

**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.T01-0864 to read as follows:

**§ 165.T01-0864 Security Zone: Escorted Passenger Vessels, Sector Southeastern New England Captain of the Port Zone.**

(a) *Location.* The following areas are security zones: All navigable waters within the Sector Southeastern New England Captain of the Port Zone, extending from the surface to the sea floor, that are:

(1) Within a maximum 200-yard radius of any passenger vessel that is underway and is under escort of U.S. Coast Guard law enforcement personnel, or

(2) Within a maximum 100-yard radius of any passenger vessel that is anchored, at any berth, moored, or in the process of mooring.

(b) *Definitions.* As used in this section—

*Designated representative* means 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 may be on a Coast Guard vessel, or onboard a Federal, State, or local agency vessel that is authorized to act in support of the Coast Guard.

*Passenger vessel* means any passenger vessel over 100 gross tons authorized to carry more than 500 passengers for hire making voyages, any part of which is on the high seas, and for which passengers are embarked, disembarked or pay a port call, in the Sector Southeastern New England Captain of the Port Zone.

*Sector Southeastern New England Captain of the Port Zone* means the area defined in 33 CFR 3.05-20.

(c) *Notification.* Sector Southeastern New England Captain of the Port will give actual notice to mariners for the purpose of enforcement of this temporary security zone. In addition, the Coast Guard will broadcast the area designated as a security zone for the duration of the enforcement period via Broadcast Notice to Mariners.

(d) *Effective and enforcement period.* This rule is effective with actual notice for purposes of enforcement from September 22, 2010, through 8 a.m. on April 1, 2011.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.33 of this part, entry into or movement within these zones is prohibited unless authorized by the Captain of the Port Southeastern New England or his designated representative.

(2) All persons and vessels must comply with the instructions of the Captain of the Port or his designated representative. Emergency response vessels are authorized to move within the zone, but must abide by the restrictions imposed by the Captain of the Port or his designated representative.

(3) No person may swim upon or below the surface of the water within the boundaries of these security zones unless previously authorized by the Captain of the Port or his designated representative.

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

(5) Vessel operators desiring to enter or operate within the security zone shall contact the Captain of the Port or his designated representative via VHF channel 16 to obtain permission to do so.

Dated: September 22, 2010.

**V.B. Gifford, Jr.,**

*Captain, U.S. Coast Guard, Captain of the Port, Southeastern New England.*

[FR Doc. 2010-26099 Filed 10-15-10; 8:45 am]

**BILLING CODE 9110-04-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R03-OAR-2010-0319; FRL-9211-6]

**Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Amendment to Consumer Products and Architectural and Industrial Maintenance Coatings Regulations**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania concerning amendments to the Pennsylvania Consumer Products and Architectural and Industrial Maintenance Coatings Regulations. The SIP revision amends 25 *Pa. Code* Chapter 130, Subchapters B and C (relating to consumer products and architectural and industrial maintenance (AIM) coatings) in order to reduce volatile organic compounds (VOCs). This action is being taken under the Clean Air Act (CAA).

**DATES:** *Effective Date:* This final rule is effective on November 17, 2010.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2010-0319. All documents in the docket are listed in the <http://www.regulations.gov> Web site. Although listed in the electronic docket, some information is not publicly available, i.e., 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 either electronically through <http://www.regulations.gov> or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

**FOR FURTHER INFORMATION CONTACT:**

Gregory Becoat, (215) 814-2036, or by e-mail at [becoat.gregory@epa.gov](mailto:becoat.gregory@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On June 21, 2010 (75 FR 34964), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Pennsylvania. The NPR proposed approval of a revision of the Pennsylvania SIP that amends 25 *Pa. Code* Chapter 130, Subchapters B by adding VOC content limits for an additional 11 categories of consumer products and revising the VOC content limits for one category of consumer products currently regulated. The NPR also proposed approval of amendments to the SIP that add definitions for approximately 30 new terms and amends definitions for approximately 75 existing terms in order to provide clarity. Additionally, the term “VOC—volatile organic compound” is added to Subchapter B. The NPR proposed approval of a revision to the SIP that changes the definition of the term “VOC—volatile organic compound” in Subchapter C (relating to AIM coatings) to mirror the definition of the term in 25 *Pa. Code* Chapter 121 (relating to definitions). EPA received no comments on the NPR that proposed approval of Pennsylvania’s SIP revision. The formal SIP revision was submitted by the Commonwealth of Pennsylvania on March 11, 2009.

