

**DATES:** The regulations in 33 CFR 165.931 will be enforced at various times and on various dates between 9:15 on September 10, 2011 to 9:15 p.m. October 29, 2011.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, call or e-mail BM1 Adam Kraft, Prevention Department, Coast Guard Sector Lake Michigan, Milwaukee, WI at 414-747-7154, e-mail [Adam.D.Kraft@uscg.mil](mailto:Adam.D.Kraft@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the Safety Zone; Chicago Harbor, Navy Pier Southeast, Chicago, IL listed in 33 CFR 165.931 for the following events:

(1) *Navy Pier Fireworks*; on September 10, 2011 from 9:15 p.m. through 10:30 p.m.; on September 21 from 8:45 p.m. through 9:20 p.m.; October 1, 2011 from 8:45 p.m. through 9:15 p.m.; on October 8, 2011 from 8:45 p.m. through 9:15 p.m.; on October 15, 2011 from 8:45 p.m. through 9:15 p.m.; on October 22, 2011 from 8:45 p.m. through 9:15 p.m.; and on October 29, 2011 from 8:45 p.m. through 9:15 p.m.

All vessels must obtain permission from the Captain of the Port, Sector Lake Michigan, or his or her on-scene representative to enter, move within or exit the safety zone. Vessels and persons granted permission to enter the safety zone shall obey all lawful orders or directions of the Captain of the Port, Sector Lake Michigan, or his or her on-scene representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

This notice is issued under authority of 33 CFR 165.931 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of these enforcement periods via broadcast Notice to Mariners or Local Notice to Mariners. The Captain of the Port, Sector Lake Michigan, will issue a Broadcast Notice to Mariners notifying the public when enforcement of the safety zone established by this section is suspended. If the Captain of the Port, Sector Lake Michigan, determines that the safety zone need not be enforced for the full duration stated in this notice, he or she may use a Broadcast Notice to Mariners to grant general permission to enter the safety zone. The Captain of the Port, Sector Lake Michigan, or his or her on-scene representative may be contacted via VHF Channel 16.

Dated: August 31, 2011.

**M.W. Sibley**,  
*Captain, U.S. Coast Guard, Captain of the Port Lake Michigan.*

[FR Doc. 2011-23463 Filed 9-13-11; 8:45 am]

**BILLING CODE 9110-04-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R05-OAR-2010-0393; FRL-9463-1]

### Approval and Promulgation of Air Quality Implementation Plans; Ohio and West Virginia; Determinations of Attainment of the 1997 Annual Fine Particle Standard for Four Nonattainment Areas

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

**ACTION:** Final rule.

**SUMMARY:** EPA is taking final action determining that the fine particulate matter (PM<sub>2.5</sub>) nonattainment areas of Cleveland-Akron, Columbus, Dayton-Springfield, and Steubenville-Weirton (hereafter referred to as "Areas") have attained the 1997 annual average PM<sub>2.5</sub> National Ambient Air Quality Standard (NAAQS) under the Clean Air Act (CAA). EPA is also determining, based on quality-assured, quality-controlled, and certified ambient air monitoring data for the 2007-2009 monitoring period, that these Areas have attained the 1997 annual PM<sub>2.5</sub> NAAQS by the applicable attainment date of April 5, 2010.

**DATES:** This final rule is effective on October 14, 2011.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-R05-OAR-2010-0393. 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 (CBI) 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 Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is

open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Carolyn Persoon, Environmental Engineer, at (312) 353-8290, before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:** In Region 5, Carolyn Persoon, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-8290, [persoon.carolyn@epa.gov](mailto:persoon.carolyn@epa.gov). In Region 3, Irene Shandruk, Office of Air Program Planning (3AP30), U.S. Environmental Protection Agency, Region 3, 1650 Arch Street, Philadelphia, PA 19103-2029, (215) 814-2166, [shandruk.irene@epa.gov](mailto:shandruk.irene@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. What action is EPA taking?
- II. What are the effects of this action?
- III. Statutory and Executive Order Reviews

#### I. What action is EPA taking?

EPA is making the final determination that three Ohio nonattainment areas (the Cleveland-Akron, the Columbus, and the Dayton-Springfield areas) and one Ohio-West Virginia bi-state area (the Steubenville-Weirton area) have attained the 1997 annual PM<sub>2.5</sub> NAAQS. EPA's determination is based upon the most recent three years of complete, quality-assured, quality-controlled, and certified ambient air monitoring data for the Areas showing that they have monitored attainment of the 1997 annual PM<sub>2.5</sub> NAAQS based on the 2007-2009 data as well as the 2008-2010 data (see Table 1). EPA is also making the final determination, in accordance with EPA's PM<sub>2.5</sub> Implementation Rule of April 25, 2007 (72 FR 20664), that the Areas have attained the 1997 annual PM<sub>2.5</sub> NAAQS by their applicable attainment date of April 5, 2010.

EPA published in the **Federal Register** its proposed determination for the four nonattainment Areas on May 17, 2011 (76 FR 28393). A detailed discussion of the rationale for the determination, and the effect of the determination, was included in the proposal. EPA received no comments on the proposed rule.

