

this assistance, Hawaii's plan approval status must be modified from final approval to initial approval. During the phase of initial state plan approval status, federal OSHA regains authority to enforce federal OSHA requirements as a supplement to state plan enforcement.

Dwight Takamine, Hawaii's Director of Labor and Industrial Relations, has committed the state to making Hawaii's workplaces safe and healthful and to working "diligently toward restoring [the state's] 18(e) status as soon as possible." OSHA notes that the 3-year evaluation requirement for final approval following initial approval (see section 18(e), second sentence) does not apply in this instance. Hawaii received initial approval in 1974, and the structural features of the state plan remain completely intact.

#### **Procedures for OSHA's Proposed Modification to Hawaii Plan Approval**

Today's notice proposes a modification to the Hawaii State Plan's status from final approval to initial approval in order to allow for federal OSHA to provide inspection and enforcement assistance to Hawaii. OSHA intends to make this modification in keeping with procedures at 29 CFR 1902.47 et seq. Relevant materials, including all public comments, relevant federal monitoring reports, a copy of the federal court's order under which state staffing benchmarks are established, and other pertinent documentation will be publically available in OSHA's docket office, as well as through various federal OSHA and state offices as described above. At the close of the public comment period initiated today, OSHA will review all comments submitted; will review any hearing requests; and will schedule an informal hearing if required to resolve substantial issues raised in any such requests. The Assistant Secretary's final decision will thereafter be published in the **Federal Register** and will include the appropriate revisions to 29 CFR 1952 if the Hawaii State Plan's status is changed.

#### **Effect of Modifying Hawaii's Status**

As discussed above, modifying the Hawaii State Plan's status from final to initial approval would authorize OSHA to carry on an enforcement program to supplement that of HIOSH, including independent federal or joint state and federal inspections resulting in issuance of appropriate federal citations. However, modifying Hawaii's final approval status would not affect Hawaii's basic plan approval and would

not affect Hawaii's legal authority to enforce state occupational safety and health standards in the state's workplaces. This modification would leave Hawaii's federally-approved state plan completely in place, and would simply reinstate federal OSHA's authority to supplement state enforcement during this difficult period.

Pending a final decision in the proceeding instituted today, OSHA will continue to exercise federal authority over safety and health issues excluded from coverage under the state plan; monitoring inspections including accompanied visits; and other federal authority not affected by the 1984 final approval decision.

#### **Operational Status Agreement**

OSHA regulations provide that in states with initially-approved plans, OSHA and the state may enter into an agreement describing the division of responsibilities between them (29 CFR 1954.3). OSHA and HIOSH are developing such an agreement, which in this case would also include a timetable for remedial action to make state operations "as least as effective" and to ensure state compliance with applicable personnel staffing benchmarks. Notice will be provided in the **Federal Register** of this agreement, which OSHA intends will be effective on the date of a final decision in the modification proceeding initiated today.

#### **Authority and Signature**

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, DC, authorized the preparation of this notice. OSHA is issuing this notice under the authority specified by Section 6(d) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655), Secretary of Labor's Order No. 1-2012 (76 FR 3912), and 29 CFR part 1905.

Signed at Washington, DC, on July 11, 2012.

**David Michaels,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2012-17363 Filed 7-18-12; 8:45 am]

**BILLING CODE 4510-26-P**

## **DEPARTMENT OF HOMELAND SECURITY**

### **Coast Guard**

#### **33 CFR Part 100**

[Docket No. USCG-2012-0156]

RIN 1625-AA08

#### **Special Local Regulations for Marine Events; Potomac River, National Harbor Access Channel, MD**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** The Coast Guard is withdrawing its proposed rule concerning amendments to the regattas and marine parades regulations. The rulemaking was initiated to establish special local regulations during the swim segment of the "Ironman 70.3 National Harbor" triathlon, a marine event to be held on the waters of the Potomac River in Prince George's County, Maryland on August 5, 2012. The Coast Guard was notified on May 22, 2012 that the event had been cancelled.

