

(d) *Enforcement Period.* This section will be enforced for the duration of each event indicated in the table above. If the event is cancelled due to inclement weather, this section is in effect for the day following the scheduled time listed in the table above or as indicated in the Local Notice to Mariners. Notification of events held on a rain date will be made by Broadcast Notice to Mariners.

(e) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply. During the enforcement period, entry into, transiting through, remaining, mooring or anchoring within these safety zones is prohibited unless authorized by the Captain of the Port or his designated representatives.

(2) These temporary safety zones are closed to all vessel traffic, except as may be permitted by the Captain of the Port or his designated representatives. Vessel operators given permission to enter or operate in the safety zones must comply with all directions given to them by the Captain of the Port or his designated representatives. Vessels that are granted permission to enter or remain within a 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 the progress of the event. At all times when a vessel has been granted permission to enter within a safety zone, it shall endeavor to maintain at least 50 yards distance from any event participant unless otherwise directed.

(3) The "designated representative" is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port 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. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(4) Vessel operators desiring to enter or operate within the safety zones shall request permission to do so by contacting the Captain of the Port Sector Northern New England at 207-767-0303, or via VHF Channel 16.

(5) The Captain of the Port or his designated representative may direct the delay, cancellation, or relocation of the specific area to be regulated within the generally described locations listed in the EVENTS TABLE above to ensure safety and compliance with environmental laws. Such changes in implementation of the safety zones may be required as a result of factors that could affect their associated marine events such as weather, vessel traffic

density, spectator activities, participant behavior or potential environmental impacts.

Dated: May 19, 2010.

**J. B. McPherson,**

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

[FR Doc. 2010-13640 Filed 6-7-10; 8:45 am]

**BILLING CODE 9110-04-P**

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## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 21

#### **Nonduplication; Pension, Compensation, and Dependency and Indemnity Compensation; Correction**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Correcting amendment.

**SUMMARY:** This document corrects the Department of Veterans Affairs (VA) regulation that governs nonduplication of the payment of benefits to the child of a veteran. This correction is required in order to amend a cross reference in the regulation. No substantive change to the content of the regulations is being made by this correcting amendment.

**DATES:** *Effective Date:* June 8, 2010.

**FOR FURTHER INFORMATION CONTACT:** Tracy Wang, Office of Regulation Policy and Management (02REG), Department of Veterans Affairs, 810 Vermont Ave., NW., Washington, DC 20420, (202) 461-4936.

**SUPPLEMENTARY INFORMATION:** VA published a final rule in the **Federal Register** on September 30, 1997, at 62 FR 51274, amending 38 CFR 3.503, by redesignating paragraphs (a) through (j) as paragraphs (a)(1) through (a)(10), respectively. Therefore, § 3.503(h) became § 3.503(a)(8). However, VA neglected to amend the cross reference to § 3.503(h) in 38 CFR 21.3023 to reflect this change. This document corrects this error by removing "See § 3.503(h)" and adding the correct citation in its place, "See § 3.503(a)(8)".

#### **List of Subjects in 38 CFR Part 21**

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Education, Employment, Grant programs—education, Grant programs—veterans, Health care, Loan programs—education, Loan programs—veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses,

Veterans, Vocational education, Vocational rehabilitation.

**William F. Russo,**

*Deputy Director, Regulation Policy and Management.*

■ For the reasons set out in the preamble, VA is correcting 38 CFR Part 21 as follows:

## **PART 21—VOCATIONAL REHABILITATION AND EDUCATION**

■ 1. The authority citation for part 21, subpart C continues to read as follows:

**Authority:** 38 U.S.C. 501(a), 512, 3500-3566, and as noted in specific sections.

### **§ 21.3023 [Corrected]**

■ 2. In the cross reference to § 21.3023, remove "See § 3.503(h)" and add, in its place, "See § 3.503(a)(8)".

[FR Doc. 2010-13615 Filed 6-7-10; 8:45 am]

**BILLING CODE P**

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## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 52**

[EPA-R09-OAR-2010-0276; FRL-9139-7]

#### **Revisions to the California State Implementation Plan, South Coast Air Quality Management District**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve revisions to the South Coast Air Quality Management District (SCAQMD) portion of the California State Implementation Plan (SIP). These revisions concern standards for continuous emission monitoring systems. We are approving local rules that regulate the monitoring of emissions under the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** This rule is effective on August 9, 2010 without further notice, unless EPA receives adverse comments by July 8, 2010. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

**ADDRESSES:** Submit comments, identified by docket number EPA-R09-OAR-2010-0276, by one of the following methods:

1. *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions.
2. *E-mail:* [steckel.andrew@epa.gov](mailto:steckel.andrew@epa.gov).
3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection

Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

*Instructions:* All comments 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 Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through <http://www.regulations.gov> or e-mail. <http://www.regulations.gov> is an “anonymous access” system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. 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:* The index to the docket for this action is available electronically at <http://www.regulations.gov> and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Stanley Tong, EPA Region IX, (415) 947–4122, [tong.stanley@epa.gov](mailto:tong.stanley@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document, “we,” “us,” and “our” refer to EPA.

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**I. The State’s Submittal**

*A. What rules did the State submit?*

Table 1 lists the rules we are approving with the dates that they were adopted/amended by the local air agency and submitted by the California Air Resources Board.

