

**ADDRESSES.** We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T09–0533 to read as follows:

#### § 165.T09–0533 Safety Zone; Grand Hotel 125th Anniversary Fireworks Celebration, Mackinaw Island, Michigan.

(a) *Location.* This safety zone will encompass all waters of Lake Huron approximately 1000 yards west of Round Island Passage Light, within the arc of a circle with a 500ft radius from the fireworks launch site located on a barge positioned at 45°50′34.92″ N, 085°37′38.16″ W [DATUM: NAD 83].

(b) *Effective and enforcement period.* This rule is effective and will be enforced from 10:00 p.m. until 11:30 p.m. on July 13, 2012.

(c) *Regulations.* (1) In accordance with the general regulations in section 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port, Sector Sault Sainte Marie, or his or her on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port, Sector Sault Sainte Marie, or his or her on-scene representative.

(3) The “on-scene representative” of the Captain of the Port, Sector Sault Sainte Marie, is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port, Sector Sault Sainte Marie, to act on his or her behalf. The on-scene representative of the Captain of the Port, Sector Sault Sainte Marie, will be aboard either a Coast Guard or Coast Guard Auxiliary vessel.

(4) Vessel operators desiring to enter the safety zone or operate within the safety zone shall contact the Captain of

the Port, Sector Sault Sainte Marie, or his or her on-scene representative to obtain permission to do so. The Captain of the Port, Sector Sault Sainte Marie, or his or her on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port, Sector Sault Sainte Marie, or his or her on-scene representative.

Dated: June 11, 2012.

**S.B. Lowe,**

*Captain, U.S. Coast Guard, Acting Captain of the Port Sault Sainte Marie.*

[FR Doc. 2012–15115 Filed 6–20–12; 8:45 am]

**BILLING CODE 9110–04–P**

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA–R05–OAR–2012–0214; FRL–9689–6]

#### Approval and Promulgation of Air Quality Implementation Plans; Indiana; Central Indiana (Indianapolis) Ozone Maintenance Plan Revision to Approved Motor Vehicle Emissions Budgets

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving Indiana’s request to revise its Central Indiana 1997 8-hour ozone maintenance air quality State Implementation Plan (SIP) by replacing the previously approved motor vehicle emissions budgets (budgets) with budgets developed using EPA’s Motor Vehicle Emissions Simulator (MOVES) emissions model. The Central Indiana 1997 8-hour ozone maintenance area consists of Marion, Boone, Hendricks, Morgan, Johnson, Shelby, Hancock, Madison, and Hamilton Counties in Indiana.

**DATES:** This final rule is effective on July 23, 2012.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2012–0214. All documents in the docket are listed on the [www.regulations.gov](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 [www.regulations.gov](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 Patricia Morris, Environmental Scientist at (312) 353–8656 before visiting the Region 5 office.

#### FOR FURTHER INFORMATION CONTACT:

Patricia Morris, Environmental Scientist, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8656, [morris.patricia@epa.gov](mailto:morris.patricia@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 is the background for this action?
- II. What public comments were received?
- III. What action is EPA taking?
- IV. Statutory and Executive Order Reviews

#### I. What is the background for this action?

On March 2, 2012, Indiana submitted for parallel processing replacement budgets based on MOVES2010a for the Central Indiana area. On April 5, 2012, EPA proposed approval in the **Federal Register** of the Indiana SIP submittal (77 FR 20577). The primary background for today’s action is contained in EPA’s April 5, 2012, proposal. The SIP revision replaces MOBILE6.2 based approved budgets in the 1997 8-hour ozone maintenance plan for Central Indiana with MOVES2010a based budgets.

Indiana submitted the final SIP revision request on April 16, 2012. The April 16, 2012, submittal letter with the state public comment documentation completed the requirements for the SIP submittal.

The MOVES model is EPA’s state-of-the-art tool for estimating highway emissions. The model is based on analyses of millions of emission test results and considerable advances in EPA understanding of vehicle emissions. MOVES incorporates the latest emissions data, more sophisticated calculation algorithms, increased user flexibility, new software design, and significant new capabilities relative to those reflected in MOBILE6.2.

