

the Area's air quality as of the attainment date, whether the Area attained the standard. EPA also determined that the Cincinnati-Hamilton, Ohio, Kentucky, and Indiana PM_{2.5} nonattainment Area is not subject to the consequences of failing to attain pursuant to section 179(d).

■ 5. Section 52.933 is amended by adding paragraph (e) to read as follows:

§ 52.933 Control Strategy: Sulfur oxides and particulate matter.

* * * * *

(e) *Determination of Attainment.* EPA has determined, as of September 29, 2011, that based upon 2007–2009 air quality data, the Cincinnati-Hamilton, Ohio-Kentucky-Indiana nonattainment Area has attained the 1997 annual PM_{2.5} NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for this Area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this Area continues to meet the 1997 annual PM_{2.5} NAAQS.

Subpart KK—Ohio

■ 6. Section 52.1880 is amended by adding paragraph (o) to read as follows:

§ 52.1880 Control strategy: Particulate matter.

* * * * *

(o) *Determination of Attainment.* EPA has determined, as of September 29, 2011, that based upon 2007–2009 air quality data, the Cincinnati-Hamilton, Ohio-Kentucky-Indiana nonattainment Area has attained the 1997 annual PM_{2.5} NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for this Area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this Area continues to meet the 1997 annual PM_{2.5} NAAQS.

■ 7. Section 52.1892 is amended by adding paragraph (c) to read as follows:

§ 52.1892 Determination of attainment.

* * * * *

(c) Based upon EPA's review of the air quality data for the 3-year period 2007–2009, EPA determined that the Cincinnati-Hamilton, Ohio-Kentucky-Indiana PM_{2.5} nonattainment Area attained the 1997 annual PM_{2.5} NAAQS

by the applicable attainment date of April 5, 2010. Therefore, EPA has met the requirement pursuant to CAA section 179(c) to determine, based on the Area's air quality as of the attainment date, whether the Area attained the standard. EPA also determined that the Cincinnati-Hamilton, Ohio, Kentucky, and Indiana PM_{2.5} nonattainment Area is not subject to the consequences of failing to attain pursuant to section 179(d).

[FR Doc. 2011–24811 Filed 9–28–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2011–0561; FRL–9469–1]

Revisions to the California State Implementation Plan, Santa Barbara Air Pollution Control District, Sacramento Municipal Air Quality Management District and South Coast 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 Santa Barbara Air Pollution Control District (SBAPCD), Sacramento Municipal Air Quality Management District (SMAQMD) and South Coast Air Quality Management District (SCAQMD) portions of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from solvent cleaning machines and solvent cleaning operations and oil and gas production wells. We are approving local rules that regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

DATES: This rule is effective on November 28, 2011 without further notice, unless EPA receives adverse comments by October 31, 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–2011–0561, 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.

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. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: Generally, documents in the docket for this action are 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 at <http://www.regulations.gov>, some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps), 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: Adrienne Borgia, EPA Region IX, (415) 972–3576, borgia.adrienne@epa.gov.

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

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I. The State's Submittal

A. What rules did the State submit?

Table 1 lists the rules we are approving with the dates that they were

adopted by the local air agencies and submitted by the California Air Resources Board (CARB).

TABLE 1—SUBMITTED RULES

Local agency	Rule No.	Rule title	Amended	Submitted
SBAPCD	321	Solvent Cleaning Machines and Solvent Cleaning	9/20/10	4/5/11
SMAQMD	466	Solvent Cleaning	10/28/10	4/5/11
SCAQMD	1171	Solvent Cleaning Operations	2/1/08	4/5/11
SCAQMD	1148.1	Oil and Gas Production Wells	Adopted 3/5/04	1/10/10

On February 4, 2010 (1148.1) and May 6, 2011 (321, 466 and 1171), EPA determined that the four submittals met 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 rules?

We approved an earlier version of SBAPCD Rule 321 into the SIP on April 2, 1998 (64 FR 15922). We approved an earlier version of SMAQMD Rule 466 into the SIP on May 5, 2010 (75 FR 24406). We approved an earlier version of SCAQMD Rule 1171 into the SIP on July 1, 2005 (70 FR 38023). There are no previous versions of SCAMQD Rule 1148.1 in the SIP.

C. What is the purpose of the submitted rules?

VOCs help produce ground-level ozone and smog, which harm human health and the environment. Section 110(a) of the CAA requires States to submit regulations that control VOC emissions. SBAPCD Rule 321, SMAQMD Rule 466, SCAQMD Rule 1171 and SCAQMD 1148.1 limit emissions of VOC from solvent cleaning machines, the application of solvents, and from oil and gas production wells. EPA's technical support documents (TSDs) have more information about these rules.