TABLE 1—ANNUAL PM<sub>2.5</sub> DESIGN VALUES FOR OHIO (CLEVELAND-AKRON, COLUMBUS, DAYTON-SPRINGFIELD, AND STEUBENVILLE-WEIRTON) AREA MONITORS WITH COMPLETE DATA FOR 2007 TO 2009 IN µg/m<sup>3</sup>

State	County	Monitor	Annual design value 2007– 2009 (µg/m³)	Annual design value 2008– 2010 (µg/m³)
Cleveland-Akron				
OH .....	Cuyahoga .....	39–035–0034	11.6	10.7
		39–035–0038	14.4	13.6
		39–035–0045	13.6	12.9
		39–035–0060	14.1	13.4
		39–035–0065	14.3	13.4
		39–035–1002	12.1	11.4
	Lorain .....	39–093–3002	11.4	10.6
	Medina .....	39–103–0003	11.8	11.1
	Portage .....	39–133–0002	12.3	11.5
	Summit .....	39–153–0017	13.7	13.2
		39–153–0023	12.7	12.3
Columbus				
OH .....	Franklin .....	39–049–0024	13.0	12.5
		39–049–0025	12.9	12.1
		39–049–0081	11.7	11.2
Dayton-Springfield				
OH .....	Clark .....	39–023–0005	13.2	
	Greene .....	39–057–0005	12.1	12.1
	Montgomery .....	39–113–0032	13.7	13.2
Steubenville-Weirton				
OH .....	Jefferson .....	39–081–0017	14.2	13.0
		39–081–1001	13.6	12.7
WV .....	Brooke .....	54–009–0005	14.4	13.7
		54–009–0011	14.0	13.1
	Hancock .....	59–029–1004	13.4	12.4

## II. What are the effects of this action?

EPA's determination of attainment, based on the most recent three years of quality-assured, quality-controlled, and certified ambient air monitoring data suspends the requirements for the Cleveland-Akron, Columbus, Dayton-Springfield, and Steubenville-Weirton PM<sub>2.5</sub> nonattainment areas from submitting attainment demonstrations, RACM (including RACT), RFP plans, contingency measures, and other planning SIP revisions related to attainment of the 1997 annual PM<sub>2.5</sub> NAAQS for so long as the Areas continue to attain the 1997 annual PM<sub>2.5</sub> NAAQS.

Specifically, the determination of attainment for the Cleveland-Akron, Columbus, Dayton-Springfield, and Steubenville-Weirton PM<sub>2.5</sub> nonattainment areas (1) Suspend the states' obligation for Ohio and West Virginia to submit the requirements listed above; (2) continue such suspension until such time, if any, that EPA subsequently determines that any monitor in the area has violated the 1997 annual PM<sub>2.5</sub> NAAQS; and (3) be

separate from any future designation determination or requirements for the Cleveland-Akron, Columbus, Dayton-Springfield, and Steubenville-Weirton PM<sub>2.5</sub> nonattainment areas based on the 2006 PM<sub>2.5</sub> NAAQS or future PM<sub>2.5</sub> NAAQ revision.

Finalizing this action does not constitute a redesignation of the Areas to attainment for the 1997 annual PM<sub>2.5</sub> NAAQS under CAA section 107(d)(3). Further, finalizing this action does not involve approving maintenance plans for the Areas, nor does it involve a determination that the Cleveland-Akron, Columbus, Dayton-Springfield, and Steubenville-Weirton PM<sub>2.5</sub> nonattainment areas have met all the requirements for redesignation under the CAA. Therefore, the designation status of the portions of the Cleveland-Akron, Columbus, Dayton-Springfield, and Steubenville-Weirton PM<sub>2.5</sub> nonattainment areas will remain nonattainment for the 1997 annual PM<sub>2.5</sub> NAAQS until such time as EPA takes final rulemaking action to determine that such portions meet the

CAA requirements for redesignation to attainment.

In addition, EPA is finalizing a separate and independent determination that these Areas have attained the 1997 annual PM<sub>2.5</sub> standard by the applicable attainment date (April 5, 2010), thereby satisfying EPA's requirement pursuant to section 179(c)(1) of the CAA to make a determination of whether the Areas attained the standard by the applicable attainment date.

This action described above makes determinations regarding the Cleveland-Akron, Columbus, Dayton-Springfield, and Steubenville-Weirton areas' attainment only with respect to the 1997 annual PM<sub>2.5</sub> NAAQS. Today's action does not address the 24-hour PM<sub>2.5</sub> NAAQS.

## III. Statutory and Executive Order Reviews

This action makes determinations of attainment based on air quality, and will result in the suspension of certain Federal requirements, and will not impose additional requirements beyond

those imposed by state law. For that reason, this action:

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United

States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 14, 2011. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

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

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter, Reporting and recordkeeping requirements.

Dated: July 29, 2011.

**Susan Hedman,**

*Regional Administrator, Region 5.*

Dated: August 10, 2011.