**DATES:** The proposed rule published April 6, 2012, at 77 FR 20750, is withdrawn as of July 19, 2012.

**ADDRESSES:** The docket for this withdrawn rulemaking is 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. You may also find this docket on the Internet by going to <http://www.regulations.gov>, inserting USCG-2012-0156 in the "Keyword" box, and then clicking "Search."

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notice, call or email Mr. Ronald Houck, Waterways Management Division, Sector Baltimore, MD, U.S. Coast Guard; telephone 410-576-2674, email [Ronald.L.Houck@uscg.mil](mailto:Ronald.L.Houck@uscg.mil). If you have questions on viewing material in the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On April 6, 2012, we published a notice of proposed rulemaking entitled "Special Local Regulations for Marine Events; Potomac River, National Harbor Access Channel, MD" in the **Federal Register** (77 FR 20750). The rulemaking

concerned the Coast Guard's proposal to establish temporary special local regulations on specified waters of the Potomac River and National Harbor Access Channel, in Prince George's County, MD, effective from 5 a.m. until 11 a.m. on August 5, 2012. The regulated area included all waters of the Potomac River, National Harbor Access Channel, within an area from the shoreline and then west to a line connecting the following positions: from position latitude 38°47'28" N, longitude 077°01'20" W; thence southerly to position latitude 38°46'49" N, longitude 077°01'28" W. The regulations were needed to temporarily restrict vessel traffic during the event to provide for the safety of participants, spectators and other transiting vessels.

#### Withdrawal

The Coast Guard is withdrawing this rulemaking because the event has been cancelled.

#### Authority

We issue this notice of withdrawal under the authority of 33 U.S.C. 1233.

Dated: June 18, 2012.

**Mark P. O'Malley,**

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

[FR Doc. 2012-17578 Filed 7-18-12; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[Docket Number USCG-2012-0495]

RIN 1625-AA08

#### Special Local Regulations, Cruce a Nado Internacional, Ponce Harbor; Ponce, PR

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish special local regulations on the waters of Ponce Harbor in Ponce, Puerto Rico during the Cruce a Nado Internacional, a swimming event. The event is scheduled to take place on Sunday, September 2, 2012. Approximately 85 swimmers are anticipated to participate in the swimming event, and there are not expected to be any spectator vessels present during the event. These special local regulations are necessary to provide for the safety of life on the navigable waters of the United States

during the event. These special local regulations would establish a swim area, where all persons and vessels, except those persons participating in the race and vessels patrolling the swim area, will be prohibited from entering, transiting through, anchoring in, or remaining within unless authorized by the Captain of the Port San Juan or a designated representative.

**DATES:** Comments and related material must be received by the Coast Guard on or before August 20, 2012. Requests for public meetings must be received by the Coast Guard on or before August 3, 2012.

**ADDRESSES:** You may submit comments identified by docket number using any one of the following methods:

(1) *Federal eRulemaking Portal:* <http://www.regulations.gov>.

(2) *Fax:* 202-493-2251.

(3) *Mail or Delivery:* 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. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202-366-9329.

See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for further instructions on submitting comments. To avoid duplication, please use only one of these three methods.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Mr. Robert Cerrato, Sector San Juan Prevention Department, Coast Guard; telephone (787) 289-2097, email [Robert.J.Cerrato@uscg.mil](mailto:Robert.J.Cerrato@uscg.mil). If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366-9826.

#### SUPPLEMENTARY INFORMATION:

##### Table of Acronyms

DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of Proposed Rulemaking

##### A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided.

#### 1. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online at <http://www.regulations.gov>, or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov>, type the docket number USCG-2012-0495 in the "SEARCH" box and click "SEARCH." Click on "Submit a Comment" on the line associated with this rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

#### 2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type the docket number USCG-2012-0495 in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rulemaking. You may also visit 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., Monday through Friday, except Federal holidays.

#### 3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the