

the annual emissions from 2008 through 2010 as reported to the CAMD database available at <http://camddataandmaps.epa.gov/gdm/>.”

10. On page 24024, Footnote 123 is amended to read as follows: “EPA’s CCM Sixth Edition, January 2002, EPA/452/B-02-001, Section 1, Chapter 2, p. 2–21.”

11. On page 24025, Footnote 130 is amended to read as follows: “ICAC February 2008, p. 8.”

12. On page 24031, Footnote 150 is amended to read as follows: “Baseline emissions were determined by averaging the annual emissions from 2008 to 2010 as reported to the CAMD database available at <http://camddataandmaps.epa.gov/gdm/>.”

13. On page 24059, in the first column, the second paragraph is amended to read, “We are eliminating the four refineries from further consideration as a result of consent decrees entered into by the owners. Under these consent decrees, emissions have been reduced sufficiently after the 2002 baseline so that the Q/D for each facility is below 10. Specifically, ExxonMobil’s emissions in 2009 of NO<sub>x</sub> and SO<sub>2</sub> were 1,019 tpy, resulting in a Q/D of 6. Genex’s emissions in 2009 of NO<sub>x</sub> and SO<sub>2</sub> were 727 tpy, resulting in a Q/D of 5. Conoco’s emissions in 2009 of NO<sub>x</sub> and SO<sub>2</sub> were 1,087 tpy, resulting in a Q/D of 8. Montana Refining’s emissions in 2009 of NO<sub>x</sub> and SO<sub>2</sub> were 122 tpy, resulting in a Q/D of 2. The consent decrees are available in the docket.”

14. On page 24063, in the first column, the first sentence of the last paragraph is amended to read, “We are relying on CELP’s estimates that SCR would take approximately 26 months to install and that SNCR would take 16 to 24 weeks to install.”<sup>239</sup>”

15. On page 24064, the title for the last column of Table 162 is amended to read, “Remaining emissions (tpy).”

16. On page 24070, in the third column, the fourth sentence of the second paragraph is amended to read, “This control option is functionally equivalent to LSFO in terms of concept and control efficiency.”

17. On page 24071, in the first column, the second full sentence of the first paragraph is amended to read, “We used 85% control for this analysis.”

18. On page 24071, in the first column, the sixth sentence of the second paragraph is amended to read, “We used 70% control for this analysis (about a 10% improvement over existing controls).”

19. On page 24074, in the third column, the first sentence of the fifth paragraph is amended to read, “We

identified that the following technologies to be available: extending the Claus reaction into a lower temperature liquid phase (the Sulfreen® process) and tail gas scrubbing (Wellman-Lord, SCOT, and traditional FGD processes).”

20. On page 24074, in the third column, the first sentence of the sixth paragraph is amended to read, “In the Sulfreen® process, the Claus reaction is extended at low temperatures (260 to 300 °F) to recover SO<sub>2</sub> and H<sub>2</sub>S in the tail gas.”

21. On page 24075, in the third column, the third paragraph is amended to read, “Both the SCOT and Sulfreen® processes are feasible; however, in the BART Guidelines, EPA states that it may be appropriate to eliminate from further consideration technologies that provide similar control levels at higher cost. See 70 FR 39165 (July 6, 2005). We think it is appropriate to do the same for RP determinations. In this case, Sulfreen® systems reportedly can achieve 98% to 99.5% sulfur recovery efficiency while SCOT can reportedly achieve sulfur recovery as high as 99.8% to 99.9%. The cost is higher for the Sulfreen® system when compared to the SCOT process. Because the SCOT process is more effective and costs less than the Sulfreen® system, the Sulfreen® system was not considered further.”

22. On page 24076, in the second column, the first sentence of the third paragraph is amended to read, “Plum Creek Manufacturing’s Columbia Falls Operation, in Columbia Falls, Montana consists of a sawmill, a planer, and plywood and medium density fiberboard (MDF) processes.”

23. On page 24097, the following information is added to the third column after the second paragraph, “K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a “major rule” as defined by 5 U.S.C. 804(2).”

