

interest income on the country Z debt obligations. DE makes a payment to country Z of \$100 million with respect to such income and distributes the remaining \$300 million to FC. FC contributes the \$300 million back to DE. None of FC's stock is owned, directly or indirectly, by USP or shareholders of USP that are domestic corporations, U.S. citizens, or resident alien individuals. Assume that country Z imposes a withholding tax on interest income derived by U.S. residents.

(C) Country Z treats FC as the owner of the class C stock. Pursuant to country Z tax law, FC is required to report the \$400 million of income with respect to the \$300 million distribution from DE, but is allowed to claim credits for DE's \$100 million payment to country Z. For country Z tax purposes, FC is entitled to current deductions equal to the \$300 million contributed back to DE.

(ii) *Result.* The payment to country Z is not a compulsory payment, and thus is not an amount of tax paid because the payment is attributable to a structured passive investment arrangement. First, DE is an SPV because all of DE's income is passive investment income described in paragraph (e)(5)(iv)(C)(5) of this section; all of DE's assets are held to produce such income; the payment to country Z is attributable to such income; and if the payment were an amount of tax paid it would be paid or accrued in a U.S. taxable year in which DE meets the requirements of paragraph (e)(5)(iv)(B)(1)(i) of this section. Second, if the payment were an amount of tax paid, USP would be eligible to claim a credit for such amount under section 901(a). Third, USP's proportionate share of DE's foreign payment of \$100 million is substantially greater than the amount of credits USP would be eligible to claim if it directly held its proportionate share of DE's assets, excluding any assets that would produce income subject to gross basis withholding tax if directly held by USP. Fourth, FC is entitled to claim a credit under country Z tax law for the payment and recognizes a deduction for the \$300 million contributed to DE under country Z law. The credit claimed by FC corresponds to more than 10% of USP's share (for U.S. tax purposes) of the foreign payment and the deductions claimed by FC correspond to more than 10% of the base with respect to which USP's share of the foreign payment was imposed. Fifth, FC is a counterparty because FC is considered to own equity of DE under country Z law and none of FC's stock is owned, directly or indirectly, by USP or shareholders of USP that are domestic corporations, U.S. citizens, or resident alien individuals. Sixth, the United States and country X treat certain aspects of the transaction differently, including the proportion of equity owned in DE by USP and FC, and the amount of credits claimed by USP if the country Z payment were an amount of tax paid is materially greater than it would be if the country X tax treatment controlled for U.S. tax purposes such that FC, rather than USP, owned the class C stock. Because the payment to country Z is not an amount of tax paid, USP is not considered to pay tax under section 901. USP has \$400 million of interest income.

*Example 10. Loss surrender.* (i) *Facts.* The facts are the same as in *Example 9*, except that the deductions attributable to the arrangement contribute to a loss recognized by FC for country Z tax purposes, and pursuant to a group relief regime in country Z FC elects to surrender the loss to its country Z subsidiary.

(ii) *Result.* The results are the same as in *Example 9*. The surrender of the loss to a related party is a foreign tax benefit that corresponds to the base with respect to which USP's share of the foreign payment was imposed.

*Example 11. Joint venture; no foreign tax benefit.* (i) *Facts.* FC, a country X corporation, and USC, a domestic corporation, each contribute \$1 billion to a newly-formed country X entity (C) in exchange for stock of C. FC and USC are entitled to equal 50% shares of all of C's income, gain, expense and loss. C is treated as a corporation for country X purposes and a partnership for U.S. tax purposes. In year 1, C earns \$200 million of net passive investment income, makes a payment to country X of \$60 million with respect to that income, and distributes \$70 million to each of FC and USC. Country X does not impose tax on dividends received by one country X corporation from a second country X corporation.

(ii) *Result.* FC's tax-exempt receipt of \$70 million, or its 50% share of C's profits, is not a foreign tax benefit within the meaning of paragraph (e)(5)(iv)(B)(4) of this section because it does not correspond to any part of the foreign base with respect to which USC's share of the foreign payment was imposed. Accordingly, the \$60 million payment to country X is not attributable to a structured passive investment arrangement.

