

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).

This proposed rule, for the inclusion of NO_x as a precursor to ozone in Delaware for the PSD program, 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 will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

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

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

Dated: April 20, 2011.

W.C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2011-11215 Filed 5-6-11; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 272

[FRL-9293-8]

Wisconsin: Incorporation by Reference of Approved State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to codify in the regulations entitled “Approved State Hazardous Waste Management Programs,” Wisconsin’s authorized hazardous waste program. EPA will incorporate by reference into the Code of Federal Regulations (CFR) those provisions of the State regulations that are authorized and that the EPA will enforce under the Solid Waste Disposal Act, commonly referred to as the Resource Conservation and Recovery Act (RCRA).

DATES: Send written comments by June 8, 2011.

ADDRESSES: Send written comments to Jean Gromnicki, U.S. EPA, Region 5, 77 West Jackson Boulevard, Mail Code LR-8J, Chicago, Illinois 60604. You may also submit comments electronically or

through hand delivery/courier; please follow the detailed instructions in the **ADDRESSES** section of the immediate final rule which is located in the Rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Jean Gromnicki, U.S. EPA, Region 5, 77 West Jackson Boulevard, Mail Code LR-8J, Chicago, Illinois 60604, gromnicki.jean@epa.gov, (312) 886-6162.

SUPPLEMENTARY INFORMATION: In the “Rules and Regulations” section of this **Federal Register**, EPA is codifying and incorporating by reference the State’s hazardous waste program as an immediate final rule. EPA did not make a proposal prior to the immediate final rule because we believe these actions are not controversial and do not expect comments that oppose them. We have explained the reasons for this codification and incorporation by reference in the preamble to the immediate final rule. If we do not get written comments which oppose this incorporation by reference during the comment period, the immediate final rule will become effective on the date it establishes, and we will not take further action on this proposal. If we get comments that oppose these actions, we will withdraw the immediate final rule and it will not take effect. We will then respond to public comments in a later final rule based on this proposal. You may not have another opportunity for comment. If you want to comment on this action, you must do so at this time. For additional information, please see the immediate final rule published in the “Rules and Regulations” section of this **Federal Register**.

Authority: This action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste and Disposal Act, as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: March 24, 2011.

Susan Hedman,

Regional Administrator, Region 5.

[FR Doc. 2011-11155 Filed 5-6-11; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Parts 385, 386, 390, and 395

[Docket No. FMCSA-2004-19608]

RIN 2126-AB26

Hours of Service of Drivers

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice; availability of supplemental documents; reopening of comment period.

SUMMARY: FMCSA has placed four additional documents in the public docket of its recent notice of proposed rulemaking (NPRM) concerning hours of service (HOS) for commercial motor vehicle drivers. The Agency is reopening the comment period on the NPRM to allow for review and discussion of these documents and FMCSA’s possible consideration of their findings in the development of the final rule. Comments will only be considered on the four documents listed below.

DATES: Comments are due by June 8, 2011.

ADDRESSES: You may submit comments identified by Federal Docket Management System Number FMCSA-2011-0039 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>.

- *Fax:* 202-493-2251.

- *Mail:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

- *Hand Delivery:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

Instructions: All submissions must include the Agency name and docket number (FMCSA-2011-0039) for this rulemaking. To avoid duplication, please use only one of these four methods. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please refer to the Privacy Act heading for further information.

Comments received after the comment closing date will be included in the docket and we will consider late comments only to the extent practicable. FMCSA may issue a final rule at any time after the close of the comment period.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> at any time or to West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: Anyone is able to search the electronic form for all comments

received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review the U.S. Department of Transportation's (DOT) complete Privacy Act Statement in the **Federal Register** published on January 17, 2008 (73 FR 3316), or you may visit <http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf>.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Yager, Chief, Driver and Carrier Operations Division, Federal Motor Carrier Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, (202) 366-4325.

SUPPLEMENTARY INFORMATION:

Availability of Supplemental Documents

For a full background on this rulemaking, please see the preamble to the NPRM (75 FR 82170, December 29, 2010). The docket (FMCSA-2004-19608) contains all of the background information for this rulemaking, including comments. FMCSA has placed these four research reports in the docket:

- Blanco, M., Hanowski, R., Olson, R., Morgan, J., Soccolich, S., Wu, S.C., and Guo, F., "The Impact of Driving, Non-Driving Work, and Rest Breaks on Driving Performance in Commercial Motor Vehicle Operations," FMCSA, April 2011.

