SUPPLEMENTARY INFORMATION: The Greater New Orleans Expressway Commission requested a temporary deviation from the published regulation for the Greater New Orleans Expressway Commission Causeway bascule bridge across Lake Pontchartrain. The bridge provides 42.6 feet of vertical clearance when closed above mean high water, and unlimited clearance above MHW in the open-to-navigation position. Currently, according to 33 CFR 117.467(b), the draw of the Greater New Orleans Expressway Commission Causeway bascule bridge shall open on signal if at least three hours notice is given; except that the draw need not be open for the passage of vessels Monday through Fridays except Federal holidays, from 5:30 a.m. to 9:30 a.m. and 3 p.m. to 7 p.m.. The draw will open on signal for any vessel in distress or vessel waiting immediately following the closures listed above.

This deviation allows the bridge to remain closed to navigation for four (4) days from 6 a.m. on March 13, 2012 through 6 p.m. on March 16, 2012.

Navigation on the waterway consists mainly of recreational vessels. The Coast Guard has coordinated the closure with other Coast Guard units. These dates and this schedule were chosen to minimize the effects on vessel traffic; however, vessels that may pass under the bridge in the closed-to-navigation position can do so anytime. The bridge will not be able to open for emergencies.

In accordance with 33 CFR 117.35, this work will be performed with flexibility in order to return the bridge to normal operations as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

David M. Frank,
Bridge Administrator.
The Regional Advisory Councils have a substantial role in reviewing subsistence issues and making recommendations to the Board. The Federal Subsistence Board, through the Councils, will hold public meetings to accept comments and propose changes to the subsistence take of fish and shellfish during the winter meeting cycle. You may present comments on this rule during those meetings at the following locations in Alaska, on the following remaining dates:

<table>
<thead>
<tr>
<th>Region</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bristol Bay Regional Council</td>
<td>Naknek</td>
</tr>
<tr>
<td>Western Interior Regional Council</td>
<td>McGrath</td>
</tr>
<tr>
<td>Northwest Arctic Regional Council</td>
<td>Kotzebue</td>
</tr>
<tr>
<td>North Slope Regional Council</td>
<td>Barrow</td>
</tr>
</tbody>
</table>

The public, Alaska Native organizations, the State, and other groups have had numerous opportunities to comment and consult on rural determinations. The numerous comments received are the foundation of this action, and this rule is in response to the myriad of comments received.

Starting in November of 2009, the Secretarial review was conducted by the Alaska Affairs Office within the Office of the Secretary. Meetings with more than 45 different stakeholder groups were held in 13 different communities throughout Alaska. More than 115 comments from individuals and interested organizations were received. Many of these comments addressed concerns relating to rural and nonrural determinations. These comments were posted on the Departmental Web site at http://www.do.gov/whatwedo/subsistenceview/index.cfm.

During the January 18–20, 2011, and January 17–20, 2012, Federal Subsistence Board public meetings, the Board offered a comment period each day for members of the public to speak to any issues related to subsistence issues that were not on the meeting agenda. Several members of the public took the opportunity to voice their concerns and comments on rural and nonrural issues. On January 21, 2011, and January 17, 2012, the Board conducted tribal consultations with Alaska Native organizations to address proposed regulatory changes to the subsistence take of fish and wildlife regulations; a number of Alaska Native organizations again took the opportunity to also express their views on rural and nonrural issues and how they affected varied geographical, cultural, and user interests within each region.
The Board is publishing this rule on October 7, 1991. That document described the major issues associated with Federal subsistence management as identified through public meetings, written comments, and staff analyses and examined the environmental consequences of four alternatives. Proposed regulations (subparts A, B, and C) that would implement the preferred alternative were included in the DEIS as an appendix. The DEIS and the proposed administrative regulations presented a framework for a regulatory cycle regarding subsistence hunting and fishing regulations (subpart D). The Final Environmental Impact Statement (FEIS) was published on February 28, 1992.

