

(e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Adrienne Borgia, EPA Region IX, (415) 972-3576, [borgia.adrienne@epa.gov](mailto:borgia.adrienne@epa.gov).

**SUPPLEMENTARY INFORMATION:** This proposal addresses the following local rules: AVAQMD Rule 109, Recordkeeping for Volatile Organic Compound Emissions and MDAQMD Rule 1117, Graphic Arts and Paper, Film, Foil and Fabric Coatings. In the Rules and Regulations section of this **Federal Register**, we are approving these local rules in a direct final action without prior proposal because we believe these SIP revisions are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: January 13, 2012.

**Jared Blumenfeld,**

*Regional Administrator, Region IX.*

[FR Doc. 2012-4976 Filed 2-29-12; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R09-OAR-2012-0020; FRL-9634-4]

#### Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District and San Joaquin Valley Unified Air Pollution Control District

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve revisions to the Antelope Valley Air Quality Management District (AVAQMD) and San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) portions of the California State Implementation Plan (SIP). These revisions concern negative declarations for volatile organic compound (VOC) and oxides of sulfur source categories. We are proposing to approve these negative declarations under the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** Any comments on this proposal must arrive by April 2, 2012.

**ADDRESSES:** Submit comments, identified by docket number EPA-R09-OAR-2012-0020, by one of the following methods:

1. *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). Follow the on-line instructions.

2. *Email:* [steckel.andrew@epa.gov](mailto:steckel.andrew@epa.gov).

3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

*Instructions:* All comments will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov).

including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through [www.regulations.gov](http://www.regulations.gov) or email. [www.regulations.gov](http://www.regulations.gov) is an "anonymous access" system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. 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.

*Docket:* The index to the docket for this action is available electronically at [www.regulations.gov](http://www.regulations.gov) and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Cynthia Allen, EPA Region IX, (415) 947-4120, [allen.cynthia@epa.gov](mailto:allen.cynthia@epa.gov).

**SUPPLEMENTARY INFORMATION:** This proposal addresses the following negative declarations listed in Table I:

TABLE 1—SUBMITTED NEGATIVE DECLARATIONS

Local agency	Title	Adopted	Submitted
AVAQMD .....	Petroleum Coke Calcining Operations—Oxides of Sulfur .....	01/18/11	06/20/11
SJVUAPCD .....	Synthesized Pharmaceutical Products Manufacturing .....	04/16/09	06/18/09
SJVUAPCD .....	Coating Operations at Shipbuilding/Ship Repair Facilities .....	04/16/09	06/18/09
SJVUAPCD .....	Manufacture of Pneumatic Rubber Tires .....	12/16/10	06/20/11

In the Rules and Regulations section of this **Federal Register**, we are approving these negative declarations in a direct final action without prior proposal because we believe these negative declarations are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in

subsequent action based on this proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: February 9, 2012.

**Jared Blumenfeld,**

*Regional Administrator, Region IX.*

[FR Doc. 2012-4675 Filed 2-29-12; 8:45 am]

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## FEDERAL MARITIME COMMISSION

### 46 CFR Part 502

[Docket No. 11-05]

RIN 3072-AC43

#### Amendments to Commission's Rules of Practice and Procedure—Subparts E and L

**AGENCY:** Federal Maritime Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Federal Maritime Commission proposes to amend Subpart E (Proceedings; Pleadings; Motions; Replies) and Subpart L (Depositions, Written Interrogatories, and Discovery) of its Rules of Practice and Procedure to update and clarify the rules and to reduce the burden on parties to proceedings before the Commission.

**DATES:** Comments or suggestions due on or before April 30, 2012.

**ADDRESSES:** Address all comments concerning this proposed rule to: Karen V. Gregory, Secretary, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573-0001, Phone: (202) 523-5725, Email: [secretary@fmc.gov](mailto:secretary@fmc.gov).

#### SUPPLEMENTARY INFORMATION:

*Submit Comments:* Submit an original and five (5) copies in paper form, and if possible, send a PDF of the document by email to [secretary@fmc.gov](mailto:secretary@fmc.gov). Include in the subject line: Docket No. 11-05, and [Company/Individual Name].

