

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 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 May 24, 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. 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, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements.

Dated: February 15, 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 paragraph (c)(363)(i)(A)(7) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(363) * * *

(i) * * *

(A) * * *

(7) Rule 4320, “Advance Emission Reduction Options for Boilers, Steam Generators and Process Heaters greater than 5.0 MMBtu/hr,” adopted on October 16, 2008.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Part 170

[USCG–2007–0030]

RIN 1625–AB20

Passenger Weight and Inspected Vessel Stability Requirements; Correction

AGENCY: Coast Guard, DHS.

ACTION: Correcting Amendment.

SUMMARY: The Coast Guard is correcting a final rule that appeared in the **Federal Register** on December 14, 2010. That rule amended Coast Guard regulations governing the maximum weight and number of passengers that may safely be permitted on board a vessel and other stability regulations, including increasing the Assumed Average Weight per Person (AAWPP) to 185 lb. The rule also improved and updated intact stability and subdivision and damage stability regulations.

DATES: These changes are effective April 25, 2011.

FOR FURTHER INFORMATION CONTACT: If you have questions on this amendment, contact Mr. William Peters, U.S. Coast Guard, Office of Design and Engineering Standards, Naval Architecture Division (CG–5212), telephone 202–372–1371. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Background and Purpose

The Coast Guard is correcting a final rule that appeared in the **Federal Register** on December 14, 2010 (75 FR 78064). That rule, among other things, added new definitions of “Assumed average weight per person”, “Constructed”, and “Lightweight” to 46 CFR 170.055. The definition of “Length” in that section was left unchanged except that it was redesignated to a different paragraph. Due to a clerical error, however, the amendatory instructions in the rule would result in two redundant definitions of “Lightweight” and the elimination of a definition of “Length” in § 170.055. This correction remedies that error by removing the second occurrence of a definition of “Lightweight” and restoring the definition of “Length” in that section. This correction also revises an incorrect internet address in 46 CFR 170.090(g).

List of Subjects in 46 CFR Part 170

Marine safety, Reporting and recordkeeping requirements, Vessels.

For the reasons discussed in the preamble, 46 CFR part 170 is corrected by making the following correcting amendments:

PART 170—STABILITY REQUIREMENTS FOR ALL INSPECTED VESSELS

■ 1. The authority citation for part 170 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 2103, 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

■ 2. In § 170.055, revise paragraphs (k) and (l) to read as follows:

§ 170.055 Definitions concerning a vessel.

* * * * *

(k) *Length* means the distance between fore and aft points on a vessel. The following specific terms are used and correspond to specific fore and aft points:

(1) *Length between perpendiculars (LBP)* means the horizontal distance measured between perpendiculars taken at the forward-most and after-most points on the waterline corresponding to the deepest operating draft. For a small passenger vessel that has underwater projections extending forward of the forward-most point or aft of the after-most point on the deepest waterline of the vessel, the Commanding Officer, U.S. Coast Guard Marine Safety Center, may include the length or a portion of the length of the underwater projections in the value used for the LBP for the purposes of this subchapter. The length or a portion of the length of projections that contribute more than 2 percent of the underwater volume of the vessel is normally added to the actual LBP.

(2) *Length overall (LOA)* means the horizontal distance between the forward-most and after-most points on the hull.

(3) *Length on the waterline (LWL)* means the horizontal distance between the forward-most and after-most points on a vessel's waterline.

(4) *Length on deck (LOD)* means the length between the forward-most and after-most points on a specified deck measured along the deck, excluding sheer.

(5) *Load line length (LLL)* has the same meaning that is provided for the term *length* in § 42.13–15(a) of this chapter.

(6) *Mean length* is the average of the length between perpendiculars (LBP) and the length on deck (LOD).

(l) *Lightweight* means the displacement of a vessel with fixed ballast and with machinery liquids at operating levels but without any cargo, stores, consumable liquids, water ballast, or persons and their effects.

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§ 170.090 [Amended]

■ 3. In § 171.090(g), remove “<http://www.uscg.mil/hq/cg5/cg5212.asp>” and add, in its place, “<http://www.uscg.mil/hq/cg5/cg5212>”.

Dated: March 21, 2011.

Kathryn A. Sinniger,
Chief, Office of Regulations and Administrative Law, United States Coast Guard.

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 622**

[Docket No. 930792–3265]

RIN 0648–XA305

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery Off the Southern Atlantic States; Closure of the Penaeid Shrimp Fishery Off South Carolina

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS closes the penaeid shrimp commercial sector to trawling, i.e., brown, pink, and white shrimp, in the exclusive economic zone (EEZ) off South Carolina in the South Atlantic. This closure is necessary to protect the spawning stock of white shrimp that has been severely depleted by unusually cold weather conditions.

DATES: The closure is effective March 22, 2011 until the effective date of a notification of opening which will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Steve Branstetter, 727–570–5305; fax: 727–570–5583; e-mail: Steve.Branstetter@noaa.gov.

SUPPLEMENTARY INFORMATION: The penaeid shrimp fishery of the South Atlantic is managed under the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management

Council (Council) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Under 50 CFR 622.35(d)(1), NMFS may close the EEZ adjacent to South Atlantic states that have closed their waters to harvest of brown, pink, and white shrimp to protect the white shrimp spawning stock that has been severely depleted by cold weather. Consistent with those procedures and criteria, the state of South Carolina has determined, based on the information from standardized assessments, that unusually cold temperatures have resulted in at least an 80-percent reduction of the white shrimp populations in its state waters. South Carolina closed its waters on January 10, 2011, to the harvest of brown, pink, and white shrimp, and has requested that the Council and NMFS implement a concurrent closure of the EEZ off South Carolina. The Council convened a review panel on March 2, 2011, to evaluate the data supporting the states' request. Based on the review panel's recommendation, the Council approved South Carolina's request and subsequently requested that NMFS concurrently close the EEZ off South Carolina to the harvest of brown, pink, and white shrimp. NMFS has determined that the recommended closure conforms with the procedures and criteria specified in the FMP and the Magnuson-Stevens Act, and, therefore, implements the closure effective March 22, 2011. The closure will be effective until the ending date of the closure in South Carolina, but may be ended earlier based on a request from the state. In no case will the closure remain effective after June 6, 2011. NMFS will terminate the closure of the EEZ by filing a notification to that effect with the Office of the Federal Register.

During the closure, as specified in 50 CFR 622.35(d)(2), no person may: (1) Trawl for brown, pink, or white shrimp in the EEZ off South Carolina; (2) possess on board a fishing vessel brown, pink, or white shrimp in or from the EEZ off South Carolina unless the vessel is in transit through the area and all nets with a mesh size of less than 4 inches (10.2 cm) are stowed below deck; or (3) for a vessel trawling within 25 nautical miles of the baseline from which the territorial sea is measured, use or have on board a trawl net with a mesh size less than 4 inches (10.2 cm), as measured between the centers of opposite knots when pulled taut.