

Protection of Children from Environmental Health Risks and Safety Risks. This proposed rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

#### 11. Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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.

#### 12. Energy Effects

We have analyzed this proposed 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.

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

#### 14. Environment

We have analyzed this proposed rule under Commandant Instruction M16475.ID and Department of Homeland Security Management

Directive 023-01, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves amendments to navigation regulations and thus, is categorically excluded under paragraph 34(i) of the Commandant Instruction. A preliminary Categorical Exclusion Determination (CED) and a preliminary environmental analysis checklist are available in the docket where indicated under **ADDRESSES**.

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

#### List of Subjects 33 CFR Part 162

Navigation (water), Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 162 as follows:

#### PART 162—INLAND WATERWAYS NAVIGATION REGULATIONS

- 1. The authority citation for part 162 continues to read as follows:

**Authority:** 33 U.S.C. 1231; Department of Homeland Security Delegation No. 0170.1.

##### § 162.117 [Amended]

- 2. In § 162.117, revise paragraph (g)(1) to read as follows:

##### § 162.117 St. Marys River, Sault Ste. Marie, Michigan.

\* \* \* \* \*

(g) *Speed Rules.* (1) The following speed limits indicate speed over the ground. Vessels, other than those under 20 meters (65 feet) in length, must adhere to the following speed limits.

\* \* \* \* \*

Dated: April 5, 2013.

**M.N. Parks,**

*Rear Admiral, U.S. Coast Guard, Commander,  
Ninth Coast Guard District.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R08-OAR-2010-0406; FRL-9807-4]

### Approval and Promulgation of Implementation Plans; North Dakota; Regional Haze State Implementation Plan; Federal Implementation Plan for Interstate Transport of Pollution Affecting Visibility and Regional Haze; Reconsideration; Announcement of Public Hearings

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

**ACTION:** Notice of public hearings; extension of comment period.

**SUMMARY:** On March 15, 2013, EPA initiated reconsideration of its approval of North Dakota's best available retrofit technology (BART) emission limits for nitrogen oxides (NO<sub>x</sub>) for Milton R. Young Station Units 1 and 2 and Leland Olds Station Unit 2, which are coal-fired power plants in North Dakota. EPA is holding public hearings on May 15, 2013 to accept written and oral comments on this proposed action. The comment period for this action was scheduled to close on May 14, 2013. EPA is extending the comment period to June 17, 2013 to allow for a full 30-day public comment period for the submission of additional public comment following the public hearings. **DATES:** The comment period for the proposed rule published March 15, 2013 at 78 FR 16452, is extended. Comments must be received on or before June 17, 2013. The public hearings will be held on May 15, 2013.

**ADDRESSES:** The public hearings will be held at the North Dakota Department of Health, Environmental Training Center, 2639 East Main Avenue, Bismarck, ND 58506.

**FOR FURTHER INFORMATION CONTACT:** Gail Fallon, EPA Region 8, Mailcode 8P-AR, 1595 Wynkoop Street, Denver, CO 80202-1129, (303) 312-6281, [Fallon.Gail@epa.gov](mailto:Fallon.Gail@epa.gov).

**SUPPLEMENTARY INFORMATION:** On March 15, 2013, we published a proposed rule initiating reconsideration of EPA's approval of North Dakota's BART emission limits for NO<sub>x</sub> for Milton R. Young Station Units 1 and 2 and Leland Olds Station Unit 2, which are coal-fired power plants in North Dakota. See 78 FR 16452. Public hearings will be held on Wednesday, May 15, 2013, from 3 p.m. until 5 p.m., and again from 6 p.m. until 8 p.m.

The public hearings will provide interested parties the opportunity to

present information and opinions to EPA concerning our proposal. Interested parties may also submit written comments, as discussed in the proposal. Written statements and supporting information submitted during the comment period will be considered with the same weight as any oral comments and supporting information presented at the public hearings. We will not respond to comments during the public hearings. When we publish our final action, we will provide written responses to all oral and written comments received on our proposal.

