

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, 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. 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, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add a temporary § 165.T05–0168 to read as follows:

#### § 165.T05–0168 Safety Zone: Big Rock Blue Marlin Air Show, Bogue Sound, Morehead City, NC.

(a) *Regulated Area.* The following area is a safety zone: The specified waters of the Captain of the Port Sector North Carolina, as defined in 33 CFR 3.25–20, within the navigable waters of Bogue Sound in an area bound by a line drawn from the following points: latitude 34°43'09.9" N, longitude 076°45'54.9" W; thence east to latitude 34°43'09.75" N, longitude 076°44'34.16" W; thence south to latitude 34°42'52.64" N, longitude 076°44'32.55" W; thence west to latitude 34°42'50.7" N, longitude 076°45'48.5" W; thence to the point of origin, located approximately 400 yards south of the shoreline of Morehead City.

(b) *Definition:* For the purposes of this section, Captain of the Port means the Commander, Sector North Carolina. *Representative* means any U.S. Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port, Sector North Carolina 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, Sector North Carolina or 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, Sector North Carolina can be reached through the Sector Duty Officer at Sector North Carolina in Atlantic Beach, North Carolina at telephone number (252) 247–4570.

(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 section will be enforced from 7 p.m. until 8 p.m. on June 11, 2011.

Dated: May 6, 2011.

**Anthony Popiel,**

*Captain, U.S. Coast Guard, Captain of the Port North Carolina.*

[FR Doc. 2011–12377 Filed 5–20–11; 8:45 am]

**BILLING CODE P**

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA–R03–OAR–2011–0063; FRL–9309–3]

#### Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Adoption of Control Techniques Guidelines for Paper, Film, and Foil Surface Coating Processes

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania (Pennsylvania). This SIP revision includes amendments to Chapter 121—General Provisions and Chapter 129—Standards for Sources, of Title 25 of the Pennsylvania Code. Pennsylvania's SIP revision meets the requirement to adopt Reasonably Available Control Technology (RACT) for sources covered by the Control Techniques Guidelines (CTG) standards for paper, film, and foil surface coating processes. EPA is approving this revision concerning the adoption of the CTG requirements for paper, film, and foil surface coating processes in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** *Effective Date:* This final rule is effective on June 22, 2011.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2011–0063. All documents in the docket are listed in the <http://www.regulations.gov> website. 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 Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

#### FOR FURTHER INFORMATION CONTACT:

Irene Shandruk, (215) 814–2166, or by e-mail at [shandruk.irene@epa.gov](mailto:shandruk.irene@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Section 182(b)(2) of the CAA, 42 U.S.C. 7511a(b)(2), requires that States having moderate nonattainment areas for ozone revise their SIP to include provisions requiring the implementation of RACT for certain sources, including categories of volatile organic compound (VOC) sources covered by a CTG document issued by the Administrator between November 15, 1990 and the date of attainment. EPA originally developed CTG standards for paper, film, and foil surface coating processes in 1977 and revised them in 2007. Pennsylvania subsequently made changes to its SIP which adopted EPA's CTG standards for paper, film, and foil surface coating processes. The formal SIP revision was submitted by Pennsylvania to EPA on January 4, 2011. On March 4, 2011 (76 FR 11983), EPA published a notice of proposed rulemaking (NPR) for Pennsylvania. The NPR proposed approval of Pennsylvania's SIP revision for adoption of the CTG standards for paper, film, and foil surface coating processes. The formal SIP revision was submitted by Pennsylvania on January 4, 2011. One adverse comment was submitted on the March 4, 2011 NPR (76 FR 11983). A summary of the comment and EPA's response is provided in section III of this document.

##### II. Summary of SIP Revision

On January 4, 2011, the Pennsylvania Department of Environmental Protection (PADEP) submitted to EPA a SIP revision concerning the adoption of the EPA paper, film, and foil surface coating processes CTG. EPA develops CTGs as

guidance on control requirements for source categories. States can follow the CTGs or adopt more restrictive standards. Pennsylvania has adopted EPA's CTG standards for paper, film, and foil surface coating processes. Pennsylvania's regulations are in Chapter 121—General Provisions and in Chapter 129—Standards for Sources, in Title 25 of the Pennsylvania Code. Specifically, this revision amends the existing regulations at sections 121.1,

129.51, and 129.52, and adds a new section 129.52b. Several definitions were amended or added in section 121.1, and section 129.52 was amended to extend coverage to paper, film and foil surface coating processes. The new section 129.52b includes VOC emission limits, work practices, and recordkeeping and reporting requirements, all of which are consistent with EPA's CTG for paper, film, and foil surface coating processes.