TABLE 1—SUBMITTED RULES

Local agency	Rule no.	Rule title	Adopted/ amended	Submitted
SCAQMD .....	218	Continuous Emission Monitoring .....	05/14/99	07/23/99
SCAQMD .....	218.1	Continuous Emission Monitoring Performance Specifications	05/14/99	07/23/99

On January 23, 2000, the submittal for SCAQMD Rules 218 and 218.1 was deemed by operation of law to meet the completeness criteria in 40 CFR part 51 appendix V, which must be met before formal EPA review.

*B. Are there other versions of these rules?*

We approved an earlier version of Rule 218 into the SIP on July 6, 1982 (47 FR 29231). The SCAQMD adopted revisions to the SIP-approved version on May 14, 1999 and CARB submitted them to us on July 23, 1999. There is no prior version of Rule 218.1.

*C. What is the purpose of the submitted rule revisions?*

Oxides of Nitrogen (NO<sub>x</sub>) help produce ground-level ozone, smog and particulate matter, which harm human health and the environment. Sulfur Dioxide (SO<sub>2</sub>) exposure is associated with adverse respiratory effects and can contribute to the formation of fine particle pollution. Carbon Monoxide (CO) contributes to the formation of smog and can also harm human health. Section 110(a) of the CAA requires States to submit regulations that control the primary and secondary National Ambient Air Quality Standards

(NAAQS), which includes NO<sub>x</sub>, SO<sub>2</sub> and CO emissions.

Rule 218 establishes requirements for continuous stack emission monitors of NO<sub>x</sub>, SO<sub>2</sub>, gaseous sulfur compounds, and CO. Rule 218 was amended to better define specifications and guidelines for continuous emission monitoring systems (CEMS) to eliminate ambiguity in both the administrative and technical provisions of the rule. The original SIP approved rule was then separated into an administrative portion and a technical portion. Rule 218 now contains the administrative requirements for CEMS and covers applicability, the application and approval process for CEMS, and recordkeeping and reporting requirements for CEMS. The technical requirements for CEMS were updated and form the basis for a new rule, Rule 218.1.

Rule 218.1 is a new rule and contains requirements for the certification of CEMS, the performance specifications of CEMS, and the operation and maintenance of CEMS.

EPA’s technical support documents (TSD) have more information about these rules.

**II. EPA’s Evaluation and Action**

*A. How is EPA evaluating the rules?*

Generally, SIP rules must be enforceable (see section 110(a) of the Act) and must not relax existing requirements (see sections 110(l) and 193). The SCAQMD regulates an ozone nonattainment area and a PM nonattainment area (see 40 CFR part 81).

Guidance and policy documents that we use to evaluate enforceability requirements consistently include the following:

1. “Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,” EPA, May 25, 1988 (the Bluebook).
2. “Guidance Document for Correcting Common VOC & Other Rule Deficiencies,” EPA Region 9, August 21, 2001 (the Little Bluebook).
3. 40 CFR 60 Appendix B—Performance Specifications
4. 40 CFR 60 Appendix F—Quality Assurance Procedures

*B. Do the rules meet the evaluation criteria?*

We believe these rules are consistent with the relevant policy and guidance regarding enforceability and SIP relaxations. The TSD has more information on our evaluation.

### C. EPA Recommendations to Further Improve the Rules

The TSDs describe additional rule revisions that we recommend for the next time SCAQMD modifies Rules 218 and 218.1. These recommendations are to: increase the records retention requirement to five years in Rule 218, remove the de minimus concentration option for the relative accuracy performance specifications for NO<sub>x</sub> and CO, and evaluate the appropriateness of the de minimus concentration option for the relative accuracy performance specifications for SO<sub>2</sub> and reduced sulfur compounds the next time Rule 218.1 is amended.

### D. Public Comment and Final Action

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted rules because we believe they fulfill all relevant requirements. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing approval of the same submitted rules. If we receive adverse comments by July 8, 2010, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on August 9, 2010. This will incorporate these rules into the federally enforceable SIP.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

### III. 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 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 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 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, Particulate matter, Carbon Monoxide, Reporting and recordkeeping requirements.

Dated: April 1, 2010.

**Jared Blumenfeld**,  
Regional Administrator, Region IX.

■ Part 52, Chapter I, Title 40 of the Code of Federal Regulations 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 F—California

■ 2. Section 52.220, is amended by adding paragraphs (c)(268)(i)(A)(2) and (3) to read as follows:

#### § 52.220 Identification of plan.

\* \* \* \* \*

(c) \* \* \*  
(268) \* \* \*  
(i) \* \* \*  
(A) \* \* \*

(2) Rule 218, "Continuous Emission Monitoring," amended on May 14, 1999.

(3) Rule 218.1, "Continuous Emission Monitoring Performance Specification," adopted on May 14, 1999.

\* \* \* \* \*

[FR Doc. 2010-13681 Filed 6-7-10; 8:45 am]

BILLING CODE 6560-50-P

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 141

[EPA-HQ-OW-2010-0288; FRL-9160-1]

#### Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedures

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

**ACTION:** Final rule.

**SUMMARY:** This action announces the Environmental Protection Agency's (EPA's) approval of alternative testing methods for use in measuring the levels of contaminants in drinking water and determining compliance with national primary drinking water regulations. The Safe Drinking Water Act (SDWA) authorizes EPA to approve the use of alternative testing methods through publication in the **Federal Register**. EPA is using this streamlined authority to make 12 additional methods available for analyzing drinking water samples required by regulation. This expedited approach provides public water systems, laboratories, and primacy agencies with more timely access to new measurement techniques and greater flexibility in the selection of analytical methods, thereby reducing monitoring costs while maintaining public health protection.

**DATES:** This action is effective June 8, 2010.