

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 117**

[Docket No. USCG-2011-0547]

**Drawbridge Operation Regulation; Lafourche Bayou, Lafourche, LA****AGENCY:** Coast Guard, DHS.**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Cut Off vertical lift span bridge across the Lafourche Bayou, mile 36.3, at Cut Off, Lafourche Parish, LA. The deviation is necessary to perform major maintenance and repair on the bridge. This deviation allows the bridge to remain closed to navigation for 45 consecutive days except that from 6 a.m. through 6 p.m. the bridge will open every four hours, as necessary, to allow waiting vessel traffic to pass.

**DATES:** This deviation is effective from 6 a.m. on Monday, July 11, 2011 through 6 p.m. on Wednesday, August 24, 2011.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of docket USCG-2011-0547 and are available online by going to <http://www.regulations.gov>, inserting USCG-2011-0547 in the "Keyword" box and then clicking "Search". They are also available for inspection or copying at the 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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or e-mail Jim Wetherington, Bridge Administration Branch, Coast Guard; telephone 504-671-2128, e-mail [james.r.wetherington@uscg.mil](mailto:james.r.wetherington@uscg.mil). If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

**SUPPLEMENTARY INFORMATION:** The Lafourche Parish Government has requested a temporary deviation from the operating schedule of the vertical lift span bridge across Lafourche Bayou, mile 36.3 in Cut Off, Lafourche Parish, LA. The vertical clearance of the bridge in the closed-to-navigation position is 5 feet above Mean High Water and 73 feet

above Mean High Water in the open-to-navigation position.

In accordance with 33 CFR 117.465(a)(5), the vertical lift span of the bridge shall open on signal for the passage of vessels; except that from August 15–May 31, the draw need not open for the passage of vessels Monday–Friday, except Federal holidays, from 7 a.m.–8:30 a.m.; from 2 p.m. to 4 p.m.; and from 4:30 p.m. to 5:30 p.m. This deviation allows the vertical lift span of the bridge to remain closed to navigation from Monday, July 11, 2011 through Wednesday, August 24, 2011 except that from 6 a.m. through 6 p.m., the bridge will open every four hours, as necessary, to allow for the passage of any vessels in waiting.

The closure is necessary to perform major maintenance and repair. This maintenance is essential for the continued operation of the bridge. Notices will be published in the Eighth Coast Guard District Local Notice to Mariners and will be broadcast via the Coast Guard Broadcast Notice to Mariners System.

Navigation on the waterway consists of commercial and recreational fishing vessels, small to medium crew boats, and small tugs with and without tows. Alternate routes are available for the passage of vessels; however, this closure was coordinated with waterway interests who have indicated that they will be able to adjust their operations around the proposed work schedule. Small vessels may pass under the bridge while in the closed-to-navigation position provided caution is exercised.

Due to prior experience and coordination with waterway users, it has been determined that this closure will not have a significant effect on vessels that use the waterway.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: June 21, 2011.

**David M. Frank,**

*Chief, Bridge Administration Branch, U.S. Coast Guard, by Direction.*

[FR Doc. 2011-17108 Filed 7-6-11; 8:45 am]

**BILLING CODE 9110-04-P**

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

[EPA-R06-OAR-2010-0404; FRL-9430-2]

**Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Determination of Termination of Section 185 Fees****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

**SUMMARY:** The EPA has determined that the State of Louisiana is no longer required to submit a section 185 fee program State Implementation Plan (SIP) revision for the Baton Rouge ozone nonattainment area to satisfy anti-backsliding requirements for the 1-hour ozone standard. This determination ("Termination Determination") is based on complete, quality-assured monitoring data showing attainment of the 1-hour ozone National Ambient Air Quality Standard (NAAQS), which is due to permanent and enforceable emission reductions implemented in the area.

**DATES:** This rule is effective August 8, 2011.

**ADDRESSES:** EPA has established a docket for this action under Docket No. EPA-R06-OAR-2010-0404. All documents in the docket are listed in the <http://www.regulations.gov> index. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at the Air Planning Section (6PDL), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733. The file will be made available by appointment for public inspection in the Region 6 FOIA Review Room between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays.

Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below to make an appointment. If possible, please make the appointment at least two working days in advance of your visit. There will be a fee of 15 cents per page for making photocopies of documents. On the day of the visit, please check in at the EPA Region 6 reception area at 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733.

**FOR FURTHER INFORMATION CONTACT:** Ms. Sandra Rennie, Air Planning Section (6PD-L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733, telephone (214) 665-7367, fax (214)

665-7263, e-mail address  
*rennie.Sandra@epa.gov*.

#### SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA.

Organization of this document. The following outline is provided to aid in locating information in this preamble.

- I. What action is EPA taking?
- II. What is the background and legal rationale for this final action?
- III. What is the effect of this final action?
- IV. What is EPA’s final analysis?
  - a. Attainment of the 1-Hour Ozone Standard
  - b. Permanent and Enforceable Emission Reductions
- V. What comments did EPA receive?
- VI. Final Action
- VII. Statutory and Executive Order Reviews

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

EPA has determined that Louisiana is no longer required to submit a Clean Air Act section 185 fee program SIP revision for the Baton Rouge 1-hour ozone nonattainment area to satisfy anti-backsliding requirements associated with the transition from the 1-hour ozone standard to the 1997 8-hour ozone standard. This Termination Determination is based on EPA’s determination that the area is attaining the 1-hour ozone standard due to permanent and enforceable emission reductions implemented in the area. EPA’s determination terminates the area’s obligation to submit a section 185 fee program SIP revision for the 1-hour ozone standard.

#### II. What is the background and legal rationale for this final action?

For a detailed description of the background and legal rationale for this final action, see our proposed approval, published March 29, 2011 (76 FR 17368).

#### III. What is the effect of this final action?

By finalizing this action, we are terminating the requirement for the State of Louisiana to submit a CAA section 185 penalty fee 1-hour ozone anti-backsliding SIP revision, which would have required major stationary sources in the Baton Rouge area to pay fees as a penalty for failure to attain the 1-hour ozone standard by the area’s 1-hour ozone attainment date.<sup>1</sup>

<sup>1</sup> For the reasons set forth in the proposal to this final action, a final approval of the Termination Determination for the 1-hour standard section 185 measures will not be rescinded based on subsequent monitored nonattainment for the 1-hour ozone standard.

#### IV. What is EPA’s final analysis?

EPA’s final Termination Determination is based upon EPA’s determination that the BR area is attaining the 1-hour ozone standard due to permanent and enforceable emission reductions implemented in the area, as detailed in our proposal for this final action.

##### a. Attainment of the 1-Hour Ozone Standard

As noted above, EPA determined that the Baton Rouge 1-hour ozone nonattainment area attained the 1-hour ozone NAAQS. For the details of that determination see our final action at 75 FR 6570 (February 10, 2010). As discussed in our proposal, EPA has also determined that the area continues to monitor attainment of the 1-hour ozone standard, based on complete, quality-assured data for 2010. 76 FR 17368, March 29, 2011.

EPA notes that, on September 9, 2010, EPA determined that the Baton Rouge 1997 8-hour ozone nonattainment area also attained the 1997 8-hour ozone NAAQS. For the details of that determination see our final action at 75 FR 54778 (September 9, 2010).<sup>2</sup>

##### b. Permanent and Enforceable Emission Reductions

EPA is finalizing its determination that the BR area demonstrated that the observed air quality improvements with respect to the 1-hour ozone standard are due to permanent and enforceable emission reductions through the implementation of emission controls contained in the SIP and in federal control measures. For a detailed analysis of these permanent and enforceable measures, please see our proposal at 76 FR 17371–17372.

#### V. What comments did EPA receive?

EPA received thirteen comment letters in response to the proposed rulemaking. The comment letters are available for review in the docket for this rulemaking. All commenters expressed support for our proposed action, and no adverse comments were received. Comments were submitted by American Chemistry Council, American Petroleum Institute or “API”, BASF, Entergy Gulf State Louisiana L.L.C., National Petrochemical & Refiners Association (“NPRA”), PCS Nitrogen Fertilizer, Shell Chemical LP, Syngenta

<sup>2</sup> A final determination that attainment for the 8-hour standard is due to permanent and enforceable emissions reductions would provide an additional basis for a Termination Determination for Baton Rouge, but EPA has not yet made such a determination and therefore does not rely on that ground here.