*Example 12. Joint venture; no foreign tax benefit.* (i) *Facts.* The facts are the same as in *Example 11*, except that C in turn contributes \$2 billion to a wholly-owned and newly-formed country X entity (D) in exchange for stock of D. D is treated as a corporation for country X purposes and disregarded as an entity separate from its owner for U.S. tax purposes. C has no other assets and earns no other income. In year 1, D earns \$200 million of passive investment income, makes a payment to country X of \$60 million with respect to that income, and distributes \$140 million to C.

(ii) *Result.* C's tax-exempt receipt of \$140 million is not a foreign tax benefit within the meaning of paragraph (e)(5)(iv)(B)(4) of this section because it does not correspond to any part of the foreign base with respect to which USC's share of the foreign payment was imposed. Fifty percent of C's foreign tax exemption is not a foreign tax benefit within the meaning of paragraph (e)(5)(iv)(B)(4) because it relates to earnings of D that are distributed with respect to an equity interest in D that is owned indirectly by USC under both U.S. and foreign tax law. The remaining 50% of C's foreign tax exemption, as well as FC's tax-exempt receipt of \$70 million from C, is also not a foreign tax benefit because it does not correspond to any part of the foreign base with respect to which USC's share of the foreign payment was imposed. Accordingly, the \$60 million payment to country X is not

attributable to a structured passive investment arrangement.

\* \* \* \* \*

(h) \* \* \*

(2) Paragraph (e)(5)(iv) of this section applies to foreign payments that, if such payments were an amount of tax paid, would be considered paid or accrued under § 1.901-2(f) on or after July 13, 2011. See 26 CFR 1.901-2T(e)(5)(iv) (revised as of April 1, 2011), for rules applicable to foreign payments that, if such payments were an amount of tax paid, would be considered paid or accrued before July 13, 2011.

#### § 1.901-2T [Removed]

■ **Par. 5.** Section 1.901-2T is removed.

**Steven T. Miller,**

*Deputy Commissioner for Services and Enforcement.*

Approved: July 11, 2011.

**Emily S. McMahon,**

*Acting Assistant Secretary of the Treasury (Tax Policy).*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2011-0533]

RIN 1625-AA00

#### Safety Zones; Swimming Events in Captain of the Port Boston Zone

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing eight temporary safety zones for marine events within the Captain of the Port (COTP) Boston Zone for swimming events. This action is necessary to provide for the safety of life on navigable waters during the events. Entering into, transiting through, mooring or anchoring within these zones is prohibited unless authorized by the COTP Sector Boston.

**DATES:** This rule is effective in the CFR on July 18, 2011 through 11:59 p.m. on September 24, 2011. This rule is effective with actual notice for purposes of enforcement beginning at 8:30 a.m. on July 7, 2011.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2011-0533 and are available online by going to <http://www.regulations.gov>, inserting USCG-2011-0533 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 temporary rule, call or e-mail MST1 David Labadie of the Waterways Management Division, U.S. Coast Guard Sector Boston; telephone 617-223-3010, e-mail [david.j.labadie@uscg.mil](mailto:david.j.labadie@uscg.mil). If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

#### **SUPPLEMENTARY INFORMATION:**

##### **Regulatory Information**

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because any delay encountered in this regulation's effective date by publishing a NPRM would be contrary to public interest since immediate action is needed to provide for the safety of life and property on navigable waters from the hazardous nature of swimming events such as large numbers of swimmers in congested waterways. We spoke with each event sponsor and each indicated they were unable and unwilling to move their event date to a later time. Sponsors stated they are unwilling to reschedule these events because they are held in conjunction with other activities and already scheduled on the most suitable dates where swim event's that are dependent on tide and current conditions predicted for the day will be conducive to the safety of the swim participants. Rescheduling would not be a viable option because most event locations, have fully booked marine event summer schedules making rescheduling unrealistic. These swimming events are all reoccurring annual marine events. The Coast Guard intends to make these safety zones permanent regulations and has

submitted a NPRM for submission to the **Federal Register** requesting public comments. Additionally, the Coast Guard has ordered safety zones or special local regulations for all of these areas for past events and has not received public comments or concerns regarding the impact to waterway traffic from those events. Delaying the effective date by first publishing a NPRM would be contrary to the rule's objectives of ensuring safety of life on the navigable waters during these scheduled events as immediate action is needed to protect persons and vessels from the hazardous nature of swimming events.

