

TABLE TO § 165.171—Continued

	<ul style="list-style-type: none"> <li>Location: From the Waterfront Public Pier in Eastport, Maine at approximate position: 44°54'17" N, 066°58'58" W (NAD 83).</li> </ul>
9.3 The Lobsterman Triathlon .....	<ul style="list-style-type: none"> <li>Event Type: Swim Event.</li> <li>Sponsor: Tri-Maine Productions.</li> <li>Date: A one day swim event on Saturday during the second week-end of September. The specific calendar date upon which the listed event falls for each calendar year will be specified in the USCG District 1 Local Notice to Mariners.</li> <li>Time: 8:00 am to 11:00 am.</li> <li>Location: The regulated area includes all waters in the vicinity of Winslow Park in South Freeport, Maine within the following points (NAD 83): 43°47'59" N, 070°06'56" W. 43°47'44" N, 070°06'56" W. 43°47'44" N, 070°07'27" W. 43°47'57" N, 070°07'27" W.</li> </ul>
9.4 Burlington Triathlon .....	<ul style="list-style-type: none"> <li>Event Type: Swim Event.</li> <li>Sponsor: Race Vermont.</li> <li>Date: A one day swim event on Sunday during the second weekend of September. The specific calendar date upon which the listed event falls for each calendar year will be specified in the USCG District 1 Local Notice to Mariners.</li> <li>Time: 7:00 am to 10:00 am.</li> <li>Location: The regulated area includes all waters in the vicinity of North Beach, Burlington, Vermont within the following points (NAD 83): 44°29'31" N, 073°14'22" W. 44°29'12" N, 073°14'14" W. 44°29'17" N, 073°14'34" W.</li> </ul>
9.5 Eliot Festival Day Fireworks .....	<ul style="list-style-type: none"> <li>Event Type: Fireworks Display.</li> <li>Sponsor: Eliot Festival Day Committee.</li> <li>Date: A one day event on Saturday during the fourth weekend of September. The specific calendar date upon which the listed event falls for each calendar year will be specified in the USCG District 1 Local Notice to Mariners.</li> <li>Time: 8:00 pm to 10:30 pm.</li> <li>Location: In the vicinity of Eliot Town Boat Launch, Eliot, Maine in approximate position: 43°08'56" N, 070°49'52" W (NAD 83).</li> </ul>

Dated: December 8, 2011.

C. L. Roberge,

*Captain, U.S. Coast Guard, Captain of the Port Sector Northern New England.*

[FR Doc. 2011-33032 Filed 12-23-11; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 62

[EPA-R04-OAR-2011-0006(b); FRL-9611-9]

### Approval and Promulgation of State Plans for Designated Facilities and Pollutants; State of Florida; Control of Hospital/Medical/Infectious Waste Incinerator (HMIWI) Emissions From Existing Facilities

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve the Clean Air Act (CAA) section 111(d)/129 State Plan (the Plan) submitted by the Florida Department of Environmental Protection (FDEP) for the State of Florida on December 21, 2010, for implementing and enforcing the Emissions Guidelines (EGs) applicable to existing Hospital/Medical/Infectious Waste Incinerators (HMIWIs). These EGs apply to devices that combust any amount of hospital waste and/or medical/infectious waste. In the Final Rules section of this **Federal Register**, EPA is approving the State's 111(d)/129 plan revision submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments.

**DATES:** Comments must be received in writing by January 26, 2012.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-

R04-OAR-2011-0006 by one of the following methods:

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

2. *Email:* [garver.daniel@epa.gov](mailto:garver.daniel@epa.gov).

3. *Fax:* (404) 562-9095.

4. *Mail:* EPA-R04-OAR-2011-0006, Daniel Garver, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303.

5. *Hand Delivery or Courier:* Mr. Daniel Garver, Air Toxics Assessment and Implementation Section, Air Toxics and Monitoring Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding federal holidays.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

**FOR FURTHER INFORMATION CONTACT:**

Daniel Garver, Air Toxics and Monitoring Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. The telephone number is (404) 562-9839. Mr. Garver can also be reached via electronic mail at [garver.daniel@epa.gov](mailto:garver.daniel@epa.gov).

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule which is published in the Rules Section of this **Federal Register**. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

Dated: November 21, 2011.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

[FR Doc. 2011-33149 Filed 12-23-11; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL MARITIME COMMISSION

### 46 CFR Part 532

[Docket No. 11-22]

#### Non-Vessel-Operating Common Carriers Negotiated Rate Arrangements; Tariff Filing Exemption

**AGENCY:** Federal Maritime Commission.

**ACTION:** Notice of Inquiry.

**SUMMARY:** The Federal Maritime Commission is issuing this Notice of Inquiry seeking comments on ways to make the tariff filing exemption provided to licensed non-vessel-operating common carriers in its regulations more useful, including its possible extension to foreign-based non-vessel-operating common carriers not licensed by the Federal Maritime Commission.

