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DEPARTMENT OF HOMELAND SECURITY

8 CFR Parts 1 and 292

[DHS Docket No. USCIS–2009–0077]

RIN 1601–AA58

Professional Conduct for Practitioners: Rules, Procedures, Representation, and Appearances; Reopening the Public Comment Period

AGENCY: Office of the Secretary, DHS.

ACTION: Interim rule; reopening and extending the public comment period.

SUMMARY: The Department of Homeland Security (DHS) announces the reopening and extension of the public comment period for the interim rule entitled "Professional Conduct for Practitioners: Rules, Procedures, Representations, and Appearances." The interim rule was published on February 2, 2010, comments were accepted until March 4, 2010, and the rule was effective on March 4, 2010.

To provide the public with optimum opportunity to comment on the interim rule, DHS will reopen the comment period for an additional 30 days. DHS will consider comments received during the entire public comment period in its development of the final rule.

DATES: Written comments must be submitted on or before March 2, 2011.

ADDRESSES: You may submit comments, identified by DHS Docket No. USCIS–2009–0077, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *E-mail:* You may submit comments directly to USCIS by e-mail at *rfs.regs@dhs.gov.* Include DHS Docket No. USCIS–2009–0077 in the subject line of the message.
- *Mail:* Sunday Aigbe, Chief, Regulatory Products Division, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue, NW., Washington, DC 20529–2020. To ensure proper handling, please reference DHS Docket No. USCIS–2009–0077 on your correspondence. This mailing address may also be used for paper, disk, or CD–ROM submissions.
- *Hand Delivery/Courier:* Sunday Aigbe, Chief, Regulatory Products Division, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue, NW., Washington, DC 20529–2020. Contact Telephone Number (202) 272–8377.

FOR FURTHER INFORMATION CONTACT: Rachel A. McCarthy, Disciplinary Counsel, Office of the Chief Counsel, U.S. Citizenship and Immigration Services, Department of Homeland Security, 70 Kimball Avenue, Room 103, S. Burlington, VT 05403, telephone (802) 660–5043 (not a toll-free call), or e-mail *Rachel.McCarthy@dhs.gov.*

SUPPLEMENTARY INFORMATION:

Public Participation

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments on all aspects of this rule. DHS also invites comments that relate to the economic or federalism effects that might result from this rule. Comments that will provide the most assistance to DHS will reference a specific portion of the rule, explain the reason for any recommended change, and include data, information, or authority that support such recommended change.

Instructions: All submissions received must include the agency name and DHS Docket No. USCIS–2009–0077. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket or to read background documents or comments received go to *http://www.regulations.gov.* Submitted comments may also be inspected at the Regulatory Products Division, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue, NW., Washington, DC 20529–2020.

Background

On February 2, 2010, the Department of Homeland Security (DHS) published an interim rule with request for comments in the **Federal Register** at 75 FR 5225. The interim rule amended DHS regulations to:

- Conform the grounds of discipline and procedures regulations with those promulgated by the Department of Justice;
- Clarify who is authorized to represent applicants and petitioners in cases before DHS;
- Remove duplicative rules, procedures, and authority;
- Improve the clarity and uniformity of existing regulations; and to
- Make technical and procedural changes; and conform terminology.

DHS has received several requests to reopen and extend the public comment period on this interim rule. The interim rule was effective on March 4, 2010, and the changes made in the rule are and will remain in force and effect notwithstanding this notice.

Nevertheless, DHS has decided to provide an additional opportunity for the public to comment and will reopen the public comment period for an additional 30 days. DHS also is extending the original comment period until March 2, 2011 and will consider comments received throughout the entire public comment period in development of its final rule. Please visit *http://www.regulations.gov* to view the rule, comments received, and all supporting documents.

Janet Napolitano,
Secretary.

[FR Doc. 2011–2040 Filed 1–28–11; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2010–0995]

RIN 1625–AA00

Safety Zone; Beaufort River/Atlantic Intracoastal Waterway, Beaufort, SC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the Beaufort River portion of the Atlantic Intracoastal Waterway, South Carolina during construction and expansion of the J.E. McTeer Bridge, also referred to as the S.C. 802 Bridge. This regulation is necessary to protect life and property on the navigable waters of the Beaufort River during construction and expansion of the J.E. McTeer Bridge. Persons and vessels will be prohibited from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port Charleston or a designated representative.

