

competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises.

List of Subjects in 44 CFR Part 204

Administrative practice and procedures, Fire prevention, Grant programs, Reporting and recordkeeping requirements.

■ For the reasons stated in the preamble, FEMA amends 44 CFR part 204 as follows:

PART 204—FIRE MANAGEMENT ASSISTANCE GRANT PROGRAM

■ 1. The authority citation for part 204 is revised to read as follows:

Authority: Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207; Reorganization Plan No. 3 of 1978, 43 FR 41943; 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; and E.O. 12673, 54 FR 12571, 3 CFR, 1989 Comp., p. 214.

§ 204.3 [Amended]

- 2. In § 204.3:
 - a. Remove the definition of the term “Assistant Administrator”; and
 - b. In the definition of the term “Declared fire”, remove the words “Assistant Administrator for the Disaster Assistance Directorate” and add in their place, the word “Administrator”.

§ 204.21 [Amended]

- 3. In § 204.21, paragraph (a), remove the words “Assistant Administrator for the Disaster Assistance Directorate” and add in their place, the word “Administrator”.

- 4. Revise § 204.23 to read as follows:

§ 204.23 Processing a request for a fire management assistance declaration.

(a) In processing a State’s request for a fire management assistance declaration, the Regional Administrator, in coordination with the Principal Advisor, will verify the information submitted in the State’s request.

(b) The Principal Advisor, at the request of the Regional Administrator, is responsible for providing FEMA a technical assessment of the fire or fire complex for which the State is requesting a fire management assistance declaration. The Principal Advisor may consult with State agencies, usually emergency management or forestry, as well as the Incident Commander, in order to provide FEMA with an accurate assessment.

- 5. Revise § 204.24 to read as follows:

§ 204.24 Determination on request for a fire management assistance declaration.

The Administrator will review all information submitted in the State’s request along with the Principal Advisor’s assessment and render a determination. The determination will be based on the conditions of the fire or fire complex existing at the time of the State’s request. When possible, the Administrator will evaluate the request and make a determination within several hours. Once the Administrator renders a determination, FEMA will promptly notify the State of the determination.

- 6. Revise § 204.26 to read as follows:

§ 204.26 Appeal of fire management assistance declaration denial.

(a) *Submitting an appeal.* When a State’s request for a fire management assistance declaration is denied, the Governor or GAR may appeal the decision in writing within 30 days after the date of the letter denying the request. The State should submit this one-time request for reconsideration in writing, with appropriate additional information to the Administrator through the Regional Administrator. The Administrator will reevaluate the State’s request and notify the State of the final determination within 90 days of receipt of the appeal or the receipt of additional requested information.

(b) *Requesting a time-extension.* The Administrator may extend the 30-day period for filing an appeal, provided that the Governor or the GAR submits a written

(c) *Request for such an extension within the 30-day period.* The Administrator will evaluate the need for an extension based on the reasons cited in the request and either approve or deny the request for an extension.

Dated: August 11, 2010.

W. Craig Fugate,
Administrator, Federal Emergency Management Agency.

[FR Doc. 2010–20281 Filed 8–16–10; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 600 and 635

[Docket No. 080519678–0313–03]

RIN 0648–AW65

Atlantic Highly Migratory Species; Atlantic Shark Management Measures; Amendment 3

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

ACTION: Final rule; correction.

SUMMARY: This document contains a correction to final regulations that were published on June 1, 2010. This change ensures that the process is preserved for adjusting annual shark quotas based on over- and underharvests. This correction makes a change to amendatory instructions in the final rule to accurately reflect NMFS’ intention to effect a conforming amendment to 50 CFR part 635.

DATES: Effective August 17, 2010.

FOR FURTHER INFORMATION CONTACT: Karyl Brewster-Geisz or LeAnn Southward Hogan at 301–713–2347 or (fax) 301–713–1917.

SUPPLEMENTARY INFORMATION: The final rule published on June 1, 2010 (75 FR 30484), and implemented Amendment 3 to the 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP).

The correction amends § 635.27 (b) in Title 50 of the CFR. In the amendatory instructions in the published final rule (75 FR 30484), instruction 12a revised 50 CFR 635.27 (b)(1)(i) through (v), relating to, among other things, pelagic shark quotas and annual quota adjustments. The instructions, however, inadvertently omitted instructions to make a conforming amendment requiring removal of § 635.27 (b)(1)(vii), which relate specifically to annual quota adjustments. Because of the error, § 635.27 (b)(1)(vii) is duplicative and inconsistent with § 635.27 (b)(1)(i). The new § 635.27 (b)(1)(i) includes much of the same information and include only minor changes from § 635.27 (b)(1)(vii). This duplication of provisions providing inconsistent treatment of the same amendment issue will likely cause unnecessary confusion within the regulated fishing industry and among fishery managers as it creates ambiguous guidelines and two separate standards for adjusting annual shark quotas based on over- and underharvests for all the

federally managed shark species in the Atlantic shark fishery.

