

### 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 that do not individually or cumulatively have a significant effect on the human

environment. This rule is categorically excluded, under figure 2-1, paragraph (34)(h), of the Instruction. This rule involves special local regulations issued in conjunction with a regatta. Under figure 2-1, paragraph (34)(h), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule.

### List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

### PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233.

■ 2. Add a temporary § 100.T07-0994 to read as follows:

#### § 100.T07-0994 Special Local Regulations; Orange Bowl International Youth Regatta, Biscayne Bay, Miami, FL.

(a) *Regulated Areas.* The following regulated areas are established as special local regulations. All coordinates are North American Datum 1983.

(1) *Race Area 1.* All waters of Biscayne Bay located within an 800 yard radius of position 25°43'48.36" N, 80°13'03.30" W.

(2) *Race Area 2.* All waters of Biscayne Bay located within a 1,400 yard radius of position 25°43'40.74" N, 80°11'37.02" W.

(3) *Race Area 3.* All waters of Biscayne Bay located within a 2,000 yard radius of position 25°42'11.40" N, 80°12'44.52" W.

(4) *Race Area 4.* All waters of Biscayne Bay located within a 2,000 yard radius of position 25°40'17.40" N, 80°13'26.10" W.

(b) *Definition.* The term “designated representative” means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Miami in the enforcement of the regulated areas.

(c) *Regulations.*

(1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated areas unless authorized by the Captain of the Port Miami or a designated representative.

(2) Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated areas may contact the Captain of the Port Miami by telephone at (305) 535-4472, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the regulated areas is granted by the Captain of the Port Miami or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Miami or a designated representative.

(3) The Coast Guard will provide notice of the regulated areas by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

(d) *Enforcement Periods.* This rule will be enforced daily from 9:30 a.m. until 5 p.m. on December 27, 2011 through December 30, 2011.

Dated: November 2, 2011.

**C.P. Scraba,**

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

[FR Doc. 2011-30713 Filed 11-28-11; 11:15 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2011-0959]

#### Drawbridge Operation Regulations; Gulf Intracoastal Waterway (Algiers Alternate Route), Belle Chasse, LA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations; request for comments.

**SUMMARY:** The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the SR 23 bridge across the Gulf Intracoastal Waterway (Algiers Alternate Route), mile 3.8, at Belle Chasse, Plaquemines Parish, Louisiana. This deviation will test a change to the drawbridge operation schedule to determine whether a permanent change to the schedule is needed. This test deviation will allow the bridge to open only on the hour during the day from Monday through Friday, while maintaining morning and afternoon maritime restrictions.

**DATES:** This deviation is effective from December 15, 2011 through January 17, 2012.

Comments and related material must be received by the Coast Guard on or before January 30, 2012.

**ADDRESSES:** You may submit comments identified by docket number USCG–2011–0959 using any one of the following methods:

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

(2) *Fax:* (202)–493–2251.

(3) *Mail:* 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.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is (202)–366–9329.

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

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this proposed rule, call or email Donna Gagliano, Bridge Administration Branch, Eighth Coast Guard District, telephone (504) 671–2128, email [Donna.Gagliano@uscg.mil](mailto:Donna.Gagliano@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:**

#### **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.

#### **Submitting Comments**

If you submit a comment, please include the docket number for this rulemaking (USCG–2011–0959), 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 (<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 via <http://www.regulations.gov>, 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 phone 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>, click on the “submit a comment” box, which will then become highlighted in blue. In the “Keyword” box insert “USCG–2011–0959,” click “Search,” and then click on the balloon shape in the “Actions” column. 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 them 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.

#### **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>, click on the “read comments” box, which will then become highlighted in blue. In the “Keyword” box insert “USCG–2011–0959” and click “Search.” Click the “Open Docket Folder” in the “Actions” column. 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. We have an agreement with the Department of Transportation to use the Docket Management Facility.

#### **Privacy Act**

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

#### **Public Meeting**

We do not now plan to hold a public meeting. But you may submit a request for one using one of the four methods specified under **ADDRESSES**. Please

explain why a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

#### **Basis and Purpose**

The Coast Guard, at the request of the State of Louisiana, proposes to change the existing operating schedule for the SR 23 vertical lift bridge across the Gulf Intracoastal Waterway (Algiers Alternate Route), mile 3.8, at Belle Chasse, Plaquemines Parish, Louisiana. Due to an increase in vehicle traffic, State of Louisiana requested a change to the operation schedule.

Presently, under 33 CFR 117.451(b), states: The draw of the SR 23 Bridge, Algiers Alternate Route, mile 3.8 at Belle Chasse, shall open on signal; except that, from 6 a.m. to 8:30 a.m. and from 3:30 p.m. to 5:30 p.m. Monday through Friday, except Federal holidays, the draw need not be opened for the passage of vessels.

The test deviation would allow the bridge to open for the passage of vessels; except that from 6:30 a.m. until 8 p.m. Monday through Friday, the bridge need only open on the hour for the passage of vessels. The bridge need not open for the passage of vessels at 7 a.m., 8 a.m., 4 p.m. and 5 p.m. Monday through Friday. This proposal will allow the bridge to remain closed from 6:30 a.m. until 9 a.m. and from after the 3 p.m. opening until 6 p.m. Monday through Friday to facilitate the movement of vehicular traffic. Then from 8 p.m. until 6:30 a.m. Monday through Friday and at all times on weekend the bridge will open on signal.

We are testing these potential operating regulations adjustments to discover any outcome in vehicular traffic and water navigation as a result of the time adjustments.

