

(ii) A statement that failure of a counterparty to meet a collateral call will result in an early termination event;

(iii) A description of early termination pricing and methodology, with the methodology reflecting a reasonable estimate of the market value of the over-the-counter derivative contract at termination (standard International Swaps and Derivatives Association, Inc. language relative to early termination pricing and methodology may be used to satisfy this requirement); and

(iv) A requirement that the Bank's consent be obtained prior to the transfer of an agreement or contract by a counterparty.

#### **§ 1267.5 Risk-based capital requirements for investments.**

Any Bank which is not subject to the capital requirements set forth in part 932 of this title shall hold retained earnings plus general allowance for losses as support for the credit risk of all investments that are not rated by an NRSRO, or are rated or have a putative rating below the second highest credit rating, in an amount equal to or greater than the outstanding balance of the investments multiplied by:

(a) A factor associated with the credit rating of the investments as determined by PHFA on a case-by-case basis for rated assets to be sufficient to raise the credit quality of the asset to the second highest credit rating category; and

(b) 0.08 for assets having neither a putative nor actual rating.

Dated: May 13, 2011.

**Edward J. DeMarco,**

*Acting Director, Federal Housing Finance Agency.*

[FR Doc. 2011-12358 Filed 5-19-11; 8:45 am]

BILLING CODE 8070-01-P

## **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

### **Food and Drug Administration**

#### **21 CFR Part 878**

[Docket No. FDA-2006-N-0045; Formerly Docket No. 2006N-0109]

#### **Medical Devices; Reclassification of the Topical Oxygen Chamber for Extremities; Correction**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule; correction.

**SUMMARY:** The Food and Drug Administration (FDA) is correcting a final rule that appeared in the *Federal Register* of April 25, 2011 (76 FR 22805). The document announced that

FDA is reclassifying the topical oxygen chamber for extremities (TOCE) from class III to class II. The document published inadvertently used outdated contact information. This document corrects that error.

**DATES:** Effective May 25, 2011.

#### **FOR FURTHER INFORMATION CONTACT:**

Charles N. Durfor, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. G424, Silver Spring, MD 20993-0002, 301-796-6438.

**SUPPLEMENTARY INFORMATION:** In FR Doc. 2011-9899 appearing on page 22805 in the *Federal Register* of Monday, April 25, 2011, the following correction is made: 1. On page 22805, in the third column, the **FOR FURTHER INFORMATION CONTACT** section is corrected to read as follows:

**FOR FURTHER INFORMATION CONTACT:** Charles N. Durfor, Center for Devices and Radiological Health, Food and Drug Administration, Bldg. 66, Rm. G424, 10903 New Hampshire Ave., Silver Spring, MD 20993-0002, 301-796-6438.

Dated: May 17, 2011.

**Nancy K. Stade,**

*Deputy Director for Policy, Center for Devices and Radiological Health.*

[FR Doc. 2011-12410 Filed 5-19-11; 8:45 am]

BILLING CODE 4160-01-P

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 52**

[EPA-R09-OAR-2011-0030; FRL-9308-3]

#### **Revisions to the California State Implementation Plan, Mojave Desert Air Quality Management District**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve revisions to the Mojave Desert Air Quality Management District (MDAQMD) portion of the California State Implementation Plan (SIP). These revisions concern negative declarations for volatile organic compound (VOC) source categories for the MDAQMD. We are approving these negative declarations under the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** This rule is effective on July 19, 2011 without further notice, unless EPA receives adverse comments by June 20, 2011. If we receive such comments, we will publish a timely withdrawal in the *Federal Register* to notify the public

that this direct final rule will not take effect.

**ADDRESSES:** Submit comments, identified by docket number EPA-R09-OAR-2011-0030, by one of the following methods:

1. *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions.

2. *E-mail:* [steckel.andrew@epa.gov](mailto:steckel.andrew@epa.gov).

3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

*Instructions:* All comments 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 Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through <http://www.regulations.gov> or e-mail. <http://www.regulations.gov> is an “anonymous access” system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

*Docket:* The index to the docket for this action is available electronically at <http://www.regulations.gov> and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Cynthia Allen, EPA Region IX, (415) 947-4120, [allen.cynthia@epa.gov](mailto:allen.cynthia@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document, “we,” “us” and “our” refer to EPA.

