement of a Tolerance

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

**ACTION:** Final rule.

**SUMMARY:** This regulation amends an existing exemption from the requirement of a tolerance for residues of n-alkyl (C<sub>12-14</sub>) dimethyl ethylbenzyl ammonium chloride on food contact surfaces when applied/used in public eating places, dairy processing equipment, and/or food processing equipment and utensils. The regulation will exempt from the requirement of tolerance residues in food resulting from contact with surfaces treated with antimicrobial solutions where the end-use concentration of active quaternary compound does not exceed 400 parts per million (ppm).

**DATES:** This regulation is effective July 14, 2010. Objections and requests for hearings must be received on or before September 13, 2010, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

**ADDRESSES:** EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2008-0533. All documents in the docket are listed in the docket index available at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) 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 in the electronic docket at

<http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

#### FOR FURTHER INFORMATION CONTACT:

Velma Noble, Antimicrobials Division (7510P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-6233; e-mail address: [noble.velma@epa.gov](mailto:noble.velma@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does this Action Apply to Me?

You may be potentially affected by this action if you are dairy cattle milk producer, food manufacturer, or beverage manufacturer. Potentially affected entities may include, but are not limited to:

- Dairy cattle milk production (NAICS code 11212).
- Food manufacturing (NAICS code 311).
- Beverage manufacturing (NAICS code 3121).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

###### B. How Can I Get Electronic Access to Other Related Information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at <http://www.gpoaccess.gov/ecfr>.

###### C. How Can I File an Objection or Hearing Request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must

identify docket ID number EPA-HQ-OPP-2008-0533 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before September 13, 2010. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit a copy of your non-CBI objection or hearing request, identified by docket ID number EPA-HQ-OPP-2008-0533, by one of the following methods:

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

- *Mail:* Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

- *Delivery:* OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

##### II. Summary of Petitioned-For Exemption

In the **Federal Register** of November 28, 2007 (72 FR 67299) (FRL-8141-1), EPA issued a notice pursuant to section 408(d)(3) of FFDCA, 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide tolerance petition (PP 8F7323) by Stepan Company, 22 West Frontage Rd., Northfield, IL 60093. The petition requested that 40 CFR 180.940(a) be amended by increasing concentration limits for n-alkyl (C<sub>12-14</sub>) dimethyl ethylbenzyl ammonium chloride in end-use solutions eligible for tolerance exemption. That notice referenced a summary of the petition prepared by Stepan Company, the registrant, which is available in the docket, <http://www.regulations.gov>.