

power and responsibilities between the Federal Government and Indian tribes.

#### Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a “significant 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 proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

#### Environment

We have analyzed this proposed 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 made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, because it involves the establishment of a safety zone.

A preliminary environmental analysis checklist and a preliminary categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

#### 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 proposes to amend 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. Chapters 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

2. Add § 165.T09–0351 to read as follows:

##### § 165.T09–0351 Safety Zone; Olcott Fireworks, Lake Ontario, Olcott, NY.

(a) *Location.* The safety zone will encompass all waters of Lake Ontario, Olcott, NY within a 1120 FT radius of position 43°20′23.57″ N and 78°43′09.50″ W (NAD 83).

(b) *Effective and Enforcement Period.* This regulation is effective and will be enforced on July 3, 2012 from 9:30 p.m. until 11 p.m.

##### (c) *Regulations.*

(1) In accordance with the general regulations in section 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or his designated on-scene representative.

(3) The “on-scene representative” of the Captain of the Port Buffalo is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Buffalo to act on his behalf. The on-scene representative of the Captain of the Port Buffalo is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Buffalo to act on his behalf.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or his on-scene representative may be contacted via

VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Buffalo, or his on-scene representative.

Dated: May 3, 2012.

**S.M. Wischmann,**

*Captain, U.S. Coast Guard Captain of the Port Buffalo.*

[FR Doc. 2012–12453 Filed 5–22–12; 8:45 am]

**BILLING CODE 9110–04–P**

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 52

[EPA–R05–OAR–2011–0347; FRL–9677–2]

#### Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Milwaukee-Racine Nonattainment Area; Determination of Attainment for the 2006 24-Hour Fine Particle Standard

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

**ACTION:** Proposed rule; extension of public comment period.

**SUMMARY:** EPA is extending the comment period for a proposed rule published April 24, 2012 (77 FR 24436). On April 24, 2012, EPA proposed to approve a determination of attainment for the Milwaukee-Racine, Wisconsin area for the 2006 24-hour fine particle National Ambient Air Quality Standard submitted by the State of Wisconsin on March 7, 2011. In response to a May 1, 2012, request from David C. Bender, EPA is extending the comment period for 30 days.

**DATES:** The comment period for the proposed rule published April 24, 2012 (77 FR 24436) is being extended for 30 days to June 25, 2012.

**ADDRESSES:** Submit comments, identified by Docket ID No. EPA–R05–OAR–2011–0347, to: Douglas Aburano, Chief, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, [aburano.douglas@epa.gov](mailto:aburano.douglas@epa.gov). Additional instructions to comment can be found in the notice of proposed rulemaking published April 24, 2012 (77 FR 24436).

**FOR FURTHER INFORMATION CONTACT:** Gilberto Alvarez, Environmental Scientist, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West

Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6143, [alvarez.gilberto@epa.gov](mailto:alvarez.gilberto@epa.gov).

Dated: May 11, 2012.

**Susan Hedman,**

*Regional Administrator, Region 5.*

[FR Doc. 2012-12509 Filed 5-22-12; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R10-OAR-2012-0344, FRL-9676-1]

#### Approval and Promulgation of Implementation Plans; State of Oregon; Regional Haze State Implementation Plan

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve portions of a State Implementation Plan (SIP) revision submitted by the State of Oregon on December 10, 2010 and supplemented on February 1, 2011, as meeting the requirements of Clean Air Act (CAA or the Act) section 169A and B and Federal Regulations in 40 CFR 51.308. In a previous action on July 5, 2011, EPA approved portions of the December 10, 2010, SIP submittal as meeting the requirements for interstate transport for visibility of CAA section 110(a)(2)(D)(II) and certain requirements of the regional haze program including the requirements for best available retrofit technology (BART). 76 FR 38997. The action in this **Federal Register** notice addresses the remaining requirements of the CAA and EPA's rules that require states to prevent any future and remedy any existing anthropogenic impairment of visibility in mandatory Class I areas caused by emissions of air pollutants from numerous sources located over a wide geographic area (also referred to as the "regional haze program"). In this action, EPA proposes to approve the remaining regional haze SIP elements for which EPA previously took no action in the July 5, 2011 notice.