This correction makes a change to mandatory instructions in the final rule to accurately reflect NMFS' intention to effect a conforming amendment to 50 CFR 635.27 (b) by including instructions in the final rule for the removal of § 635.27 (b)(1)(vii).

Classification

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator of Fisheries (AA) finds good cause to waive prior notice and opportunity for public comment otherwise required by this section. The corrections made by this rule do not make any substantive changes in the rights or obligations of fishermen managed under Amendment 3 to the 2006 Consolidated Highly Migratory Species Fishery Management Plan implemented in the June 1, 2010, final rule. No aspect of this action is controversial, and no change in operating practices in the fishery is required. It was not NMFS' intent to impose duplicative regulations in the same section. These errors should be corrected immediately to eliminate potential confusion by the regulated public. Removing the duplicative paragraphs without notice does not create problems for fishermen in terms of compliance with regulations because the duplicative paragraphs deal with the adjustment of quotas done by fishery managers. However, if left unrevised, these duplicative measures create ambiguous guidance and two separate standards for fishery managers when adjusting annual shark quotas based on over- and underharvests for all the federally managed shark species in the Atlantic shark fishery. For the same reasons, the AA finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date. Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, do not apply.

Need for Correction

Accordingly, in the final rule published on June 1, 2010 (75 FR 30484), on page 30526, column 2, mandatory instruction number 12a is revised to read as follows:

§ 635.27 [Amended]

■ 12a. In § 635.27, paragraphs (b)(1)(i) through (v) are revised to read as follows. Paragraph (b)(1)(vii) is removed.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 11, 2010.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2010-20199 Filed 8-16-10; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 680

[Docket No. 100106010-0074-01]

RIN 0648-AY52

Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Crab Rationalization Program; Emergency Rule Extension

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

ACTION: Temporary rule; emergency action extension.

SUMMARY: NMFS is extending the emergency action, implemented on February 18, 2010, to exempt individual fishing quota (IFQ) and individual processing quota (IPQ) issued for the Western Aleutian Islands golden king crab fishery from the West regional designation. Under the Bering Sea/Aleutian Islands Crab Rationalization Program, Federal regulations require that golden king crab harvested with IFQ with a West regional designation be delivered to a processor with West designated IPQ in the West region of the Aleutian Islands. An emergency exists because, due to a recent unforeseen event, no crab processing facility is open in the West region. This emergency rule extension is necessary to ensure that the exemption remains in effect to prevent disruption to the Aleutian Islands golden king crab fishery by allowing fishermen to deliver crab harvested with West designated IFQ to processors outside the West region and allow processors with West designated IPQ to process that crab outside the West region for the 2010/2011 fishing season. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs, and other applicable law.

DATES: Effective from August 18, 2010, through February 20, 2011.

ADDRESSES: Electronic copies of the Regulatory Impact Review (RIR) prepared for this action may be obtained from <http://www.regulations.gov> or from the NMFS Alaska Region website at <http://alaskafisheries.noaa.gov>.

FOR FURTHER INFORMATION CONTACT: Gretchen Harrington, 907-586-7228.

SUPPLEMENTARY INFORMATION: Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) provides authority for rulemaking to address an emergency. Under that section, a Regional Fishery Management Council may recommend emergency rulemaking, if it finds an emergency exists. At its December 2009 meeting, the North Pacific Fishery Management Council (Council) voted 10 to 1 to request that NMFS promulgate an emergency rule to relieve the existing regional delivery and processing requirement in the Western Aleutian Islands golden king crab fishery.

On February 18, 2010, NMFS published an emergency action to exempt West designated IFQ and West designated IPQ for the Western Aleutian Islands golden king crab fishery from the West regional designation in regulations at 50 CFR 680.40(c)(4) and § 680.40(e)(2), respectively, until August 17, 2010 (75 FR 7205). NMFS invited public comments until March 22, 2010. NMFS received no public comments.

Removing the West regional designation from this IFQ and IPQ removes the requirement that these shares be used in the West region. With this exemption, Western Aleutian Islands golden king crab harvested with West designated IFQ could be delivered to a processor with IPQ in any location, and processors could process crab using West designated IPQ in any location. The preamble to the emergency rule (75 FR 7205, February 18, 2010) provides additional background information.

Section 305(c)(3)(B) of the Magnuson-Stevens Act authorizes NMFS to extend the emergency action for up to 186 days beyond the August 17, 2010, expiration of the initial emergency action, provided the public has had an opportunity to comment on the emergency regulation and, in the case of a Council recommendation, the Council is actively preparing a fishery management plan amendment to address the emergency on a permanent basis.

At its April 2010 meeting, the Council adopted Amendment 37 to the FMP to permanently address the emergency by establishing a process for quota share holders, processor quota share holders, and the municipalities of Adak and