##### **Basis and Purpose**

The legal basis for the temporary rule is 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; Pub. L. 107-295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to define safety zones.

Marine events are frequently held on the navigable waters within the COTP Boston Zone. Based on the potential hazards of swimming events, the COTP Sector Boston has determined that swimming events proximate to watercrafts pose significant risk to public safety and property. The combination of increased numbers of recreation vessels, congested waterways, and large numbers of swimmers in the water has the potential to result in serious injuries or fatalities. In order to protect the safety of all waterway users including event participants and spectators, this temporary rule establishes temporary safety zones for the time and location of each event.

This rule prevents vessels from entering into, transiting through, mooring or anchoring within areas specifically designated as regulated areas during the periods of enforcement unless authorized by the COTP, or the designated representative.

##### **Discussion of Rule**

This temporary rule creates safety zones for eight swimming events in the COTP Boston Zone. These events are listed below in the text of the regulation.

Because large numbers of spectator vessels are expected to congregate around the location of these events, the regulated areas are needed to protect both spectators and participants from the safety hazards created by swimming events including marine casualties and the risk of boat collisions with swimmers in the water that may cause death or serious bodily harm. During the enforcement period of the regulated areas, persons and vessels are

prohibited from entering into, transiting through, anchoring or mooring within the zone unless specifically authorized by the COTP or the designated representatives. The Coast Guard may be assisted by other federal, state and local agencies in the enforcement of these regulated areas.

The Coast Guard determined that these regulated areas will not have a significant impact on vessel traffic due to their temporary nature and limited size and the fact that vessels are allowed to transit the navigable waters outside of the regulated areas. Additionally, The Coast Guard has ordered safety zones or special local regulations for past events and has not received public comments or concerns regarding the impact to waterway traffic.

Advanced public notifications will also be made to the local maritime community by the Local Notice to Mariners as well as Broadcast Notice to Mariners.

##### **Regulatory Analyses**

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

##### **Executive Order 12866 and Executive Order 13563**

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

The Coast Guard determined that this rule is not a significant regulatory action for the following reasons: The regulated areas will be of limited duration, they cover only a small portion of the navigable waterways, and the events are designed to avoid, to the extent possible, deep draft, fishing, and recreational boating traffic routes. In addition, vessels requiring entry into the area of the regulated areas may be authorized to do so by the Captain of the Port.

##### **Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently

owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit or anchor in the designated regulated area during the enforcement periods stated for each event in the List of Subjects.

The temporary safety zones will not have a significant economic impact on a substantial number of small entities for the following reasons: The regulated areas will be of limited size and of short duration, and vessels that can safely do so may navigate in all other portions of the waterways except for the areas designated as regulated areas. Additionally, before the effective period, the Coast Guard will issue notice of the time and location of each regulated area through a Local Notice to Mariners and Broadcast Notice to Mariners.

#### **Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we offer to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

#### **Collection of Information**

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

#### **Federalism**

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and

would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

#### **Unfunded Mandates Reform Act**

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### **Taking of Private Property**

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

#### **Civil Justice Reform**

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

#### **Protection of Children**

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

#### **Indian Tribal Governments**

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

#### **Energy Effects**

We have analyzed this 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 rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

#### **Environment**

We have analyzed this rule under Department of Homeland Security Management Directive 023-01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have concluded this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2-1, paragraph (34)(g), of the Instruction. This rule involves the establishment of temporary safety zones. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

#### **List of Subjects in 33 CFR Part 165**

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, and Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 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. 1226, 1231; 46 U.S.C. Chapters 701, 3306, 3703; 33 CFR 1.05–1 and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T01–0533 to read as follows:

**§ 165.T01–0533 Safety Zones; Swimming Events in Captain of the Port Boston Zone.**

(a) *Regulations.* The general regulations contained in 33 CFR 165.23 as well as the following regulations apply to the swimming events listed in TABLE 1 of T01–0533. These regulations will be enforced for the duration of each event. Notifications of exact dates and times of the enforcement period will be made to the local maritime community through the Local Notice to Mariners and Broadcast Notice to Mariners. First Coast Guard District Local Notice to Mariners can be found at <http://www.navcen.uscg.gov/>.

