

## Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

## Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect 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.

## 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.

## 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.

## Environment

We have analyzed this rule under Department of Homeland Security

Management Directive 023-01 and Commandant Instruction M16475.ID, 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 establishing a safety zone around a fireworks display. This zone is designed to protect mariners and spectators from the hazards associated with aerial fireworks displays. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

## List of Subjects 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, 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.T05-0478 to read as follows:

### § 165.T05-0478 Safety Zone; Fireworks for the Virginia Lake Festival, Buggs Island Lake, Clarksville, VA

(a) *Regulated Area.* The following area is a safety zone: Specified waters of the Captain of the Port Sector Hampton Roads zone, as defined in 33 CFR 3.25-10, in the navigable waters of Buggs Island Lake on the causeway of the Highway 58 Business Bridge, within the area bounded by a 700-foot radius circle centered on position 36°38'02" N/ 078°32'32" W (NAD 1983).

(b) *Definition.* For the purposes of this part, Captain of the Port Representative means any U.S. Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port, Hampton Roads, Virginia to act on his behalf.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the

Captain of the Port, Hampton Roads or his designated representatives.

(2) The operator of any vessel in the immediate vicinity of this safety zone shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(3) The Captain of the Port, Hampton Roads can be reached through the Sector Duty Officer at Sector Hampton Roads in Portsmouth, Virginia at telephone number (757) 638-6641.

(4) The Coast Guard Representatives enforcing the safety zone can be contacted on VHF-FM marine band radio channel 13 (165.65 Mhz) and channel 16 (156.8 Mhz).

(d) *Enforcement Period.* This regulation will be enforced from 9:30 p.m. to 10 p.m. on July 17, 2010.

Dated: June 3, 2010.

**M.S. Ogle,**

*Captain, U.S. Coast Guard, Captain of the Port Hampton Roads.*

[FR Doc. 2010-14852 Filed 6-18-10; 8:45 am]

BILLING CODE 9110-04-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR Part 165

[Docket No. USCG-2010-0250]

RIN 1625-AA00

### Safety Zone; Chicago Tall Ships Fireworks, Lake Michigan, Chicago, IL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the waters of Lake Michigan within Chicago Harbor, Chicago, Illinois. This zone is intended to restrict vessels from a portion of Chicago Harbor due to a fireworks display. This temporary safety zone is necessary to protect the surrounding public and vessels from the hazards associated with a fireworks display.

**DATES:** This rule is effective from 8:45 p.m. on August 24, 2010 until 9:15 p.m. August 28, 2010.

**ADDRESSES:** Comments and material received from the public, as well as documents mentioned in this preamble

as being available in the docket, are part of docket USCG–2010–0250 and are available online by going to <http://www.regulations.gov>, inserting USCG–2010–0250 in the “Keyword” box, and then clicking “Search.” This material is also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary rule, call or e-mail CWO2 Jon Grob, U.S. Coast Guard, Sector Lake Michigan, telephone (414)747–7188, e-mail [Jon.K.Grob@uscg.mil](mailto:Jon.K.Grob@uscg.mil). If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366–9826.

#### **SUPPLEMENTARY INFORMATION:**

##### **Regulatory Information**

On May 3, 2010, we published a notice of proposed rulemaking (NPRM) entitled Safety Zone; Chicago Tall Ships Fireworks, Chicago, IL in the **Federal Register** (75 FR 23209). We received 0 comments on the proposed rule. No public meeting was requested and none was held.

##### **Basis and Purpose**

This temporary safety zone is necessary to protect vessels from the hazards associated with the Chicago Tall Ships Fireworks display. The Captain of the Port, Sector Lake Michigan has determined that the Chicago Tall Ships Fireworks display presents a significant risk to public safety and property. The likely combination of congested waterways and a fireworks display presents a significant risk of serious injuries or fatalities.

##### **Discussion of Comments and Changes**

No public comments were received concerning this event. No substantive changes have been made to the rule as proposed.

##### **Regulatory Analyses**

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

##### **Regulatory Planning and Review**

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory

Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. We conclude that this rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone will be relatively small and will exist for only a minimal time. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by proper authority.

##### **Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in a portion of Chicago Harbor between 8:45 p.m. until 9:15 p.m. from August 24, 2010 through August 28, 2010.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This rule will only be enforced for short period of time. Vessels may safely pass outside the safety zone during the event. In the event that this temporary safety zone affects shipping, commercial vessels may request permission from the Captain of the Port, Sector Lake Michigan to transit through the safety zone. The Coast Guard will give notice to the public via a Broadcast to Mariners that the regulation is in effect.

