

Number	Date	Event	Sponsor	Location
<b>(d) Coast Guard Sector North Carolina—COTP Zone</b>				
14	November 27, 2010	2010 North Carolina Holiday Flotilla boat parade and fireworks.	NC Holiday Flotilla at Wrightsville Beach, NC.	All waters of Motts Channel within a 300 yard radius of the fireworks barge in approximate position latitude 34°12'29" N, longitude 077°48'27" W, approximately 560 yards south of Sea Path Marina, Wrightsville Beach, NC.

Dated: September 28, 2010.  
**Anthony Popiel,**  
*Captain, U.S. Coast Guard, Captain of the Port North Carolina.*  
 [FR Doc. 2010-26378 Filed 10-19-10; 8:45 am]  
**BILLING CODE 9110-04-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

[Docket No. USCG-2010-0824]

**Safety Zone, Brandon Road Lock and Dam to Lake Michigan Including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, and Calumet-Saganashkee Channel, Chicago, IL**

**AGENCY:** Coast Guard, DHS.  
**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce a segment of the Safety Zone, Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Ship and Sanitary Canal, Chicago River, Calumet-Saganashkee Channel on all waters of the Chicago Sanitary and Ship Canal from Mile Marker 296.1 to Mile Marker 296.7 from 6 a.m. on October 4, 2010 through 6 p.m. on October 11, 2010 and from 6 a.m. on November 3, 2010 through 6 p.m. on November 5, 2010. This action is necessary to protect the waterways, waterway users and vessels from hazards associated with the U.S. Army Corps of Engineers' installation of parasitic structures which will help control the spread of aquatic nuisance species that might devastate the waters in the Chicago Sanitary and Ship Canal.

During the enforcement period, entry into, transiting, mooring, laying-up or anchoring within the enforced area of this safety zone by any person or vessel is prohibited unless authorized by the Captain of the Port, Sector Lake

Michigan, or his or her designated representative.  
**DATES:** The regulations in 33 CFR 165.T09-0166 will be enforced daily from 6 a.m. to 6 p.m. on October 4, 2010 to October 11, 2010 and daily from 6 a.m. to 6 p.m. on November 3, 2010 to November 5, 2010. This rule is effective with actual notice for purposes of enforcement at 6 a.m. on October 4, 2010.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, call or e-mail CDR Tim Cummins, Deputy Prevention Division, Ninth Coast Guard District, telephone 216-902-6045, e-mail address *Timothy.M.Cummins@uscg.mil*.

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce Safety Zone, Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, Calumet-Saganashkee Channel, Chicago, IL listed in 33 CFR 165.T09-0166(a)(2), on all waters of the Chicago Sanitary and Ship Canal from Mile Marker 296.1 to Mile Marker 296.7 daily from 6 a.m. to 6 p.m. on October 4, 2010 to October 11, 2010 and daily from 6 a.m. to 6 p.m. on November 3, 2010 to November 5, 2010.

This enforcement action is necessary because the Captain of the Port, Sector Lake Michigan has determined that the U.S. Army Corps of Engineers' installation operation poses risks to life and property. Specifically, there will be congested waterways and construction operations requiring the use of divers taking place in the vicinity of the U.S. Army Corps of Engineers' electric dispersal barrier. The combination of vessel traffic, divers, and electric current in the water makes the control of vessels through the impacted portion of the Chicago Sanitary and Ship Canal necessary to prevent injury and property loss.

In accordance with the general regulations in § 165.23 of this part, entry into, transiting, mooring, laying up, or

anchoring within the enforced area of this safety zone by any person or vessel is prohibited unless authorized by the Captain of the Port, Sector Lake Michigan, or his or her designated representative.

This notice is issued under authority of 33 CFR 165.T09-0166 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Captain of the Port, Sector Lake Michigan, will also provide notice through other means, which may include but are not limited to Broadcast Notice to Mariners, Local Notice to Mariners, local news media, distribution in leaflet form, and on-scene oral notice. Additionally, the Captain of the Port, Sector Lake Michigan, may notify representatives from the maritime industry through telephonic and e-mail notifications.

Dated: September 24, 2010.  
**L. Barndt,**  
*Captain, U.S. Coast Guard, Captain of the Port, Sector Lake Michigan.*

[FR Doc. 2010-26379 Filed 10-19-10; 8:45 am]  
**BILLING CODE 9110-04-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R03-OAR-2010-0124; FRL-9211-5]

**Approval and Promulgation of Air Quality Implementation Plans; Delaware; Limiting Emissions of Volatile Organic Compounds From Consumer Products**

**AGENCY:** Environmental Protection Agency (EPA).  
**ACTION:** Final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Delaware. The revision amends existing Section 2.0—Consumer Products to Delaware's Regulation 1141 (formerly SIP Regulation No. 41)—Limiting Emissions of Volatile Organic Compounds from

Consumer and Commercial Products. This action is being taken under the Clean Air Act (CAA).

**DATES:** *Effective Date:* This final rule is effective on November 19, 2010.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2010-0124. 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 Delaware Department of Natural Resources & Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19901.

**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 18, 2010 (75 FR 34671), EPA published a notice of proposed rulemaking (NPR) for the State of Delaware. The NPR proposed approval of the Delaware SIP revision that amends Regulation 1141/SIP Regulation No. 41—Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products. The SIP revision amends existing Section 2.0—Consumer Products by adding the sale, distribution, and manufacturing of 23 new categories of consumer products and product types to the list of products already regulated by this rule. These categories include personal hygiene and grooming, home cleaning, and cleaning of electrical and electronic equipment. EPA received no comments on the NPR to approve Delaware's SIP revision. The formal SIP revision was submitted by the State of Delaware on June 22, 2009.

