

HMCS BRANDON (NCSM 710) while underway in the Puget Sound COTP Area of Responsibility (AOR).

(b) *Regulations.* In accordance with the general regulations in 33 CFR Part 165, Subpart D, no person or vessel may enter or remain in the security zones without the permission of the COTP or Designated Representative. See 33 CFR Part 165, Subpart D, for additional requirements. The COTP may be assisted by other federal, state or local agencies with the enforcement of the security zones.

(c) *Authorization.* All vessel operators who desire to enter the security zones must obtain permission from the COTP or Designated Representative by contacting either the on-scene Coast Guard patrol craft on VHF 13 or Ch 16. Requests must include the reason why movement within the security zones is necessary. Vessel operators granted permission to enter the security zones will be escorted by the on-scene Coast Guard patrol craft until they are outside of the security zones.

(d) *Enforcement Period.* This rule is effective from 8 a.m. until 11:59 p.m. on August 4, 2010 unless canceled sooner by the COTP.

Dated: July 22, 2010.

**S.W. Bornemann,**

*Captain, U. S. Coast Guard, Captain of the Port, Puget Sound.*

[FR Doc. 2010-18945 Filed 7-30-10; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[Docket No. EPA-R02-OAR-2010-0530; FRL-9183-9]

#### **Adequacy Status of Motor Vehicle Emissions Budgets in Submitted Reasonable Further Progress and Attainment Demonstrations for New York Portions of New York-Northern New Jersey-Long Island and Poughkeepsie 8-hour Ozone Nonattainment areas for Transportation Conformity Purposes; NY**

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

**ACTION:** Notice of Adequacy.

**SUMMARY:** In this notice, EPA is notifying the public that we have found that the motor vehicle emissions budgets for volatile organic compound (VOC) and nitrogen oxides (NO<sub>x</sub>) in the submitted reasonable further progress state implementation plan for the New

York portions of the New York-Northern New Jersey-Long Island, NY-NJ-CT 8-hour ozone nonattainment area, as well as the submitted reasonable further progress and attainment demonstration state implementation plans for the Poughkeepsie, New York 8-hour ozone nonattainment area, to be adequate for transportation conformity purposes. The transportation conformity rule requires that the EPA conduct a public process and make an affirmative decision on the adequacy of these budgets before they can be used by metropolitan planning organizations in conformity determinations. As a result of our finding, the New York Metropolitan Transportation Council (excluding Putnam County) must use the submitted 2008 8-hour ozone budgets for future transportation conformity determinations, and the Orange County Transportation Council, the Poughkeepsie-Dutchess Transportation Council and the New York Metropolitan Transportation Council (Putnam County only) must use the submitted 2008 and 2009 8-hour ozone budgets for future transportation conformity determinations.

**DATES:** This finding is effective August 17, 2010.

**FOR FURTHER INFORMATION CONTACT:**

Melanie Zeman, Air Programs Branch, Environmental Protection Agency—Region 2, 290 Broadway, 25th Floor, New York, New York 10007-1866, (212) 637-4022, [zeman.melanie@epa.gov](mailto:zeman.melanie@epa.gov).

The finding and the response to comments will be available at EPA's conformity Web site: <http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm>.

**SUPPLEMENTARY INFORMATION:**

**Background**

On February 8, 2008, New York State submitted reasonable further progress and attainment demonstration state implementation plans to EPA for its portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT and Poughkeepsie, New York, 8-hour ozone nonattainment areas. The purpose of the New York State submittal was to demonstrate both of the areas progress toward attaining the 8-hour ozone National Ambient Air Quality Standard. The submittal included motor vehicle emissions budgets (“budgets”) for 2008 and 2009 for the Poughkeepsie 8-hour ozone nonattainment area and 2008 budgets for the New York portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT nonattainment area for use by the State's metropolitan planning organizations in making transportation conformity

determinations. On June 12, 2008, and June 2, 2008, respectively, the availability of the New York portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT 8-hour ozone nonattainment area and the Poughkeepsie, New York 8-hour ozone nonattainment area transportation conformity budgets were posted on EPA's Web site for the purpose of soliciting public comments. The adequacy public comment period closed for the New York portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT area budgets on July 14, 2008, and EPA received no public comments. The public comment period closed for the Poughkeepsie, New York area budgets on July 2, 2008. EPA's response to comments received during this period is posted on the EPA adequacy Web site listed below. Today's notice is simply an announcement of a finding that EPA has already made. EPA Region 2 sent a letter to New York State Department of Environmental Conservation on June 21, 2010. The findings letter states that the 2008 motor vehicle emissions budgets in New York's SIP submissions for both the New York portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT and Poughkeepsie, New York 8-hour ozone nonattainment areas are adequate because they are consistent with the required rate of progress plan. With regard to the 2009 motor vehicle emissions budgets, the findings letter states that for the Poughkeepsie, New York 8-hour ozone nonattainment area, these budgets are adequate for transportation conformity purposes because they are consistent with the plan's demonstration of attainment. EPA's finding will also be announced on EPA's conformity Web site: <http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm>.

For informational purposes, EPA notes that on April 4, 2008, New York submitted to EPA a request for a voluntary reclassification of the New York-Northern New Jersey-Long Island, NY-NJ-CT 8-hour ozone nonattainment area from “moderate” to “serious” pursuant to section 181(b)(3) of the Act. Related to this request, New York provided EPA with 2011 and 2012 motor vehicle emissions budgets. EPA is continuing to review New York's request for a voluntary reclassification of the New York-Northern New Jersey-Long Island, NY-NJ-CT 8-hour ozone nonattainment area and therefore is not taking action on the 2011 or 2012 budgets at this time. EPA would take action on these budgets at the same time

it addresses New York's request in a separate proposed action.