**Table of Contents**

- I. The State's Submittal
  - A. What negative declarations did the State submit?
  - B. Are there other versions of these negative declarations?

- C. What is the purpose of the submitted negative declarations?
- II. EPA's Evaluation and Action
  - A. How is EPA evaluating the negative declarations?
  - B. Do the negative declarations meet the evaluation criteria?
  - C. Public Comment and Final Action
- III. Background Information

- A. Why were these negative declarations submitted?
  - IV. Administrative Requirements
  - I. The State's Submittal**
    - A. *What negative declarations did the State submit?*
- Table 1 lists the negative declarations we are approving with the dates that

they were adopted by the Mojave Desert Air Quality Management District (MDAQMD) and submitted by the California Air Resources Board (CARB).

TABLE 1—SUBMITTED NEGATIVE DECLARATIONS

Local agency	Title	Adopted	Submitted
MDAQMD	Pneumatic Rubber Tire Manufacturing	01/22/07	07/11/07
MDAQMD	Large Petroleum Dry Cleaners	01/22/07	07/11/07
MDAQMD	Surface Coating of Cans	01/22/07	07/11/07
MDAQMD	Surface Coating of Coils	01/22/07	07/11/07
MDAQMD	Surface Coating Fabrics	01/22/07	07/11/07
MDAQMD	Surface Coating Operations at Automotive and Light Duty Truck Assembly Plants	01/22/07	07/11/07
MDAQMD	Surface of Coating of Large Appliances	01/22/07	07/11/07
MDAQMD	Surface of Coating of Magnet Wire	01/22/07	07/11/07
MDAQMD	Vacuum Producing Devices or Systems	01/22/07	07/11/07
MDAQMD	Leaks From Petroleum Refinery Equipment	01/22/07	07/11/07
MDAQMD	Process Unit Turnarounds	01/22/07	07/11/07
MDAQMD	Equipment Leaks From Natural Gas/Gasoline Processing Plants	01/22/07	07/11/07
MDAQMD	Synthesized Pharmaceutical Products	01/22/07	07/11/07
MDAQMD	Air Oxidation Process—SOCMI	01/22/07	07/11/07
MDAQMD	Polymer Manufacturing SOCMI and Polymer Manufacturing Equipment Leaks	01/22/07	07/11/07
MDAQMD	Reactor Processes and Distillation Operations in SOCMI	01/22/07	07/11/07
MDAQMD	Synthetic Organic Chemical Polymer and Resin Manufacturing	01/22/07	07/11/07
MDAQMD	Petroleum Refinery Equipment	08/23/10	10/22/10
MDAQMD	Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins	08/23/10	10/22/10
MDAQMD	Fugitive Emissions From Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment.	08/23/10	10/22/10

On November 16, 2010, EPA determined that the submittal for Mojave Desert AQMD Negative Declarations submitted on October 22, 2010, met the completeness criteria in 40 CFR Part 51 Appendix V, which must be met before formal EPA review. On January 11, 2008, the submittal for Mojave Desert Negative Declarations submitted on July 11, 2007 was deemed by operation of law to meet the completeness criteria in 40 CFR Part 51 Appendix V, which must be met before formal EPA review.

*B. Are there other versions of these negative declarations?*

There are no previous versions of these negative declarations.

*C. What is the purpose of the submitted negative declarations?*

The negative declarations were submitted to meet the requirements of CAA section 182(b)(2). Ozone Nonattainment areas classified at moderate and above are required to adopt volatile organic compound (VOC) regulations for the published Control Technique Guideline (CTG) categories and for major non-CTG sources of VOC or NO<sub>x</sub>. If a nonattainment area does not have stationary sources covered by an EPA published CTG, then the area is

required to submit a negative declaration. The negative declarations were submitted because there are no applicable sources within the MDAQMD jurisdiction. EPA's technical support document (TSD) has more information about these negative declarations.

**II. EPA's Evaluation and Action**

*A. How is EPA evaluating the negative declarations?*

The negative declarations are submitted as SIP revisions and must be consistent with Clean Air Act requirements for Reasonable Available Control Technology (RACT) (see section 182(b)(2)) and SIP relaxation (see sections 110(1) and 193.) To do so, the submittal should provide reasonable assurance that no sources subject to the CTG requirements currently exist or are planned for the MDAQMD.