- Jovanis, J.P., Wu, K.F., and Chen, C., "Hours of Service and Driver Fatigue—Driver Characteristics Research," FMCSA, April 2011.

- Sando, T., Angel, M., Mtoi, E., and Moses, R., "Analysis of the Relationship Between Operator Cumulative Driving Hours and Involvement in Preventable Collisions," Transportation Research Board of the National Academies' 2011 90th Annual Meeting, Paper No.: 11-4165, November 2010.

- Sando, T., Mtoi, E., and Moses, R., "Potential Causes Of Driver Fatigue: A Study On Transit Bus Operators In Florida," Transportation Research Board of the National Academies' 2011 90th Annual Meeting, Paper No.: 11-3398, November 2010.

The two Sando, *et al.*, reports discuss research similar to that which the Florida Department of Transportation Transit Office submitted to the docket on March 4, 2011 (docket item 23834: Sando, T., Moses, R., Angel, M., and Mtoi, E., "Safety Implications of Transit Operator Schedule Policies," University of North Florida and Florida Department of Transportation, October

2010). The two additional reports by Sando and his colleagues were published by the Transportation Research Board of the National Academies for its 2011 90th Annual Meeting. They were provided to 2011 Annual Meeting participants on digital video disk and are available for downloading at <http://www.trb.org>.

FMCSA may consider these four reports in its rulemaking and invites comment on their relevance to the NPRM.

FMCSA is reopening the comment period only for comments on these documents and their relationship to the proposed HOS regulations. Comments unrelated to the studies and/or to their relationship to the NPRM will not be evaluated.

Rulemaking Schedule

FMCSA advises the public of an adjustment to the rulemaking schedule agreed to in litigation before the U.S. Court of Appeals for the District of Columbia Circuit (Case No. 09-1094). Pursuant to an October 26, 2009, agreement between Public Citizen, *et al.* (Petitioners), and FMCSA, the Agency was to publish a final rule within 21 months of

the date of the settlement agreement. FMCSA will receive and analyze all comments to this notice before it completes its work on a final rule, however. This extra comment period will require additional time that was not envisioned in 2009, and thus the Agency will be unable to publish a final rule by July 26, 2011. FMCSA has advised Petitioners of this delay to the rulemaking schedule.

Issued on: May 3, 2011.

Anne S. Ferro,
Administrator.

[FR Doc. 2011-11150 Filed 5-6-11; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Chapter II

[Docket No. FRA-2011-0025]

Study on Protection of Certain Railroad Risk Reduction Data From Discovery or Use in Litigation

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice and request for public comment.

SUMMARY: In accordance with section 109 of the Rail Safety Improvement Act

of 2008 (RSIA), FRA is soliciting public comment on the issue of whether it is in the public interest, including public safety and the legal rights of persons injured in railroad accidents, to withhold from discovery or use in litigation in a Federal or State court proceeding for damages involving personal injury or wrongful death against a carrier any report, survey, schedule, list, or data compiled or collected for the purpose of evaluating, planning, or implementing a railroad safety risk reduction program required under the RSIA, including a railroad carrier's analysis of its safety risks and its statement of the mitigation measures with which it will address those risks.

DATES: Comments should be received on or before July 8, 2011. Late-filed comments will be considered to the extent practicable.

ADDRESSES: You may submit comments to Docket No. FRA-2011-0025 by any of the following methods:

- **Federal e-Rulemaking Portal:** Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- **Mail:** Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed envelope or postcard.

- **Hand Delivery or Courier:** West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

- **Fax:** 202-493-2251

To avoid duplication, please use only one of these four methods. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you provide.

Docket: To read background documents or comments received, go to <http://www.regulations.gov> and click on the "read comments" box in the upper right hand side of the screen. Then, in the "Keyword" box, insert "FRA-2011-0025" and click "Search." Next, click the "Open Docket Folder" in the "Actions" column. Finally, in the "Title" column, click on the document you would like to review. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12-140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m.,