#### Background

The Commission's Rules of Practice and Procedure, 46 CFR part 502, govern procedures before the Commission. 46 CFR 502.1-.991. The rules are in place to secure just, speedy, and inexpensive resolution of proceedings before the Commission. The Commission has determined to amend Part 502 of Title 46 of the Code of Federal Regulations to update and improve the Commission's Rules of Practice and Procedure and to reduce the burden on parties to proceedings before the Commission.

As a first step in updating and improving its procedural rules, the Commission already issued a Final Rule with respect to certain rules in Subparts A, H, I, S, and T of its Rules of Practice and Procedure. 76 FR 10258 (February 24, 2011). The Commission also issued

an Advance Notice of Proposed Rulemaking (ANPR) to seek comments on further amendments to improve its rules. 76 FR 19022 (April 6, 2011).

In continuance of its efforts to modernize its rules, the Commission proposes to amend Subpart E (Proceedings; Pleadings; Motions; Replies) and Subpart L (Disclosures and Discovery) of its Rules of Practice and Procedure.

#### Comments in Response to ANPR

In response to the ANPR, the Commission received comments from Nathan Barillo, student at Villanova University School of Law (Barillo), and the Law Firm of Rodriguez O'Donnell Gonzalez & Williams, P.C., Washington DC (ROGW). Barillo's comments focused on electronic delivery systems that the Commission should consider in connection with its filing and docket requirements. Based on experience with various systems, he advocates the use of a cloud computing system in which documents can be filed giving multiple users ability to access information from a remote location and server. Such a system would permit the Commission to receive documents electronically and allow Commission personnel and public users to access the documents at any time and from any location. He names several commercial systems as viable options for an online submission system, and also suggests that a government created system could alleviate security concerns. Barillo believes that cloud computing would streamline efficiency and reduce staff labor in dealing with paper, but nevertheless acknowledges that the Commission must also consider the needs of a small segment of the population that may not have access to a computer.

ROGW's attorneys frequently appear before the Commission in adjudications, rulemakings, and various other regulatory matters. ROGW commends the recent amendments to the Commission's rules addressing electronic filing in PDF format as well as paper. ROGW recommends adoption of a filing system similar to the Public Access to Court Electronic Records (PACER) system currently used in the federal courts. Through PACER, the federal judiciary allows and in most cases, requires, electronic filing of documents and public access to filings through a centralized system. ROGW believes that if funding permits, adoption of such a system would permit Commission personnel and private practitioners to obtain access to formal and informal proceedings and public docket information via the Internet.

With respect to the substance of certain rules, ROGW states that the applicability of the Federal Rules of Civil Procedure (FRCP) in Commission proceedings is not always clear and that the federal rules should be applied whenever possible. Specifically, ROGW suggests that adoption of FRCP 56 procedures for summary judgment would allow for more expeditious litigation. Similarly, ROGW recommends that the FRCP 41 procedures for voluntary and involuntary dismissals be included in the Commission's rules. ROGW explains that under the Commission's rules, after reaching a settlement in a case, the litigants cannot simply file a notice dismissing the complaint, but rather must file a motion for approval of the settlement. ROGW asserts that this requirement results in unnecessary expense of resources for the Commission and the parties and believes that the better approach is provided by the federal rule. Finally, ROGW supports adoption of the discovery rules in the FRCP, in particular the requirements for initial disclosures, identification of expert witnesses, procedures for claiming privilege and protection of trial preparation materials, limitations on depositions and interrogatories, and the 30-day response period for production of documents and interrogatories. Based on its experience, ROGW submits that mandatory disclosures would reduce the need to file motions to compel. However, ROGW believes that in considering adoption of these federal rules, due regard should be given to the differences in the nature of proceedings and practice in the federal courts and before the Commission.

#### Subpart E—Proceedings; Pleadings; Motions; Replies

The revisions to Subpart E are intended both to streamline the current rules for ease of use by the public and to provide parties to Commission proceedings with greater clarity as to the requirements pertaining to the conduct of proceedings, specifically motions, intervention and dismissals. Also as described below, this proposed amendment sets out a new procedure for the conduct of Commission initiated enforcement proceedings. Minor changes are also proposed to reorder sections and enhance clarity generally.

#### Rule 62—Private Party Complaints for Formal Adjudication

Rule 62, 46 CFR 502.62, governs the filing of private party complaints for formal adjudication and has been revised for clarification and modernized