

Regulatory Flexibility Act Certification”) of this notice, the Agency determined that this NPRM would not impose additional costs on any private-sector or public-sector entity. Accordingly, this NPRM requires no additional expenditures by either public or private employers.

As noted above under Section IV.E (“State Plan States”) of this notice, the Agency’s standards do not apply to State and local governments except in States that have elected voluntarily to adopt a State Plan approved by the Agency. Consequently, this NPRM would not meet the definition of a “Federal intergovernmental mandate” (See Section 421(5) of the UMRA (2 U.S.C. 658(5))). Therefore, for the purposes of the UMRA, the Agency certifies that this NPRM does not mandate that State, local, or tribal governments adopt new, unfunded regulatory obligations, or increase expenditures by the private sector of more than \$100 million in any year.

#### G. Public Participation

OSHA requests comments on all issues concerning this NPRM. The Agency also welcomes comments on its determination that this NPRM would have no negative economic or other regulatory impacts on employers, and will increase employee protection. If OSHA receives no significant adverse comment, it will publish a **Federal Register** document confirming the effective date of the companion DFR and withdrawing this NPRM. Such confirmation may include minor stylistic or technical corrections to the document. For a full discussion of what constitutes a significant adverse comment, see Section II (“Direct Final Rulemaking”) of this notice.

The Agency will withdraw the DFR if it receives significant adverse comment on the amendments contained in it, and proceed with this NPRM by addressing the comment(s) and publishing a new final rule. The comment period for this NPRM runs concurrently with that of the DFR. Therefore, OSHA will treat any comments received under this NPRM as comments regarding the DFR. Similarly, OSHA will consider a significant adverse comment submitted to the DFR as a comment to this NPRM; the Agency will consider such a comment in developing a subsequent final rule.

OSHA will post comments received without revision to <http://www.regulations.gov>, including any personal information provided. Accordingly, OSHA cautions commenters about submitting personal information such as Social Security numbers and birth dates.

#### List of Subjects in 29 CFR Part 1910

Acetylene, General industry, Occupational safety and health, Safety.

#### V. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, authorized the preparation of this notice. The Agency is issuing this notice under Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657), Secretary of Labor’s Order 4–2010 (75 FR 55355), and 29 CFR part 1911.

Signed at Washington, DC, on November 22, 2011.

**David Michaels,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

#### Amendments to the Standard

For the reasons discussed in the preamble, the Occupational Safety and Health Administration is proposing to amend 29 CFR part 1910 as set forth below:

### PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

#### Subpart A—[Amended]

1. The authority citation for subpart A continues to read as follows:

**Authority:** Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor’s Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008), 5–2007 (72 FR 31159), and 4–2010 (75 FR 55355), as applicable.

Sections 1910.6, 1910.7, 1910.8 and 1910.9 also issued under 29 CFR part 1911. Section 1910.7(f) also issued under 31 U.S.C. 9701, 29 U.S.C. 9a, 5 U.S.C. 553; Pub. L. 106–113 (113 Stat. 1501A–222); Pub. L. 111–8 and 111–317; and OMB Circular A–25 (dated July 8, 1993) (58 FR 38142, July 15, 1993).

2. Amend § 1910.6 by revising paragraph (k)(3) to read as follows:

#### § 1910.6 Incorporation by reference.

\* \* \* \* \*

(k) \* \* \*

\* \* \* \* \*

(3) CGA G–1–2009 Acetylene, IBR approved for § 1910.102(a). Copies of CGA Pamphlet G–1, Twelfth Edition, are available for purchase from the: Compressed Gas Association, Inc., 4221 Walney Road, 5th Floor, Chantilly, VA 20151; telephone: (703) 788–2700; fax: (703) 961–1831; email: [cga@cganet.com](mailto:cga@cganet.com).

\* \* \* \* \*

#### Subpart H—[Amended]

3. Revise the authority citation for subpart H to read as follows:

**Authority:** 29 U.S.C. 653, 655, 657; Secretary of Labor’s Orders Nos. 12–71(36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008), 5–2007 (72 FR 31159), or 4–2010 (75 FR 55355), as applicable; and 29 CFR part 11.

Sections 1910.103, 1910.106 through 1910.111, and 1910.119, 1910.120, and 1910.122 through 1910.126 also issued under 29 CFR part 1911.

Section 1910.119 also issued under Section 304, Clean Air Act Amendments of 1990 (Pub. L. 101–549), reprinted at 29 U.S.C. 655 Note.

Section 1910.120 also issued under 29 U.S.C. 655 Note, and 5 U.S.C. 553.

4. Amend § 1910.102 by revising paragraph (a) to read as follows:

#### § 1910.102 Acetylene.

(a) *Cylinders.* Employers must ensure that the in-plant transfer, handling, storage, and use of acetylene in cylinders comply with the provisions of CGA Pamphlet G–1–2009 (“Acetylene”) (incorporated by reference, see § 1910.6).

