

32. Should spotters receive specific training for backing maneuvers?

33. Is backing maneuver training presented formally in a class or provided informally on a jobsite?

34. If you have one or more employees who do not speak fluent English, do you provide backing maneuver training for them in another language? Would it be helpful to have training materials and guidelines available in a language they can understand?

H. Economic Issues

35. In addition to backup alarms, what initial costs are needed for safety measures associated with backing maneuvers? Please provide specific information on these costs.

36. Do these safety measures for backing maneuvers affect daily productivity? Please provide specific information on these productivity costs.

37. Do the various technological systems (cameras and proximity detection) save money or time if they replace spotters? Please explain.

38. Are your costs for general liability insurance or workers' compensation insurance affected by the types of backup safety systems you use? Please explain.

39. What property damage has resulted from backing accidents? Please describe the types of accidents, the property damage involved, and the value of the damaged property.

40. How, and to what extent, would promulgation of additional standards that address hazards in backing maneuvers affect small businesses in your industry?

41. Do special circumstances exist that would make additional standards difficult or costly for small entities? Please describe these circumstances.

42. Are there steps OSHA could take that would reduce the burden and cost of improved backing safety measures for small businesses? Please explain.

I. Scope

43. Should OSHA consider framing the problem in terms of the dangers associated with workers being too close to dangerous moving vehicles or mobile equipment, rather than focusing only on backover incidents?

44. Are there non-regulatory alternatives the Agency should consider?

45. What industry sectors, such as maritime or construction, have higher risks or greater frequency of injuries? On what information do you base your response?

J. References

- All references in this list are available in OSHA Docket No. OSHA-2010-0059, Preventing Backover Injuries and Fatalities.
- ANSI A10.47-2009, Work Zone Safety for Highway Construction.
- ANSI B56.1-2009, Safety Standard for Low Lift and High Lift Trucks.
- RCW 46.37.400. Mirrors, backup devices.
- 16VAC25-97-10. Applicability.
- 16VAC25-97-30. Covered vehicle requirements.
- 16VAC25-97-40. Responsibilities while engaged in reverse signal operation activities.
- 16VAC25-97-50. Training.
- WAC 296-155-610(2)(f). Motor vehicles on construction sites.
- Fairfax, R.E., Acting Director, Directorate of Construction, letter to 20090429-9037, re: Permissible methods of operating trucks in reverse on construction sites, March 2, 2010.
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- Mazzae, E. and Garrott, R. National Highway Traffic Safety Administration, "Evaluation of the Performance of Available Backover Prevention Technologies for Light Vehicles," The 20th International Technical Conference on the Enhanced Safety of Vehicles Conference, Paper Number 07-0292, 2006.
- Mazzae, E. and Garrott, W.R. National Highway Traffic Safety Administration, "Experimental Evaluation of the Performance of Available Backover Prevention Technologies for Medium Straight Trucks," DOT HS 810 865, November 2007.
- Miles, Jr., J.B., Directorate of Field Operations, Memorandum for Roger Clark, Regional Administrator, re: Interpretation of 29 CFR 1926.602(a)(9)(ii), January 21, 1987.
- National Highway Traffic Safety Administration, "Fatalities and Injuries in Motor Vehicle Backing Crashes," Report to Congress, November 2008.
- National Highway Traffic Safety Administration, "Vehicle Backover Avoidance Technology Study," Report to Congress, November 2006.
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- Pegula, S. Bureau of Labor Statistics, "Fatal occupational injuries at road construction sites, 2003-07," Monthly Labor Review, November 2010.
- Pratt, S.G., Fosbroke, D.E, Marsh, S.M. National Institute for Occupational Safety and Health, Publication No. 2001-

128, "Building Safer Highway Work Zones: Measures to Prevent Worker Injuries from Vehicles and Equipment," April 2001.

- Robertson, T. Eugene Fire and EMS Department, "Personnel Noise Exposure to Fire Apparatus Backup Alarms: Eugene Fire and EMS," March 1998.
- Ruff, T.M. National Institute for Occupational Safety and Health, "Evaluation of Systems to Monitor Blind Areas Behind Trucks Used in Road Construction and Maintenance: Phase 1," Report of Investigations 9660, February 2003.
- Ruff, T.M. "Monitoring Blind Spots: A Major Concern for Haul Trucks," Engineering and Mining Journal, December 2001, 202(12).
- Ruff, T.M. National Institute for Occupational Safety and Health, "Test Results of Collision Warning Systems for Surface Mining Dump Trucks," Report of Investigations 9652, May 2000.
- Suter, A.H. "Construction Noise: Exposure, Effects, and the Potential for Remediation; A Review and Analysis," American Industrial Hygiene Association Journal, 63: 768-789, November/December 2002.
- Swanson, R., Director, Directorate of Construction, letter re: Alternatives to common back-up alarms on construction motor vehicles; use of other effective technology or observers/signal persons, September 27, 2004.

Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, authorized the preparation of this notice pursuant to Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657), 29 CFR part 1911, and Secretary's Order 1-2012 (77 FR 3192).

Signed at Washington, DC, on March 23, 2012.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2012-7510 Filed 3-28-12; 8:45 am]

BILLING CODE 4510-26-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG-2012-0182]

RIN 1625-AA08

Special Local Regulation for Marine Events; Yorktown Parade of Sail, York River; Yorktown, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish special local regulation during the Yorktown Parade of Sail, a parade of five tall ships and 195 other vessels, to be held on the waters of York River, Yorktown, Virginia on June 2, 2012. This regulation is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in portions of the York River, Yorktown, Virginia during the event.