Based on the public comments received, the analysis contained in the FEIS, and the recommendations of the Federal Subsistence Board and the Department of the Interior’s Subsistence Policy Group, the Secretary of the Interior, with the concurrence of the Secretary of Agriculture, through the U.S. Department of Agriculture-Forest Service, implemented Alternative IV as identified in the DEIS and FEIS (Record of Decision on Subsistence Management for Federal Public Lands in Alaska (ROD), signed April 6, 1992). The DEIS and the selected alternative in the FEIS defined the administrative framework of a regulatory cycle for subsistence hunting and fishing regulations. The final rule for subsistence management regulations for public lands in Alaska, subparts A, B, and C, implemented the Federal Subsistence Management Program and included a framework for a regulatory cycle for the subsistence taking of wildlife and fish. The following Federal Register documents pertain to this rulemaking:
An environmental assessment was prepared in 1997 on the expansion of Federal jurisdiction over fisheries and is available from the office listed under FOR FURTHER INFORMATION CONTACT. The Secretaries determined that the expansion of Federal jurisdiction did not constitute a major Federal action significantly affecting the human environment and, therefore, signed a Finding of No Significant Impact.

Section 810 of ANILCA

An ANILCA section 810 analysis was completed as part of the FEIS process on the Federal Subsistence Management Program. The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. The final section 810 analysis determination appeared in the April 6, 1992, ROD and concluded that the Program, under Alternative IV with an annual process for setting subsistence regulations, may have some local impacts on subsistence uses, but will not likely restrict subsistence uses significantly.

During the subsequent environmental assessment process for extending fisheries jurisdiction, an evaluation of the effects of this rule was conducted in accordance with section 810. That evaluation also supported the Secretaries’ determination that the rule will not reach the “may significantly restrict” threshold that would require notice and hearings under ANILCA section 810(a).

Paperwork Reduction Act

An agency may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. This rule does not contain any new collections of information that require OMB approval. OMB has reviewed and approved the following collections of information associated with the subsistence regulations at 36 CFR part 242 and 50 CFR part 100: Subsistence hunting and fishing applications, permits, and reports, Federal Subsistence Regional Advisory Council Membership Application/Nomination and Interview Forms (OMB Control No. 1018–0075 expires January 31, 2013).

### Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, and C: Federal Register Documents Pertaining to the Final Rule