##### **Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), in the NPRM we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

##### **Collection of Information**

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

##### **Federalism**

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism. No comments were received concerning this rule. No substantive changes have been made to the rule as proposed.

##### **Unfunded Mandates Reform Act**

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble. No comments were received concerning this rule. No substantive changes have been made to the rule as proposed.

##### **Taking of Private Property**

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights. No comments were received concerning this rule. No substantive changes have been made to the rule as proposed.

### Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden. No comments were received concerning this rule. No substantive changes have been made to the rule as proposed.

### Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children. No comments were received concerning this rule. No substantive changes have been made to the rule as proposed.

### Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect 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. No comments were received concerning this rule. No substantive changes have been made to the rule as proposed.

### 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. No comments were received concerning this rule. No substantive changes have been made to the rule as proposed.

### 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. No comments were received concerning this rule. No substantive changes have been made to the rule as proposed.

### Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023-01 and Commandant Instruction M16475.ID, 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 therefore paragraph (34)(g) of the Instruction applies.

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 record keeping 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, 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.T09-0250 to read as follows:

### § 165.T09-0250 Safety Zone; Chicago Tall Ships Fireworks, Chicago Harbor, Chicago, IL

(a) *Location.* The safety zone will encompass all waters of Lake Michigan in the vicinity of Chicago Harbor located off the north east end of Navy Pier, encompassing an area 600 yards by 750 yards bound by a line drawn from bound by a line drawn from 41°53'24" N., 087°35'55" W.; then north to 41°53'41" N., 087°35'55" W.; then east to 41°53'41" N., 087°35'26" W.; then south to 41°53'24" N., 087°35'26" W.; then west returning to the point of origin (NAD 83).

(b) *Effective period.* This regulation is effective from 8:45 p.m. on August 24, 2010 until 9:15 p.m. on August 28, 2010. It will be enforced between 8:45 p.m. and 9:15 p.m. on August 24, 2010, between the hours of 8:45 p.m. and 9:15 p.m. on August 25, 2010, between the hours of 8:45 p.m. and 9:15 p.m. on August 26, 2010, between the hours of 8:45 p.m. and 9:15 p.m. on August 27, 2010, and again between the hours of 8:45 p.m. and 9:15 p.m. on August 28, 2010. The Captain of the Port, Sector Lake Michigan, or his or her on-scene representative may terminate this operation at anytime.

(c) *Regulations.* (1) In accordance with the general regulations in section 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port, Sector Lake Michigan, or his or her on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port, Sector Lake Michigan, or his or her 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 or her behalf. The on-scene representative of the Captain of the Port, Sector Lake Michigan, will be aboard either a Coast Guard or Coast Guard Auxiliary vessel.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port, Sector Lake Michigan, or his or her on-scene representative to obtain permission to do so. The Captain of the Port, Sector Lake Michigan, or his or her on-scene representative may be contacted via VHF Channel 16. 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, Sector Lake Michigan, or his or her on-scene representative.

Dated: June 3, 2010.

**L. Barndt,**

*Captain, U.S. Coast Guard, Captain of the Port, Sector Lake Michigan.*

[FR Doc. 2010-14848 Filed 6-18-10; 8:45 am]

BILLING CODE 9110-04-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R05-OAR-2005-OH-0003; FRL-9159-3]

#### Approval and Promulgation of Air Quality Implementation Plans; Ohio; Final Approval and Promulgation of State Implementation Plans; Carbon Monoxide and Volatile Organic Compounds

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

**ACTION:** Final rule.

**SUMMARY:** In this action, under the Clean Air Act, we are: Approving into the State Implementation Plan (SIP) certain regulation revisions within Ohio Administrative Code (OAC) 3745-21 (Carbon Monoxide, Photochemically Reactive Materials, Hydrocarbons, and related Materials Standards) which have been adopted by the State; recognizing various emission control exemptions that have been granted for miscellaneous metal coating operations under OAC 3745-21-09(U)(2)(f); and taking no action on certain regulation revisions. We proposed to take these actions in a document published on January 22, 2010, and received no comments.

**DATES:** This final rule is effective on July 21, 2010.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-R05-OAR-2005-OH-0003. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, 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 [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through

Friday, excluding Federal holidays. We recommend that you telephone Anthony Maietta, Environmental Protection Specialist, at (312) 353-8777 before visiting the Region 5 office.

