

- 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.

\* \* \* \* \*

[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

a tariff containing rates and regulations applicable to the portion or through service it furnishes in conjunction with another subject carrier.

\* \* \* \* \*

[FR Doc. 2011-25201 Filed 9-28-11; 8:45 am]

BILLING CODE 1505-01-D

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 32**

**Hunting and Fishing**

*CFR Correction*

In Title 50 of the Code of Federal Regulations, Parts 18 to 199, revised as of October 1, 2010, on page 448, in § 32.60, in the Ernest F. Hollings ACE Basin National Wildlife Refuge, reinstate paragraph D, to read as follows:

**§ 32.60 South Carolina.**

\* \* \* \* \*

**Ernest F. Hollings ACE Basin National Wildlife Refuge**

\* \* \* \* \*

■ *D. Sport Fishing.* We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

- 1. We allow fishing in impounded waters contained within dikes and levees in the Beaufort County portion of the refuge annually from April 1 through August 31 during daylight hours. We close fishing during all remaining times within all refuge-impounded waters.
- 2. We prohibit boat use within refuge-impounded waters. We only allow bank fishing.
- 3. We only allow hook and line sport fishing utilizing rod and reel or pole.
- 4. We only open access into refuge areas to fishing by foot or bicycle.

\* \* \* \* \*

[FR Doc. 2011-25199 Filed 9-28-11; 8:45 am]

BILLING CODE 1505-01-D

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 100903433-1531-02]

RIN 0648-BA22

**Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab; Amendment 3**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** This final rule implements measures that were approved in Amendment 3 to the Atlantic Deep-Sea Red Crab Fishery Management Plan (FMP). The New England Fishery Management Council (Council) developed Amendment 3 to bring the FMP into compliance with the annual catch limit (ACL) and accountability measure (AM) requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). This rule establishes the mechanisms for specifying an ACL and AMs and sets the total allowable landings (TAL) for red crab for the 2011-2013 fishing years (FY). NMFS disapproved two proposed measures in Amendment 3. This final rule implements additional management measures to promote efficiency in the red crab fishery.

**DATES:** This rule is effective September 29, 2011.

**ADDRESSES:** An environmental assessment (EA) was prepared for Amendment 3 that describes the proposed action and other considered alternatives, and provides a thorough analysis of the impacts of the proposed measures and alternatives. Copies of Amendment 3, including the EA and the Initial Regulatory Flexibility Analysis (IRFA), are available on request from Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950. These documents are also available online at <http://www.nefmc.org>.

**FOR FURTHER INFORMATION CONTACT:** Moira Kelly, Fishery Policy Analyst, (978) 281-9218; fax: (978) 281-9135.

**SUPPLEMENTARY INFORMATION:**

**Background**

This final rule implements approved measures in Amendment 3, which was

partially approved by NMFS on behalf of the Secretary of Commerce (Secretary). A proposed rule to implement the measures in Amendment 3 published in the **Federal Register** on July 6, 2011 (76 FR 39369), with public comments accepted through August 5, 2011. Details concerning the development of Amendment 3 were contained in the preamble of the proposed rule and are not repeated here. A Notice of Availability (NOA) for Amendment 3 was published in the **Federal Register** on June 22, 2011 (76 FR 36511), with public comments accepted through August 22, 2011.

Amendment 3 was initiated to bring the Red Crab FMP into compliance with the Magnuson-Stevens Act and establish a framework for an ACL and AMs. Red crab is a data-poor stock and, in the absence of better scientific information, the SSC recommended setting the acceptable biological catch (ABC) equal to the long-term (1974-2008) average landings of the directed red crab fishery (3.91 million lb; 1,774 mt). The SSC determined that the results from the December 2008 Data Poor Stocks Working Group were an underestimate of the maximum sustainable yield (MSY) for red crab, but could not determine by how much, so the SSC did not recommend an estimate of MSY. As a result, the MSY estimate in the FMP was rejected, but a new estimate could not be determined. Because the SSC could not determine MSY, a new value for optimum yield (OY) could not be developed. The overfishing limit (OFL) is an estimate of the catch level above which overfishing is occurring, but based on the available information, the SSC determined that an OFL could not be estimated for the red crab fishery at this time. The SSC concluded that scientific uncertainty is accounted for by using the precautionary approach of the status quo, so setting ACL equal to ABC is appropriate. The SSC also concluded that the undeterminable level of discards associated with the long-term average landings is sustainable, and that setting the TAL equal to ACL is also appropriate.

**Disapproved Measures**

*1. Modification to Trap Limit Restrictions*

Changing the trap limit regulations to depth-based trap limits as proposed by the Council would be unenforceable and inconsistent with the policy of the Magnuson-Stevens Act that the management program be based on the Federal capabilities in carrying out enforcement (Magnuson-Stevens Act section 2(c)(3)). Depth-based provisions