

§§ 388.108 or 388.113 of this chapter. By treating the documents as nonpublic, the Commission is not making a determination on any claim of privilege or CEII status. The Commission retains the right to make determinations with regard to any claim of privilege or CEII status, and the discretion to release information as necessary to carry out its jurisdictional responsibilities.

(ii) The request for privileged or CEII treatment and the public version of the document will be made available while the request is pending.

(2) For documents submitted to Commission staff. The notification procedures of paragraphs (d), (e), and (f) of this section will be followed before making a document public.

(d) *Notification of request and opportunity to comment.* When a FOIA or CEII requester seeks a document for which privilege or CEII status has been claimed, or when the Commission itself is considering release of such information, the Commission official who will decide whether to release the information or any other appropriate Commission official will notify the person who submitted the document and give the person an opportunity (at least five calendar days) in which to comment in writing on the request. A copy of this notice will be sent to the requester.

(e) *Notification before release.* Notice of a decision by the Commission, the Chairman of the Commission, the Director, Office of External Affairs, the General Counsel or General Counsel's designee, a presiding officer in a proceeding under part 385 of this chapter, or any other appropriate official to deny a claim of privilege, in whole or in part, or to make a limited release of CEII, will be given to any person claiming that the information is privileged or CEII no less than 5 calendar days before disclosure. The notice will briefly explain why the person's objections to disclosure are not sustained by the Commission. A copy of this notice will be sent to the FOIA or CEII requester.

(f) *Notification of suit in Federal courts.* When a FOIA requester brings suit to compel disclosure of information for which a person has claimed privileged treatment, the Commission will notify the person who submitted the documents of the suit.

#### § 388.113 [Amended]

■ 27. In § 388.113(d)(1) and (d)(2), remove the phrase "paragraph (d)(3)" and add the phrase "paragraph (d)(4)" in its place.

[FR Doc. 2012-26126 Filed 10-26-12; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF STATE

### 22 CFR Part 52

#### [Public Notice 8074]

RIN 1400-AD27

### Repeal of Regulations on Marriages

**AGENCY:** Department of State.

**ACTION:** Final rule.

**SUMMARY:** In accordance with Executive Order 13563, the Bureau of Consular Affairs is repealing the regulations on marriages. The current regulations are outdated and duplicative of other authorities that detail procedures for authentications and documentation of life events. Further, in light of other authorities, it is unnecessary to specifically state in the regulations how consular authority is limited.

**DATES:** *Effective Date:* This rule is effective October 29, 2012.

**FOR FURTHER INFORMATION CONTACT:** Dara Morenoff, Office of Legal Affairs, Overseas Citizen Services, U.S. Department of State, 2201 C Street NW., SA-29, Washington, DC 20520, (202) 736-4995, [morenoffdj@state.gov](mailto:morenoffdj@state.gov).

**SUPPLEMENTARY INFORMATION:** This rule removes Part 52 of the Code of Federal Regulations, which relates to the consular role in marriages. The Department is removing Part 52 because it is outdated and duplicative of other federal laws and regulations. For example:

—Section 52.1 provides that consular officers may not conduct marriages or serve as witnesses to a marriage. The law authorizing consular officers to act in this capacity, 22 U.S.C. 4192, was repealed in 1990.

—Section 52.2 relates to authentication of marriage documents. This section is unnecessary because the laws and regulations that apply to authentications in general also apply to marriage documents, and these functions are already covered in 22 CFR 92.41.

—Finally, Section 52.3 is unnecessary because there is no longer demand for official certificates with respect to marriage laws in foreign countries.

### Regulatory Analysis and Notices

#### *Administrative Procedure Act*

This action is being taken as a final rule pursuant to the "good cause" provision of 5 U.S.C. 553(b). It is the position of the Department that notice and comment are not necessary in light of the fact that Part 52 is obsolete or duplicative of other authorities.

#### *Regulatory Flexibility Act*

It is hereby certified that the repeal of these regulations will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, 5 U.S.C. 605(b), because the issues addressed are not of an economic nature. In addition, the repeal of this regulation does not have federalism implications under E.O. 13132.

#### *Unfunded Mandates Reform Act*

Section 202 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1532, generally requires agencies to prepare a statement before proposing any rule that may result in an annual expenditure of \$100 million or more by State, local, or tribal governments, or by the private sector. This rule will not result in any such expenditure, nor will it significantly or uniquely affect small governments.

#### *Executive Orders 12866 and 13563*

The Department of State has reviewed this rule to ensure its consistency with the regulatory philosophy and principles set forth in Executive Order 12866 and has determined that the benefits of this regulation justify its costs. The Department does not consider this rule to be an economically significant action within the scope of section 3(f)(1) of the Executive Order since it is not likely to have an annual effect on the economy of \$100 million or more or to adversely affect in a material way the economy, a sector of the economy, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities. The Department has considered this rule in light of Executive Order 13563, dated January 18, 2011, and affirms that this regulation is consistent with the guidance therein.

#### *Federalism*

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Nor will the rule have federalism implications warranting the application of Executive Orders No. 12372 and No. 13132.