#### FOR FURTHER INFORMATION CONTACT:

Anthony Maietta, Environmental Protection Specialist, Criteria Pollutant Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-8777; [maietta.anthony@epa.gov](mailto:maietta.anthony@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA. This supplementary information section is arranged as follows:

- I. What were EPA’s proposed actions?
- II. Public Comments and EPA Responses
- III. What action is EPA taking?
- IV. Statutory and Executive Order Reviews

#### I. What were EPA’s proposed actions?

This action addresses revisions to OAC 3745-21 in a set of submittals dated October 9, 2000, February 6, 2001, and August 3, 2001; and also addresses revisions to OAC 3745-21, submitted on June 24, 2003, as part of Ohio’s five-year rule review process. On January 22, 2010 (75 FR 3668), EPA proposed a variety of actions regarding revisions to OAC 3745-21. We proposed to approve: (1) Revisions to the rules which corrected grammar and spelling mistakes; (2) revisions to attainment dates and compliance schedules listed within the rules; (3) clarifications which made hard-to-interpret portions of the rules easier to understand; (4) removal of an exemption for certain geographic areas to carbon monoxide (CO) rules; and, (5) site specific emissions limit amendments. Our proposed action contains more information on the rule revisions submitted and our evaluation of them.

In our proposed action, we also provided extensive discussion regarding a provision of 2745-21-09(U)(2)(f) authorizing alternate miscellaneous metal coating limits in selected cases. EPA proposed to recognize alternate limits that Ohio issued during a period when the State had unilateral authority to do so. EPA also described a process developed in concert with Ohio EPA for addressing future requests for such alternate limits. Further discussion of this process, as well as more information on the rule revisions submitted and our evaluation of them, can be found in our proposed action.

We proposed conditional approval of PAC 3745-21-09(BBB)(1) (which affects the BF Goodrich Company Akron Chemical Plant) and disapproval of

OAC 3745-21-09(U)(1)(h) (which affects sources conducting surface coating of miscellaneous metal parts and products). For administrative convenience, we will complete rulemaking on these portions of Ohio’s submittal in a later action.

#### II. Public Comments and EPA Responses

EPA’s proposed action provided a 30-day public comment period. We did not receive any comments on the proposed action.

#### III. What action is EPA taking?

EPA today is only approving rules submitted by Ohio which have not been separately approved. For the full listing of rules we proposed to approve, please see the proposed rulemaking for today’s action (75 FR 3668). In a separate rulemaking on July 28, 2009 (74 FR 37171), EPA has already approved later versions of certain rules. Additional information on the approval of these rules is provided in the proposal for that action published on May 7, 2009, at 74 FR 21295.

EPA is fully approving into the Ohio SIP the following revised rule paragraphs as adopted by the State of Ohio and as defined in Ohio’s submittals:

In OAC 3745-21-09, title, paragraphs (A)(4), (B)(3)(a), (B)(3)(d), (B)(3)(e), (B)(3)(f), (B)(3)(h), (B)(3)(j), (B)(3)(l), (B)(4)(a), (B)(4)(b), (C)(4), (H)(1)(a), (H)(1)(b), (H)(3), (O)(5)(b), (O)(6)(a), (O)(6)(b), (R)(4), the portion of paragraph (U)(2)(e) which states “Daily usage limitations included in (U)(2)(e)(i) through (U)(2)(e)(iii) above shall not apply to coatings employed by the metal parts or products coating line on parts or products which are not metal”, (U)(2)(h), (Y)(1)(a)(i), (AA)(1)(b), (AA)(1)(c), (FF)(1), (II)(2), (II)(3), (II)(4), (KK)(1), (NN)(1), (NN)(2), (NN)(3), (NN)(4), (NN)(5), (OO), (OO)(1), (OO)(2), (OO)(3), (OO)(4), (PP)(2), (UU)(3), (AAA), (DDD), and Appendix A.

EPA is taking no action on revisions to 3745-21-09(U)(2)(f), from both the October 9, 2000, and June 24, 2003, submittals, because EPA approved a later version of this paragraph on July 28, 2009 (74 FR 37171). EPA will continue to honor exemptions granted by Ohio under this rule as it existed in the SIP after May 5, 1995, but prior to June 15, 1999. This leaves two time periods in which Ohio issued permits and amendments for which there are two separate methods to incorporate affected permits and amendments into the SIP: Prior to May 5, 1995, and after June 15, 1999. EPA will address any