(b) *Definitions.* The following definitions apply to this section:

(1) *Designated Representative.* Any Coast Guard commissioned, warrant or petty officer of the U.S. Coast Guard who has been designated by the Captain of the Port (COTP), Sector Boston, to act on his or her behalf. The designated representative may be on an official patrol vessel or may be on shore and will communicate with vessels via VHF–FM radio or loudhailer. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(2) *Official Patrol Vessels.* Official patrol vessels may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP.

(3) *Spectators.* All persons and vessels not registered with the event sponsor as participants or official patrol vessels.

(c) Vessel operators desiring to enter or operate within the regulated areas should contact the COTP or the designated representative via VHF channel 16 to obtain permission to do so.

(d) Spectators or other vessels shall not anchor, block, loiter, or impede the transit of event participants or official patrol vessels in the regulated areas during the effective dates and times, or dates and times as modified through the Local Notice to Mariners, unless authorized by COTP or the designated representative.

(e) Upon being hailed by a U.S. Coast Guard vessel or the designated representative, by siren, radio, flashing light or other means, the operator of the vessel shall proceed as directed. Failure to comply with a lawful direction may result in expulsion from the area, citation for failure to comply, or both.

(f) The COTP or the designated representative may delay or terminate any marine event in this subpart at any time it is deemed necessary to ensure the safety of life or property.

(g) The regulated area for all swimming events listed in TABLE 1 of T01–0533 is that area of navigable waters within the area described in the table as LOCATION.

TABLE 1 OF T01–0533

6	June
6.1 Cohasset Triathlon .....	<ul style="list-style-type: none"> <li>• Date: June 26, 2011.</li> <li>• Time: 8:30 a.m. to 10 a.m.</li> <li>• Location: All waters in the vicinity of Cohasset Harbor around Sandy Beach, within the following points (NAD 83):                             <ul style="list-style-type: none"> <li>42°15.6' N, 070°48.1' W.</li> <li>42°15.5' N, 070°48.1' W.</li> <li>42°15.4' N, 070°47.9' W.</li> <li>42°15.4' N, 070°47.8' W.</li> </ul> </li> </ul>
7	July
7.1 Swim Across America Boston .....	<ul style="list-style-type: none"> <li>• Date: July 15, 2011.</li> <li>• Time: 7 a.m. to 3 p.m.</li> <li>• Location: All waters of Boston Harbor between Rowes Warf and Little Brewster Island within the following points (NAD 83):                             <ul style="list-style-type: none"> <li>42°21.4' N, 071°03.0' W.</li> <li>42°21.5' N, 071°02.9' W.</li> <li>42°19.8' N, 070°53.6' W.</li> <li>42°19.6' N, 070°53.4' W.</li> </ul> </li> </ul>
7.2 Swim Across America Nantasket Beach .....	<ul style="list-style-type: none"> <li>• Date: July 16, 2011.</li> <li>• Time: 9 a.m. to 11 a.m.</li> <li>• Location: All waters of Massachusetts Bay near Nantasket Beach within the following points (NAD 83):                             <ul style="list-style-type: none"> <li>42°16.7' N, 070°51.9' W.</li> <li>42°16.9' N, 070°51.3' W.</li> <li>42°16.3' N, 070°50.5' W.</li> <li>42°16.1' N, 070°51.0' W.</li> </ul> </li> </ul>
8	August
8.1 Sharkfest Swim .....	<ul style="list-style-type: none"> <li>• Date: August 8, 2011.</li> <li>• Time: 10 a.m. to 12 p.m.</li> <li>• Location: All waters of Old Harbor from near Columbia Point to Carson Beach within the following points (NAD 83):                             <ul style="list-style-type: none"> <li>42°19.1' N, 071°02.2' W.</li> <li>42°19.2' N, 071°01.9' W.</li> <li>42°19.7' N, 071°02.8' W.</li> </ul> </li> </ul>

