

Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

### Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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 proposed 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 proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

### Environment

We have analyzed this proposed 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 made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A preliminary environmental analysis checklist supporting this determination is available in the docket where indicated under **ADDRESSES**. This proposed rule involves the establishment of security zones. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

### List of Subjects in 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 proposes to amend 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. 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. In § 165.1108, revise paragraphs (b) and (c) to read as follows:

#### § 165.1108 Security Zones; Moored Cruise Ships, Port of San Diego, California.

\* \* \* \* \*

(b) *Location*. The following areas are security zones: All navigable waters, extending from the surface to the sea floor, within a 100-yard radius around any cruise ship that is located within the San Diego port area landward of the sea buoys bounding the Port of San Diego.

(c) *Regulations*. Under regulations in 33 CFR part 165, subpart D, a person or vessel may not enter into or remain in the security zones created by this section unless authorized by the Coast Guard Captain of the Port, San Diego (COTP) or a COTP designated representative. Persons desiring to transit these security zones may contact the COTP at telephone number (619) 683-6495 or on VHF-FM channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of

the Port or his or her designated representative.

\* \* \* \* \*

Dated: January 20, 2011.

**T.H. Farris,**

*Captain, U.S. Coast Guard, Captain of the Port San Diego.*

[FR Doc. 2011-1804 Filed 1-26-11; 8:45 am]

**BILLING CODE 9110-04-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R05-OAR-2010-0036; FRL-9258-8]

### Approval and Promulgation of Air Quality Implementation Plans; Ohio; Volatile Organic Compound Reinforced Plastics Composites Production Operations Rule

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve a new rule for the control of volatile organic compound (VOC) emissions from reinforced plastic composites production operations to Ohio's State Implementation plan (SIP). This rule applies to any facility that has reinforced plastic composites production operations. This rule is approvable because it satisfies the requirements for reasonably available control technology (RACT) under the Clean Air Act (CAA).

**DATES:** Comments must be received on or before February 28, 2011.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R05-OAR-2010-0036, by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.
- *E-mail:* [mooney.john@epa.gov](mailto:mooney.john@epa.gov).
- *Fax:* (312) 692-2511.
- *Mail:* John Mooney, Chief,

Attainment Planning and Maintenance Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

- *Hand Delivery:* John Mooney, Chief, Attainment Planning and Maintenance Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of

business are Monday through Friday, 8:30 a.m. to 4:30 p.m. excluding Federal holidays.

**Instructions:** Direct your comments to Docket ID No. EPA-R05-OAR-2010-0036. 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> website 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. For additional instructions on submitting comments, go to Section I of the **SUPPLEMENTARY INFORMATION** section of this document.

**Docket:** All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy.

Publicly available docket materials are available either electronically in <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 legal holidays. We recommend that you telephone Steven Rosenthal,

Environmental Engineer, at (312) 886-6052 before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:** Steven Rosenthal, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6052, [Rosenthal.steven@epa.gov](mailto:Rosenthal.steven@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 should I consider as I prepare my comments for EPA?
- II. What action is EPA taking today and what is the purpose of this action?
- III. What is EPA's analysis of Ohio's reinforced plastics composites rule?
- IV. Statutory and Executive Order Reviews

#### **I. What should I consider as I prepare my comments for EPA?**

1. Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
2. Follow directions—The EPA may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
3. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
4. Describe any assumptions and provide any technical information and/or data that you used.
5. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
6. Provide specific examples to illustrate your concerns, and suggest alternatives.
7. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
8. Make sure to submit your comments by the comment period deadline identified.

#### **II. What action is EPA taking today and what is the purpose of this action?**

EPA is proposing to approve into Ohio's SIP new rule OAC 3745-21-25 "Control of VOC Emissions from Reinforced Plastic Composites Production Operations." This rule was submitted by the Ohio EPA to EPA on November 10, 2010, and contains requirements that satisfy RACT standards for VOC emissions from reinforced plastic composites production operations. This rule is needed to establish VOC RACT

requirements for such operations to replace the requirements contained in OAC rule 3745-21-07 (Control of emissions of organic materials from stationary sources) because 3745-21-07 has been revised by Ohio, and the revised rule (which is the subject of a separate **Federal Register** action) excludes reinforced plastic composites production operations.

#### **III. What is EPA's analysis of Ohio's reinforced plastics composites rule?**

As discussed below, this rule satisfies RACT requirements and is consistent with the CAA and EPA regulations. A general discussion of the main elements of OAC 3745-21-25 (Control of VOC emissions from reinforced plastic composites production operations) follows:

3745-21-25(A) Applicability (A)(1)—This rule applies to any facility that has reinforced plastic composites production operations, except as otherwise provided in paragraph (A)(2).