DATES: This rule is effective from 9 a.m. on January 31, 2011 through 5 p.m. on February 4, 2011. This rule will be enforced daily from 9 a.m. until 12 p.m. and from 2 p.m. until 5 p.m. on January 31, 2011 through February 4, 2011.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2010–0995 and are available online by going to *http://www.regulations.gov,* inserting USCG–2010–0995 in the "Keyword" box, and then clicking "Search." This material is also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or e-mail Lieutenant Julie Blanchfield, Sector Charleston Office of Waterways Management, Coast Guard; telephone 843–740–3184, e-mail *Julie.E.Blanchfield@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On Friday, November 12, 2010, we published a notice of proposed rulemaking (NPRM) entitled Safety Zone; Beaufort River/Atlantic Intracoastal Waterway, Beaufort, South Carolina in the **Federal Register** (75 FR 69371). We received two comments on the proposed rule. No public meeting was requested, and none was held.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The Coast Guard did not receive information regarding the need for a change in the effective date of the rule with sufficient time to publish the rule at least 30 days prior to the effective date.

Background and Purpose

The construction and expansion of the J.E. McTeer Bridge will create safety hazards within the main channel of the Beaufort River in the vicinity of the J.E. McTeer Bridge due to the presence of construction equipment and the nature of the construction project. Because of the safety hazards associated with the construction of the bridge and related activities, the Coast Guard is establishing a temporary safety zone to protect life and property on the waters of the Atlantic Intracoastal Waterway/Beaufort River in the vicinity of the J.E. McTeer Bridge. The safety zone will be enforced daily from 9 a.m. until 12 p.m. and from 2 p.m. until 5 p.m. on January 31, 2011 through February 4, 2011.

Discussion of Comments and Changes

We received two comments regarding the proposed rule. The first comment was regarding the reference to the Lady's Island Marina in the Small Entities section of the NPRM. The reference in the NPRM was incorrect. The marina located adjacent to the J.E. McTeer Bridge is the Port Royal Landing Marina, not the Lady's Island Marina. The Coast Guard has corrected the reference in the Small Entities section of this rule. The second comment was regarding the possible adverse effect the safety zone would have on vessel traffic on the Intracoastal Waterway and, therefore, the number of vessels visiting the Port Royal Landing Marina. The safety zone will encompass only the main navigational channel and the side of the Beaufort River where the construction equipment is staged. The construction equipment is staged on the opposite side of the Beaufort River from the Port Royal Landing Marina. During the enforcement period, vessels may still transit the waterway under a different span of the J.E. McTeer Bridge. Additionally, the safety zone will only be enforced six hours each day. Therefore, vessels may still use the main navigational channel of the Beaufort River before, during, and after the enforcement periods.

The effective date of the rule has been changed from the NPRM. The NPRM stated that the effective date was anticipated to be from January 24, 2011 through January 28, 2011. The effective date of the rule is now 9 a.m. on January 31, 2011 through 5 p.m. on February 4, 2011.

Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

We expect the economic impact of this rule to be so minimal that a full regulatory evaluation is unnecessary. This rule may have some impact on the public, but these potential impacts will be minimal for the following reasons: (1) Persons and vessels will be prohibited from entering, transiting through, anchoring in, or remaining within the safety zone for a total of six hours each day for five consecutive days; (2) although persons and vessels will not be able to enter, transit through, anchor in, or remain within the safety zone without authorization from the Captain of the Port Charleston or a designated representative, they may operate in the surrounding area during the effective period; (3) vessels may still enter, transit through, anchor in, or remain within the safety zone if authorized by the Captain of the Port Charleston or a designated representative; and (4) advance notification will be made to the local maritime community via broadcast notice to mariners and marine safety information bulletins.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule may affect the following entities, some of which may be small entities: (1) The owners or operators of vessels intending to enter, transit through, anchor in, or remain within

that portion of the Beaufort River encompassed within the safety zone; and (2) the owner and operator of the Port Royal Landing Marina, which is located adjacent to the J.E. McTeer Bridge.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: (1) Persons and vessels will be prohibited from entering, transiting through, anchoring in, or remaining within the safety zone for a total of six hours each day for five consecutive days; (2) although persons and vessels will not be able to enter, transit through, anchor in, or remain within the safety zone without authorization from the Captain of the Port Charleston or a designated representative, they may operate in the surrounding area during the effective period; (3) vessels may still enter, transit through, anchor in, or remain within the safety zone if authorized by the Captain of the Port Charleston or a designated representative; (4) vessels may access the Port Royal Landing Marina during the safety zone enforcement period by transiting around the safety zone under another span of the J.E. McTeer Bridge; and (5) advance notification will be made to the local maritime community via broadcast notice to mariners and marine safety information bulletins.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), in the NPRM we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction. This rule involves establishing a temporary safety zone to protect life and property on the navigable waters on the Beaufort River during construction and expansion of the J.E. McTeer Bridge. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