<table>
<thead>
<tr>
<th>Federal Register citation</th>
<th>Date of publication</th>
<th>Category</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>57 FR 22940</td>
<td>May 29, 1992</td>
<td>Final Rule</td>
<td>“Subsistence Management Regulations for Public Lands in Alaska; Final Rule” was published in the Federal Register. Amended the regulations to include subsistence activities occurring on inland navigable waters in which the United States has a reserved water right and to identify specific Federal land units where reserved water rights exist. Extended the Federal Subsistence Board’s management to all Federal lands selected under the Alaska Native Claims Settlement Act and the Alaska Statehood Act and situated within the boundaries of a Conservation System Unit, National Recreation Area, National Conservation Area, or any new national forest or forest addition, until conveyed to the State of Alaska or to an Alaska Native Corporation. Specified and clarified the Secretaries’ authority to determine when hunting, fishing, or trapping activities taking place in Alaska off the public lands interfere with the subsistence priority. Revised the composition of the Board.</td>
</tr>
<tr>
<td>58 FR 69585</td>
<td>October 14, 1993</td>
<td>Final Rule</td>
<td>Amended the operating regulations in response to comments on the June 12, 2001, interim rule. Also corrected some inadvertent errors and oversights of previous rules.</td>
</tr>
<tr>
<td>66 FR 31533</td>
<td>June 12, 2001</td>
<td>Interim Rule</td>
<td>Because no adverse comments were received on the direct final rule (67 FR 30559), the direct final rule was adopted.</td>
</tr>
<tr>
<td>67 FR 30559</td>
<td>May 7, 2002</td>
<td>Final Rule</td>
<td>Amended the regulations for accepting and addressing special action requests and the role of the Regional Advisory Councils in the process.</td>
</tr>
<tr>
<td>68 FR 7703</td>
<td>February 18, 2003</td>
<td>Direct Final Rule</td>
<td>Clarified how old a person must be to receive certain subsistence use permits and removed the requirement that Regional Councils must have an odd number of members.</td>
</tr>
<tr>
<td>68 FR 23035</td>
<td>April 30, 2003</td>
<td>Affirmation of Direct Final Rule</td>
<td>Amended the membership qualifications for Regional Advisory Council membership and relocated the definition of ‘‘regulatory year’’ from subpart A to subpart D of the regulations.</td>
</tr>
<tr>
<td>69 FR 60957</td>
<td>October 14, 2004</td>
<td>Final Rule</td>
<td>Clarified the membership qualifications for Regional Advisory Council membership and relocated the definition of ‘‘regulatory year’’ from subpart A to subpart D of the regulations.</td>
</tr>
<tr>
<td>70 FR 76400</td>
<td>December 27, 2005</td>
<td>Final Rule</td>
<td>Revised jurisdiction in marine waters and clarified jurisdiction relative to military lands.</td>
</tr>
<tr>
<td>71 FR 49997</td>
<td>August 24, 2006</td>
<td>Final Rule</td>
<td>Revised the jurisdiction of the subsistence program by adding submerged lands and waters in the area of Makhnati Island, near Sitka, AK. This allowed subsistence users to harvest marine resources in this area under seasons, harvest limits, and methods specified in the regulations.</td>
</tr>
<tr>
<td>72 FR 25688</td>
<td>May 7, 2007</td>
<td>Final Rule</td>
<td>Amended the regulations for accepting and addressing special action requests and the role of the Regional Advisory Councils in the process.</td>
</tr>
<tr>
<td>75 FR 63088</td>
<td>October 14, 2010</td>
<td>Final Rule</td>
<td>Revised nonrural determinations.</td>
</tr>
<tr>
<td>76 FR 56109</td>
<td>September 12, 2011</td>
<td>Final Rule</td>
<td>Revised the composition of the Board.</td>
</tr>
</tbody>
</table>
VerDate Mar<15>2010 16:41 Feb 29, 2012 Jkt 226001 PO 00000 Frm 00045 Fmt 4700 Sfmt 4700 E:\FR\FM\01MRR1.SGM 01MRR1

private property implications as defined
certain public lands. Likewise, these
this Program is limited by definition to
priority on public lands. The scope of
Secretaries to administer a subsistence
productivity, innovation, or the ability
consumers, and does not have
of $100 million or more, will not cause
does not have an effect on the economy
significant adverse effects on
governmental jurisdictions. In general,
entities, which include small
preparation of flexibility analyses for
obligations of their recipients.
loan programs, or the rights and
affect entitlements, grants, user fees,
actions. However, this rule is not a
distribution, or use, and no Statement of
Energy Effects is required.
Drafting Information
Theo Matuskowitz drafted these
regulations under the guidance of Peter
the Office of Subsistence
Management, Alaska Regional Office,
U.S. Fish and Wildlife Service,
Anchorage, Alaska. Additional
assistance was provided by:

- Daniel Sharp, Alaska State Office,
  Bureau of Land Management;
- Sandy Rabinowitz and Nancy
  Swanton, Alaska Regional Office,
  National Park Service;
- Dr. Glenn Chen, Alaska Regional
  Office, Bureau of Indian Affairs;
- Jerry Berg, Alaska Regional Office,
  U.S. Fish and Wildlife Service; and
- Steve Kessler, Alaska Regional
  Office, U.S. Forest Service.

