

■ 2. Add § 165.T11–320 to read as follows:

**§ 165.T11–320 Safety Zone; City of Martinez 4th of July Fireworks, Martinez, CA.**

(a) *Location.* This temporary safety zone is established for the waters of Martinez, CA. The fireworks launch site will be located in position 38°01'31.77" N., 122°08'23.75" W. (NAD 83). The temporary safety zone applies to the navigable waters around the fireworks site within a radius of 500 feet.

(b) *Definitions.* As used in this section, “designated representative” means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port San Francisco (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general regulations in § 165.23, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the COTP or the COTP’s designated representative.

(2) The safety zone is closed to all vessel traffic, except as may be permitted by the COTP or a designated representative.

(3) Vessel operators desiring to enter or operate within the safety zone must contact the COTP or a designated representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP or the designated representative. Persons and vessels may request permission to enter the safety zone on VHF–16 or through the 24-hour Command Center at telephone (415) 399–3547.

(d) *Effective period.* This section is effective from 9 p.m. through 10:15 p.m. on July 4, 2010.

Dated: May 28, 2010.

**P.M. Gugg,**

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

[FR Doc. 2010–14034 Filed 6–10–10; 8:45 am]

**BILLING CODE 9110–04–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA–R03–OAR–2009–0956; FRL–9160–3]

**Approval and Promulgation of Air Quality Implementation Plans; Maryland; Reasonable Further Progress Plan, 2002 Base Year Emission Inventory, Contingency Measures, Reasonably Available Control Measures, and Transportation Conformity Budgets for the Philadelphia 1997 8-Hour Moderate Ozone Nonattainment Area**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a revision to the Maryland State Implementation Plan (SIP) to meet the reasonable further progress (RFP) plan, the 2002 base year emissions inventory, RFP contingency measure, and reasonably available control measure (RACM) requirements of the Clean Air Act (CAA) for the Maryland portion of the Philadelphia moderate 1997 8-hour ozone nonattainment area. EPA is also approving the transportation conformity motor vehicle emissions budgets (MVEBs) associated with this revision. EPA is approving the SIP revision because it satisfies the emission inventory, RFP, RACM, RFP contingency measures, and transportation conformity requirements for areas classified as moderate nonattainment for the 1997 8-hour ozone national ambient air quality standard (NAAQS) and demonstrates further progress in reducing ozone precursors. EPA is approving the SIP revision pursuant to the CAA and EPA’s regulations.

**DATES:** *Effective Date:* This final rule is effective on July 12, 2010.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2009–0956. All documents in the docket are listed in the <http://www.regulations.gov> Web site. Although listed in the electronic docket, 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 <http://www.regulations.gov> or in hard copy for public inspection 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:** Maria A. Pino, (215) 814–2181, or by e-mail at [pino.maria@epa.gov](mailto:pino.maria@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On January 7, 2010 (75 FR 953), EPA published a notice of proposed rulemaking (NPR) for a SIP revision submitted by the State of Maryland. The NPR proposed approval of Maryland’s 2002 base year emissions inventory, RFP plan, RFP contingency measures, RACM, and MVEBs for the Maryland portion of the Philadelphia moderate 1997 8-hour ozone nonattainment area. EPA is approving the SIP revision because it satisfies the emission inventory, RFP, RACM, RFP contingency measure, and transportation conformity requirements of the section 110 and part D of the CAA and EPA’s regulations. The formal SIP revision was submitted by the State of Maryland on June 4, 2007.

**II. Summary of SIP Revision**

The SIP revision addresses emissions inventory, RACM, RFP and contingency measures requirements for the 1997 8-hour ozone NAAQS for the Maryland portion of the Philadelphia 8-hour ozone moderate nonattainment area. The SIP revision also establishes MVEBs for 2008. Other specific requirements of Maryland’s June 4, 2007 SIP revision for the Philadelphia 8-hour ozone nonattainment area and the rationale for EPA’s proposed action are explained in the NPR and will not be restated here.

The following public comment was received on the NPR.

*Comment:* An anonymous commenter submitted the comment: “We do not need tighter regulations on ozone. Ragweed is more of problem than smog.”

*Response:* The comment, while vaguely expressing a general uncertainty about the rule, does not identify any particular defects in the rule substance or adoption. Importantly, the comment does not oppose EPA’s proposed full approval of the rule. Moreover, while the commenter expresses a general dislike for regulations addressing ozone pollution, the commenter does not question the legal obligation for the states to adopt and submit SIP revisions

addressing these specific obligations for the 1997 8-hour ozone NAAQS. See generally CAA section 182(b) and 40 CFR part 51 subpart X. EPA, therefore, believes that the commenter has not provided a basis for EPA to not move forward and approve the submitted SIP.

### III. Final Action

EPA is approving the 2002 base year emissions inventory; the 2008 ozone projected emission inventory; the 2008 RFP plan; RFP contingency measures; RACM analysis; and 2008 transportation conformity budgets for the Maryland portion of the Philadelphia 8-hour ozone nonattainment area, contained in Maryland's June 4, 2007 SIP revision submittal for the Maryland portion of the Philadelphia 8-hour ozone nonattainment area. The SIP revision satisfies these requirements for 1997 8-hour ozone NAAQS nonattainment areas classified as moderate and demonstrates further progress in reducing ozone precursors.

### IV. Statutory and Executive Order Reviews

#### A. General Requirements

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.

#### B. Submission to Congress and the Comptroller General

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 containing 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).

