

energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not 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 M16475.1D, 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 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. This rule involves the establishment of 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, 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. 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.T11-332 to read as follows:

#### § 165.T11-332 Safety Zone; San Diego Harbor Shark Fest Swim; San Diego Bay, San Diego, CA.

(a) *Location.* The following area is a safety zone: All the navigable waters of the San Diego Bay bounded by the following coordinates:

32°42.17' N, 117°09.83' W;  
32°41.66' N, 117°09.88' W;  
along the shore line to 32°41.29' N,  
117°09.77' W;  
32°41.50' N, 117°09.73' W;  
32°42.05' N, 117°09.68' W;  
along the shore line to 32°42.17' N,  
117°09.83' W.

(b) *Enforcement Period.* This section will be enforced from 8:30 a.m. to 10:30 a.m. on September 19, 2010. If the event concludes prior to the scheduled termination time, the Captain of the Port will cease enforcement of this safety zone and will announce that fact via Broadcast Notice to Mariners.

(c) *Definitions.* The following definition applies to this section: *Designated representative* means any commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, and local, State, and Federal law enforcement vessels who have been authorized to act on the behalf of the Captain of the Port San Diego.

(d) *Regulations.* (1) Entry into, transit through or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port of San Diego or designated representative.

(2) Mariners requesting permission to transit through the safety zone may request authorization to do so from the Patrol Commander (PATCOM). The PATCOM may be contacted on VHF-FM Channel 16.

(3) All persons and vessels shall comply with the instructions of the Captain of the Port San Diego or designated representative.

(4) Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(5) The Coast Guard may be assisted by other Federal, State, or local agencies.

Dated: August 11, 2010.

T.H. Farris,

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

[FR Doc. 2010-23009 Filed 9-14-10; 8:45 am]

BILLING CODE 9110-04-P

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA-R04-OAR-2010-0666-201032; FRL-9202-1]

#### Adequacy Status of the Knoxville, TN 1997 8-Hour Ozone Maintenance Plan Motor Vehicle Emission Budgets for Transportation Conformity Purposes

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

**ACTION:** Notice of adequacy.

**SUMMARY:** EPA is notifying the public that it has found that the motor vehicle emissions budgets (MVEBs) contained in the State Implementation Plan (SIP) revision for the Knoxville, Tennessee 1997 8-Hour Ozone Maintenance Plan are adequate for transportation conformity purposes. This revision was submitted on July 14, 2010, by the Tennessee Department of Environment and Conservation (TDEC). The Knoxville 1997 8-Hour ozone nonattainment area (hereafter referred to as “the Knoxville Area”) for which MVEBs are established in today’s notice is comprised of the entire counties of Anderson, Blount, Jefferson, Knox, Sevier, and Loudon as well as the portion of Cocke County that falls within the boundaries of the Great Smoky Mountains National Park. On March 2, 1999, the United States Court of Appeals for the District of Columbia Circuit (DC Circuit) ruled that submitted SIPs cannot be used for transportation conformity determinations until EPA has affirmatively found them adequate. As a result of EPA’s finding, the Knoxville Area must use the MVEBs for future conformity determinations for the 1997 8-hour ozone national ambient air quality standards (NAAQS).

**DATES:** These MVEBs are effective September 30, 2010.

**FOR FURTHER INFORMATION CONTACT:** Kelly Sheckler, U.S. Environmental Protection Agency, Region 4, Air Planning Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30303. Ms. Sheckler can also be reached by telephone at (404) 562-9222, or via electronic mail at [sheckler.kelly@epa.gov](mailto:sheckler.kelly@epa.gov). The finding is available at EPA’s conformity Web site:

<http://www.epa.gov/otaq/stateresources/transconf/cursips.htm>.

**SUPPLEMENTARY INFORMATION:** This notice is simply an announcement of a finding that EPA has already made. EPA, Region 4, sent a letter to TDEC on July 20, 2010, stating that the MVEBs identified for Knoxville in Tennessee's maintenance SIP revision, submitted on July 14, 2010, are adequate and must be used for transportation conformity determinations in the Knoxville Area. Originally, on June 11, 2010, TDEC submitted its maintenance plan for parallel processing which allowed EPA to initiate our public comment period for adequacy of the MVEBs contained in Tennessee's maintenance plan.