## II. Summary of SIP Revision

This SIP revision makes of the following amendments:

1. Adds and/or amends definitions, terms, and sections in 25 *Pa. Code* Chapter 130, Subchapters B and C for clarity, style, format, and consistency with the Ozone Transport Commission Model Rule and Federal definitions.
2. Adds and/or amends sections in 25 *Pa. Code* Chapter 130, Subchapter B in order to incorporate future changes in test procedures; deletes an unnecessary reference to a California regulatory provision; deletes and moves definitions and terms; allows for the sell-through of product manufactured prior to applicable effective dates; updates the product dating; establishes the lowest applicable VOC limit requirements; requires additional information on product containers; and establishes requirements for a variance or alternative control plan (ACP).
3. Establishes under 25 *Pa. Code* Chapter 130, Subchapter B, applicability to any person who sells, supplies, offers for sale, or manufactures consumer products on and after applicable compliance dates.
4. Establishes under 25 *Pa. Code* Chapter 130, Subchapter B, the percentage of VOC by weight that cannot be exceeded for consumer products that are sold, supplied, offered for sale or manufactured for sale in the Commonwealth of Pennsylvania, and lists exemptions from the VOC limits. The rule also contains requirements for the following: (1) Products registered under Federal Insecticide, Fungicide and Rodenticide Act, (2) products requiring dilution, (3) sell-through of products, (4) aerosols adhesives, (5) charcoal lighter materials, and (6) floor wax strippers.
5. Establishes under 25 *Pa. Code* Chapter 130, Subchapter B, exemptions for the following: (1) Products for shipment and use outside the Commonwealth, (2) antiperspirants and deodorants, (3) products registered under FIFRA, (4) air fresheners, (5) adhesives, (6) bait station insecticides, and (7) fragrances.
6. Establishes under 25 *Pa. Code* Chapter 130, Subchapter B, applicability for ACPs for consumer products, criteria for innovative products exemption and requirements for waiver requests. The rule also contains grounds for requesting a variance, as well as applicability for ACPs for consumer products. ACPs for consumer products are provided by allowing responsible parties the option to voluntarily enter into separate ACP agreements for the consumer products mentioned above. In

addition, the rule contains the following administrative requirements: (1) Product dating, (2) most restrictive limit, (3) labeling, and (4) recordkeeping and reporting, as well as test methods for demonstrating compliance.

7. Establishes under 25 *Pa. Code* Chapter 130, Subchapter C, the meaning of "VOC—volatile organic compound," unless the context clearly indicates otherwise.

Further details of the Commonwealth of Pennsylvania's regulation revisions can be found in a Technical Support Document prepared for the June 21, 2010 proposed rulemaking action.

## III. Final Action

EPA is approving the Pennsylvania SIP revision that amends 25 *Pa. Code* Chapter 130, Subchapters B and C (relating to consumer products and AIM coatings) in order to reduce VOCs.

## IV. Statutory and Executive Order Reviews

### A. General Requirements

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA 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 CAA. 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 CAA; 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.

### B. Submission to Congress and the Comptroller General

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).

### C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 17, 2010. Filing a petition for reconsideration by the Administrator of this final rule pertaining to Pennsylvania's amendment to 25 *Pa. Code* Chapter 130, Subchapters B and C (relating to Pennsylvania's Consumer Products and AIM Coatings Regulations), 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.

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

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

Dated: September 17, 2010.

**W.C. Early,**

*Acting, Regional Administrator, Region III.*

■ 40 CFR part 52 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 NN—Pennsylvania**

■ 2. In § 52.2020, the table in paragraph (c)(1) is amended by:

■ a. Adding entries for Section 130.217 and 130.338.