Transportation conformity is required by section 176(c) of the Clean Air Act. EPA's conformity rule requires that transportation plans, programs, and projects conform to SIPs and establishes the criteria and procedures for determining whether they conform. Conformity to a SIP means that transportation activities will not

produce new air quality violations, worsen existing violations, or delay timely attainment of the National Ambient Air Quality Standards.

The criteria by which we determine whether a SIP's motor vehicle emission budgets are adequate for conformity purposes are specified in 40 CFR 93.118(e)(4). Please note that an adequacy review is separate from EPA's completeness review, and it also should

not be used to prejudice EPA's ultimate approval of the SIP. Even if we find a budget adequate, the SIP could later be disapproved.

EPA has described its process for determining the adequacy of submitted SIP budgets in 40 CFR 93.118(f). EPA has followed this rule in making these adequacy determinations. The motor vehicle emissions budgets being found adequate today are listed in Table 1.

TABLE 1—8-HOUR OZONE MOTOR VEHICLE EMISSIONS BUDGETS FOR NEW YORK STATE  
[Tons per day]

Nonattainment Area	2008		2009	
	NO <sub>x</sub>	VOC	NO <sub>x</sub>	VOC
New York Portions of New York-Northern New Jersey-Long Island, NY-NJ-CT (NYMTC excluding Putnam County) .....	211.77	148.85	n/a	n/a
Poughkeepsie, NY (PDCTC, OCTC, NYMTC Putnam County only) .....	32.32	19.22	29.77	17.63

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

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

**Authority:** 42 U.S.C. 7401–7671 q.

Dated: July 20, 2010.

**Judith A. Enck,**

*Regional Administrator, Region 2.*

[FR Doc. 2010–18921 Filed 7–30–10; 8:45 am]

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Parts 2, 25, and 27**

[WT Docket No. 07–293; IB Docket No. 95–91; GEN Docket No. 90–357; RM–8610; FCC 10–82]

**Operation of Wireless Communications Services in the 2.3 GHz Band; Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310–2360 MHz Frequency Band**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Commission amends its rules to enable the deployment of mobile broadband services in the Wireless Communications Services (WCS) while limiting the potential for harmful interference to satellite radio users, aeronautical mobile telemetry (AMT) operations, and the Deep Space Network (DSN) research facility in Goldstone,

CA. In addition, the Commission establishes enhanced performance requirements to ensure that WCS licensees use the spectrum intensively in the public interest. The Commission also adopts technical rules governing the operation of Satellite Digital Audio Radio Service (SDARS) terrestrial repeaters that will not constrain their function or deployment but will limit the potential for interference to adjacent-band WCS spectrum users, a blanket licensing regime for repeaters operating up to 12 kilowatts (kW) average equivalent isotropically radiated power (EIRP) that will facilitate their deployment, and rules that will ensure that SDARS repeaters remain truly complementary to a satellite-based service and are not used to transmit local programming or advertising.

**DATES:** Effective September 1, 2010, except for amendments to §§ 25.144(e)(3), 25.144(e)(8), 25.144(e)(9), 25.263(b), 25.263(c), 27.14(p)(7), 27.72(b), 27.72(c), 27.73(a), and 27.73(b), which contain information collection requirements that are not effective until approved by the Office of Management and Budget. The Commission will publish a document in the **Federal Register** announcing the effective dates for those sections.

**FOR FURTHER INFORMATION CONTACT:** WCS technical information: Thomas Derenge, *Thomas.Derenge@fcc.gov*, Mobility Division, Wireless Telecommunications Bureau, (202) 418–2451. WCS legal information: Richard Arsenault, *Richard.Arsenault@fcc.gov*, Mobility Division, Wireless Telecommunications Bureau, (202) 418–0920. SDARS technical information: Chip Fleming, *Chip.Fleming@fcc.gov*, Engineering Branch, Satellite Division,

International Bureau, (202) 418–1247. SDARS legal information: Stephen Duall, *Stephen.Duall@fcc.gov*, Policy Branch, Satellite Division, International Bureau, (202) 418–1103. For additional information concerning the Paperwork Reduction Act information collection requirements contained in this document, contact Richard Arsenault at (202) 418–0920, or via the Internet at *Richard.Arsenault@fcc.gov* and Stephen Duall at (202) 418–1103, or via the Internet at *Stephen.Duall@fcc.gov*.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Report and Order and Second Report and Order*, WT Docket No. 07–293, IB Docket No. 95–91, GEN Docket No. 90–357, RM–8610, FCC 10–82, adopted and released on May 20, 2010. The full text of this document is available on the Commission's Internet site at *www.fcc.gov*. It is also available for inspection and copying during regular business hours in the FCC Reference Center (Room CY–A257), 445 12th Street, SW., Washington, DC 20554. The full text of this document also may be purchased from the Commission's duplication contractor, Best Copy and Printing Inc., Portals II, 445 12th St., SW., Room CY–B402, Washington, DC 20554; telephone (202) 488–5300; fax (202) 488–5563; e-mail *FCC@BCPIWEB.COM*.

**Paperwork Reduction Act of 1995 Analysis**

This document adopts new or revised information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13 (44 U.S.C. 3501–3520). The requirements will be submitted to the Office of Management and Budget (OMB) for