**DATES:** Written comments must be received at the address below on or before June 22, 2012.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R10-OAR-2012-0344 by one of the following methods:

- [www.regulations.gov](http://www.regulations.gov): Follow the on-line instructions for submitting comments.

- *Email:* R10-

*Public Comments@epa.gov.*

- *Mail:* Keith Rose, EPA Region 10, Suite 900, Office of Air, Waste and Toxics, 1200 Sixth Avenue, Seattle, WA 98101.

- *Hand Delivery:* EPA Region 10, 1200 Sixth Avenue, Suite 900, Seattle, WA 98101. Attention: Keith Rose, Office of Air, Waste and Toxics, AWT-107. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA-R10-OAR-2012-0344. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at [www.regulations.gov](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 [www.regulations.gov](http://www.regulations.gov) or email. The [www.regulations.gov](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 email comment directly to EPA, without going through [www.regulations.gov](http://www.regulations.gov), your email 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 name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket:* All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. Although listed in the index, some information is not publicly available (e.g., CBI or other information whose disclosure is restricted by statute). Certain other material, such as copyrighted material, will be publicly available only in hard copy form. Publicly available docket materials are available either electronically at [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Office of Air, Waste and Toxics, EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101. EPA requests that if at all

possible, you contact the individual listed below to view a hard copy of the docket.

**FOR FURTHER INFORMATION CONTACT:**

Keith Rose at telephone number (206) 553-1949, [rose.keith@epa.gov](mailto:rose.keith@epa.gov), or the above EPA, Region 10 address.

**SUPPLEMENTARY INFORMATION:**

Throughout this document whenever "we," "us," or "our" is used, we mean the EPA. Information is organized as follows:

#### Table of Contents

- I. Background for EPA's Proposed Action
  - A. Definition of Regional Haze
  - B. Regional Haze Rules and Regulations
  - C. Roles of Agencies in Addressing Regional Haze
- II. Requirements for the Regional Haze SIPs
  - A. The CAA and the Regional Haze Rule
  - B. Determination of Baseline, Natural, and Current Visibility Conditions
  - C. Consultation With States and Federal Land Managers
  - D. Best Available Retrofit Technology
  - E. Determination of Reasonable Progress Goals
  - F. Long Term Strategy
  - G. Coordinating Regional Haze and Reasonably Attributable Visibility Impairment
  - H. Monitoring Strategy and Other Implementation Plan Requirements
- III. EPA's Analysis of the Oregon Regional Haze SIP
  - A. Affected Class I Areas
  - B. Baseline and Natural Conditions
  - C. Oregon Emissions Inventory
  - D. Sources of Visibility Impairment in Oregon Class I Areas
  - E. Best Available Retrofit Technology
  - F. Reasonable Progress Goals
    1. Determination of Reasonable Progress Goals
    2. Demonstration of Reasonable Progress
    3. EPA's Determination Whether the SIP Meets 40 CFR 51.308(d)(1)
    - G. Long Term Strategy
      1. Ongoing Air Pollution Control Programs
        - a. Prevention of Significant Deterioration/ New Source Review Rules
        - b. Reasonably Attributable Visibility Impairment BART
        - c. Oregon's Phase I Visibility Protection Program
        - d. Implementation of State and Federal Mobile Source Regulations
        - e. On-Going Implementation of Programs to meet PM<sub>10</sub> NAAQS
          2. Measures to Mitigate the Impacts of Construction Activities
          3. Emission Limitations and Schedules of Compliance
          4. Source Retirement and Replacement Schedules
          5. Smoke Management Techniques for Agricultural and Forestry Burning
          6. Enforceability of Emission Limitations and Control Measures
        - H. Monitoring Strategy and Other Implementation Plan Requirements
        - I. Consultation With States and Federal Land Managers