24. On page 24097, in the third column, under Subpart BB—Montana, the first line of number three is amended to read, “3. Add section 52.1395 to read as follows:” On page 24097, in the third column, under Subpart BB—Montana, the first line of number three is amended to read, “3. Add section 52.1395 to read as follows:”

25. On page 24098, section 52.1396 (c)(1) is amended to read, “The owners/operators of EGUs subject to this section shall not emit or cause to be emitted PM, SO<sub>2</sub> or NO<sub>x</sub> in excess of the following limitations, in pounds per million British thermal units (lb/

MMBtu), averaged over a rolling 30-day period for SO<sub>2</sub> and NO<sub>x</sub>:”

26. On page 24098, section 52.1396 (c)(2) is amended to read, “The owners/operators of cement kilns subject to this section shall not emit or cause to be emitted PM, SO<sub>2</sub> or NO<sub>x</sub> in excess of the following limitations, in pounds per ton of clinker produced, averaged over a rolling 30-day period for SO<sub>2</sub> and NO<sub>x</sub>:”

27. On page 24099, the following is added to section 52.1396 (g), “(5) All particulate matter stack test results.”

28. On page 24099, section 52.1396 (h)(4) is amended to read, “(4) Owner/operator of each unit shall submit results of any particulate matter stack tests conducted for demonstrating compliance with the particulate matter BART limits in section (c) above, within 60 days after completion of the test.”

29. On page 24100, section 52.1396 (h)(6) is amended to read, “(6) Any other records required by 40 CFR part 60, Subpart F, or 40 CFR part 60, Appendix F, Procedure 1.”

30. On page 24100, section 52.1396 (i)(5) is added to read, “(5) Owner/operator of each unit shall submit semi-annual reports of any excursions under the approved CAM plan in accordance with the schedule specified in the source’s title V permit.”

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

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: May 8, 2012.

**James B. Martin,**

*Regional Administrator, Region 8.*

[FR Doc. 2012-11967 Filed 5-16-12; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 131

[EPA-HQ-OW-2009-0596; FRL-9670-7]

RIN 2040-AF41

### Effective Date for the Water Quality Standards for the State of Florida’s Lakes and Flowing Waters

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

**ACTION:** Proposed delay of effective date.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to extend the July 6, 2012, effective date of the “Water Quality Standards for the State of Florida’s Lakes and Flowing Waters;

Final Rule” (inland waters rule) for three months to October 6, 2012. EPA also is soliciting comment on extending the July 6, 2012, effective date by one year to July 6, 2013. EPA’s inland waters rule as promulgated on December 6, 2010, included an effective date of March 6, 2012, for the entire regulation except for the site-specific alternative criteria provision, which took effect on February 4, 2011. This proposal to extend the July 6, 2012, effective date for the inland waters rule does not affect or change the February 4, 2011, effective date for the site-specific alternative criteria provision. On March 5, 2012, EPA extended the March 6, 2012, effective date to July 6, 2012. In this proposal, EPA is requesting comment on extending the effective date for the “Water Quality Standards for the State of Florida’s Lakes and Flowing Waters; Final Rule” from July 6, 2012 to October 6, 2012, or in the alternative from July 6, 2012 to July 6, 2013.

**DATES:** Comments must be received on or before June 18, 2012.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–HQ–OW–2009–0596, by one of the following methods:

1. *http://www.regulations.gov*: Follow the on-line instructions for submitting comments.

2. *Email: ow-docket@epa.gov*.

3. *Mail to:* Water Docket, U.S.

Environmental Protection Agency, Mail code: 2822T, 1200 Pennsylvania Avenue NW., Washington, DC 20460, Attention: Docket ID No. EPA–HQ–OW–2009–0596.

4. *Hand Delivery:* EPA Docket Center, EPA West Room 3334, 1301 Constitution Avenue NW., Washington, DC 20004, Attention Docket ID No. EPA–HQ–OW–2009–0596. Such deliveries are only accepted during the Docket’s normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA–HQ–OW–2009–0596. EPA’s policy is that all comments

received will be included in the public docket without change and may be made available online at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://www.regulations.gov* Web site is an “anonymous access” system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *http://www.regulations.gov*, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA’s public docket, visit EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm*.