At the public hearings, the hearing officer may limit the time available for each commenter to address the proposal to five minutes or less if the hearing officer determines it to be appropriate. The limitation is to ensure that everyone who wants to make comments has the opportunity to do so. We will not be providing equipment for commenters to show overhead slides or make computerized slide presentations. Any person may provide written or oral comments and data pertaining to our proposal at the public hearings. Verbatim transcripts, in English, of the hearings and written statements will be included in the rulemaking docket.

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

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: April 12, 2013.

Howard M. Cantor,

Acting Regional Administrator, Region 8.

[FR Doc. 2013-09949 Filed 4-25-13; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 223 and 224

[Docket No. 130213133-3133-01]

RIN 0648-XC508

#### Endangered and Threatened Wildlife; 90-Day Finding on Petitions To List the Great Hammerhead Shark as Threatened or Endangered Under the Endangered Species Act

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

**ACTION:** 90-day petition finding, request for information, and initiation of status review.

**SUMMARY:** We, NMFS, announce a 90-day finding on two petitions to list the great hammerhead shark (*Sphyrna mokarran*) range-wide or, in the alternative, the Northwest Atlantic distinct population segment (DPS) or any other identified DPSs as threatened or endangered under the Endangered Species Act (ESA), and to designate critical habitat. We find that the petitions and information in our files present substantial scientific or commercial information indicating that the petitioned action may be warranted. We will conduct a status review of the species to determine if the petitioned action is warranted. To ensure that the status review is comprehensive, we are soliciting scientific and commercial information pertaining to this species from any interested party.

**DATES:** Information and comments on the subject action must be received by June 25, 2013.

**ADDRESSES:** You may submit comments, information, or data on this document, identified by the code NOAA-NMFS-2013-0046, by any of the following methods:

- **Electronic Submissions:** Submit all electronic comments via the Federal eRulemaking Portal. Go to [www.regulations.gov/#/docketDetail;D=NOAA-NMFS-2013-0046](http://www.regulations.gov/#/docketDetail;D=NOAA-NMFS-2013-0046), click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.
- **Mail:** Submit written comments to Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.
- **Fax:** 301-713-4060, Attn: Maggie Miller.

**Instructions:** Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

**FOR FURTHER INFORMATION CONTACT:** Maggie Miller, NMFS, Office of Protected Resources, (301) 427-8403.

#### SUPPLEMENTARY INFORMATION:

##### Background

On December 21, 2012, we received a petition from WildEarth Guardians (WEG) to list the great hammerhead shark (*Sphyrna mokarran*) as threatened or endangered under the ESA throughout its entire range, or, as an alternative, to list any identified DPSs as threatened or endangered. The petitioners also requested that critical habitat be designated for the great hammerhead under the ESA. On March 19, 2013, we received a petition from Natural Resources Defense Council (NRDC) to list the northwest Atlantic DPS of great hammerhead shark as threatened, or, as an alternative, to list the great hammerhead shark range-wide as threatened, and to designate critical habitat. The joint U.S. Fish and Wildlife Service (USFWS)/NMFS *Endangered Species Act Petition Management Guidance* (1996) states that if we receive two petitions for the same species, the requests only differ in the requested status of the species, and a 90-day finding has not yet been made on the earlier petition, then the later petition will be combined with the earlier petition and a combined 90-day finding will be prepared. Since the initial petition requested listing of the species as threatened or endangered and the second petition only requested a threatened listing, and a finding has not been made on the initial petition, we have combined the WEG and NRDC petitions and this 90-day finding will address both. Copies of the petitions are available upon request (see **ADDRESSES**, above).

##### ESA Statutory, Regulatory, and Policy Provisions and Evaluation Framework

Section 4(b)(3)(A) of the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires, to the maximum extent practicable, that within 90 days of receipt of a petition to list a species as threatened or endangered, the Secretary of Commerce make a finding on whether that petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted, and to promptly publish such finding in the **Federal Register** (16 U.S.C. 1533(b)(3)(A)). When it is found that substantial scientific or commercial information in a petition indicates that the petitioned action may be warranted (a "positive 90-day finding"), we are required to promptly commence a review of the status of the species concerned during which we will