**W.C. Early,**

*Acting Regional Administrator, Region 3.*

40 CFR part 52 is amended as follows:

#### PART 52—[AMENDED]

- 1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

#### Subpart KK—Ohio

- 2. Section 52.1880 is amended by adding paragraph (n) to read as follows:

##### § 52.1880 Control strategy: Particulate matter.

\* \* \* \* \*

(n) *Determination of Attainment.* EPA has determined, as of September 14, 2011, that based on 2007 to 2009 ambient air quality data, the Cleveland-Akron, Columbus, Dayton-Springfield, and Steubenville-Weirton nonattainment areas have attained the 1997 annual PM<sub>2.5</sub> NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for these areas to submit attainment demonstrations, associated reasonably available control measures, reasonable further progress plans, contingency measures, and other planning SIPs related to attainment of the standard for as long as these areas

continue to meet the 1997 annual PM<sub>2.5</sub> NAAQS.

- 3. Section 52.1892 is amended by redesignating the existing paragraph as paragraph (a) and by adding paragraph (b) to read as follows:

##### § 52.1892 Determination of attainment.

\* \* \* \* \*

(b) Based upon EPA’s review of the air quality data for the 3-year period 2007 to 2009, EPA determined that the Cleveland-Akron, Columbus, Dayton-Springfield, and Steubenville-Weirton fine particle (PM<sub>2.5</sub>) nonattainment areas attained the 1997 annual PM<sub>2.5</sub> National Ambient Air Quality Standard (NAAQS) by the applicable attainment date of April 5, 2010. Therefore, EPA has met the requirement pursuant to CAA section 179(c) to determine, based on the area’s air quality as of the attainment date, whether the area attained the standard. EPA also determined that the Cleveland-Akron, Columbus, Dayton-Springfield, and Steubenville-Weirton PM<sub>2.5</sub> nonattainment areas are not subject to the consequences of failing to attain pursuant to section 179(d).

#### Subpart XX—West Virginia

- 4. Section 52.2526 is amended by adding paragraph (d) to read as follows:

##### § 52.2526 Control strategy: Particulate matter.

\* \* \* \* \*

(d) *Determination of Attainment.* EPA has determined, as of September 14, 2011, that based on 2007 to 2009 ambient air quality data, the Steubenville-Weirton nonattainment area has attained the 1997 annual PM<sub>2.5</sub> NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 1997 annual PM<sub>2.5</sub> NAAQS.

- 5. Section 52.2527 is amended by redesignating the existing paragraph as paragraph (a) and by adding paragraph (b) to read as follows:

##### § 52.2527 Determination of attainment.

\* \* \* \* \*

(b) Based upon EPA’s review of the air quality data for the 3-year period 2007 to 2009, EPA determined that the Steubenville-Weirton fine particle (PM<sub>2.5</sub>) nonattainment area attained the 1997 annual PM<sub>2.5</sub> National Ambient

Air Quality Standard (NAAQS) by the applicable attainment date of April 5, 2010. Therefore, EPA has met the requirement pursuant to CAA section 179(c) to determine, based on the area's air quality as of the attainment date, whether the area attained the standard. EPA also determined that the Steubenville-Weirton PM<sub>2.5</sub> nonattainment area is not subject to the consequences of failing to attain pursuant to section 179(d).

[FR Doc. 2011-23367 Filed 9-13-11; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[EPA-HQ-OPP-2011-0684; FRL-8887-2]

#### Sulfur Dioxide; Pesticide Tolerances for Emergency Exemptions

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

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes a time-limited tolerance for residues of sulfur dioxide in or on fig. This action is associated with the utilization of a crisis exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of the pesticide on figs. This regulation establishes a maximum permissible level for residues of sulfur dioxide, including its metabolites and degradates (determined by measuring only sulfur dioxide (SO<sub>2</sub>)), in or on fig at 10 parts per million (ppm). This time-limited tolerance expires on December 31, 2014.

**DATES:** This regulation is effective September 14, 2011. Objections and requests for hearings must be received on or before November 14, 2011, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

**ADDRESSES:** EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2011-0684. All documents in the docket are listed in the docket index available in <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) 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 in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

#### FOR FURTHER INFORMATION CONTACT:

Libby Pemberton, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-9364; e-mail address: [pemberton.libby@epa.gov](mailto:pemberton.libby@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

###### B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at [http://ecfr.gpoaccess.gov/cgi/t/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab\\_02.tpl](http://ecfr.gpoaccess.gov/cgi/t/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl).

###### C. How can I file an objection or hearing request?

Under section 408(g) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, any person may file an

objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2011-0684 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before November 14, 2011. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit a copy of your non-CBI objection or hearing request, identified by docket ID number EPA-HQ-OPP-2011-0684, by one of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Mail:** Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.
- **Delivery:** OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

##### II. Background and Statutory Findings

EPA, on its own initiative, in accordance with sections 408(e) and 408(l)(6) of FFDCA, 21 U.S.C. 346a(e) and 346a(l)(6), is establishing a time-limited tolerance for residues of sulfur dioxide, including its metabolites and degradates (determined by measuring only sulfur dioxide (SO<sub>2</sub>)), at 10 ppm. This time-limited tolerance is effective until December 31, 2014.

Section 408(l)(6) of FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under