Crop Protection LLC, Williams Olefins, LLC (Williams), ExxonMobil, Calpine Corporation (Calpine), Louisiana Chemical Association, the Baton Rouge Area Chamber, and the Louisiana Mid-Continent Oil and Gas Association, (collectively, the Associations), and Baker Botts (through the Section 185 Working Group (the “Group”). In addition to expressing support, some comments also addressed additional points relating to requirements under section 185 and triggers for applicability, as well as other issues which EPA considers to be outside the scope of this Termination Determination rulemaking, which addresses only the circumstances relating to termination of the section 185 SIP obligation, and thus EPA need not address such comments here.

#### VI. Final Action

For the reasons set forth in the proposed rulemaking and in this final rulemaking, EPA is finalizing its determination to terminate (Termination Determination) the section 185 fee penalty requirement for the Baton Rouge area for the 1-hour ozone standard. This final determination is based on EPA’s determination that the area has attained and continues to attain the 1-hour ozone standard due to permanent and enforceable emissions reductions.

#### VII. Statutory and Executive Order Reviews

This action makes a determination of termination of the CAA section 185 penalty fee requirement based on attainment of the 1-hour ozone standard due to permanent and enforceable emission reductions, and results in the termination of the section 185 fee requirements for the 1-hour standard, and does not impose any additional requirements. 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 the 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 Clean Air Act; 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.

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 rules 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).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of these actions must be filed in the United States Court of Appeals for the appropriate circuit by September 6, 2011. Filing a petition for reconsideration by the Administrator of these final rules 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 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, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: June 23, 2011.

**Al Armendariz,**

*Regional Administrator, Region 6.*

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 T—Louisiana

■ 2. Section 52.977 is amended by adding paragraph (c) to read as follows:

#### § 52.977 Control strategy and regulations: Ozone.

\* \* \* \* \*

(c) Determination to Terminate the Clean Air Act Section 185 Penalty Fee Requirement. Effective September 6, 2011 EPA has determined that the State of Louisiana is no longer required to submit a section 185 fee program State Implementation Plan (SIP) revision for the Baton Rouge ozone nonattainment area to satisfy anti-backsliding requirements for the 1-hour ozone standard. This determination is based on EPA’s determination that the area has attained the 1-hour ozone standard due to permanent and enforceable emissions reductions.

[FR Doc. 2011–16881 Filed 7–6–11; 8:45 am]

**BILLING CODE 6560–50–P**

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA–R09–OAR–2010–0907; FRL–9428–7]

#### Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollutions Control District (SJVUAPCD)

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

**ACTION:** Final rule.

**SUMMARY:** EPA is finalizing a limited approval and limited disapproval of revisions to the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) portion of the California State Implementation Plan (SIP). This action was proposed in the **Federal Register** on January 4, 2011 and concerns volatile organic compound (VOC) emissions from crude oil production operations and refineries. Under authority of the Clean Air Act as amended in 1990 (CAA or the Act), this action simultaneously approves local rules that regulate these emission sources and directs California to correct rule deficiencies.

**DATES:** *Effective Date:* This rule is effective on August 8, 2011.

**ADDRESSES:** EPA has established docket number EPA–R09–OAR–2010–0907 for this action. Generally, documents in the docket for this action are available electronically at <http://www.regulations.gov> or 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, multi-volume reports), and some may not be available in either location (*e.g.*, confidential business information (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:** Joanne Wells, EPA Region IX, (415) 947–4118, [wells.joanne@epa.gov](mailto:wells.joanne@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document, “we,” “us” and “our,” refer to EPA.

#### Table of Contents

- I. Proposed Action
- II. Public Comments and EPA Responses
- III. EPA Action
- IV. Statutory and Executive Order Reviews

#### I. Proposed Action

On January 4, 2011 (76 FR 298), EPA proposed a limited approval and limited disapproval of the following rules that were submitted for incorporation into the California SIP.