\* \* \* \* \*

[FR Doc. 2011–30654 Filed 12–2–11; 8:45 am]

BILLING CODE 4510–26–P

### ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

#### 36 CFR Part 1190

[Docket No. ATBCB 2011–04]

RIN 3014–AA26

#### Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way; Reopening of Comment Period

**AGENCY:** Architectural and Transportation Barriers Compliance Board.

**ACTION:** Notice of proposed rulemaking; reopening of comment period.

**SUMMARY:** The Architectural and Transportation Barriers Compliance Board (Access Board) is reopening until February 2, 2012, the comment period for the notice entitled “Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way,” that appeared in the **Federal Register** on July 26, 2011. In that notice, the Access Board proposed guidelines for accessible public rights-of-way and requested comments by November 23, 2011. The Access Board is taking this action to allow interested persons additional time to submit comments.

**DATES:** Submit comments by February 2, 2012.

**ADDRESSES:** Submit comments by any of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments. Regulations.gov ID for this docket is ATBCB-2011-0004.

- **Email:** [row@access-board.gov](mailto:row@access-board.gov). Include docket number ATBCB 2011-04 or RIN number 3014-AA26 in the subject line of the message.

- **Fax:** (202) 272-0081.

- **Mail or Hand Delivery/Courier:** Office of Technical and Informational Services, Access Board, 1331 F Street NW., Suite 1000, Washington, DC 20004-1111.

All comments will be posted without change to <http://www.regulations.gov>, including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** Scott Windley, Office of Technical and Information Services, Architectural and Transportation Barriers Compliance Board, 1331 F Street NW., Suite 1000, Washington, DC 20004-1111. Telephone (202) 272-0025 (voice) or (202) 272-0028 (TTY). Email address [row@access-board.gov](mailto:row@access-board.gov).

**SUPPLEMENTARY INFORMATION:**

**Introduction**

The Architectural and Transportation Barriers Compliance Board (Access Board) is reopening until February 2, 2012, the comment period for the notice entitled "Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way," that appeared in the **Federal Register** on July 26, 2011 (76 FR 44664). In that notice, the Access Board proposed guidelines for accessible public rights-of-way and requested comments by November 23, 2011.

On the day the comment period ended, the Access Board received a request from the National Association of Counties, the National League of Cities and the U.S. Conference of Mayors to extend the comment period for at least 90 days to provide local governments with additional time to review and more fully assess the proposed rule. In addition, just prior to the closing of the comment period, the American Council of Engineering Companies requested an unspecified extension of the comment period. Although the Access Board has already provided a 120-day comment period and has held two public hearings on the proposed rule, the Board will provide additional time for the public to submit comments on this proposed rule.

The new comment period ends on February 2, 2012.

**David M. Capozzi,**

*Executive Director.*

[FR Doc. 2011-31089 Filed 12-2-11; 8:45 am]

**BILLING CODE 8150-01-P**

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

**[EPA-R04-OAR-2010-0483-201155; FRL-9498-8]**

**Approval and Promulgation of Implementation Plans; State of Tennessee: Prevention of Significant Deterioration and Nonattainment New Source Review Rules: Nitrogen Oxides as a Precursor to Ozone**

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve changes to the Tennessee State Implementation Plan (SIP), submitted by the Tennessee Department of Environment and Conservation (TDEC) through the Division of Air Pollution Control to EPA on May 28, 2009. The proposed SIP revision modifies Tennessee's New Source Review (NSR) Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) programs. Tennessee's May 28, 2009, SIP revision makes several changes for which EPA is proposing approval in this rulemaking. First, the proposed revision addresses requirements promulgated in the 1997 8-Hour Ozone National Ambient Air Quality Standards (NAAQS) Implementation Rule NSR Update Phase II (hereafter referred to as the "Ozone Implementation NSR Update" or "Phase II Rule"). Second, the May 28, 2009, SIP revision includes updates to Tennessee's PSD and NNSR permitting regulations regarding the addition of clean coal technology (CCT) requirements. Lastly, the SIP revision includes clarifying changes and corrections to portions of the Tennessee NSR rule. All changes in the proposed SIP revision are necessary to comply with Federal regulations related to Tennessee's NSR permitting program. EPA is proposing approval of the May 28, 2009, proposed SIP revision because the Agency has preliminarily determined that the changes are in accordance with the Clean Air Act (CAA or Act) and EPA regulations regarding NSR permitting.

**DATES:** Comments must be received on or before January 4, 2012.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R04-OAR-2010-0483, by one of the following methods:

1. <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

2. **Email:** [benjamin.lynorae@epa.gov](mailto:benjamin.lynorae@epa.gov).

3. **Fax:** (404) 562-9019.

4. **Mail:** EPA-R04-OAR-2010-0483, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960.

5. **Hand Delivery or Courier:** Ms. Lynorae Benjamin, Chief, Regulatory Development Section, Air Planning 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 to 4:30, excluding Federal holidays.

**Instructions:** Direct your comments to Docket ID No. "EPA-R04-OAR-2010-0483." EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through <http://www.regulations.gov> or email, information that you consider to be CBI or otherwise protected. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through <http://www.regulations.gov>, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be