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:


§ 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 request. When possible, the Administrator will evaluate the request and either approve or deny the request for an extension.

(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,
Assistant Administrator, Federal Emergency Management Agency.

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 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 effect 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 amendatory 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, amendatory 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)(i)(vii) is removed.

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