States that revise their existing SIPs to include MOVES budgets must show that the SIP continues to meet applicable

requirements with the new level of motor vehicle emissions contained in the budgets. The transportation conformity rule (40 CFR 93.118(e)(4)(iv)) requires that “the motor vehicle emissions budgets(s), when considered together with all other emissions sources, is consistent with applicable requirements for reasonable further progress, attainment, or maintenance (whichever is relevant to the given implementation plan submission).”

EPA has determined, based on its evaluation, that the area’s maintenance plan continues to serve its intended purpose with the MOVES2010a-based budgets and that the budgets themselves meet the adequacy criteria in the conformity rule at 40 CFR 93.118(e)(4). The basis for this conclusion is contained in the proposed approval (77 FR 20577) and is also based on the final submittal and completion of the public comment period. The final submittal letter and public comment documentation completed the items needed for adequacy.

The Central Indiana area has three Metropolitan Planning Organizations (MPOs) in the maintenance area (Indianapolis, Anderson and a portion of the Columbus, Indiana MPO). These three MPOs are required by the conformity rule to conduct conformity determinations together because they are all part of the same maintenance area with one set of ozone budgets for that area (there are not separate budgets for each MPO). The budgets are being updated, not only to accommodate the use of MOVES2010a, but also because of the updated planning assumptions for mobile sources. The April 16, 2012, submittal letter with the public comment documentation completed the requirements for the SIP submittal.

Once EPA approves the submitted budgets, they must be used by local, state and Federal agencies in determining whether transportation activities conform to the SIP as required by section 176(c) of the Clean Air Act (CAA).

## II. What public comments were received?

The State public comment period was from March 1, 2012, until March 30, 2012. A public hearing was offered but was not requested. No public comments were received by Indiana during the comment period.

The **Federal Register** proposing approval was published on April 5, 2012, and the public comment period closed on May 7, 2012.

No comments were received during the public comment period.

## III. What action is EPA taking?

EPA is approving new MOVES2010a-based budgets for the Central Indiana 1997 ozone maintenance area because the submitted budgets will continue to keep emissions below the attainment level and maintain air quality. On the effective date of this rulemaking, the submitted MOVES2010a budgets will replace the existing, MOBILE6.2-based budgets in the state’s 1997 8-hour ozone maintenance plan and will be used in future transportation conformity analyses for the area. The previously approved MOBILE6.2 budgets will no longer be applicable for transportation conformity purposes.

### MOTOR VEHICLE EMISSION BUDGETS FOR 8-HOUR OZONE FOR CENTRAL INDIANA

Year	2006	2020
NO <sub>x</sub> tons/day .....	210.93	69.00
VOC tons/day .....	64.32	25.47

## IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA’s role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does 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 August 20, 2012. 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, Intergovernmental relations,

Nitrogen dioxides, Ozone, Volatile organic compounds.

Dated: June 11, 2012.

**Susan Hedman,**

*Regional Administrator, Region 5.*

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 P—Indiana**

■ 2. Section 52.777(jj) is amended by redesignating the existing paragraph as paragraph (jj)(1) and by adding new paragraph (jj)(2) to read as follows:

#### **§ 52.777 Control Strategy: photochemical oxidants (hydrocarbons).**

\* \* \* \* \*

(jj) \* \* \*

(2) Approval—On April 16, 2012, Indiana submitted a request to revise the approved MOBILE6.2 motor vehicle emission budgets (budgets) in the 1997 8-hour ozone maintenance plan for the Central Indiana area. The budgets are being revised with budgets developed with the MOVES2010a model. The 2006 budgets for Central Indiana are 64.32 tons per day volatile organic compounds (VOCs) and 210.93 tons per day nitrogen oxides (NO<sub>x</sub>) and 2020 budgets are 25.47 tons per day VOCs and 69.00 tons per day of NO<sub>x</sub>.

\* \* \* \* \*

[FR Doc. 2012-14949 Filed 6-20-12; 8:45 am]

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## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 622**

[Docket No. 120417412-2412-01]

**RIN 0648-XCO76**

#### **Reef Fish Fishery of the Gulf of Mexico; 2012 Commercial Accountability Measure and Closure for Gulf of Mexico Gray Triggerfish**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS implements accountability measures (AMs) for the commercial sector of gray triggerfish in the Gulf of Mexico (Gulf) for the 2012 fishing year through this final temporary

rule. Based on the projected commercial landings estimates, NMFS determined that the commercial annual catch target (ACT) for Gulf gray triggerfish will be met by July 1, 2012. Therefore, NMFS closes the commercial sector for gray triggerfish on July 1, 2012, through the remainder of the fishing year in the Gulf exclusive economic zone (EEZ). This action is necessary to reduce overfishing of the Gulf gray triggerfish resource.