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. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add a temporary § 33 CFR 165.T07–0995 to read as follows:

§ 165.T07–0995 Safety Zone; Beaufort River/Atlantic Intracoastal Waterway, Beaufort, SC.

(a) *Regulated Area.* The following regulated area is a safety zone: all waters of the Beaufort River in Beaufort, South Carolina encompassed within an imaginary line connecting the following points: starting at Point 1 in position 32°23′44.92″ N, 80°40′31.43″ W; thence south to Point 2 in position 32°23′30.92″ N, 80°40′30.75″ W; thence east to Point 3 in position 32°23′30.15″ N, 80°40′12.93″ W; thence north to Point 4 in position 32°23′44.22″ N, 80°40′18.68″ W; thence west to origin. All coordinates are North American Datum 1983.

(b) *Definition.* The term "designated representative" means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and federal, state, and local officers designated by or assisting the Captain of the Port Charleston in the enforcement of the regulated area.

(c) *Regulations.*

(1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port Charleston or a designated representative.

(2) Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the Captain of the Port Charleston by telephone at 843–740–7050, or a designated representative via VHF radio on channel 16 to seek authorization. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such permission must comply with the instructions of the Captain of the Port Charleston or a designated representative.

(3) The Coast Guard will provide notice of the regulated area through advanced notice via broadcast notice to mariners, marine safety information bulletins, and by on-scene designated representatives.

(d) *Effective Date and Enforcement Periods.* The rule is effective from 9 a.m. on January 31, 2011 through 5 p.m. on February 4, 2011. The rule will be enforced daily from 9 a.m. until 12 p.m. and from 2 p.m. until 5 p.m. on January 31, 2011 through February 4, 2011.

Dated: January 21, 2011.

Michael F. White, Jr.,

Captain, U.S. Coast Guard, Captain of the Port Charleston.

[FR Doc. 2011–1980 Filed 1–28–11; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2009–0731; FRL–9250–6]

Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Particulate Matter Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving Wisconsin's revision to its State Implementation Plan (SIP), which updates its ambient air quality standards for fine particulates to conform with current Federal ambient air quality standards for the same criteria air pollutants. EPA received comments on its April 8, 2010, proposed rule and withdrew the accompanying Direct Final Rule. After considering the comments, EPA is approving the revisions to the Wisconsin SIP as requested by the State on September 11, 2009.

DATES: This final rule is effective on March 2, 2011.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2009–0731. 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 Matt Rau, Environmental Engineer, at (312) 886–6524 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Matt Rau, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6524, *rau.matthew@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 is EPA's analysis of the revision?
III. What are the environmental effects of this action?
IV. What comments were received and what is the EPA response?
V. What action is EPA taking?
VI. Statutory and Executive Order Reviews

I. What is the background for this action?

On September 11, 2009, Wisconsin requested a revision to its SIP to update the particulate matter ambient air quality standards to conform with the 2006 revisions to the Federal standards.

EPA originally established National Ambient Air Quality Standards (NAAQS) for particulate matter in 1971. Particulate matter was measured in total suspended particulate (TSP). TSP is particulate up to 100 micrometers in diameter. Then in 1987, EPA changed the indicator to coarse particulate matter (PM_{10}), which is particulate up to 10 micrometers in diameter. The PM_{10} standards replaced the TSP standards. Particulate matter larger than 10 micrometers generally is not inhaled into the lungs and thus PM_{10} was found to adequately protect human health.

EPA added fine particulate matter ($PM_{2.5}$) as an indicator of particulate matter in 1997, but also retained its PM_{10} NAAQS. The finer particulate matter measured as $PM_{2.5}$ can remain suspended in the air longer and can penetrate deeply into the lungs more easily than PM_{10}, so a lower $PM_{2.5}$ concentration is needed to protect human health. Then in 2006, EPA revised its particulate matter ambient air quality standards again. EPA strengthened the 24-hour $PM_{2.5}$ standard to its current level of 35 micrograms per