

EPA has promulgated a final rule through a notice-and-comment rulemaking process. States have had an opportunity to draft and submit SIPs, EPA has reviewed the SIPs to determine if they can be approved, and EPA has taken action on the SIPs, including promulgating a Federal Implementation Plan (FIP) if appropriate. These steps alone will take many years, even with EPA and the states acting expeditiously.

For these reasons, EPA believes it is appropriate to allow Connecticut to rely on CAIR at this time, and the existing emissions reductions achieved by CAIR, as sufficiently permanent and enforceable for purposes such as visibility improvement for the first Regional Haze planning period and BART. Following promulgation of the replacement rule, EPA will take action to require states to revise their regional haze SIPs to address the BART requirements. At that time, EPA will also determine whether, and to what extent, the replacement rule provides for greater reasonable progress than case by case BART.

#### IV. EPA's Supplemental Proposed Action

EPA is proposing to approve Connecticut's use of the existing federally enforceable RCSA Section 22a-174-22c, "The Clean Air Interstate Rule (CAIR) Nitrogen Oxides (NO<sub>x</sub>) Ozone Season Trading Program," as originally submitted by the State on November 18, 2009, as one component of its alternative to BART program. We are also withdrawing our previous proposed approval of RCSA Section 22a-174-22d as one element of Connecticut's alternative to BART plan. EPA is soliciting public comments on the issues discussed in this notice. EPA is only taking comment on the use of ozone season CAIR as part of Connecticut's Alternative to BART program. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA New England Regional Office listed in the **ADDRESSES** section of this **Federal Register**.

#### V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act.

Accordingly, this proposed action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this proposed 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 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.

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

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: January 11, 2013.

**Ira W. Leighton,**  
Acting Regional Administrator, EPA Region 1.

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### 49 CFR Part 234

[Docket No. FRA-2011-0007, Notice No. 3]

RIN 2130-AC26

#### National Highway-Rail Crossing Inventory Reporting Requirements

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

**ACTION:** Announcement of public hearing and extension of comment period.

**SUMMARY:** By notice of proposed rulemaking (NPRM) published on October 18, 2012, FRA proposed a rule that would require railroads to submit information to the U.S. DOT National Highway-Rail Crossing Inventory (Crossing Inventory) about highway-rail and pathway crossings over which they operate. This document announces a public hearing to provide interested parties an opportunity to comment on the NPRM. This document also extends the NPRM comment period to allow interested parties to submit comments in response to issues raised at the public hearing.

**DATES:** A public hearing will be held on February 19, 2013 in Washington, DC, and will commence at 10 a.m. The comment period in this proceeding is extended to March 29, 2013.

**ADDRESSES:** (1) *Public Hearing:* The public hearing will be held at the Washington Plaza Hotel, 10 Thomas Circle NW., Washington, DC 20005.

(2) *Attendance:* Any person wishing to participate in the public hearing should notify Michelle Silva in FRA's Office of Chief Counsel by telephone or in writing, by mail or email, at least five business days before the date of the hearing. Ms. Silva's contact information is as follows: FRA, Office of Chief Counsel, Mail Stop 10, 1200 New Jersey Avenue SE., Washington, DC 20590; *telephone:* 202-493-6030; *email:* [michelle.silva@dot.gov](mailto:michelle.silva@dot.gov).

For information on facilities or services for persons with disabilities or to request special assistance at the

meeting, please contact by telephone or email as soon as possible, Larry Woolverton at 202-493-6212 or *larry.woolverton@dot.gov*.

**FOR FURTHER INFORMATION CONTACT:**

Ronald Ries, Staff Director, Grade Crossing Safety and Trespass Prevention, Office of Safety Analysis, FRA, 1200 New Jersey Avenue SE., Mail Stop 25, Washington, DC 20590 (telephone: 202-493-6299), *ronald.ries@dot.gov*; or Kathryn Shelton, Office of Chief Counsel, FRA, 1200 New Jersey Avenue SE., Mail Stop 13, Washington, DC 20590 (telephone: 202-493-6063), *kathryn.shelton@dot.gov*.

**SUPPLEMENTARY INFORMATION:** FRA has received written comments from interested parties, including Applied Research Associates, Inc. and Orion's Angels, related to the use of information submitted by railroads to the Crossing Inventory about the highway-rail and pathway crossings over which they operate. While this issue is not specifically addressed in the NPRM, FRA will hold a public hearing to facilitate the exchange of information and concerns regarding FRA's proposed rule.