(A)(2)—This paragraph exempts any facility in which potential VOC emissions from all reinforced plastic composites production operations combined is 10.0 tons per year or less and requires that up-to-date records be kept of the potential to emit VOC from all reinforced plastic composites production operations. However, consistent with EPA's once in/always in policy, this exclusion is not available for any facility that has, or once had, a potential to emit for VOC equal to or greater than 10.0 tons per year for all reinforced plastic composites production operations combined on or after December 14, 2010 (12 months from the effective date of an earlier version of this rule).

(A)(3)—Upon achieving compliance with this rule, the reinforced plastic composites production operations at the facility are not required to meet the requirements of 3745-21-07, which is Ohio's general rule for the control of organic materials from stationary sources that are not controlled by another specific VOC RACT rule. This exemption from 3745-21-07 is appropriate because 3745-21-25 contains VOC RACT requirements specific to reinforced plastic composites production operations, whereas 3745-21-07 is a general rule that covers a number of source categories.

However, the applicability cutoff of 3745-21-07 is 8 lbs/hour or 40 pounds/day as compared to a 25 tons VOC/year cutoff for the control requirements of 3745-21-25 for sheet molding compound (SMC) manufacturing operations. The main purpose of this

rule is the control of such SMC operations because SMC machines were previously covered by 3745–21–07. Ohio EPA submitted a October 25, 2010, demonstration under section 110(l) of the CAA that the less stringent applicability cutoff in 3745–21–25 does not interfere with attainment of the National Ambient Air Quality Standards, nor interfere with any other requirement of the CAA. Ohio documented that the worst case maximum theoretical increase in uncontrolled emissions is 159 tons of VOC/year, but that the actual emission increase from this change in applicability cutoffs would be 7.1 tons of VOC/year.

In December, 2007, Ohio EPA promulgated rules in OAC Chapter 3745–110, “NO<sub>x</sub> RACT.” These rules addressed the control of emissions of oxides of nitrogen (NO<sub>x</sub>) from stationary sources such as boilers, combustion turbines, and stationary internal combustion engines. The rules were made applicable as an attainment strategy in the Cleveland-Akron-Lorain ozone moderate nonattainment area. On September 15, 2009, EPA redesignated the Cleveland-Akron-Lorain metropolitan area as attainment for the 1997 8-hour ozone NAAQS. At the same time, EPA approved a waiver, for this area, from the NO<sub>x</sub> RACT requirements of section 182(f) of the CAA. Ohio’s NO<sub>x</sub> RACT rules are, therefore, surplus and can be used to offset any increase in emissions from SMC machines in Ohio. Ohio obtained 538 tons NO<sub>x</sub>/year actual (and surplus) emission reductions from the Arcelor-Mittal facility as a result of the installation of low NO<sub>x</sub> burners in its three rehear furnaces. The requirement for these low NO<sub>x</sub> burners is permanent and enforceable because they are needed to comply with OAC 3745–110, Ohio’s NO<sub>x</sub> RACT rule. In the Cleveland-Akron-Lorain area, the ratio of NO<sub>x</sub> emissions to VOC emissions is approximately 1.36 pounds NO<sub>x</sub>/pound VOC. Applying this factor, the VOC offset potential for the Arcelor-Mittal facility NO<sub>x</sub> reductions is 396 tons VOC/year.

**3745–21–25(B) Definitions**—The definitions applicable to this rule are contained in paragraph (GG) of (OAC) Rule 3745–21–01. These definitions clearly and adequately define those terms which are needed to understand, and implement, the requirements contained in this rule.

**3245–21–25(C) Affected operations**—This section lists those reinforced plastic composites production operations subject to this rule such as open molding; compression/injection

molding; and centrifugal casting. All of the appropriate affected operations are listed in this section. Of particular note are SMC manufacturing operations, a source category for which there are a number of sources previously covered by 3745–21–07. The main pollutant from reinforced plastic composites manufacturing operations is styrene, which is both a VOC and a hazardous air pollutant. Except for SMC machines, the other reinforced plastic composites manufacturing operations are adequately controlled by the National Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production. (40 CFR part 63 subpart WWWW)

**3245–21–25(D) VOC Control requirements**—All affected operations must meet the work practice standards in Table 1 of this rule. If the combination of all reinforced plastic composites operations at a facility emits less than 100 tons of VOC per year, then the affected operations must meet the emission limits in Table 2 of this rule. If the combination of all reinforced plastic composites operations at a facility emits 100 tons or more of VOC per year, then the affected operations must reduce the total VOC emissions from these operations by at least 95 percent or, as an alternative, meet the VOC emission limits in Table 3 of this rule. Also, any SMC machine with uncontrolled VOC emissions of 25.0 tons or more per rolling 12-month period must be controlled by a VOC emission control system that reduces the VOC emissions from the SMC manufacturing machine by at least 95 percent. A provision of the rule allows for a site-specific alternative requirement if approved by EPA. These control requirements and applicability cutoffs are consistent with RACT.