■ b. Revising entries for Sections 130.201, 130.202, 130.211, 130.213,

130.214, 130.215, 130.331, 130.332, 130.334, 130.335, 130.371, 130.372, 130.373, 130.411, 130.412, 130.414, 130.452, 130.453, 130.454, 130.455, 130.457, 130.458, 130.460, 130.462, 130.465, 130.471, 130.602.

The amendments read as follows:

**§ 52.2020 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

State citation	Title/subject	State effective date	EPA approval date	Additional explanation/§ 52.2063 citation
<b>TITLE 25. ENVIRONMENTAL PROTECTION</b>				
<b>ARTICLE III. AIR RESOURCES</b>				
<b>Chapter 130—Standards for Products</b>				
<b>Subchapter B—Consumer Products</b>				
<b>General Provisions</b>				
Section 130.201 .....	Applicability .....	10/11/08	October 18, 2010 [Insert page number where the document begins].	
Section 130.202 .....	Definitions .....	10/11/08	October 18, 2010 [Insert page number where the document begins].	
<b>Standard</b>				
Section 130.211 .....	Table of standards .....	10/11/08	October 18, 2010 [Insert page number where the document begins].	
Section 130.213 .....	Products registered under FIFRA.	10/11/08	October 18, 2010 [Insert page number where the document begins].	
Section 130.214 .....	Requirements for charcoal lighter materials.	10/11/08	October 18, 2010 [Insert page number where the document begins].	
Section 130.215 .....	Requirements for aerosol adhesives.	10/11/08	October 18, 2010 [Insert page number where the document begins].	
Section 130.217 .....	Sell-through of products .....	10/11/08	October 18, 2010 [Insert page number where the document begins].	Adds section to allow for the sell-through of product manufactured prior to applicable effective dates.
<b>Exemptions</b>				
Section 130.331 .....	Products for shipment and use outside this Commonwealth.	10/11/08	October 18, 2010 [Insert page number where the document begins].	
Section 130.332 .....	Antiperspirants and deodorants	10/11/08	October 18, 2010 [Insert page number where the document begins].	
Section 130.334 .....	Products registered under FIFRA.	10/11/08	October 18, 2010 [Insert page number where the document begins].	

State citation	Title/subject	State effective date	EPA approval date	Additional explanation/§ 52.2063 citation
Section 130.335 .....	Air fresheners .....	10/11/08	October 18, 2010 [Insert page number where the document begins].	
*	*	*	*	*
Section 130.338 .....	Fragrances .....	10/11/08	October 18, 2010 [Insert page number where the document begins].	Added section.
*	*	*	*	*

**Administrative Requirements**

Section 130.371 .....	Code-dating .....	10/11/08	October 18, 2010 [Insert page number where the document begins].	
Section 130.372 .....	Most restrictive limit .....	10/11/08	October 18, 2010 [Insert page number where the document begins].	
Section 130.373 .....	Additional labeling requirements for aerosol adhesives.	10/11/08	October 18, 2010 [Insert page number where the document begins].	
*	*	*	*	*

**Variations**

Section 130.411 .....	Application for variance .....	10/11/08	October 18, 2010 [Insert page number where the document begins].	
Section 130.412 .....	Variance orders .....	10/11/08	October 18, 2010 [Insert page number where the document begins].	
*	*	*	*	*
Section 130.414 .....	Modification of variance .....	10/11/08	October 18, 2010 [Insert page number where the document begins].	
*	*	*	*	*

**ACP for Consumer Products**

*	*	*	*	*	*
Section 130.452 .....	Exemption .....	10/11/08	October 18, 2010 [Insert page number where the document begins].		
Section 130.453 .....	Request for exemption .....	10/11/08	October 18, 2010 [Insert page number where the document begins].		
Section 130.454 .....	Application for an ACP .....	10/11/08	October 18, 2010 [Insert page number where the document begins].		
Section 130.455 .....	Recordkeeping and availability of requested information.	10/11/08	October 18, 2010 [Insert page number where the document begins].		
*	*	*	*	*	
Section 130.457 .....	Limited-use surplus reduction credits for early reformulations of ACP products.	10/11/08	October 18, 2010 [Insert page number where the document begins].		
Section 130.458 .....	Reconciliation of shortfalls .....	10/11/08	October 18, 2010 [Insert page number where the document begins].		
*	*	*	*	*	
Section 130.460 .....	Modifications that require Department preapproval.	10/11/08	October 18, 2010 [Insert page number where the document begins].		