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

ADDRESSES: You may submit comments identified by docket number USCG–2012–0182 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 LCDR Christopher O’Neal, Waterways Management Division Chief, Sector Hampton Roads, Coast Guard; telephone 757–668–5581, email Christopher.A.ONeal@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–2012–0182, 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–2012–0182 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.

Viewing Comments and Documents

To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type the docket number USCG–2012–0182 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.

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 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 you believe 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**.

For information on facilities or services for individuals with disabilities or to request special assistance at the public meeting, contact LCDR Christopher O’Neal at the telephone number or email address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Basis and Purpose

This regulation proposes to add an enforcement period of a new special local regulation for one marine event within the Fifth Coast Guard District. Marine events are frequently held on the navigable waters within the boundaries of Fifth Coast Guard District. The water activities that typically comprise marine events include sailing regattas, power boat races, swim races and holiday parades. For a description of the geographical area of each Coast Guard Sector—Captain of the Port Zone, please see 33 CFR 3.25.

On June 2, 2012, York County Recreation Parks and Tourism will sponsor the “Yorktown Parade of Sail” on the waters of York River. The event will consist of approximately 200 vessels on the waters of York River, Yorktown, VA. A fleet of spectator vessels is expected to gather near the event site to view the parade. To provide for the safety of participants, spectators, support and transiting vessels, the Coast Guard will temporarily restrict vessel traffic in the event area during the races. The regulation at 33 CFR 100.501 would be enforced for the duration of the event. Under the provisions of 33 CFR 100.501, from Noon to 2 p.m. on June 2, 2012, vessels may not enter the regulated area unless they receive permission from the Coast Guard Patrol Commander.

Discussion of Proposed Rule

The Coast Guard is establishing a temporary special local regulation on specified waters of the York River, in Yorktown, Virginia. The regulated area will be established in the interest of public safety during the “Yorktown Parade of Sail”, and will be enforced

from Noon to 2 p.m. on June 2, 2012. The Coast Guard, at its discretion, when practical, will allow the passage of vessels. Except for participants and vessels authorized by the Captain of the Port or his Representative, no person or vessel may enter or remain in the regulated area.

The regulated area will include all waters of the York River bounded by the north and south shores of the York River and to the west by the Coleman Memorial Bridge and bounded to the east by a line drawn from the United States Coast Guard pier to Gaines Point in Gloucester, VA.

Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 14 of these statutes or executive orders.

Regulatory Planning and Review

This proposed 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, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary. Although this rule prevents traffic from transiting a portion of the York River from Noon until 2 p.m. on June 2, 2012, the effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via marine information broadcasts, local radio stations and area newspapers so mariners can adjust their plans accordingly. Additionally, this rulemaking does not change the permanent regulated areas that have been published in 33 CFR 100.501, Table to § 100.501. In some cases vessel traffic may be able to transit the regulated area when the Coast Guard Patrol Commander deems it is safe to do so.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed 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 proposed rule would not have a significant economic impact on a substantial number of small entities.

This proposed rule would affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit this section of the York River from Noon until 2 p.m. on June 2, 2012.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it. This regulation will not have a significant impact on a substantial number of small entities because: (i) It will be enforced only for a short period of time (two hours); (ii) vessels may be granted the opportunity to transit the safety zone during the period of enforcement if the Patrol Commander deems it safe to do so; (iii) vessels may transit around the safety zone; and (iv) before the enforcement period, the Coast Guard will issue maritime advisories so mariners can adjust their plans accordingly.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact LCDR Christopher O’Neal. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

Collection of Information

This proposed rule would call 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 proposed 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 proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This proposed rule would 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 proposed 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 proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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 proposed 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 proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that 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)(h), of the Instruction. This rule involves implementation of regulations within 33 CFR Part 100 that apply to organized marine events on the navigable waters of the United States that may have potential for negative impact on the safety or other interest of waterway users and shore side activities in the event area. The category of water activities includes but is not limited to

sail boat regattas, boat parades, power boat racing, swimming events, crew racing, and sail board racing. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed 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 proposes to amend 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. In § 100.501, add temporary line No. (c)25 in Table to § 100.501 to read as follows:

§ 100.501 Special Local Regulations; Marine Events in the Fifth Coast Guard District.

* * * * *

Table To § 100.501.—All coordinates listed in the Table to § 100.501 reference Datum NAD 1983.

COAST GUARD SECTOR HAMPTON ROADS—COTP ZONE

Number	Date	Event	Sponsor	Location
25	June 2, 2012	Yorktown Parade of Sail	York County Recreation Parks and Tourism.	Regulated area includes all waters of the York River bounded by the north and south shores of the York River and to the west by the Coleman Memorial Bridge and bounded to the east by a line drawn from the United States Coast Guard pier to Gaines Point in Gloucester, VA. All coordinates reference Datum NAD 1983.

* * * * *

Dated: March 13, 2012.

Mark S. Ogle,

Captain, U.S. Coast Guard, Captain of the Port Hampton Roads.

[FR Doc. 2012–7513 Filed 3–28–12; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2011–0924; FRL–9653–9]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Nonattainment New Source Review; Fine Particulate Matter (PM_{2.5})

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revisions submitted by the Commonwealth of Pennsylvania. These

revisions pertaining to Pennsylvania’s nonattainment New Source Review (NSR) program incorporate preconstruction permitting regulations for fine particulate matter (PM_{2.5}) into the Pennsylvania SIP. EPA is approving these revisions in accordance with the requirements of the Clean Air Act (CAA).

DATES: Written comments must be received on or before April 30, 2012.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2011–0924 by one of the following methods:

- A. www.regulations.gov. Follow the on-line instructions for submitting comments.
- B. *Email:* cox.kathleen@epa.gov.