The public hearing is meant to provide an opportunity for interested parties to articulate the issues and concerns they have with the NPRM and to respond to the specific comments requested therein related to the draft Inventory Form and draft Inventory Guide, so that these issues can be fully addressed in any final rule that is developed. Interested parties are invited to present oral statements and to proffer information and views related to FRA's proposal at the hearing. The hearing will be informal and will be conducted by a representative designated by FRA in accordance with FRA's Rules of Practice (49 CFR 211.25). The hearing will be a non-adversarial proceeding; therefore, there will be no cross examination of persons presenting statements or proffering evidence. An FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements by those wishing to comment have been completed; those persons wishing to make a brief rebuttal will be afforded an opportunity to do so in the same order in which the initial statements were made. Additional procedures, as necessary for the conduct of the hearing, will be announced at the hearing. A transcript of the discussions will be made a part of the public docket in this proceeding.

**Public Participation Procedures**

Any person wishing to participate in the public hearing should notify FRA by telephone or in writing, by mail or email, at the addresses provided in the Attendance section of this notice at least five business days prior to the date of the hearing. The notification should identify the party the person represents, and the particular subject(s) the person plans to address. The notification should also provide the participant's mailing address, email address (if applicable), and other contact information. FRA reserves the right to limit the duration of presentations, if necessary, to provide all participants the opportunity to speak.

**Extension of Comment Period**

To accommodate the public hearing and to provide interested parties the opportunity to submit comments in response to views or information provided at the public hearing, FRA is extending the comment period in this proceeding to March 29, 2013.

**Follow-Up to December 13, 2012 Technical Symposium**

In an effort to facilitate discussion on technical issues associated with the electronic submission of data to the Crossing Inventory, FRA hosted a technical symposium on December 13, 2012. See 77 FR 68722 (Nov. 16, 2012). A transcript of the symposium is available in the public docket. As a result of discussions at that technical symposium, FRA intends to host a series of follow-up technical meetings to further discuss with all interested parties technical issues and concerns associated with electronic submission of data to the Crossing Inventory. The date, time, and location of these technical meetings will be announced in notices posted in the public docket of this rulemaking proceeding. FRA will also notify via email those individuals who participated in the December 13, 2012 technical symposium and provided their email addresses to FRA. Any person wishing to participate in these technical meetings, who has not already expressed an interest and provided an email address to FRA, should notify Ms. Michelle Silva of his or her interest by telephone or in writing (by email) at the address provided in the Attendance section of this notice. Note, however, that these technical meetings are intended to allow for the free flow of technical data and information between all interested parties. Any individual's or organization's involvement in any of these technical meetings will not be construed as official comments to the

NPRM. Any person wishing to comment on the NPRM must present his or her comments at the February 19, 2013 public hearing or submit such comments in writing to the docket as instructed in this document. Although the proceedings of these additional technical meetings will not be transcribed, minutes of the meetings will be kept by FRA personnel and placed in the underlying rulemaking docket (docket no. FRA-2011-0007).

Issued in Washington, DC, on January 17, 2013.

**Jo Strang,**

*Associate Administrator for Railroad Safety/Chief Safety Officer.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 253**

**RIN 0648-BC68**

**Designation of a Nonessential Experimental Population of Central Valley Spring-Run Chinook Salmon Below Friant Dam in the San Joaquin River, CA**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of public meetings; correction.

**SUMMARY:** On January 16, 2013, we, NMFS, published a proposed rule to designate a nonessential experimental population of Central Valley spring-run Chinook salmon under section 10(j) of the Endangered Species Act in portions of the San Joaquin River and a notice of availability for the draft environmental assessment associated with this action. The proposed rule contained incorrect dates for two of our meetings. We announce new dates for public meetings on this action.

**DATES:** The first meeting will be in Fresno, CA on January 29, 2013, at the Fresno Metropolitan Flood Control District, Board Meeting Room, 5469 E. Olive Avenue from 5:30 p.m. to 7:30 p.m. (The public should park in the front parking area (rear parking area closes at 5:30 p.m. with no exit after that time) and enter the door located on the west side of the front building). The second meeting will be in Los Banos, CA on January 30, 2013, at the Los Banos Community Center, 645 7th