List of Subjects
36 CFR Part 242
Administrative practice and
procedure, Alaska, Fish, National
forests, Public lands, Reporting and
recordkeeping requirements, Wildlife.
50 CFR Part 100
Administrative practice and
procedure, Alaska, Fish, National
forests, Public lands, Reporting and
recordkeeping requirements, Wildlife.

Regulation Promulgation
For the reasons set forth in the
preamble, the Federal Subsistence
Board, under the authority at 16 U.S.C.
3, 472, 551, 668dd, 3101–3126; 18
U.S.C. 3551–3586; and 43 U.S.C. 1733,
announces that the compliance date for
the nonrural determinations for Prudhoe
Bay, and the adjusted boundaries of the
rural areas of: the Kenai Area; the
Wasilla/Palmer Area, including Point
McKenzie; the Homer Area, including
Fritz Creek East (except Voznesenka)
and the North Fork Road area; and the
Ketchikan Area, including Saxman and
portions of Gravina Island contained in
36 CFR 242.23 and 50 CFR 100.23 as
revised on May 7, 2007 (72 FR 25686)
is delayed until either the review of the
rural determination process and the
rural determination findings are
completed or 5 years, whichever comes
first. A document announcing the
compliance date will be published in the
Federal Register at a later date.

Regulatory Planning and Review
(Executive Order 12866)
The Office of Management and Budget
(OMB) has determined that this rule is
not significant and has not reviewed
this rule under Executive Order 12866.
OMB bases its determination upon the
following four criteria:
a. Whether the rule will have an
annual effect of $100 million or more on
the economy or adversely affect an
economic sector, productivity, jobs, the
environment, or other units of the
government.
b. Whether the rule will create
inconsistencies with other agencies’
actions.
c. Whether the rule will materially
affect entitlements, grants, user fees,
loan programs, or the rights and
obligations of their recipients.
d. Whether the rule raises novel legal
or policy issues.

Regulatory Flexibility Act
The Regulatory Flexibility Act of 1980
(5 U.S.C. 601 et seq.) requires
preparation of flexibility analyses for
rules that will have a significant effect
on a substantial number of small
entities, which include small
businesses, organizations, or
governmental jurisdictions. In general,
the resources to be harvested under this
rule are already being harvested and
consumed by the local harvester and do
not result in an additional dollar benefit
to the economy. Therefore, the
Departments certify that this rulemaking
will not have a significant economic
effect on a substantial number of small
entities within the meaning of the
Regulatory Flexibility Act.

Small Business Regulatory Enforcement Fairness Act
Under the Small Business Regulatory
Enforcement Fairness Act (5 U.S.C. 801
et seq.), this rule is not a major rule. It
does not have an effect on the economy
of $100 million or more, will not cause
a major increase in costs or prices for
consumers, and does not have
significant adverse effects on
competition, employment, investment,
productivity, innovation, or the ability
of U.S.-based enterprises to compete
with foreign-based enterprises.

Executive Order 12630
Title VIII of ANILCA requires the
Secretaries to administer a subsistence
priority on public lands. The scope of
this Program is limited by definition to
certain public lands. Likewise, these
regulations have no potential takings of
private property implications as defined
by Executive Order 12630.

Unfunded Mandates Reform Act
The Secretaries have determined and
certify pursuant to the Unfunded
Mandates Reform Act, 2 U.S.C. 1502 et
seq., that this rulemaking will not
impose a cost of $100 million or more in
any given year on local or State
governments or private entities. The
implementation of this rule is by
Federal agencies and there is no cost
imposed on any State or local entities or
tribal governments.

Executive Order 12988
The Secretaries have determined that
these regulations meet the applicable
standards provided in sections 3(a) and
3(b)(2) of Executive Order 12988,
regarding civil justice reform.

Executive Order 13132
In accordance with Executive Order 13132,
the rule does not have sufficient
Federalism implications to warrant the
preparation of a Federalism Assessment.
Title VIII of ANILCA precludes the State
from exercising subsistence
management authority over fish and
wildlife resources on Federal lands
unless it meets certain requirements.