*B. Do the negative declarations meet the evaluation criteria?*

We believe these negative declarations are consistent with the relevant policy and guidance regarding RACT and SIP relaxations. The TSD has more information on our evaluation.

*C. Public Comment and Final Action*

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted negative declarations as additional information to the SIP because we believe they fulfill all relevant requirements. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing approval of these negative declarations. If we receive adverse comments by June 20, 2011, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on July 19, 2011.

**III. Background Information**

*A. Why were these negative declarations submitted?*

These negative declarations were submitted to fulfill the requirements of CAA Section 182(a)(2). Section 182 requires that ozone nonattainment areas adopt VOC regulations found in the

Control Technique Guideline Series and for all major non-CTG sources of VOC or NO<sub>x</sub> in their geographic area. Mojave Desert AQMD is a nonattainment area for ozone and thus is required to adopt

reasonable available control technology (RACT) regulations for all CTG sources and major non-CTG sources. Section 110(a) of the CAA requires States to submit regulations that control VOC

emissions. Table 2 lists some of the national milestones leading to the submittal of these local agency negative declarations.

TABLE 2—OZONE NONATTAINMENT MILESTONES

Date	Event
March 3, 1978 .....	EPA promulgated a list of ozone attainment areas Under the Clean Air Act as amended in 1977. 43 FR 8964; 40 CFR 81.305.
May 26, 1988 .....	EPA notified Governors that parts of their SIPs were inadequate to attain and maintain the ozone standard and requested that they correct the deficiencies (EPA's SIP-Call). See section 110(a)(2)(H) of the pre-amended Act.
November 15, 1990 .....	Clean Air Act Amendments of 1990 were enacted. Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q.
May 15, 1991 .....	Section 182(a)(2)(A) requires that ozone nonattainment areas correct deficient RACT rules by this date.

**IV. Administrative Requirements**

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because

application of those requirements would be inconsistent with the Clean Air Act; and

- Does not interfere with Executive Order 12898 (59 FR 7629 (Feb. 16, 1994)) because EPA lacks the discretionary authority to address environmental justice in this rulemaking.

In addition, this rule does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on Tribal governments or preempt Tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 19, 2011. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness

of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the Proposed Rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

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

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

Dated: May 9, 2011.

**Jared Blumenfeld,**  
*Regional Administrator, Region IX.*

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

**PART 52—[AMENDED]**

- 1. The authority citation for Part 52 continues to read as follows:

*Authority:* 42 U.S.C. 7401 *et seq.*

**Subpart F—California**

- 2. Section 52.222 is amended by adding paragraphs (a)(1)(v) and (vi) to read as follows:

**§ 52.222 Negative declarations.**

- (a) \* \* \*
- (1) \* \* \*

(v) Pneumatic Rubber Tire Manufacturing, Large Petroleum Dry Cleaners, Surface Coating of Cans, Surface Coating of Coils, Surface Coating Fabrics, Surface Coating Operations at Automotive and Light

Duty Truck Assembly Plants, Surface of Coating of Large Appliances, Surface of Coating of Magnet Wire, Vacuum Producing Devices or Systems, Leaks From Petroleum Refinery Equipment, Process Unit Turnarounds, Equipment Leaks From Natural Gas/Gasoline Processing Plants, Synthesized Pharmaceutical Products, Air Oxidation Process—SOCMI, Polymer Manufacturing SOCMI and Polymer Manufacturing Equipment Leaks, Reactor Processes and Distillation Operations in SOCMI, and Synthetic Organic Chemical Polymer and Resin Manufacturing were submitted on July 11, 2007 and adopted January 22, 2007.

(vi) Petroleum Refinery Equipment, Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins, and Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment were submitted on October 22, 2010 and adopted on August 23, 2010.