**3745–21–25(E) Emission factor determination**—This section provides acceptable procedures for determining emission factors to determine compliance with certain VOC emission limits in table 2 and table 3 of this rule and to calculate VOC emissions. Emission factors approved by EPA, such as the emission factors in AP–42, may be used in lieu of a stack test. However, if a stack test is used the stack test results would supersede any published emission factors. In order to determine the monomer content of resins and gel coats, information provided by the material manufacturer, such as manufacturer’s formulation data and material safety data sheets, may be relied upon unless contradicted by actual measurement results.

**3745–21–25(F) Calculation of facility’s VOC emission threshold**—This

section establishes the procedures, including use of a calculated emission factor and conducting performance testing, for calculating the facility’s VOC emissions threshold in tons per year for purposes of determining which requirements apply under paragraph (D) of this rule.

**3745–21–25(G)–(I)**—These paragraphs provide acceptable options for meeting the VOC emissions limits for open molding and centrifugal casting operations, continuous lamination/casting operations, and pultrusion operations.

**3745–21–25(J)–(K)**—These paragraphs apply to wet out area(s) and oven(s) for continuous lamination/casting operations. Paragraph (J) provides an acceptable method for calculating the annual uncontrolled and controlled VOC emissions from these operations, and paragraph (K) provides an acceptable method for determining the capture efficiency of the enclosure of the wet-out area and the capture efficiency of ovens(s) from these operations.

**3745–21–25(L)–(N)**—These paragraphs provide acceptable procedures for calculating how much gel coat and resin is applied to the line and also for calculation of the percent reduction and a VOC emission factor to demonstrate compliance for continuous lamination/casting operations.

**3745–21–25(O) Demonstration of Continuous compliance**—This paragraph provides acceptable methods for establishing continuing compliance with each VOC control requirement in paragraph (D) of this rule that applies to the affected operations.

**3745–21–25(P) Recordkeeping requirements**—This paragraph establishes sufficient recordkeeping requirements to determine a facility’s applicability and compliance status including all data, assumptions, and calculations used to determine monomer contents and VOC emission factors. There are also specific recordkeeping requirements for SMC manufacturing machines in paragraph (P)(2).

**3745–21–25(Q) Reporting requirements**—Semiannual compliance status reports are required for any reinforced plastic composites production operations subject to this rule. These compliance status reports must state that there were no deviations from VOC emission limitations, operating limits, or work practice standards during the reporting period. If such a deviation does occur, then detailed information is required on the deviation(s).

3745–21–25(R) Compliance dates—This paragraph requires affected operations for which installation commenced before December 14, 2009 (the effective date of an earlier version of this rule) to comply with the requirements of this rule by 12 months from December 14, 2009. Any affected operation for which installation commenced after December 14, 2009, must comply upon initial startup of the affected operation. These are reasonable compliance dates.

#### IV. Statutory and Executive Order Reviews

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.

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

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

Dated: January 14, 2011.

Susan Hedman,

Regional Administrator, Region 5.

[FR Doc. 2011–1771 Filed 1–26–11; 8:45 am]

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### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 64

[CG Docket No. 10–210; FCC 11–3]

#### Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, Section 105, Relay Services for Deaf-Blind Individuals

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

**SUMMARY:** In this document, the Commission proposes rules for a pilot program to distribute funds for the National Deaf-Blind Equipment Distribution Program (NDBEDP) established by Congress in the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA). The law directs the Commission to establish rules within six months of enactment of the new statute that define as eligible for relay service support those programs approved by the Commission for the distribution of specialized customer premises equipment (specialized CPE) to people who are deaf-blind. The goal of this NDBEDP is to make telecommunications service, Internet access service, and advanced communications, including interexchange services and advanced telecommunications and information services, accessible by low income individuals who are deaf-blind.

**DATES:** Comments are due on or before February 4, 2011. Reply comments are due on or before February 14, 2011. Written comments on the proposed information collection requirements, subject to the Paperwork Reduction Act (PRA) of 1995, Public Law 104–13, should be submitted on or before March 28, 2011.

**ADDRESSES:** You may submit comments, identified by [CG Docket No. 10–210], by any of the following methods:

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the Commission's Electronic Comment Filing System (ECFS) <http://fjallfoss.fcc.gov/ecfs2/> or the *Federal eRulemaking Portal*: <http://www.regulations.gov>. Filers should follow the instructions provided on the Web site for submitting comments and transmit one electronic copy of the filing to each docket number referenced in the caption, which in this case is CG Docket No. 10–210. For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket number.

- Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in response.

- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. In addition, parties must send one copy to the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Washington, DC 20554, or via e-mail to [fcc@bcpweb.com](mailto:fcc@bcpweb.com). Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW., Room TW–A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners.

- Envelopes must be disposed of *before* entering the building. The filing hours are 8 a.m. to 7 p.m.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-