

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 rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

### Environment

We have analyzed this 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 concluded that this action is one of a category of actions which 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. This rule involves establishing a safety zone around a fireworks display and is expected to have no impact on the water or environment. This zone is designed to protect mariners and spectators from the hazards associated with aerial fireworks displays.

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, 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 § 165.T05-0546 to read as follows:

#### 165.T05-0546 Safety Zone; Labor Day Fireworks, James River, Richmond, VA.

(a) *Regulated Area.* The following area is a safety zone: specified waters of the Captain of the Port Sector Hampton Roads zone, as defined in 33 CFR 3.25-10, in the vicinity of the James River in Richmond, VA and within 420 feet of position 33°31'13.1" N/077°25' 07.84" W (NAD 1983).

(b) *Definition.* For the purposes of this part, Captain of the Port Representative means any U.S. Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port, Hampton Roads, Virginia 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, Hampton Roads or his 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, Hampton Roads can be reached through the Sector Duty Officer at Sector Hampton Roads in Portsmouth, Virginia at telephone Number (757) 668-5555.

(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 regulation will be enforced from 8 p.m. until 9 p.m. on September 5, 2011.

Dated: August 19, 2011.

**Mark S. Ogle,**

*Captain, U.S. Coast Guard, Captain of the Port Hampton Roads.*

[FR Doc. 2011-22355 Filed 8-31-11; 8:45 am]

**BILLING CODE 9110-04-P**

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA-R09-OAR-2011-0537; FRL-9457-6]

#### California State Implementation Plan, South Coast Air Quality Management District; Withdrawal of Direct Final Rule

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

**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** On July 15, 2011 (76 FR 41717), EPA published a direct final approval of a revision to the California State Implementation Plan (SIP). This revision concerned South Coast Air Quality Management District (SCAQMD) Rule 1143, Consumer Paint Thinner & Multi-Purpose Solvents and Rule 1144, Metal Working Fluids & Direct-Contact Lubricants. The direct final action was published without prior proposal because EPA anticipated no adverse comment. The direct final rule stated that if adverse comments were received by August 15, 2011, EPA would publish a timely withdrawal in the **Federal Register**. EPA received timely adverse comments. Consequently, with this revision we are withdrawing the direct final approval of SCAQMD Rules 1143 and 1144. EPA will either address the comments in a subsequent final action based on the parallel proposal also published on July 15, 2011 (76 FR 41745), or repropose an alternative action. As stated in the parallel proposal, EPA will not institute a second comment period on a subsequent final action. Accordingly, the amendment to 40 CFR 52.220 published in the **Federal Register** on July 15, 2011, (76 FR 41717) which was to become effective on September 13, 2011 is withdrawn.

**DATES:** *Effective Date:* The amendment to 40 CFR 52.220 which published at 76 FR 41717 on July 15, 2011 is withdrawn as of September 1, 2011.

**ADDRESSES:** EPA has established docket number EPA-R09-OAR-2011-0537 for this action. Generally, documents in the docket for this action are 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 at <http://www.regulations.gov>, some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps), 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:** Adrienne Borgia, EPA Region IX, (415) 97-3576, [Borgia.adrienne@epa.gov](mailto:Borgia.adrienne@epa.gov).

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

Environmental protection, Air pollution control, Incorporation by reference, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: August 19, 2011.

**Jared Blumenfeld,**

*Regional Administrator, Region IX.*

Accordingly, the amendment to 40 CFR 52.220 published in the **Federal Register** on July 15, 2011, (76 FR 41717) is withdrawn as of September 1, 2011.

[FR Doc. 2011-22289 Filed 8-31-11; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 110131079-1521-02]

RIN 0648-BA79

#### Fisheries of the Northeastern United States; Atlantic Herring Fishery; Regulatory Amendment

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** NMFS revises the reporting requirements for vessels issued Atlantic herring (herring) permits, because more timely catch information is necessary to monitor herring catch against the stock-wide herring annual catch limit (ACL) and herring management area sub-ACLs, to help prevent sub-ACLs overages and the chance of premature fishery closures. This action requires limited access herring vessels to report catch daily via vessel monitoring systems (VMS), open access herring vessels to report catch weekly via the interactive voice response (IVR) system, and all herring-permitted vessels to submit vessel trip reports (VTRs) weekly.

