

communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in these Executive orders.

Public Law 96-354, "Regulatory Flexibility Act" (5 U.S.C. Chapter 6)

It has been determined that this Privacy Act rule for the Department of Defense does not have significant economic impact on a substantial number of small entities because it is concerned only with the administration of Privacy Act systems of records within the Department of Defense.

Public Law 95-511, "Paperwork Reduction Act" (44 U.S.C. Chapter 35)

It has been determined that Privacy Act rules for the Department of Defense impose no additional information collection requirements on the public under the Paperwork Reduction Act of 1995.

Section 202, Public Law 104-4, "Unfunded Mandates Reform Act"

It has been determined that this Privacy Act rulemaking for the Department of Defense does not involve a Federal mandate that may result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100 million or more and that such rulemaking will not significantly or uniquely affect small governments.

Executive Order 13132, "Federalism"

It has been determined that the Privacy Act rules for the Department of Defense do not have federalism implications. The rule does not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

List of Subjects in 32 CFR Part 311.

Privacy.

Accordingly, 32 CFR part 311 is amended as follows:

PART 311—OFFICE OF THE SECRETARY OF DEFENSE AND JOINT STAFF PRIVACY PROGRAM

■ 1. The authority citation for 32 CFR part 311 continues to read as follows:

Authority: Pub. L. 93-579, 88 Stat. 1986 (5 U.S.C. 522a).

■ 2. Section 311.8 is amended by adding paragraph (c)(17) to read as follows:

§ 311.8 Procedures for exemptions.

* * * * *

(c) * * *

(17) System identifier and name: DMDC 13, Investigative Records Repository.

(i) *Exemptions:* (A) Investigatory material compiled for law enforcement purposes may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source.

(B) Records maintained in connection with providing protective services to the President and other individuals under 18 U.S.C. 3506, may be exempt pursuant to 5 U.S.C. 552a(k)(3).

(C) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

(D) Any portion of this system that falls under the provisions of 5 U.S.C. 552a(k)(2), (k)(3), or (k)(5) may be exempt from the following subsections of 5 U.S.C. 552(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f).

(ii) *Authority:* 5 U.S.C. 552a(k)(2), (k)(3), or (k)(5).

(iii) *Reasons:* (A) From subsection (c)(3) because it will enable the Department to conduct certain investigations and relay law enforcement information without compromise of the information, protection of investigative techniques and efforts employed, and identities of confidential sources who might not otherwise come forward and who furnished information under an express promise that the sources' identity would be held in confidence (or prior to the effective date of the Act, under an implied promise).

(B) From subsections (e)(1), (e)(4)(G), (H), and (I) because it will provide protection against notification of investigatory material including certain reciprocal investigations and counterintelligence information, which might alert a subject to the fact that an

investigation of that individual is taking place, and the disclosure of which would weaken the on-going investigation, reveal investigatory techniques, and place confidential informants in jeopardy who furnished information under an express promise that the source's identity would be held in confidence (or prior to the effective date of the Act, under an implied promise).

(C) From subsections (d) and (f) because requiring OSD to grant access to records and agency rules for access and amendment of records would unfairly impede the agency's investigation of allegations of unlawful activities. To require OSD to confirm or deny the existence of a record pertaining to a requesting individual may in itself provide an answer to that individual relating to an on-going investigation. The investigation of possible unlawful activities would be jeopardized by agency rules requiring verification of record, disclosure of the record to the subject, and record amendment procedures.

* * * * *

Dated: August 24, 2011.

Patricia L. Toppings,

*OSD Federal Register Liaison Officer,
Department of Defense.*

[FR Doc. 2011-23756 Filed 9-15-11; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG-2011-0629]

RIN 1625-AA08

Special Local Regulations for Marine Events; Temporary Change of Dates for Recurring Marine Events in the Fifth Coast Guard District, Wrightsville Channel; Wrightsville Beach, NC; Correction

ACTION: Correcting amendment.

SUMMARY: In the *Federal Register* published on September 8, 2011, the Coast Guard published a Temporary Final Rule changing the date of the special local regulation for this year's Wilmington YMCA Triathlon. In that Temporary Final Rule, the line number for the temporary line in the Table to § 100.501 was wrong. This Correction fixes that error. The date and all other details in the Final Rule were correct.

DATES: This correction is effective September 16, 2011.

FOR FURTHER INFORMATION CONTACT: For information about this correction, contact Kevin d'Eustachio, Office of Regulations and Administrative Law, telephone (202) 372-3854, e-mail kevin.m.deustachio@uscg.mil. For information about the original regulation, contact BOSN3 Joseph M. Edge, Coast Guard Sector North Carolina, telephone (252) 247-4525 Joseph.M.Edge@uscg.mil.

