

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 as this rule involves establishing a safety zone.

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 recordkeeping requirements, Security measures, and 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. Chapters 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05-1, 6.04-1, 6.04-6, and 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T01-0806 to read as follows:

#### § 165.T01-0806 Safety zone; Ledge Removal Project, Bass Harbor, Maine.

(a) *Location.* The following area is a designated safety zone:

All navigable waters from surface to bottom extending 300 feet around the following coordinates: 44°14'27.9" N, 068°21'01.8" W to the northwest; 44°14'28.5" N, 068°20'59.9" W to the northeast; 44°14'25.6" N, 068°20'59" W to the southeast; and 44°14'25.3" N, 068°21'00.1" W to the southwest. The zone will be marked with four, red, inflatable markers indicating the edges of the zone.

(b) *Notification.* Coast Guard Sector Northern New England will cause notice of the enforcement of this temporary safety zone to be made by all appropriate means to affect the widest publicity among the effected segments of the public, including publication in the Local Notice to Mariners and Safety Marine Information Broadcast.

(c) *Effective Period.* This rule is effective from 6 a.m. on October 1, 2010 through 11:59 p.m. on November 15, 2010.

(d) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply. During the enforcement period, entering, transiting, anchoring or mooring within the safety zone is

prohibited unless authorized by the COTP or his designated representatives.

(2) This temporary safety zone is closed to all vessel traffic, except as may be permitted by the COTP or his designated representatives. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP or his designated representative. Vessels that are granted permission to enter or remain within the safety zone may be required to be at anchor or moored to a waterfront facility such that the vessel's location will not interfere with dredging operations.

(3) The "designated representative" is any Coast Guard commissioned, warrant or petty officer who has been designated by the COTP to act on his behalf. The on-scene representative may be on a Coast Guard vessel, a State or local law enforcement vessel, or other designated craft, or may be on shore and will communicate with vessels via VHF-FM radio or loudhailer. On-scene patrol personnel may also assist with the enforcement of this regulation. Patrol personnel may be comprised of local, State, or Federal officials authorized to act in support of the Coast Guard. In addition, members of the Coast Guard Auxiliary or Prock Marine Company may be present to inform waterway users of this regulation.

(4) Vessel operators desiring to enter or operate within the safety zone shall request permission to do so by contacting the COTP Sector Northern New England by telephone at 207-767-0303 or on VHF radio channel 16.

Dated: September 2, 2010.

**J.B. McPherson,**

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

[FR Doc. 2010-24157 Filed 9-24-10; 8:45 am]

**BILLING CODE 9110-04-P**

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA-R05-OAR-2010-0657; FRL-9205-6]

#### Approval and Promulgation of Air Quality Implementation Plans; Michigan; PSD Regulations

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve revisions to the Michigan State Implementation Plan (SIP). The revisions serve to meet specific requirements of the prevention

of significant deterioration (PSD) construction permit program under the Federal Clean Air Act (CAA). This program affects major stationary sources in Michigan that are subject to or potentially subject to the PSD construction permit program. On July 16, 2010, Michigan submitted revisions pertaining to the "net emission increase" definition and the "reasonable possibility" recordkeeping and reporting requirements, and EPA has found the revisions acceptable.

**DATES:** This direct final rule will be effective November 26, 2010, unless EPA receives adverse comments by October 27, 2010. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R05-OAR-2010-0657, by one of the following methods:

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

- *E-mail:* [blakley.pamela@epa.gov](mailto:blakley.pamela@epa.gov).

- *Fax:* (312) 692-2450.