An electronic version of the public docket is available through EPA’s electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.regulations.gov* to view public comments, access the index listing of the contents of the official public docket, and access those documents in the public docket that are available electronically. For additional information about EPA’s public docket, visit EPA Docket Center homepage at

*http://www.epa.gov/epahome/dockets.htm*. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information (CBI) or other information with disclosure restricted by statute. Certain other material, such as copyright 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 in *http://www.regulations.gov* or in hard copy at the Docket Facility. The Office of Water (OW) Docket Center is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The OW Docket Center telephone number is 202–566–1744, and the Docket address is OW Docket, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20004. 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.

**FOR FURTHER INFORMATION CONTACT:** For information concerning this rulemaking, contact: Tracy Bone, U.S. EPA, Office of Water, Mailcode 4305T, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number 202–564–5257; email address: *bone.tracy@epa.gov*.

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*Does this action apply to me?*

Citizens concerned with water quality in Florida may be interested in this rulemaking. Entities discharging nitrogen or phosphorus to lakes and flowing waters of Florida could be indirectly affected by this rulemaking because water quality standards (WQS) are used in determining National Pollutant Discharge Elimination System (NPDES) permit limits. Categories and entities that may ultimately be affected include:

Category	Examples of potentially affected entities
Industry .....	Industries discharging pollutants to lakes and flowing waters in the State of Florida.
Municipalities .....	Publicly-owned treatment works discharging pollutants to lakes and flowing waters in the State of Florida.
Stormwater Management Districts .....	Entities responsible for managing stormwater runoff in Florida.

This table is not intended to be exhaustive, but rather provides a guide for entities that may be directly or indirectly affected by this action. This table lists the types of entities which EPA is now aware could potentially be

affected by this action. Other types of entities not listed in the table, such as nonpoint source contributors to nitrogen/phosphorus pollution in Florida’s waters may be affected through implementation of Florida’s water

quality standards program (i.e., through Basin Management Action Plans (BMAPs)). Any parties or entities conducting activities within watersheds of the Florida waters covered by this rule, or who rely on, depend upon,

influence, or contribute to the water quality of the lakes and flowing waters of Florida, may be affected by this rule. To determine whether your facility or activities may be affected by this action, you should carefully examine the language in 40 CFR 131.43, which is the final rule. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

## II. Background

On December 6, 2010, EPA's final inland waters rule, entitled "Water Quality Standards for the State of Florida's Lakes and Flowing Waters; Final Rule," was published in the **Federal Register** at 75 FR 75762, and codified at 40 CFR 131.43. The final inland waters rule established numeric nutrient criteria in the form of total nitrogen, total phosphorus, nitrate+nitrite, and chlorophyll a for the different types of Florida's inland waters to assure attainment of the State's applicable water quality designated uses. More specifically, the numeric nutrient criteria translate Florida's narrative nutrient provision at Subsection 62-302-530(47)(b), Florida Administrative Code (F.A.C.), into numeric values that apply to lakes and springs throughout Florida and flowing waters outside of the South Florida Region. (EPA has distinguished the South Florida Region as those areas south of Lake Okeechobee and the Caloosahatchee River watershed to the west of Lake Okeechobee and the St. Lucie watershed to the east of Lake Okeechobee.) The December 2010 final action seeks to improve water quality, protect public health and aquatic life, and achieve the long-term recreational uses of Florida's waters, which are a critical part of the State's economy.

As stated in 75 FR 75807 (December 6, 2010), the rule was scheduled to take effect on March 6, 2012, except for the site-specific alternative criteria (SSAC) provision at 40 CFR 131.43(e), which took effect on February 4, 2011. EPA selected the March 6, 2012, effective date for the criteria part of the rule to allow time for EPA to work with stakeholders and the Florida Department of Environmental Protection (FDEP) on important implementation issues; to help the public and all affected parties better understand the final criteria and the basis for those criteria; and for EPA to engage and support, in full partnership with FDEP, the general public, stakeholders, local governments, and sectors of the regulated community across the State in a process of public outreach education,

discussion, and constructive planning, (75 FR 75787, December 6, 2010).