State citation	Title/subject	State effective date	EPA approval date	Additional explanation/§ 52.2063 citation
* Section 130.462 .....	* Modification of an ACP by the Department.	* 10/11/08	* October 18, 2010 [Insert page number where the document begins].	* *
* Section 130.465 .....	* Other applicable requirements ...	* 10/11/08	* October 18, 2010 [Insert page number where the document begins].	* *
<b>Public Hearing Requirements</b>				
* Section 130.471 .....	* Public hearings .....	* 10/11/08	* October 18, 2010 [Insert page number where the document begins].	* *
<b>Subchapter C—Architectural and Industrial Maintenance Coatings</b>				
* Section 130.602 .....	* Definitions .....	* 10/11/08	* October 18, 2010 [Insert page number where the document begins].	* *

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[FR Doc. 2010-25317 Filed 10-15-10; 8:45 am]

BILLING CODE 6560-50-P

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 648**

[Docket No. 100803321-0477-01]

RIN 0648-BA08

**Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Framework Adjustment 21; Correction**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Correcting amendments.

**SUMMARY:** On June 28, 2010, NMFS published in the **Federal Register** the final rule to implement Framework Adjustment 21 (Framework 21) to the Atlantic Sea Scallop Fishery Management Plan (Scallop FMP), which established management measures for the 2010 scallop fishing year (FY). Following publication, NMFS identified errors, omissions, and possible need for clarification of some provisions. In addition to certain technical and wording clarifications, the Framework 21 final rule inadvertently did not incorporate a proposed regulatory provision pertaining to how scallop

access area trip overages incurred during the interim period between the March 1, 2010, start of the fishing year (FY) and the implementation of Framework 21 FY 2010 management measures would be applied to FY 2011. This provision was described in the proposed rule and NMFS subsequently responded to specific comments on this provision and provided greater detail of this measure in the preamble of the final rule. However, the regulatory text was inadvertently excluded. In addition, the Framework 21 final rule inadvertently deleted regulations pertaining to limited access general category (LAGC) possession and landing limits promulgated in the final rule implementing Amendment 11 to the Scallop FMP that published in the **Federal Register** on April 24, 2008. This correcting amendment corrects these errors.

**DATES:** Effective October 18, 2010.

**FOR FURTHER INFORMATION CONTACT:** Emily Bryant, Fishery Policy Analyst, (978) 281-9244.

**SUPPLEMENTARY INFORMATION:** On June 28, 2010, the final rule for Framework 21 published in the **Federal Register** (75 FR 36559). The purpose of Framework 21, developed by the New England Fishery Management Council, was to set scallop management measures for FY 2010. The final rule to Framework 21 also included revisions to regulatory text at 50 CFR part 648 in order to remove or clarify text that was duplicative and unnecessary, outdated, or unclear.

This action corrects errors and omissions, and provides clarification in the final rule for Framework 21. Because Framework 21 was not implemented by the start of the FY on March 1, 2010, and the regulations in effect at the start of FY 2010 were inconsistent with Framework 21 specifications, the preamble to the proposed and final rules discussed how FY 2010 overages in scallop days-at-sea (DAS), access area trips, and possession limits incurred prior to Framework 21's effectiveness would be applied to FY 2011 allocations. NMFS received one comment specifically addressing the provision for Elephant Trunk Access Area (ETAA) trip overages for limited access full-time scallop vessels during the comment period on the proposed rule and, based on this comment, NMFS intended to clarify this provision in the final rule. However, the specific reference to the ETAA trip overage provision was inadvertently omitted from the regulatory text. This action corrects this error by including the regulatory text to this specific provision in § 648.60.

This action also makes minor editorial revisions to the regulatory text at §§ 648.14(i)(2)(i)(G) and 648.53(h)(5)(iv)(A) to ensure that the regulatory language incorporated through the Framework 21 final rule is consistent with the language in other sections of the regulations. This action also corrects the title of a required vessel monitoring system (VMS) form for LAGC Northern Gulf of Maine (NGOM) and Individual Fishing Quota