- *Mail:* Pamela Blakley, Chief, Air Permits Section, (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

- *Hand Delivery:* Pamela Blakley, Chief, Air Permits Section, (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. 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's 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-2010-0657. 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 through <http://www.regulations.gov> or email information that you consider to be CBI or otherwise protected. 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 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 U.S. 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 Pamela Blakley, Chief, Air Permits Section, at (312) 886-4447 before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:** Pamela Blakley, Chief, Air Permits Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-4447, [blakley.pamela@epa.gov](mailto:blakley.pamela@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. Background
- II. What Proposed Revisions Are Included in This Approval?
- III. Final Action
- IV. Statutory and Executive Order Reviews

## I. Background

On December 21, 2006, Michigan submitted to EPA the Michigan Air Pollution Control Rules, part 18, rules R 336.2801 [(a) through (t) except (j) and (ff)] to R 336.2819 and R 336.2823(1) to (14) (“part 18”) for approval into the

Michigan SIP. Part 18 relates to the State of Michigan’s PSD permit program. Revisions to part 18 were adopted by Michigan Department of Natural Resources and Environment (MDNRE) on December 4, 2006. EPA proposed to conditionally approve the PSD SIP rules under section 110 of the CAA on January 9, 2008 (73 FR 1570). EPA received several comments on its proposal. On September 16, 2008, after considering the comments, EPA finalized its conditional approval of the submittal, except for Michigan rule R 336.2816, “Sources Impacting Federal Class I Areas—Additional Requirements” (73 FR 53366). In a separate action on September 16, 2008, EPA addressed that excepted section by proposing to partially disapprove the portion of Michigan’s SIP revision submission consisting of Michigan rule R 336.2816 (73 FR 53401).

On September 30, 2008, MDNRE submitted additional revisions to the SIP which incorporated the corrections required by EPA in the conditional approval. Specifically, the rules revised are R 336.2801(r)(ii)(definition of “emission unit”) and R 336.2801(hh) (definition of “potential to emit”). EPA concluded that the submitted revisions to the SIP satisfied the conditions listed in EPA’s conditional approval, and converted its prior conditional approval to full approval on March 25, 2010 (75 FR 14401).

## II. What proposed revisions are included in this approval?

On July 16, 2010, Michigan submitted two SIP revisions pertaining to the “net emissions increase” definition and the “reasonable possibility” recordkeeping and reporting requirements. As part of its December 21, 2006 submittal, Michigan had established and EPA had approved the definition of “net emissions increase” in R 336.2801(ee). As allowed by 40 CFR 51.166(b), this definition was more stringent than the corresponding Federal definition at 40 CFR 51.166(b). However, in a letter dated May 17, 2007, Michigan indicated that it was revising the definition of “net emissions increase” so that it would follow the same requirements as the Federal rule. The revision was approved by the State on September 11, 2008, and Michigan submitted it to EPA on July 16, 2010, for approval into the Michigan SIP. The definition in the July 16, 2010, submittal is consistent with the definition in 40 CFR 51.166(b)(3).

Michigan also established the “reasonable possibility” recordkeeping and reporting requirements in R 336.2818(3) and submitted the rule for approval into the Michigan SIP as part

of the December 21, 2006, submittal. Michigan rule R 336.2818 places specific requirements on the PSD permit, including recordkeeping requirements for applicants using certain methods for determining if a project results in a significant emissions increase. However, the MDNRE’s minor source permitting program—Michigan rule R 336.201—requires this information to be submitted for all sources as part of a complete Permit To Install application before beginning actual construction on the proposed project (rather than where there is a “reasonable possibility” that the source may exceed the projected actual emissions, as required by the Federal regulations). Therefore, on September 11, 2008, Michigan adopted a revised rule R 336.2818(3) and, on July 16, 2010, submitted it to EPA for approval into the Michigan SIP. The revision is consistent with the requirements of 40 CFR 51.166(r)(6).

## III. Final Action

As explained above, MDNRE submitted revisions to R 336.2801(ee) and R 336.2818(3). The revisions are consistent with the requirements of 40 CFR 51.166. Therefore, EPA is taking direct final action to approve Michigan’s SIP revisions.

We are publishing this action without prior proposal because we view this as a noncontroversial revision and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the State plan if relevant adverse written comments are filed. This rule will be effective November 26, 2010 without further notice unless we receive relevant adverse written comments by October 27, 2010. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. If we do not receive any comments, this action will be effective November 26, 2010.

## 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 regulations, 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 will not impose substantial direct costs on tribal governments or preempt tribal law.

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 of 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).