On December 22, 2011 (76 FR 79604), EPA proposed to extend the March 6, 2012, effective date of the inland waters rule to June 4, 2012. EPA received six comments on its proposal. EPA considered the public comments and the continued progress by the FDEP toward adoption of nutrient water quality standards. EPA decided that a four month extension was warranted (77 FR 13497), and thus extended the effective date of the inland waters rule to July 6, 2012.

## III. Proposed Extension of July 6, 2012 Effective Date

### A. Current Inland Waters Rule Effective Date and Rationale

The current effective date for the inland waters rule is July 6, 2012 except, as noted earlier, for the site-specific alternative criteria (SSAC) provision, which became effective February 4, 2011.

As discussed at length in the December 22, 2011, proposal to extend the effective date of the inland waters rule (76 FR 79604), EPA at both the Headquarters and Regional levels has worked in collaboration with the State on outreach and education efforts. In the same proposal, EPA also discussed that a further extension of the effective date of the inland waters rule might be needed to allow FDEP to submit the recently established State numeric nutrient rules to EPA for review and action under section 303(c) of the CWA, for EPA to complete its review of the State rules, and for EPA to withdraw any Federal numeric nutrient criteria corresponding to any State-adopted numeric nutrient criteria that have been approved by EPA.

### B. Rationale for Extending the July 6, 2012 Effective Date

EPA is proposing to extend the effective date of the inland waters rule (with the exception of the SSAC provision, which is already in effect) for three months to October 6, 2012 for the reasons discussed in this section. EPA also requests comment on the possibility of extending the July 6, 2012 effective date for one year to July 6, 2013 or further.

Since the promulgation of the December 6, 2010 final rule for Florida's inland waters, EPA has continued to work in close coordination with the State of Florida as the State develops its own rulemaking for numeric nutrient criteria (NNC rules) that are consistent with requirements of the Clean Water Act (CWA), address the water quality

needs of the State, and support effective permit implementation, water body assessment and listing, and development of TMDLs. The State legislature has exempted the state NNC rules from legislative ratification and directed the FDEP to submit the rules to the EPA for review. On February 20, 2012, the FDEP sent the rules to EPA, which sets numeric nutrient criteria for lakes, spring vents, streams, and certain estuaries in Florida. The FDEP also submitted material supporting those criteria. EPA looks forward to receiving notification from the State of Florida that the rules have been officially adopted as revisions to the State's water quality standards.

A petition was filed with the Florida Department of Administrative Hearings challenging the validity of FDEP's NNC rules. A hearing was held the week of February 27, 2012, and the Administrative Law Judge has not yet issued an order in the case. EPA anticipates that the judge will issue a ruling in May. At the time of this proposal, the outcome of the administrative challenge is uncertain. The three month extension of the effective date of the inland waters rule would allow time for the administrative challenge to be resolved, and, if FDEP prevails, for FDEP to notify EPA that the NNC rules have been officially adopted as revisions to the State's water quality standards. If EPA were to approve Florida's rules, EPA would then consider proposing and finalizing an additional extension to allow time for EPA to withdraw any Federal numeric nutrient criteria that correspond to criteria that have been adopted by Florida and approved by EPA.

Final State numeric nutrient criteria could have significant implications for many interested parties and members of the public in the State. In the event that alternative Florida numeric nutrient criteria are established that assure attainment of State designated uses consistent with applicable CWA provisions, there could be uncertainty regarding implementation of EPA's inland water numeric criteria. Successful State action on this issue could also affect the obligations and expectations of a wide range of affected stakeholders whose actions relate to the discharge or contribution of nitrogen and phosphorus pollution to State waters. Extending the effective date of EPA's inland waters rule from July 6, 2012, to October 6, 2012, would avoid the confusion and inefficiency that could occur should Federal criteria become effective while EPA reviews State criteria for approval or disapproval under CWA section 303(c). Further,

extending the effective date to July 6, 2013, would avoid the confusion and inefficiency that could occur should Federal criteria take effect after State criteria have been approved and while EPA is in the process of withdrawing Federal criteria for corresponding waters.