\* \* \* \* \*

[FR Doc. 2011-12362 Filed 5-19-11; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 55

[OAR-2004-0091; FRL-9304-4]

### Outer Continental Shelf Air Regulations Consistency Update for California

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

**ACTION:** Final rule.

**SUMMARY:** EPA is finalizing the update of the Outer Continental Shelf (“OCS”) Air Regulations proposed in the **Federal Register** on January 10, 2011. Requirements applying to OCS sources located within 25 miles of States’ seaward boundaries must be updated periodically to remain consistent with the requirements of the corresponding onshore area (“COA”), as mandated by section 328(a)(1) of the Clean Air Act, as amended in 1990 (“the Act”). The portion of the OCS air regulations that is being updated pertains to the requirements for OCS sources for which the Santa Barbara County Air Pollution Control District (“Santa Barbara County APCD” or “District”) is the designated COA. The intended effect of approving the OCS requirements for the Santa Barbara County APCD is to regulate emissions from OCS sources in accordance with the requirements onshore.

**DATES:** This rule is effective on June 20, 2011. The incorporation by reference of certain publications listed in this rule is approved by the Director of the **Federal Register** as of June 20, 2011.

**ADDRESSES:** EPA has established docket number OAR-2004-0091 for this action. The index to the docket is available electronically at <http://www.regulations.gov> and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section. **FOR FURTHER INFORMATION CONTACT:** Cynthia G. Allen, Air Division (Air-4), U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105, (415) 947-4120, [allen.cynthia@epa.gov](mailto:allen.cynthia@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document, the terms “we,” “us,” or “our” refer to U.S. EPA.

*Organization of this document:* The following outline is provided to aid in locating information in this preamble.

- I. Background
- II. Public Comment
- III. EPA Action
- IV. Statutory and Executive Order Reviews

#### I. Background

On January 10, 2011 (76 FR 1389), EPA proposed to incorporate various Santa Barbara County APCD air pollution control requirements into the OCS Air Regulations at 40 CFR part 55. We are incorporating these requirements in response to the submittal of these rules by the District. EPA has evaluated the proposed requirements to ensure that they are rationally related to the attainment or maintenance of Federal or state ambient air quality standards or Part C of title I of the Act, that they are not designed expressly to prevent exploration and development of the OCS and that they are applicable to OCS sources. 40 CFR 55.1. EPA has also evaluated the rules to ensure that they are not arbitrary or capricious. 40 CFR 55.12(e).

Section 328(a) of the Act requires that EPA establish requirements to control air pollution from OCS sources located within 25 miles of states’ seaward boundaries that are the same as onshore requirements. To comply with this statutory mandate, EPA must incorporate applicable onshore rules into part 55 as they exist onshore. This

limits EPA’s flexibility in deciding which requirements will be incorporated into part 55 and prevents EPA from making substantive changes to the requirements it incorporates. As a result, EPA may be incorporating rules into part 55 that do not conform to all of EPA’s state implementation plan (SIP) guidance or certain requirements of the Act. Consistency updates may result in the inclusion of state or local rules or regulations into part 55, even though the same rules may ultimately be disapproved for inclusion as part of the SIP. Inclusion in the OCS rule does not imply that a rule meets the requirements of the Act for SIP approval, nor does it imply that the rule will be approved by EPA for inclusion in the SIP.

#### II. Public Comment

EPA’s proposed action provided a 30-day public comment period. During this period, we received no comments on the proposed action.

#### III. EPA Action

In this document, EPA takes final action to incorporate the proposed changes into 40 CFR part 55. No changes were made to the proposed action except for minor technical corrections to the list of rules in the part 55 regulatory text to accurately reflect the action we proposed. EPA is approving the proposed action under section 328(a)(1) of the Act, 42 U.S.C. 7627. Section 328(a) of the Act requires that EPA establish requirements to control air pollution from OCS sources located within 25 miles of states’ seaward boundaries that are the same as onshore requirements. To comply with this statutory mandate, EPA must incorporate applicable onshore rules into Part 55 as they exist onshore.

#### IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to establish requirements to control air pollution from OCS sources located within 25 miles of States’ seaward boundaries that are the same as onshore air control requirements. To comply with this statutory mandate, EPA must incorporate applicable onshore rules into part 55 as they exist onshore. 42 U.S.C. 7627(a)(1); 40 CFR 55.12. Thus, in promulgating OCS consistency updates, EPA’s role is to maintain consistency between OCS regulations and the regulations of onshore areas, provided that they meet the criteria of the Clean Air Act. Accordingly, this action simply updates the existing OCS requirements to make them consistent with requirements onshore, without the