

*Executive Order 13175—Consultation and Coordination With Indian Tribal Governments*

In accordance with Executive Order 13175, we have evaluated the potential effects of this rule on Federally-recognized Indian tribes and have determined that the rule does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. The basis for this determination is that our decision is on a State regulatory program and does not involve Federal regulations involving Indian lands.

*Executive Order 13211—Regulations That Significantly Affect the Supply, Distribution, or Use of Energy*

On May 18, 2001, the President issued Executive Order 13211 which requires agencies to prepare a Statement of Energy Effects for a rule that is (1) considered significant under Executive Order 12866, and (2) likely to have a significant adverse effect on the supply, distribution, or use of energy. Because this rule is exempt from review under Executive Order 12866 and is not expected to have a significant adverse effect on the supply, distribution, or use of energy, a Statement of Energy Effects is not required.

*National Environmental Policy Act*

This rule does not require an environmental impact statement because section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

*Paperwork Reduction Act*

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

*Regulatory Flexibility Act*

The Department of the Interior certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This analysis is based on the nature of the proposed amendment which does not impose requirements on small entities.

*Small Business Regulatory Enforcement Fairness Act*

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule: (a) Does not have an annual effect on the economy of \$100 million; (b) will not cause a major increase in costs or prices for consumers, individual industries, geographic regions, or Federal, State or local governmental agencies; and (c) does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This determination is based upon an analysis of the proposed amendment which does not impose new requirements on the regulated industry.

*Unfunded Mandates*

This rule will not impose an unfunded mandate on state, local, or tribal governments or the private sector of \$100 million or more in any given year. This determination is based upon the fact that the state submitted the amendment on its own initiative.

**List of Subjects in 30 CFR Part 938**

Intergovernmental relations, Surface mining, Underground mining.

Dated: February 23, 2010.

**Thomas D. Shope,**

*Regional Director, Appalachian Region.*

**Editorial Note:** This document was received in the Office of the Federal Register on June 16, 2010.

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**BILLING CODE 4310-05-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

**[EPA-R03-OAR-2010-0319; FRL-9164-3]**

**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:** Proposed rule.

**SUMMARY:** EPA is proposing to approve 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 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:** Written comments must be received on or before July 21, 2010.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-R03-OAR-2010-0319 by one of the following methods:

A. <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

B. *E-mail:*  
[fernandez.cristina@epa.gov](mailto:fernandez.cristina@epa.gov).

C. *Mail:* EPA-R03-OAR-2010-0319, Cristina Fernandez, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID No. EPA-R03-OAR-2010-0319. EPA's policy is that all comments received 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 information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. 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:** All documents in the electronic docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, *i.e.*, 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 in <http://www.regulations.gov> or in hard copy 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 March 11, 2009, the Pennsylvania Department of Environmental Protection (PADEP) submitted a revision to its SIP for amendments to 25 *Pa. Code* Chapter 130, Subchapters B and C (relating to consumer products and AIM coatings). This SIP revision 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 revision also adds definitions for approximately 30 new terms, including those that relate to the newly regulated product categories 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 SIP revision 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). This revision will make the most currently VOC exempt compounds available as tools to reduce ozone formation.

The standards and requirements contained in Pennsylvania’s consumer

products rule are consistent with the Ozone Transport Commission (OTC) model rule. The OTC consumer products model rule was based on the existing rules developed by the California Air Resources Board, which were analyzed and modified by the OTC workgroup to address VOC reduction needs in the Ozone Transport Region (OTR). Implementing this rule will result in SIP emission reductions in VOC to support the attainment demonstrations, and reductions in ground-level ozone in other areas of the OTR.

#### **II. Summary of SIP Revision**

This SIP revision consists 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 OTC 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, delete an unnecessary reference to a California regulatory provision, delete and move definitions and terms, allow for the sell-through of product manufactured prior to applicable effective dates, update the product dating, establish the lowest applicable VOC limit requirements, require additional information on product containers, and establish 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 FIFRA, (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 and 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 this proposed rulemaking action.

#### **III. Proposed Action**

EPA has determined that the revisions made to 25 *Pa. Code* Chapter 130, Subchapters B and C meet the SIP revision requirements of the CAA and is proposing to approve the amendments to Pennsylvania’s Consumer Products and AIM Coatings Regulations. This revision will result in the reduction of VOC emissions in the Commonwealth of Pennsylvania. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

#### **IV. 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 proposes to approve State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this proposed 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 proposed 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 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.

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

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

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

Dated: June 7, 2010.

**W.C. Early,**

*Acting Regional Administrator, Region III.*

[FR Doc. 2010-14777 Filed 6-18-10; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 544

[Docket No. NHTSA-2010-0017]

RIN 2127-AK69

#### Insurer Reporting Requirements; List of Insurers Required To File Reports

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document proposes to amend appendices to NHTSA regulations on Insurer Reporting Requirements. The appendices list those passenger motor vehicle insurers that are required to file reports on their motor vehicle theft loss experiences. An insurer included in any of these appendices would be required to file three copies of its report for the 2007 calendar year before October 25, 2010. If the passenger motor vehicle insurers remain listed, they must submit reports by each subsequent October 25. We are proposing to add and remove several insurers from relevant appendices.

**DATES:** Comments must be submitted not later than August 20, 2010. Insurers listed in the appendices are required to submit reports on or before October 25, 2010.

**ADDRESSES:** You may submit comments, identified by DOT Docket No. NHTSA-2010-0017 by any of the following methods:

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

- **Mail:** Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.

- **Hand Delivery or Courier:** West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

- **Fax:** 1-202-493-2251.

**Instructions:** For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation heading of the **SUPPLEMENTARY INFORMATION** section of this document. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. *Please see the Privacy Act heading below.*

**Privacy Act:** Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78) or you may visit <http://DocketInfo.dot.gov>.

**Docket:** For access to the docket to read background documents or comments received, go to the street address listed above. The Internet access to the docket will be at <http://www.regulations.gov>. Follow the online instructions for accessing the dockets.

#### FOR FURTHER INFORMATION CONTACT:

Carlita Ballard, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, 1200 New Jersey Avenue, SE., Washington, DC 20590, by electronic mail to [Carlita.Ballard@dot.gov](mailto:Carlita.Ballard@dot.gov). Ms. Ballard's telephone number is (202) 366-0846. Her fax number is (202) 493-2990.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Pursuant to 49 U.S.C. 33112, *Insurer reports and information*, NHTSA requires certain passenger motor vehicle insurers to file an annual report with the agency. Each insurer's report includes information about thefts and recoveries of motor vehicles, the rating rules used by the insurer to establish premiums for comprehensive coverage, the actions taken by the insurer to reduce such premiums, and the actions taken by the insurer to reduce or deter theft. Under the agency's regulation, 49 CFR Part 544, the following insurers are subject to the reporting requirements:

(1) Issuers of motor vehicle insurance policies whose total premiums account for 1 percent or more of the total premiums of motor vehicle insurance issued within the United States;

(2) Issuers of motor vehicle insurance policies whose premiums account for 10 percent or more of total premiums written within any one State; and

(3) Rental and leasing companies with a fleet of 20 or more vehicles not covered by theft insurance policies issued by insurers of motor vehicles, other than any governmental entity.

Pursuant to its statutory exemption authority, the agency exempted certain passenger motor vehicle insurers from the reporting requirements.

##### A. Small Insurers of Passenger Motor Vehicles

Section 33112(f)(2) provides that the agency shall exempt small insurers of