Should EPA decide to extend the effective date of the inland waters rule, the Agency will continue to work with Florida towards implementation of either Federal or State numeric nutrient criteria. As EPA stated in the preamble to the final inland waters rule, the opportunity presented by numeric nutrient criteria—for substantial nitrogen and phosphorus loadings reductions in the State—“would be greatly facilitated and expedited by strongly coordinated and well-informed stakeholder engagement, planning, and support before a rule of this significance and broad scope begins to take effect and be implemented through the State’s regulatory programs” (75 FR 75787, December 6, 2010).

EPA solicits comments regarding the proposed extension of three months to October 6, 2012, for the effective date of the inland waters rule, as well as a proposed extension of one year to July 6, 2013, for the same.

#### IV. Statutory and Executive Order Reviews

##### A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a “significant regulatory action” under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993), since it merely extends the effective date of an already promulgated rule, and is, therefore, not subject to review under Executive Order 12866 and 13563 (76 FR 3821, January 21, 2011).

##### B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. Burden is defined at 5 CFR 1320.3(b). This action does not impose any information collection burden, reporting or record keeping requirements on anyone.

##### C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute, unless the agency certifies

that the rule will not have significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions. For purposes of assessing the impacts of this action on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administration’s (SBA) regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

This proposed rule does not establish any requirements that are applicable to small entities, but rather merely extends the date of already promulgated requirements. Thus, I certify that this rule will not have a significant economic impact on a substantial number of small entities.

##### D. Unfunded Mandates Reform Act

This action contains no Federal mandates under the provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531–1538 for State, local, or tribal governments or the private sector. The action imposes no enforceable duty on any State, local or tribal governments or the private sector. This action merely extends the effective date of an already promulgated regulation. Therefore, this action is not subject to the requirements of sections 202 or 205 of the UMRA.

##### E. Executive Order 13132 (Federalism)

This action does not have Federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This action merely extends the effective date of an already promulgated regulation.

##### F. Executive Order 13175

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). In the State of Florida, there are two Indian Tribes, the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida, with lakes and flowing waters. Both Tribes have been approved for treatment in the same manner as a State (TAS) status for CWA sections 303 and 401 and have federally-approved WQS in their

respective jurisdictions. These Tribes are not subject to this proposed rule. This rule will not impact the Tribes because it merely extends the date of already promulgated requirements. Thus, Executive Order 13175 does not apply to this action.

EPA specifically solicits additional comment on this proposed action from tribal officials.

##### G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

This action is not subject to EO 13045 (62 FR 19885, April 23, 1997) because it is not economically significant as defined in EO 12866 and because the Agency does not believe this action includes environmental health risks or safety risks that would present a risk to children.

##### H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

##### I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (“NTTAA”), Public Law No. 104–113, 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This rulemaking does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

##### J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order (E.O.) 12898 (59 FR 7629 (Feb. 16, 1994)) establishes Federal executive policy on environmental justice. Its main provision directs agencies, to the greatest extent practicable and permitted by law, to

make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. This proposed action is not subject to E.O. 12898 because this action merely extends the effective date for already promulgated requirements.

#### List of Subjects in 40 CFR Part 131

Environmental protection, Water quality standards, Nitrogen/phosphorus pollution, Nutrients, Florida.

Dated: May 5, 2012.

**Lisa P. Jackson**,  
Administrator.

[FR Doc. 2012-11843 Filed 5-16-12; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 272

[EPA-R06-RCRA-2011-0484; FRL-9652-8]

#### Oklahoma: Incorporation by Reference of State Hazardous Waste Management Program

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

**ACTION:** Proposed rule.

**SUMMARY:** The EPA proposes to codify in the regulations entitled “Approved State Hazardous Waste Management Programs”, Oklahoma’s authorized hazardous waste program. The EPA will incorporate by reference into the Code of Federal Regulations (CFR) those provisions of the State regulations that are authorized and that the EPA will enforce under the Solid Waste Disposal Act, commonly referred to as the Resource Conservation and Recovery Act (RCRA).