#### *Civil Justice Reform*

The Department has reviewed the regulations in light of sections 3(a) and 3(b)(2) of Executive Order No. 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

*Consultations With Tribal Governments*

The Department has determined that this rulemaking will not have Tribal implications, will not impose substantial direct compliance costs on Indian Tribal governments, and will not pre-empt Tribal law. Accordingly, the requirements of Executive Order 13175 do not apply to this rulemaking.

*Paperwork Reduction Act*

This rule does not impose information collection requirements under the provisions of the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

**List of Subjects in 22 CFR Part 52**

Authentication of marriage, Marriage and divorce, Marriage laws.

■ Accordingly, under the authority of 22 U.S.C. 2651a, and because the statutory authority for Part 52 has been repealed, 22 CFR Chapter I, Subchapter F is amended by removing Part 52.

Dated: October 2, 2012.

**Janice L. Jacobs,**

*Assistant Secretary, Bureau of Consular Affairs, Department of State.*

[FR Doc. 2012-26554 Filed 10-26-12; 8:45 am]

**BILLING CODE 4710-06-P**

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 165**

[Docket No. USCG-2011-0228]

RIN 1625-AA00

**Safety Zone, Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, and Calumet-Saganashkee Channel, Chicago, IL**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce a segment of the Safety Zone; Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, Calumet-Saganashkee Channel on all waters of the Chicago Sanitary and Ship Canal from Mile Marker 296.1 to Mile Marker 296.7 at various times on November 14, 2012. This action is necessary to protect the waterways, waterway users, and vessels from hazards associated with the Illinois Department of Natural Resources netting and electro-fishing clearing operation.

During any of the below listed enforcement periods, entry into, transiting, mooring, laying-up or anchoring within the enforced area of this safety zone by any person or vessel is prohibited unless authorized by the Captain of the Port, Sector Lake Michigan, or his or her designated representative.

**DATES:** The regulations in 33 CFR 165.930 will be enforced from 7:00 a.m. to 11:00 a.m. and from 1:00 p.m. to 5:00 p.m. on November 14, 2012.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, call or email MST1 Joseph McCollum, Prevention Department, Coast Guard Sector Lake Michigan, telephone 414-747-7148, email address [Joseph.p.Mccollum@uscg.mil](mailto:Joseph.p.Mccollum@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce a segment of the Safety Zone; Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, Calumet-Saganashkee Channel, Chicago, IL, listed in 33 CFR 165.930. Specifically, the Coast Guard will enforce this safety zone between Mile Marker 296.1 to Mile Marker 296.7 on all waters of the Chicago Sanitary and Ship Canal. Enforcement will occur from 7:00 a.m. until 11:00 a.m. and 1:00 p.m. until 5:00 p.m. on November 14, 2012.

This enforcement action is necessary because the Captain of the Port, Sector Lake Michigan has determined that the Illinois Department of Natural Resources netting and electro-fishing clearing operation poses risks to life and property. The passage of vessel traffic during the same time as the Operation makes the controlling of vessels through the impacted portion of the Chicago Sanitary and Ship Canal necessary to prevent injury and property loss.

In accordance with the general regulations in § 165.23 of this part, entry into, transiting, mooring, laying up or anchoring within the enforced area of this safety zone by any person or vessel is prohibited unless authorized by the Captain of the Port, Sector Lake Michigan, or his or her designated representative.

This notice is issued under authority of 33 CFR 165.930 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Captain of the Port, Sector Lake Michigan, will also provide notice through other means, which may include, but are not limited to, Broadcast Notice to Mariners, Local Notice to Mariners, local news media, distribution in leaflet form, and on-scene oral notice.

Additionally, the Captain of the Port, Sector Lake Michigan, may notify representatives from the maritime industry through telephonic and email notifications.

Dated: October 11, 2012.

**M.W. Sibley,**

*Captain, U.S. Coast Guard, Captain of the Port, Sector Lake Michigan.*

[FR Doc. 2012-26489 Filed 10-26-12; 8:45 am]

**BILLING CODE 9110-04-P**

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[EPA-R05-OAR-2009-0805; EPA-R05-OAR-2012-0567; FRL-9742-4]

**Approval and Promulgation of Air Quality Implementation Plans; Illinois; Indiana; Michigan; Minnesota; Ohio; Wisconsin; Infrastructure SIP Requirements for the 2006 PM<sub>2.5</sub> National Ambient Air Quality Standards; Indiana NSR/PSD**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is taking final action to approve most elements, and disapprove narrow portions of other elements, of State Implementation Plan (SIP) submissions by Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin regarding the infrastructure requirements of the Clean Air Act (CAA) for the 2006 24-hour fine particle national ambient air quality standards (2006 PM<sub>2.5</sub> NAAQS). The infrastructure requirements are designed to ensure that the structural components of each State's air quality management program are adequate to meet the State's responsibilities under the CAA. EPA is also taking final action to approve portions of a submission from Indiana addressing EPA's requirements for its new source review (NSR) and prevention of significant deterioration (PSD) program. The proposed rulemaking was published on August 2, 2012. During the comment period, which ended on September 4, 2012, EPA received five comment letters. The concerns raised in these letters, as well as EPA's responses, will be addressed in this final action.

**DATES:** This final rule is effective on November 28, 2012.

**ADDRESSES:** EPA has established two dockets for this action under Docket ID No. EPA-R05-OAR-2009-0805 (infrastructure SIP elements for all Region 5 States) and EPA-R05-OAR-