#### C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of

this action must be filed in the United States Court of Appeals for the appropriate circuit by August 10, 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 pertaining to the Maryland portion of the Philadelphia moderate 1997 8-hour ozone nonattainment area's 2002 base year emissions inventory, 2008 ozone projected emission inventory, 2008 RFP plan, RFP contingency measures, RACM analysis, and 2008 transportation conformity budgets 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, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: May 27, 2010.

**William C. Early,**

*Acting Regional Administrator, EPA Region III.*

- 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 V—Maryland

- 2. In § 52.1070, the table in paragraph (e) is amended by adding at the end of the table, the entries for Reasonable Further Progress Plan (RFP), Reasonably Available Control Measures and Contingency Measures; 2002 Base Year Inventory for VOC, NO<sub>x</sub> and CO; and 2008 RFP Transportation Conformity Budgets for the Maryland portion of the Philadelphia 1997 8-hour Ozone Moderate Nonattainment Area.

The amendments read as follows:

#### § 52.1070 Identification of plan.

\* \* \* \* \*

(e) \* \* \*

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
* Reasonable Further Progress Plan (RFP), Reasonably Available Control Measures, and Contingency Measures.	* Maryland portion of the Philadelphia 1997 8-hour ozone moderate nonattainment area.	* 6/4/07	* 6/11/10	* [Insert page number where the document begins].
* 2002 Base Year Inventory for VOC, NO <sub>x</sub> , and CO.	* Maryland portion of the Philadelphia 1997 8-hour ozone moderate nonattainment area.	* 6/4/07	* 6/11/10	* [Insert page number where the document begins].
* 2008 RFP Transportation Conformity Budgets.	* Maryland portion of the Philadelphia 1997 8-hour ozone moderate nonattainment area.	* 6/4/07	* 6/11/10	* [Insert page number where the document begins].

■ 3. Section 52.1075 is amended by adding paragraph (j) to read as follows:

**§ 52.1075 Base year emissions inventory.**

(j) EPA approves as a revision to the Maryland State Implementation Plan the 2002 base year emissions inventories for the Maryland portion of the Philadelphia 1997 8-hour ozone moderate nonattainment area submitted by the Secretary of the Maryland Department of the Environment on June 4, 2007. This submittal consists of the 2002 base year point, area, non-road mobile, and on-road mobile source

inventories in area for the following pollutants: volatile organic compounds (VOC), carbon monoxide (CO) and nitrogen oxides (NO<sub>x</sub>).

■ 4. Section 52.1076 is amended by adding paragraphs (s) and (t) to read as follows:

**§ 52.1076 Control strategy plans for attainment and rate-of-progress: Ozone.**

(s) EPA approves revisions to the Maryland State Implementation Plan consisting of the 2008 reasonable further progress (RFP) plan, reasonably available control measures, and

contingency measures for the Maryland portion of the Philadelphia 1997 8-hour ozone moderate nonattainment area submitted by the Secretary of the Maryland Department of the Environment on June 4, 2007.

(t) EPA approves the following 2008 RFP motor vehicle emissions budgets (MVEBs) for the Maryland portion of the Philadelphia 1997 8-hour ozone moderate nonattainment area submitted by the Secretary of the Maryland Department of the Environment on June 4, 2007:

**TRANSPORTATION CONFORMITY EMISSIONS BUDGETS FOR THE MARYLAND PORTION OF THE PHILADELPHIA AREA**

Type of control strategy SIP	Year	VOC (TPD)	NO <sub>x</sub> (TPD)	Effective date of adequacy determination or SIP approval
Rate of Progress Plan .....	2008	2.3	7.9	April 13, 2009, (74 FR 13433), published March 27, 2009.

[FR Doc. 2010-13687 Filed 6-10-10; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R06-OAR-2007-0993; FRL-9160-2]

**Approval and Promulgation of Implementation Plans; New Mexico; Interstate Transport of Pollution**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a portion of a State Implementation Plan (SIP) submitted by the State of New Mexico for the purpose of addressing the “good neighbor” provisions of the Clean Air Act (CAA) section 110(a)(2)(D)(i) for the 1997 ozone National Ambient Air Quality Standard (NAAQS) and the 1997 PM<sub>2.5</sub> NAAQS. This SIP revision satisfies a portion of the State of New Mexico’s obligation to submit a SIP that

demonstrates that adequate provisions are in place to prohibit air emissions from adversely affecting another state’s air quality through interstate transport. This rulemaking action is being taken under section 110 of the CAA and addresses one element of CAA section 110(a)(2)(D)(i), which pertains to prohibiting air pollutant emissions from within New Mexico from contributing significantly to nonattainment of the 1997 8-hour ozone and PM<sub>2.5</sub> NAAQS in any other state.

**DATES:** This final rule will be effective July 12, 2010.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-R06-OAR-2007-0993. All documents in the docket are listed at [www.regulations.gov](http://www.regulations.gov). Although listed in the index, some information is not publicly available, e.g., Confidential Business Information 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 Air Planning Section (6PD-L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733. The file will be made available by appointment for public inspection in the Region 6 Freedom of Information Act (FOIA) Review Room between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below or Mr. Bill Deese at 214-665-7253 to make an appointment. If possible, please make the appointment at least two working days in advance of your visit. There will be a 15 cent per page fee for making photocopies of documents. On the day of the visit, please check in at the EPA Region 6 reception area at 1445 Ross Avenue, Suite 700, Dallas, Texas.

**FOR FURTHER INFORMATION CONTACT:** Emad Shahin, Air Planning Section (6PD-L), Environmental Protection