**DATES:** Comments are due on or before March 26, 2012.

**ADDRESSES:** Submit comments to: Karen V. Gregory, Secretary, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573-0001, or email non-confidential comments to: [Secretary@fmc.gov](mailto:Secretary@fmc.gov) (email comments as attachments preferably in Microsoft Word or PDF).

**FOR FURTHER INFORMATION CONTACT:**

Karen V. Gregory, Secretary, Federal Maritime Commission, 800 N. Capitol Street NW., Washington, DC 20573-0001. (202) 523-5725, Fax (202) 523-0014, *Email: Secretary@fmc.gov*, Rebecca A. Fenneman, General Counsel; Federal Maritime Commission, 800 N. Capitol Street, NW., Washington, DC 20573-0001, (202) 523-5740, Fax (202) 523-5738, *Email: GeneralCounsel@fmc.gov*.

**SUPPLEMENTARY INFORMATION:**

#### Background

On July 31, 2008, the National Customs Brokers and Forwarders Association of America, Inc. (NCBFAA) filed a petition (Petition) with the Federal Maritime Commission (FMC or Commission), seeking an exemption from provisions of the Shipping Act of 1984 (the Act) requiring non-vessel-operating common carriers (NVOCCs) “to publish and/or adhere to rate tariffs for ocean transportation in those instances where they have individually negotiated rates with their shipping customers and memorialized those rates in writing.” NCBFAA Petition at 10. Notice of the Petition was published on August 11, 2008, with comments due by September 26, 2008. Petition No. P1-08, *Petition of the National Customs Brokers and Freight Forwarders Association of America, Inc. for Exemption from Mandatory Rate Tariff Publication*, 73 FR 46625-02 (August 11, 2008). The Commission considered the petition and comments at a meeting on February 18, 2010, and, by a 3-1 vote, determined to initiate a rulemaking to relieve licensed NVOCCs from the costs and burdens of rate tariff publication. On May 7, 2010, the Commission issued a notice of proposed rulemaking (NPR), pursuant to its authority under sections 16 and 17 of the Act, 46 U.S.C. 40103 and 46 U.S.C. 305, seeking comments on a proposal to exempt licensed NVOCCs from the rate publication requirements of the Shipping Act, subject to certain conditions. Docket No. 10-03, 75 FR 25151 (May 7, 2010). Additionally, the Commission requested interested parties to submit comments on whether the exemption should be extended to foreign-based NVOCCs who are unlicensed but bonded pursuant to 46

CFR 515.21(a)(3). On March 2, 2011, after consideration of the comments received in response to the NPR, the Commission issued a final rule, effective April 18, 2011, promulgating 46 CFR Part 532, which exempted licensed NVOCCs from their tariff rate publication obligations when entering into a “negotiated rate arrangement” (NRA).<sup>1</sup>

The final rule did not extend the exemption to foreign-based unlicensed NVOCCs due to concerns by Commission Staff that to do so could harm the agency’s mission to protect the shipping public. See 76 FR 11355-11357. The final rule noted that:

At this time, Commissioners hold differing views on the concerns the Staff has raised, and on the relevance and weight those concerns should be given in the Commission’s decision whether or not to extend the exemption to foreign unlicensed NVOCCs. Accordingly, the Commission will move forward with the current rule as proposed for licensed NVOCCs, but as noted above, will commence proceedings to obtain and consider additional public comment on potential modifications to the final rule, including possible extension of the exemption to include foreign unlicensed NVOCCs. The record in this proceeding will be incorporated into the new Commission proceeding. 76 FR 11357.

NVOCCs have now been able to use NRAs for more than six months. In accordance with the statements in the final rule, the Commission now invites comment and information from all members of the interested public (whether they be located in the United States or elsewhere), including ocean common carriers, ocean transportation intermediaries, exporters, and beneficial cargo owners, on ways to make the exemption more useful, including possible extension of the exemption to include foreign unlicensed NVOCCs. Comments that are specific and provide supporting data are most helpful. The

<sup>1</sup> An NRA is defined as “a written and binding arrangement between a shipper and an eligible NVOCC to provide specific transportation service for a stated cargo quantity, from origin to destination, on and after the receipt of the cargo by the carrier or its agent (or the originating carrier in the case of through transportation).” 46 CFR 532.3(a). An NVOCC’s use of NRAs is subject to several conditions, including (1) NVOCCs who use NRAs are required to continue publishing standard rules tariffs containing contractual terms and conditions governing shipments, including any accessorial charges and surcharges, and are required to make their rules tariffs available to shippers free of charge; (2) NRA rates charged by NVOCCs must be mutually agreed and memorialized in writing by the date cargo is received for shipment; and (3) NVOCCs who use NRAs must retain documentation confirming the agreed rate and terms for each shipment for a period of five years, and must make such documentation promptly upon request available to the Commission pursuant to the Commission’s regulations at 46 CFR 515.31(g).