Executive Order 13175
Title VIII of ANILCA provides rights
to all Federally qualified rural residents
for the subsistence taking of wildlife,
fish, and shellfish. However, the Board
provides Federally recognized Tribes
and Alaska Native Corporations an
opportunity to consult on all
subsistence issues. Consultation with
Alaska Native Corporations is based on
Public Law 108–199, div. H, Sec. 161,
by Public Law 108–447, div. H, title V,
Sec. 518, Dec. 8, 2004, 118 Stat. 3267,
which provides that: “The Director of
the Office of Management and Budget
does not have an effect on the economy
of $100 million or more, will not cause
a major increase in costs or prices for
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Sec. 518, Dec. 8, 2004, 118 Stat. 3267,
which provides that: “The Director of
the Office of Management and Budget
and all Federal agencies shall hereafter
consult with Alaska Native Corporations
on the same basis as Indian tribes under
Executive Order No. 13175.”

The Secretaries, through the Board,
provide a variety of opportunities for
tribal consultation: Commenting on
proposed changes to an existing rule;
engaging in dialogue at the Council
meetings; engaging in dialogue at the
Board’s meetings; and providing input
in person, by mail, email, or phone at
any time during the rulemaking process.

Executive Order 13211
This Executive Order requires
agencies to prepare Statements of
Energy Effects when undertaking certain
actions. However, this rule is not a
significant regulatory action under E.O.
13211, affecting energy supply.
ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52


Approval and Promulgation of Air Quality Implementation Plans; Indiana; Lead Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a request submitted by the Indiana Department of Environmental Management (IDEM) on November 24, 2010, to revise the Indiana State Implementation Plan (SIP) for lead (Pb) under the Clean Air Act (CAA). This submittal incorporates the National Ambient Air Quality Standards (NAAQS) for Pb promulgated by EPA in 2008.

DATES: This direct final rule will be effective April 30, 2012, unless EPA receives adverse comments by April 2, 2012. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the Federal Register informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2010–0100 by one of the following methods:

1. www.regulations.gov: Follow the on-line instructions for submitting comments.
2. Email: aburano.douglas@epa.gov.
3. Fax: (312) 408–2279.
5. Hand Delivery: Douglas Aburano, Chief, Attainment Planning and Maintenance Section (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Andy Chang, Environmental Engineer, 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) 886–0258, chang.andy@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA. This supplementary information section is arranged as follows:

I. Background

A. When and why did the State make this submittal?

The November 24, 2010 submittal incorporates the current primary and secondary NAAQS for Pb, which were published in the Federal Register on November 12, 2008 (73 FR 66964) and codified at 40 CFR 50.16, “National primary and secondary ambient air quality standards for lead.” At the State level, these provisions became effective on October 24, 2010.

IDEM submitted the revisions to EPA for incorporation into the Indiana SIP to ensure consistency between the State and Federal definitions of the Pb NAAQS, as well as in the determination of attainment of those NAAQS.

B. Did the State hold public hearings for these submittals?

A public hearing for the Pb NAAQS revision was held on June 2, 2010. No comments were received at this hearing.

II. What is EPA’s analysis of IDEM’s submittal?

On November 12, 2008, revisions to the Pb NAAQS were published in the Federal Register (73 FR 66964) and codified at 40 CFR 50.16. The primary (health-based) Pb NAAQS was strengthened to 0.15 micrograms per cubic meter (µg/m³), measured as a rolling 3-month average and evaluated over a 3-year period. The secondary (welfare-based) Pb NAAQS was revised to be identical to the primary Pb NAAQS.

Under 40 CFR 50.16(a), ambient Pb concentrations are to be measured by either: (1) A reference method based on appendix G to 40 CFR part 50 ("Reference Method for the Determination of Lead in Suspended