II. EPA's Evaluation and Action

A. How is EPA evaluating the rules?

Generally, SIP rules must be enforceable (see section 110(a) of the Act), must require Reasonably Available Control Technology (RACT) for each category of sources covered by a Control Techniques Guidelines (CTG) document as well as each major source in nonattainment areas (see sections 182(a)(2) and (b)(2)), and must not relax existing requirements (see sections 110(l) and 193). SBAPCD regulates an unclassifiable/attainable area for ozone, SMAQMD regulates an ozone nonattainment area and SCAQMD

regulates an ozone nonattainment area (see 40 CFR part 81), so SMAQMD Rule 466 and SCAQMD Rule 1171 and Rule 1148.1 must fulfill RACT.

Guidance and policy documents that we use to evaluate enforceability and RACT requirements consistently include the following:

1. "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations," EPA, May 25, 1988 (the Bluebook).
2. "Guidance Document for Correcting Common VOC & Other Rule Deficiencies," EPA Region 9, August 21, 2001 (the Little Bluebook).
3. CARB's Consumer Products Regulation, Title 17, California Code of Regulations (CCR), Division 3, Chapter 1, Subchapter 8.5, Article 2, Sections 94507–94517
4. EPA's model VOC rule guidance titled, "Model Volatile Organic Compound Rules for Reasonably Available Control Technology" (June 1992).

B. Do the rules meet the evaluation criteria?

We believe these rules are consistent with the relevant policy and guidance regarding enforceability, RACT and SIP relaxations. The TSDs have more information on our evaluation.

C. EPA Recommendations to Further Improve the Rules

The TSDs describe additional rule revisions that we recommend for the next time the local agency modifies the rules.

D. Public Comment and Final Action

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted rules 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 the same submitted rules. If we receive adverse

comments by October 31, 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 November 28, 2011. This will incorporate these rules into the federally enforceable SIP.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

III. Statutory and Executive Order Reviews

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 provide EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

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 rules, 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).

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, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 7, 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 52.220, is amended by adding paragraphs (378)(i)(A)(3), and (c)(388)(i)(A)(5), (C), (D) and to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(378) * * *

(i) * * *

(A) * * *

(3) Rule 1148.1, "Oil and Gas Production Wells," adopted on March 5, 2004.

* * * * *

(388) * * *

(i) * * *

(A) * * *

(5) Rule 1171, "Solvent Cleaning Operations," amended February 1, 2008.

* * * * *

(C) Santa Barbara County Air Pollution Control District.

(1) Rule 321, "Solvent Cleaning Machines and Solvent Cleaning," revised September 20, 2010.

(D) Sacramento Metropolitan Air Quality Management District.

(1) Rule 466, "Solvent Cleaning," amended October 28, 2010.

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[FR Doc. 2011-24688 Filed 9-28-11; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid

42 CFR Part 411

Exclusions From Medicare and Limitations on Medicare Payment

CFR Correction

In Title 42 of the Code of Federal Regulations, Parts 400 to 413, revised as of October 1, 2010, make the following corrections:

- 1. On page 472, in § 411.353, in paragraph (g)(1)(i), remove the word "complied" and add "complies" in its place.
- 2. On page 483, in § 411.357:
 - a. In paragraph (b)(4)(ii)(A), remove the word "by" and add "through" in its place, and
 - b. In paragraph (b)(4)(ii)(B), remove the phrase "between the parties" and add "by the lessor to the lessee" in its place.
- 3. On page 488, in § 411.357, in paragraph (l)(3)(ii), remove the phrase "between the parties" and add "by the lessor to the lessee" in its place.
- 4. On page 490, in § 411.357:
 - a. Remove paragraphs (p)(1)(ii) and (iii);
 - b. Designate the last sentence of (p)(1)(i) introductory text as paragraph (p)(1)(ii) introductory text;
 - c. In new paragraph (p)(1)(ii)(A), remove the phrase "performed or" and add "performed on or" in its place; and
 - d. In new paragraph (p)(1)(ii)(B), remove the phrase "between the parties" and add "by the lessor to the lessee" in its place.

[FR Doc. 2011-25286 Filed 9-28-11; 8:45 am]

BILLING CODE 1505-01-D

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 61

Tariffs

CFR Correction

In Title 47 of the Code of Federal Regulations, Parts 40 to 69, revised as of October 1, 2010, on page 189, in § 61.3, redesignate paragraphs (aa) through (zz) as paragraphs (bb) through (aaa), and reinstate old paragraph (z) as paragraph (aa) to read as follows:

§ 61.3 Definitions.

* * * * *

(aa) *Other participating carrier.* A carrier subject to the Act that publishes