**DATES:** This rule is effective 12:01 a.m., local time on July 1, 2012, until 12:01 a.m., local time on January 1, 2013.

**ADDRESSES:** Electronic copies of documents supporting the final temporary rule implementing gray triggerfish management measures (77 FR 28308, May 14, 2012), which include a draft environmental impact statement and a regulatory flexibility analysis, may be obtained from the Southeast Regional Office Web site at <http://sero.nmfs.noaa.gov>.

#### **FOR FURTHER INFORMATION CONTACT:**

Peter Hood, telephone: 727-824-5305 or email: [Peter.Hood@noaa.gov](mailto:Peter.Hood@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The reef fish fishery of the Gulf is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council (Council) and is implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

#### **Background**

The Magnuson-Stevens Act requires NMFS and regional fishery management councils to prevent overfishing and achieve, on a continuing basis, the optimum yield from federally managed fish stocks. These mandates are intended to ensure that fishery resources are managed for the greatest overall benefit to the nation, particularly with respect to providing food production and recreational opportunities, and protecting marine ecosystems. To further this goal, the Magnuson-Stevens Act requires fishery managers to end overfishing of stocks and to minimize bycatch and bycatch mortality to the extent practicable. To accomplish this, the Magnuson-Stevens Act implemented new requirements that annual catch limits (ACLs) and AMs be established to end overfishing and prevent overfishing from occurring. AMs are management controls to prevent ACLs from being exceeded, and to correct or mitigate overages of the ACL if they occur. One of the AMs established for gray triggerfish is an

ACT (quota) that is less than the ACL. The ACT is intended to address management associated with monitoring landings of the reduced quota. The ACT is intended to better ensure the ACL is not exceeded.

In 2011, a Southeast Data, Assessment, and Review (SEDAR) update stock assessment for gray triggerfish determined that the gray triggerfish stock was still overfished and was additionally undergoing overfishing. At the request of the Council, on May 14, 2012, NMFS published a final temporary rule to reduce overfishing of gray triggerfish on an interim basis (77 FR 28308) while the Council developed more permanent measures to end overfishing and rebuild the gray triggerfish stock in Amendment 37 to the FMP. The final temporary rule set the commercial ACT (commercial quota) at 60,900 lb (27,624 kg), round weight.

The regulations at 50 CFR 622.49(a)(17)(i), contain both in-season and post-season AMs. The in-season AM closes the commercial sector after the commercial ACT (commercial quota) is reached or projected to be reached. Based on the most recent information available through the quota monitoring system of the Southeast Fisheries Science Center, the 2012 commercial ACT for Gulf gray triggerfish will be met by July 1, 2012. Therefore, NMFS implements the in-season AM and closes the commercial sector for Gulf gray triggerfish at 12:01 a.m., local time, July 1, 2012. The commercial sector will remain closed through December 31, 2012. This closure is intended to reduce overfishing of Gulf gray triggerfish and increase the likelihood that the 2012 ACL will not be exceeded.

On June 4, 2012, NMFS published a notice in the **Federal Register** to close the recreational sector for Gulf gray triggerfish on June 11, 2012, and it will remain closed through December 31, 2012 (77 FR 32913). Therefore, beginning 12:01 a.m., local time on July 1, 2012, until 12:01 a.m., local time on January 1, 2013, all harvest, possession, sale, or purchase of gray triggerfish in or from the Gulf EEZ is prohibited. The prohibition on sale or purchase does not apply to sale or purchase of gray triggerfish that were harvested, landed ashore, and sold prior to 12:01 a.m., local time, July 1, 2012, and were held in cold storage by a dealer or processor.

The commercial sector for gray triggerfish will reopen on January 1, 2013, the beginning of the 2013 commercial fishing season. The 2013 commercial quota for gray triggerfish will be the quota specified at 50 CFR 622.42(a)(1)(vii) unless a reduced quota