EPA posted the availability of the Knoxville Area MVEBs on EPA's Web site on June 14, 2010, as part of the adequacy process, for the purpose of soliciting comments. The adequacy comment period ran from June 15, 2010, through July 14, 2010. During EPA's adequacy comment period, no comments were received on the Knoxville Area MVEBs. Through this notice, EPA is informing the public that these MVEBs are adequate for transportation conformity. This finding has also been announced on EPA's conformity Web site: <http://www.epa.gov/otaq/stateresources/transconf/pastsips.htm>. The adequate MVEBs are provided in the following table:

**KNOXVILLE, TENNESSEE 8-HOUR  
OZONE MVEBs**  
[Tons per day]

	2024
NO <sub>x</sub> .....	36.32
VOC .....	25.19

Transportation conformity is required by section 176(c) of the Clean Air Act. EPA's conformity rule, 40 CFR Part 93, requires that transportation plans, programs and projects conform to state air quality implementation plans and establishes the criteria and procedures for determining whether or not they do so. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS.

The criteria by which EPA determines whether a SIP's MVEBs are adequate for transportation conformity purposes are outlined in 40 CFR 93.118(e)(4). We have also described the process for determining the adequacy of submitted SIP budgets in our July 1, 2004, final rulemaking entitled, "Transportation Conformity Rule Amendments for the

New 8-Hour Ozone and PM<sub>2.5</sub> National Ambient Air Quality Standards and Miscellaneous Revisions for Existing Areas; Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes" (69 FR 40004). Please note that an adequacy review is separate from EPA's completeness review, and it should not be used to prejudice EPA's ultimate approval of Tennessee's 1997 8-hour ozone SIP revision for the Knoxville Area. Even if EPA finds a budget adequate, the SIP revision could later be disapproved.

Within 24 months from the effective date of this notice, the transportation partners will need to demonstrate conformity to the new MVEBs, if the demonstration has not already been made, pursuant to 40 CFR 93.104(e). See 73 FR 4419 (January 24, 2008).

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: September 3, 2010.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

[FR Doc. 2010-22973 Filed 9-14-10; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R06-OAR-2010-0620; FRL-9199-8]

### Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Prevention of Significant Deterioration (PSD)

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action approving revisions to the Texas PSD State Implementation Plan (SIP). EPA is approving a SIP revision submitted February 1, 2006, as amended by a SIP revision submitted July 16, 2010. This action makes no substantive changes to the Texas PSD SIP; it merely approves reorganization and renumbering of the Texas PSD SIP rules. Further, the July 16, 2010 submission corrects certain deficiencies identified in EPA's September 23, 2009 proposed disapproval. The EPA is approving these revisions pursuant to section 110 and part C of the Federal Clean Air Act (Act or CAA).

**DATES:** This direct final rule will be effective on November 15, 2010 without further notice, unless EPA receives relevant adverse comments by October

15, 2010. If EPA receives such comments, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that this rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R06-OAR-2010-0620, by one of the following methods:

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

- **U.S. EPA Region 6 "Contact Us" Web site:** <http://epa.gov/region6/r6coment.htm> Please click on "6PD" (Multimedia) and select "Air" before submitting comments.

- **E-mail:** Mr. Stanley M. Spruiell at [spruiell.stanley@epa.gov](mailto:spruiell.stanley@epa.gov). Please also cc the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.

- **Fax:** Mr. Stanley M. Spruiell, Air Permits Section (6PD-R), at fax number 214-665-7263.

- **Mail:** Mr. Stanley M. Spruiell, Air Permits Section (6PD-R), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733.

- **Hand or Courier Delivery:** Mr. Stanley M. Spruiell, Air Permits Section (6PD-R), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733. Such deliveries are accepted only between the hours of 8 a.m. and 4 p.m. weekdays except for legal holidays. Special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID No. EPA-R06-OAR-2010-0620. 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