**II. Summary of SIP Revision**

Regulation 1141 (formerly SIP Regulation No. 41), Section 2.0 establishes applicability to any person who sells, supplies, offers for sale, uses or applies, or manufactures for sale consumer products in the State of

Delaware. The rule does not apply to a retailer who sells, supplies, or offers for sale in the State of Delaware a particular consumer product that does not comply with the Volatile Organic Compounds (VOC) standards, provided that retailer demonstrates that the manufacturer or distributor of that product mislead that retailer into believing that the product did comply with the VOC standards. The rule sets compliance dates for specific VOC content limits in percent VOCs by weight for consumer products and lists exemptions from the VOC content limits. The rule also contains requirements for the following consumer products: (1) Products requiring dilution, (2) ozone depleting compounds, (3) aerosols adhesives, (4) antiperspirants or deodorants, (5) charcoal lighter materials, and (6) floor wax strippers. Regulation 1141 provides alternative control plans (ACP) 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: (1) Criteria for innovative products exemptions and requirements for waiver requests, (2) administrative requirements for labeling and reporting, and (3) test methods for demonstrating compliance. Further details of Delaware's regulation revisions can be found in a Technical Support Document prepared for the June 18, 2010 proposed rulemaking action.

**III. Final Action**

EPA is approving the Delaware SIP revision that amends existing Section 2.0—Consumer Products to Delaware's Regulation 1141 (formerly SIP Regulation No. 41)—Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products.

**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 20, 2010. Filing a petition for reconsideration by the Administrator of this final rule pertaining to Delaware’s amendment to Section 2.0—Consumer Products of Delaware’s Regulation No. 1141 (formerly SIP Regulation No. 41), 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, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

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 I—Delaware**

■ 2. In § 52.420, the table in paragraph (c) is amended by revising Regulation 1141, Section 2.0 to read as follows:

**§ 52.420 Identification of plan.**

\* \* \* \* \*  
(c) \* \* \*

**EPA-APPROVED REGULATIONS IN THE DELAWARE SIP**

State regulation (7 DNREC 1100)	Title/subject	State effective date	EPA approval date	Additional explanation
*	*	*	*	*
*	<b>1141 Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products</b>	*	*	*
*	*	*	*	*
Section 2.0 .....	Specific Emission Control Requirements.	4/11/09	10/20/10 [Insert page number where the document begins].	Adds the sale, distribution, and manufacturing of 23 categories of consumer products and product types.
*	*	*	*	*

\* \* \* \* \*  
[FR Doc. 2010-25314 Filed 10-19-10; 8:45 am]  
**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 52 and 81**

[EPA-R06-OAR-2008-0932; FRL-9214-9]

**Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Texas; Beaumont/Port Arthur Ozone Nonattainment Area: Redesignation to Attainment for the 1997 8-Hour Ozone Standard and Determination of Attainment for the 1-Hour Ozone Standard; Clarification of EPA’s Approval of the El Paso Section 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standard**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is taking final action to approve a request from the State of Texas to redesignate the Beaumont/Port Arthur (BPA) Texas ozone nonattainment area to attainment of the 1997 8-hour ozone National Ambient

Air Quality Standard (NAAQS). EPA is making a final determination that the BPA nonattainment area has attained the 1997 8-hour ozone NAAQS, based on complete, quality-assured, and certified ambient air quality monitoring data for 2006–2008. Preliminary data available for 2009 and 2010 show that the area continues to attain the 1997 8-hour ozone NAAQS.

In finalizing its approval of the redesignation request, EPA also approves, as a revision to the BPA State Implementation Plan (SIP), a 1997 8-hour ozone maintenance plan that includes a 2021 Motor Vehicle Emissions Budget (MVEB). EPA is also approving the BPA area’s 2002 base year emissions inventory as part of the BPA SIP. EPA also is approving as part of the BPA SIP, the Texas Clean-Fuel Vehicle (CFV) Program Equivalency Demonstration. EPA finds that with final approval of these revisions, the area has a fully approved SIP that meets all of the 1997 8-hour ozone requirements and 1-hour ozone anti-backsliding requirements under section 110 and Part D of the Federal Clean Air Act (CAA or Act) that are applicable for purposes of redesignation. EPA is also approving a determination that the BPA area is meeting the 1-hour ozone

standard based upon three years of complete, quality-assured, and certified ambient air quality monitoring data for 2006–2008. Preliminary data available for 2009 and 2010 show that the area continues to attain the standard.

Additionally, EPA is taking final action to approve the post-1996 Rate of Progress (ROP) plan’s contingency measures, the substitute control measures for the failure-to-attain contingency measures, and the removal from the Texas SIP of a 1-hour ozone failure-to-attain contingency measure, a volatile organic compound (VOC) SIP rule for marine vessel loading, as meeting the requirements of section 110(l) and part D of the Act.

EPA also is providing clarification of an earlier separate EPA rulemaking action approving the Section 110(a)(1) Maintenance Plan for the 1997 8-hour ozone standard for the El Paso 1997 8-hour attainment area.

**DATES:** *Effective Date:* This rule will be effective November 19, 2010.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-R06-OAR-2008-0932. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is