The proposed change would allow for a set schedule of openings for vessels while minimally disrupting vehicular traffic during the morning and afternoon schedule. Also, the proposed schedule would allow additional time to clear vehicular traffic and minimize the delays caused by the openings during the heavy commute times. As a result very few vessels will be impacted, those vessels should be able to modify their transit accordingly as there is an alternate route. The vertical clearance of the bridge is 40 feet above mean high water in the closed-to-navigation position, so only vessels requiring ≤ 40 feet may transit the waterway. All vessels waiting during the closure will be allowed to pass during scheduled openings.

This deviation is effective from December 15, 2011 until January 17, 2012.

Coordination will be through Public Notice and Local Notice to Mariners upon date of publication in the **Federal Register**.

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: November 3, 2011.

**David M. Frank**,  
Bridg Administrator.

[FR Doc. 2011-30636 Filed 11-29-11; 8:45 am]

BILLING CODE 9110-04-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 81

[EPA-R06-OAR-2010-0776; FRL-9498-2]

#### Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning; Louisiana; Baton Rouge Area: Redesignation to Attainment for the 1997 8-Hour Ozone Standard

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

**ACTION:** Final rule.

**SUMMARY:** EPA is taking final action to approve the State of Louisiana's request to redesignate the Baton Rouge, Louisiana moderate 1997 8-hour ozone nonattainment area to attainment of the 1997 8-hour ozone standard. As a part of this action, EPA is also approving, as a revision to the Louisiana State Implementation Plan (SIP), the state's 1997 8-hour ozone maintenance plan with a 2022 Motor Vehicle Emissions Budget (MVEB) for the Baton Rouge Nonattainment Area (BRNA or BR), revisions to the Louisiana SIP that meet the Reasonably Available Control Technology (RACT) requirements (for nitrogen oxides (NO<sub>x</sub>) and volatile organic compounds (VOCs)) for the 1-hour and 1997 8-hour ozone standard requirements, and a state rule establishing a maintenance plan contingency measure. EPA finds that with this final approval the area has a fully approved SIP that meets all of its applicable 1997 8-hour ozone requirements and 1-hour anti-backsliding requirements under section 110 and Part D of the Federal Clean Air Act (CAA or Act) for purposes of redesignation.

**DATE:** This rule is effective December 30, 2011.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-R06-OAR-2010-0776. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, *i.e.*, 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 form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the Air Planning Section, Air Planning Branch, Multimedia Planning and Permitting Division, U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business is Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

**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 number (214) 665-7263; email address [rennie.sandra@epa.gov](mailto:rennie.sandra@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document, "we," "us," and "our" means EPA.

#### Table of Contents

- I. What is the background for this rule?
- II. What comments did we receive on the proposed rule?
- III. What actions is EPA taking?
- IV. Statutory and Executive Order Reviews

#### I. What is the background for this rule?

The background for today's action is discussed in detail in EPA's August 30, 2011, proposal to approve Louisiana's redesignation request (76 FR 53853). In that proposed action, we noted that, under EPA regulations at 40 CFR part 50, the 1997 8-hour ozone standard is attained when the three-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations is less than or equal to 0.08 parts per million (ppm) (see 69 FR 23858, April 30, 2004, for more information). Under the CAA, EPA may redesignate a nonattainment area to

attainment if sufficient complete, quality-assured data are available to determine that the area has attained the standard and if it meets the other CAA redesignation requirements in section 107(d)(3)(E).

The LDEQ, on August 31, 2010, submitted a request<sup>1</sup> to redesignate the Baton Rouge area to attainment for the 1997 8-hour ozone standard. EPA has previously determined that the BRNA ozone nonattainment area attained both the 1997 8-hour and 1-hour ozone standards. The EPA determined that the BRNA had attained the 1997 8-hour ozone standard on September 8, 2010, at 75 FR 54779. Complete, quality-assured monitoring data for 2006-2010 also show that the area continues to attain the 1997 8-hour ozone standard. EPA also determined that the BR area met the 1-hour ozone standard on February 10, 2010 (75 FR 6570). This determination was also based on complete, quality-assured, and certified ambient air quality monitoring data for the 2006-2008 ozone seasons, as well as certified data for 2009 and 2010 that indicate the area continues to attain the 1-hour ozone NAAQS. Preliminary data available for the 2011 ozone season indicate that the area continues to be in attainment for both ozone standards.<sup>2</sup>

Our proposed rule and Technical Support Document provide a detailed analysis of how Louisiana met the redesignation requirements and other CAA requirements. The state's Control Techniques Guidelines rule upon which this action depends, was signed on November 7, 2011, and will be published in a separate rulemaking. Implementation of Reformulated Gasoline (RFG) in the Baton Rouge 5-parish area remains stayed by court order. Implementation of RFG is not required for purposes of redesignation.

#### II. What comments did we receive on the proposed rule?

EPA provided a 30-day review and comment period, which closed on September 29, 2011. EPA received 3 comment letters in response to the proposed rulemaking, submitted on behalf of the Louisiana Chemical Association, Louisiana Mid-Continent Oil and Gas Association, and the Baton Rouge Area Chamber of Commerce, that expressed overall support for EPA's

<sup>1</sup> The submittal was supplemented by technical amendments on February 14, 2011, May 16, 2011, and June 6, 2011. All submitted documents are in the docket for this rulemaking.

<sup>2</sup> On September 22, 2011, EPA moved ahead to implement the 2008 8-hour ozone standard of 0.075 ppm. Memorandum from Gina McCarthy to Air Division Directors, Regions 1-10. EPA will continue to work with the state to implement this new standard.