The requirements in section 129.52b supersede the requirements in 129.52 relating to control of VOC emissions from paper, film, and foil surface coating processes. The emission limits of VOCs for paper, film, and foil surface coatings are shown in Table 1. These emission limits apply if potential VOC emissions from a single line, prior to control, are 25 tons per year (tpy) or more.

TABLE 1—RECOMMENDED EMISSION LIMITS FOR PAPER, FILM, AND FOIL COATINGS

Units	RACT limits	
	Pressure sensitive tape and label surface coating	Paper, film, and foil surface coating (not including pressure sensitive tape and label)
Kilograms VOC/kilograms solids (pounds VOC/pounds solids) .....	0.20	0.40
Kilograms VOC/kilograms coating (pounds VOC/pounds coating) .....	0.067	0.08

Additionally, VOC emission limits for paper coatings only and the associated applicability criteria that were in section 129.52(a)(2) were added to section 129.52b in order to carry forward previously regulated paper coating sources and to eliminate the potential for backsliding. These VOC emission limits apply only to paper coatings if actual VOC emissions have exceeded 3 pounds per hour, 15 pounds per day, or 2.7 tpy in any year since January 1, 1987. The emission limits are shown in Table 2.

TABLE 2—EMISSION LIMITS OF VOCs FOR PAPER COATING

Units	RACT limit for paper coating
Pounds VOC/gallon coating solids .....	4.84
Kilogram VOC/liter coating solids .....	0.58

Other specific requirements concerning this rulemaking and the rationale for EPA's action are explained in the NPR and the Technical Support Document (TSD) and will not be restated here. As noted below, EPA received one comment on the NPR and it was not germane.

**III. Summary of Public Comment and EPA Response**

*Comment:* A commenter stated that "it is a travesty that the EPA is attempting to take action, in the name of the unproven theory of anthropogenic global warming, through regulations that will harm the economy of the United States," and asserts that EPA is

attempting to take such action on the issue of global warming which Congress has "decided that no action was warranted." The commenter further states that "this is a blatant power grab by the EPA and the Obama administration to force their radical liberal ideas on the hard-working, decent people of the country without their consent."

*Response:* This comment is not relevant to this rulemaking action. This action concerns the control of VOCs for the purpose of attaining the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS) and does not concern the regulation of emissions for the purpose of addressing global warming.

**IV. Final Action**

EPA is approving Pennsylvania's adoption of the CTG requirements for paper, film, and foil surface coating processes as a revision to the Pennsylvania SIP.

**V. Statutory and Executive Order Reviews**

*A. General Requirements*

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.

**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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 22, 2011. 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 concerning Pennsylvania’s adoption of a CTG for paper, film, and foil surface coating processes 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, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: May 9, 2011.

**W.C. Early,**

*Acting Regional Administrator, 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 NN—Pennsylvania**

■ 2. In § 52.2020, the table in paragraph (c)(1) is amended by revising the entries for Sections 121.1, 129.51 and 129.52; and adding an entry for Section 129.52b after the existing entry for Section 129.52. The amendments read as follows:

**§ 52.2020 Identification of plan.**

*	*	*	*	*
(c)	*	*	*	
(1)	*	*	*	

State citation	Title/subject	State effective date	EPA approval date	Additional explanation/§ 52.2063 citation
<b>Title 25—Environmental Protection</b>				
<b>Article III—Air Resources</b>				
<b>Chapter 121—General Provisions</b>				
Section 121.1 .....	Definitions .....	11/20/10	5/23/11	[Insert page number where the document begins]. Definition of “coating line” added. Revision of definitions for “coating” and “paper coating.”
*	*	*	*	*
<b>Chapter 129—Standards for Sources</b>				
*	*	*	*	*
<b>Sources of VOCs</b>				
*	*	*	*	*
Section 129.51 .....	General .....	11/20/10	5/23/11	[Insert page number where the document begins]. Paragraph 129.51(a) is amended.
Section 129.52 .....	Surface coating processes .....	11/20/10	5/23/11	[Insert page number where the document begins]. Paragraph 129.52(j) is added.
Section 129.52b .....	Control of VOC emissions from paper, film, and foil surface coating processes.	11/20/10	5/23/11	[Insert page number where the document begins]. New section is added.
*	*	*	*	*

\* \* \* \* \*

[FR Doc. 2011-12513 Filed 5-20-11; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[EPA-R05-OAR-2010-0034; FRL-9309-6]