**DATES:** Send written comments by June 18, 2012.

**ADDRESSES:** Send written comments to Alima Patterson, Region 6 Regional Authorization Coordinator, or Julia Banks Codification Coordinator, State/Tribal Oversight Section (6PD-O), Multimedia Planning and Permitting Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, Phone number: (214) 665-8533 or (214) 665-8178. You may also submit comments electronically or through hand delivery/courier; please follow the detailed instructions in the **ADDRESSES** section of the immediate final rule

which is located in the Rules section of this **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Alima Patterson, (214) 665-8533.

**SUPPLEMENTARY INFORMATION:** In the “Rules and Regulations” section of this **Federal Register**, the EPA is codifying and incorporating by reference the State’s hazardous waste program as an immediate final rule. The EPA did not make a proposal prior to the immediate final rule because we believe these actions are not controversial and do not expect comments that oppose them. We have explained the reasons for this codification and incorporation by reference in the preamble to the immediate final rule. Unless we get written comments which oppose this incorporation by reference during the comment period, the immediate final rule will become effective on the date it establishes, and we will not take further action on this proposal. If we get comments that oppose these actions, we will withdraw the immediate final rule and it will not take effect. We will then respond to public comments in a later final rule based on this proposal. You may not have another opportunity for comment. If you want to comment on this action, you must do so at this time.

Dated: March 16, 2012.

**Al Armendariz**,  
Regional Administrator, Region 6.

[FR Doc. 2012-11876 Filed 5-16-12; 8:45 am]

BILLING CODE 6560-50-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 1

[MD Docket No. 12-116; FCC 12-48]

#### Assessment and Collection of Regulatory Fees for Fiscal Year 2012

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Commission will revise its Schedule of Regulatory Fees in order to recover an amount of \$339,844,000 that Congress has required the Commission to collect for fiscal year 2012. Section 9 of the Communications Act of 1934, as amended, provides for the annual assessment and collection of regulatory fees under sections 9(b)(2) and 9(b)(3), respectively, for annual “Mandatory Adjustments” and “Permitted Amendments” to the Schedule of Regulatory Fees.

**DATES:** Submit comments on or before May 31, 2012, and reply comments on or before June 7, 2012.

**ADDRESSES:** You may submit comments, identified by MD Docket No. 12-116, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Federal Communications Commission’s Web Site:* <http://www.fcc.gov/cgb/ecfs>. Follow the instructions for submitting comments.

- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone: 202-418-0530 or TTY: 202-418-0432.

- *Email:* [ecfs@fcc.gov](mailto:ecfs@fcc.gov). Include MD Docket No. 12-116 in the subject line of the message.

- *Mail:* Commercial overnight mail (other than U.S. Postal Service Express Mail, and Priority Mail, must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street SW., Washington, DC 20554.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Roland Helvajian, Office of Managing Director at (202) 418-0444.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission’s Notice of Proposed Rulemaking (NPRM), FCC 12-48, MD Docket No. 12-116, adopted on May 3, 2012 and released May 4, 2012. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street SW., Room CY-A257, Portals II, Washington, DC 20554, and may also be purchased from the Commission’s copy contractor, BCPI, Inc., Portals II, 445 12th Street SW., Room CY-B402, Washington, DC 20554. Customers may contact BCPI, Inc. via their Web site, <http://www.bcpi.com>, or call 1-800-378-3160. This document is available in alternative formats (computer diskette, large print, audio record, and braille). Persons with disabilities who need documents in these formats may contact the FCC by email: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone: 202-418-0530 or TTY: 202-418-0432.

#### I. Procedural Matters

*A. Ex Parte Rules-Permit-but Disclose Proceeding*

1. This is a “permit-but-disclose” proceeding subject to the requirements