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 November 26, 2010. Filing a petition for reconsideration by the

Administrator of this final rule 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. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

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

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: September 11, 2010.

**Susan Hedman,**

*Regional Administrator, Region 5.*

- 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 X—Michigan

- 2. In § 52.1170, the table in paragraph (c) entitled "EPA-Approved Michigan Regulations" is amended by adding new entries in numerical order for part 18 to read as follows:

#### § 52.1170 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

#### EPA-APPROVED MICHIGAN REGULATIONS

Michigan citation	Title	State effective date	EPA approval date	Comments
* * *	* * *	* * *	* * *	* * *
Part 18. Prevention of Significant Deterioration of Air Quality				
* * *	* * *	* * *	* * *	* * *
R 336.2801	Definitions	September 11, 2008	September 27, 2010, [Insert page number where the document begins].	Section (ee).
* * *	* * *	* * *	* * *	* * *
R 336.2818	Source Obligation	September 11, 2008	September 27, 2010, [Insert page number where the document begins].	Section (3).
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[FR Doc. 2010-23987 Filed 9-24-10; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52****[EPA-R03-OAR-2010-0525; FRL-9206-4]****Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control Technique Guidelines for Paper, Film, and Foil Coatings****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve a State Implementation Plan (SIP) revision submitted by the State of Maryland. This SIP revision pertains to the control of volatile organic compound (VOC) emissions from paper, film, and foil coatings. Specifically, Maryland is amending its regulations by adopting the requirements of EPA's Control Technique Guidelines (CTG) for Paper, Film, and Foil Coatings. These amendments will reduce VOC emissions from this source category. This action is being taken in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** This rule is effective on November 26, 2010 without further notice, unless EPA receives adverse written comment by October 27, 2010. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-R03-OAR-2010-0525 by one of the following methods:

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

B. E-mail: [pino.maria@epa.gov](mailto:pino.maria@epa.gov).

C. Mail: EPA-R03-OAR-2010-0525, Maria A. Pino, Acting Associate Director, 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-2010-0525. 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 Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230.

**FOR FURTHER INFORMATION CONTACT:** Ellen Wentworth, (215) 814-2034, or by e-mail at [wentworth.ellen@epa.gov](mailto:wentworth.ellen@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Throughout this document, whenever "we," "us," or "our" is used, we mean EPA.

On April 23, 2010, the Maryland Department of the Environment (MDE) submitted a formal revision to its SIP. This SIP revision (#10-02) consists of amendments to Regulation .07, Paper, Fabric, Vinyl and Other Plastic Parts Coating, under the Code of Maryland Regulations (COMAR) 26.11.19, Control of VOC from Specific Processes. These amendments are necessary since Maryland has adopted the recommendations contained in EPA's CTG (EPA 453/R-07-003, September 2007), for Paper, Film, and Foil Coatings for the control of VOC emissions from this source category.

Section 172(c)(1) of the CAA provides that SIPs for nonattainment areas must include reasonably available control measures (RACM), including reasonably available control technology (RACT) for sources of emissions. Section 182(b)(2) provides that States must revise their ozone SIP to include RACT for VOC sources covered by any CTG document issued after November 15, 1990, and prior to the date of attainment. EPA defines RACT as "the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility" (44 FR 53761, September 17, 1979). In subsequent **Federal Register** notices, EPA has addressed how States can meet the RACT requirements of the CAA. EPA provides States with guidance concerning what types of controls could constitute RACT for a given source category through issuance of a CTG. The recommendations in the CTG are based on available data and information and may not apply to a particular situation based upon the circumstances. The State of Maryland has adopted the recommendations contained in the September 2007 (EPA 453/R-07-003) CTG for Paper, Film, and Foil Coatings as RACT for this source category. The paper, film, and foil coatings product category includes coatings that are applied to paper, film, or foil surfaces in the manufacturing of several major product types for the following industry sectors: pressure sensitive tape and labels (including fabric coated for use in pressure sensitive tapes and labels), photographic film, industrial and decorative laminates, abrasive products (including fabric coated for use in abrasive products), and flexible packaging (including coating of non-woven polymer substrates for use in