**DATES:** Effective September 8, 2011.

**ADDRESSES:** An Environmental Assessment (EA) was prepared for this regulatory amendment; it describes the proposed action and other considered alternatives, and provides a thorough

analysis of the impacts of the proposed measures and alternatives. Copies of the regulatory amendment, including the EA, the Regulatory Impact Review (RIR), and the Initial Regulatory Flexibility Analysis (IRFA), are available from: NMFS, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. The EA/RIR/IRFA is also accessible via the Internet at <http://www.nero.nmfs.gov>.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this rule should be submitted to NMFS, at the address above, and to the Office of Management and Budget (OMB) by e-mail at [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov), or fax to 202-395-7285.

**FOR FURTHER INFORMATION CONTACT:** Carrie Nordeen, Fishery Policy Analyst, 978-281-9272, fax 978-281-9135.

#### SUPPLEMENTARY INFORMATION:

##### Background

The herring fishery in the United States is managed by a fishery management plan (FMP) developed by the New England Fishery Management Council (Council), and implemented by NMFS, in 2000. The harvest of herring is managed by a stock-wide ACL that is divided among three management areas, one of which has two sub-areas. Area 1 is located in the Gulf of Maine and is divided into an inshore section (Area 1A) and an offshore section (Area 1B). Area 2 is located in the coastal waters between Massachusetts and North Carolina, and Area 3 is on Georges Bank. In order to monitor catch against management area quota allocations (*i.e.*, sub-ACLs), reporting requirements for the herring fishery were implemented as part of the original Herring FMP in 2000, and are specified at § 648.7. This action revises catch reporting requirements for owners/operators of vessels issued herring permits. A proposed rule revising reporting requirements for the herring fishery was published on June 15, 2011 (75 FR 34947), with a comment period ending June 30, 2011. Because the proposed rule included detailed information on the background and rationale for the revised reporting requirements, that information is only briefly summarized in this final rule.

Fishing year 2010 was the first year that NMFS monitored herring catch against recently reduced herring management area allocations (reduced from 2009 levels by 20 to 60 percent). When catch is projected to reach 95 percent of a management area sub-ACL, NMFS implements a 2,000-lb (907.2-kg)

possession limit for that management area, essentially closing that area to the directed herring fishery, to prevent the sub-ACL from being exceeded. In 2010, NMFS experienced difficulty projecting a closure date in Area 1B because of a pulse of fishing effort. NMFS had similar difficulties projecting a closure date in Area 1A, resulting in premature fishery closures, because bycatch rates were highly variable. Preliminary 2010 data indicate that catches from Area 1B and Area 1A exceeded their respective allocations. Overage determinations, and any subsequent overage deductions, will be determined when the 2010 herring catch data are finalized.

NMFS's monitoring experiences in 2010 illustrated the need for more timely catch reporting to better monitor herring catch against management area sub-ACLs, help prevent sub-ACL overages, and reduce the chance of premature fishery closures. The Council is in the process of developing Amendment 5 to the Herring FMP (Amendment 5), which considers revisions to catch reporting requirements for the herring fishery, but that amendment, if approved, is not anticipated to be implemented before 2013. NMFS recognizes the importance of timely catch information to monitor herring catch against management areas sub-ACLs in 2011 and beyond, as well as to help catch achieve, but not exceed, sub-ACLs. The Magnuson-Stevens Fishery Conservation and Management Act (MSA) section 402(a)(2), in conjunction with regulations at § 648.7, provide NMFS with the authority to revise fishery reporting requirements as necessary to monitor a FMP. Therefore, in this action, NMFS requires that: Limited access herring vessels report herring catch daily via VMS; open access herring vessels report catch weekly via IVR; and all herring-permitted vessels submit VTRs weekly.

##### Reporting Requirements for Limited Access Herring Vessels

To ensure timely catch data are available to better inform management decisions, NMFS requires owners/operators of vessels issued limited access herring permits to report herring catch, retained and discarded, daily via VMS. Daily catch reports would include the following information: Vessel name; VTR serial number; date; and the amount of herring retained and discarded from each management area. During a declared herring trip, catch reports would be required to be submitted via VMS by 9 a.m., eastern time, for herring caught the previous calendar day (0000-2400 hr). If no fish were caught on a particular day during