**Approval and Promulgation of Air Quality Implementation Plans; Illinois; Missouri; Saint Louis Nonattainment Area; Determination of Attainment of the 1997 Annual Fine Particle Standard****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action determining that the Saint Louis fine particle (PM<sub>2.5</sub>) nonattainment area in Illinois and Missouri has attained the 1997 annual PM<sub>2.5</sub> National Ambient Air Quality Standard (NAAQS). This final determination of attainment is based upon quality assured, quality controlled, and certified ambient air monitoring data for the 2007–2009 monitoring period which show that the Saint Louis area has monitored attainment of the 1997 annual PM<sub>2.5</sub> NAAQS, as well as quality assured data for 2010 that are in EPA's Air Quality System (AQS), but not yet certified, that show that the Saint Louis area has continued to monitor attainment of the 1997 annual PM<sub>2.5</sub> NAAQS. Pursuant to EPA's PM<sub>2.5</sub> implementation regulations, this final determination suspends the states' obligation to submit a number of plans for this area including: An attainment demonstration, associated reasonably available control measures (RACM), including reasonably available control technology (RACT), a reasonable further progress plan, contingency measures, and other planning State Implementation Plan (SIP) revisions related to attainment of the 1997 annual PM<sub>2.5</sub> NAAQS for so long as the area continues to attain the 1997 annual PM<sub>2.5</sub> NAAQS.

EPA's determination that this area has attained the 1997 annual PM<sub>2.5</sub> NAAQS is not equivalent to redesignating the area to attainment. The designation of the area will remain nonattainment for the 1997 annual PM<sub>2.5</sub> NAAQS until such time as EPA determines that this area meets the Clean Air Act (CAA) requirements for redesignation to attainment.

**DATES:** This final rule is effective on May 23, 2011.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-R05-OAR-2010-0034. 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 Matt Rau, Environmental Engineer, at (312) 886-6524 before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:** Matt Rau, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6524, [rau.matthew@epa.gov](mailto:rau.matthew@epa.gov). You may also contact Michael Jay, Air Planning and Development Branch, Environmental Protection Agency, Region 7, 901 North Fifth Street, Kansas City, Kansas 66101, (913) 551-7460, [jay.michael@epa.gov](mailto:jay.michael@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 action is EPA taking?
- II. What is the background of this action?
- III. What is EPA's analysis of the relevant air quality data?
- IV. What are EPA's responses to public comments?
- V. What are the effects of this action?
- VI. When is this rule effective?
- VII. Statutory and Executive Order Reviews

**I. What action is EPA taking?**

EPA is making a final determination that the Saint Louis PM<sub>2.5</sub> nonattainment area, in the States of Missouri and Illinois, has attained the 1997 annual PM<sub>2.5</sub> NAAQS. EPA published its proposed determination for the Saint Louis PM<sub>2.5</sub> nonattainment area on March 7, 2011 (76 FR 12302). EPA received one set of comments on its proposal from the Interdisciplinary Environmental Clinic, Washington University School of Law on behalf of

the American Bottom Conservancy. These comments and EPA's responses are found in Section IV of this notice. As set forth in the proposal, EPA's determination is based upon quality assured, quality controlled, and certified ambient air monitoring data from the 2007–2009 monitoring period and additional quality assured, quality controlled data in AQS for 2010 which show that the Saint Louis area has monitored attainment of the 1997 annual PM<sub>2.5</sub> NAAQS.

**II. What is the background of this action?**

The proposed rule (76 FR 12302, March 7, 2011) sets forth the background of this action. The proposed rule describes the pertinent PM<sub>2.5</sub> NAAQS, the designation of the Saint Louis area as nonattainment for the 1997 annual PM<sub>2.5</sub> NAAQS, and the effect of determining attainment of this standard on the suspension of attainment-related planning requirements. Details are provided in the notice of proposed rulemaking.

**III. What is EPA's analysis of the relevant air quality data?**

In its proposal (76 FR 12302, March 7, 2011), EPA evaluated data recorded in the AQS database for the Saint Louis PM<sub>2.5</sub> nonattainment area from 2007 to 2009. Eight monitoring sites in the nonattainment area presented complete data. The highest design value at these sites was 14.1 µg/m<sup>3</sup> at monitor 17-119-1007 in Madison County, Illinois. EPA concluded that the Saint Louis area has attained the 1997 annual PM<sub>2.5</sub> NAAQS based on its evaluation of quality assured and certified data from the area monitoring sites with complete data for the 2007–2009 monitoring period. Supplemental, supporting air quality data were also considered, as discussed in the proposed rule.

The historical certified data recorded at the monitors that were discontinued during the 2007–2009 monitoring period and recent certified data recorded at monitors that started operation during the period provide additional support for EPA's determination that the Saint Louis area has attained the 1997 annual PM<sub>2.5</sub> NAAQS.

EPA also considered additional monitoring data for 2010 that have been submitted by the states and are in AQS, although not yet certified. The 2010 data indicate that the Saint Louis area continues in attainment for the 2008–2010 monitoring period. EPA believes that these data show that the area continues to meet the 1997 annual PM<sub>2.5</sub> NAAQS.