TABLE 1 OF T01-0533—Continued

	42°19.4' N, 071°02.9' W.
8.2 Celebrate the Clean Harbor Swim .....	<ul style="list-style-type: none"> <li>• Date: August 13, 2011.</li> <li>• Rain Date: following day.</li> <li>• Time: 9 a.m. to 12 p.m.</li> <li>• Location: All waters of Gloucester Harbor within the following points (NAD 83):                             <ul style="list-style-type: none"> <li>42°35.3' N, 070°39.8' W.</li> <li>42°35.9' N, 070°39.2' W.</li> <li>42°35.9' N, 070°39.8' W.</li> <li>42°35.3' N, 070°40.2' W.</li> </ul> </li> </ul>
8.3 Boston Light Swim .....	<ul style="list-style-type: none"> <li>• Date: August 13, 2011.</li> <li>• Time: 6 a.m. to 12 p.m.</li> <li>• Location: All waters of Boston Harbor between the L Street Bath House and Little Brewster Island within the following points (NAD 83):                             <ul style="list-style-type: none"> <li>42°19.7' N, 071°02.2' W.</li> <li>42°19.9' N, 071°10.7' W.</li> <li>42°19.8' N, 070°53.6' W.</li> <li>42°19.6' N, 070°53.4' W.</li> </ul> </li> </ul>
9	September
9.1 Mayflower Triathlon .....	<ul style="list-style-type: none"> <li>• Date: September 3, 2011.</li> <li>• Time: 7:30 a.m. to 8:30 a.m.</li> <li>• Location: All waters of Plymouth Inner Harbor within the following points (NAD 83):                             <ul style="list-style-type: none"> <li>41°58.3' N, 070°40.6' W</li> <li>41°58.7' N, 070°39.1' W.</li> <li>41°56.8' N, 070°37.8' W.</li> <li>41°57.1' N, 070°39.2' W.</li> </ul> </li> </ul>
9.2 Duxbury Beach Triathlon .....	<ul style="list-style-type: none"> <li>• Date: September 24, 2011.</li> <li>• Time: 9 a.m. to 10 a.m.</li> <li>• Location: All waters of Duxbury Bay on the south side of the Powder Point Bridge within the following points (NAD 83):                             <ul style="list-style-type: none"> <li>42°02.8' N, 070°39.1' W.</li> <li>42°03.0' N, 070°38.7' W.</li> <li>42°02.8' N, 070°38.6' W.</li> <li>42°02.7' N, 070°39.0' W.</li> </ul> </li> </ul>

Dated: July 7, 2011.

**J.N. Healey,**  
*Captain, U.S. Coast Guard, Captain of the Port Sector Boston.*

[FR Doc. 2011-17983 Filed 7-15-11; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 9 and 63**

[EPA-HQ-OAR-2003-0146; FRL-9439-2]

RIN 2060-AO55

**National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries**

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

**ACTION:** Final rule; partial withdrawal.

**SUMMARY:** On October 28, 2009, the EPA proposed to withdraw the residual risk and technology review portions of the final rule amending the National

Emission Standards for Hazardous Air Pollutants From Petroleum Refineries. EPA is now providing final notice of the partial withdrawal.

**DATES:** As of August 17, 2011, EPA withdraws portions of the final rule signed by then Administrator Stephen Johnson on January 16, 2009.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2003-0146. All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., confidential business information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy. Publicly available docket materials are available either electronically in [www.regulations.gov](http://www.regulations.gov) or in hard copy at the EPA Docket Center, Environmental Protection Agency, EPA West Building, Room 3334, 1301 Constitution Ave.,

NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air and Radiation Docket is (202) 566-1742.

**FOR FURTHER INFORMATION CONTACT:** Ms. Brenda Shine, Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Refining and Chemicals Group (E143-01), Environmental Protection Agency, Research Triangle Park, NC 27711, telephone number: (919) 541-3608; fax number: (919) 541-0246; e-mail address: [shine.brenda@epa.gov](mailto:shine.brenda@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background Information**

Section 112 of the Clean Air Act (CAA) establishes a two-stage regulatory process to address emissions of hazardous air pollutants (HAP) from stationary sources. In the first stage, after the EPA has identified categories of