SUPPLEMENTARY INFORMATION: In FR Doc. 2011-22919 appearing on page 55561 in the **Federal Register** of Thursday, September 8, 2011, the following correction is made:

§ 100.501 Special Local Regulations; Marine Events in the Fifth Coast Guard District.

■ 1. On page 55563, in the third column, in the third amendatory instruction, remove the words “line No. 63” and replace with “line No. 59”.

Dated: September 12, 2011.

Erin Ledford,
Acting Chief, Office of Regulations and Administrative Law (CG-0943), U.S. Coast Guard.

[FR Doc. 2011-23743 Filed 9-15-11; 8:45 am]

BILLING CODE 9110-04-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 132

[EPA-HQ-OW-2010-0492; FRL-9466-3]

RIN 2040-AF23

Final Withdrawal of Certain Federal Aquatic Life Water Quality Criteria Applicable to Wisconsin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is withdrawing the federal aquatic life water quality criteria for chronic and acute copper and nickel, and chronic endrin and selenium applicable to certain waters of the Great Lakes System in Wisconsin. Wisconsin’s revised and EPA-approved criteria adequately protect all waters of the State designated for aquatic life use at a level consistent with the federal requirements. As a result of this withdrawal, Wisconsin will continue to implement its EPA-approved aquatic life criteria.

DATES: This final rule is effective on October 17, 2011.

ADDRESSES: The EPA established a docket for this action under Docket ID No. EPA-HQ-OW-2010-0492. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publically available, e.g., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publically available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the Office of Water (OW) Docket Center. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (202) 566-2426, and the Docket address is OW Docket, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC 20004. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744.

FOR FURTHER INFORMATION CONTACT: Francine Norling, U.S. EPA, Region 5, 77 W. Jackson Blvd., Chicago, IL 60604 (telephone: (312) 886-0271 or e-mail: norling.francine@epa.gov) or Sara Hilbrich, U.S. EPA Headquarters, Office of Science and Technology, 1200 Pennsylvania Avenue, NW., Mail Code 4305T, Washington, DC 20460 (telephone: (202) 564-0441 or e-mail: hilbrich.sara@epa.gov).

SUPPLEMENTARY INFORMATION:

- I. Potentially Affected Entities
- II. Background
 - A. Applicable Federal Statutory and Regulatory Requirements
 - B. Why is the EPA withdrawing certain federal aquatic life water quality criteria applicable to Wisconsin?
 - C. Why is the EPA not withdrawing Wisconsin’s chronic endrin aquatic life use criterion for waters designated as Warm Water Sportfish and Warm Water Forage Fish use, and chronic selenium aquatic life use criterion for waters designated as limited Forage Fish use?
 - D. What are the applicable federal aquatic life water quality criteria that the EPA is withdrawing?
- III. Statutory and Executive Order Reviews

- A. Executive Order 12866 (Regulatory Planning and Review)
- B. Paperwork Reduction Act
- C. Regulatory Flexibility Act
- D. Unfunded Mandates Reform Act
- E. Executive Order 13132 (Federalism)
- F. Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)
- G. Executive Order 13045 (Protection of Children From Environmental Health and Safety Risks)
- H. Executive Order 13211 (Actions That Significantly Affect Energy Supply, Distribution, or Use)
- I. National Technology Transfer and Advancement Act
- J. Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations)
- K. Congressional Review Act

I. Potentially Affected Entities

This rule withdraws federal water quality standards, specifically aquatic life criteria for chronic and acute copper and nickel and chronic endrin and selenium for Wisconsin surface waters designated for certain aquatic life uses in the Great Lakes System (described in 40 CFR part 132). As a result of this rule, Wisconsin will implement the following State-revised and EPA-approved aquatic life criteria: chronic and acute copper and nickel for all Wisconsin surface waters designated for aquatic life use; chronic endrin for Wisconsin surface waters designated for aquatic life use except waters designated as Warm Water Forage Fish and Warm Water Sportfish use; chronic selenium for Wisconsin surface waters designated for aquatic life use except waters designated as Limited Forage Fish use. Entities discharging copper, nickel, endrin or selenium to surface waters of Wisconsin could be affected by this rulemaking given that water quality standards are used to determine water quality based effluent limits in National Pollutant Discharge Elimination System (NPDES) permits, and may affect Clean Water Act (CWA) Section 404 dredge and fill permits, and other federal licenses and permits requiring CWA 401 certification. Table 1, below, provides examples of the types of NPDES-regulated entities that may ultimately be affected by the federal rule withdrawal.

TABLE 1—EXAMPLES OF ENTITIES POTENTIALLY AFFECTED BY THE FEDERAL RULE WITHDRAWAL

Category	Examples of potentially affected entities
Industry	Industries discharging to surface waters in Wisconsin designated by the State for aquatic life use.