representatives to conduct business with us electronically at the times and in the manner we prescribe on matters for which the representatives request direct fee payment. However, we are not yet requiring them to use the electronic versions of specific OMB-approved collections. We will adjust the burden for affected OMB-approved collections before requiring representatives to use the collections’ electronic versions.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security-Disability Insurance; 96.002, Social Security-Retirement Insurance; 96.004, Social Security-Survivors Insurance; and 96.006, Supplemental Security Income)

List of Subjects
20 CFR Part 404
Administrative practice and procedure, Blind, Disability benefits, Old-Age, Survivors, and Disability Insurance, Penalties, Reporting and recordkeeping requirements, Social Security.

20 CFR Part 416
Administrative practice and procedure, Penalties, Reporting and recordkeeping requirements, Supplemental Security Income (SSI).

Michael J. Astrue, Commissioner of Social Security.

For the reasons set out in the preamble, we are amending 20 CFR part 404 subpart R and part 416 subpart O as set forth below:

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950–)

Subpart R—[Amended]

1. The authority citation for subpart R of part 404 is revised to read as follows:

Authority: Secs. 205(a), 206, 702(a)(5), and 1127 of the Social Security Act (42 U.S.C. 405(a), 406, 902(a)(5), and 1320a-6).

2. Add § 404.1713 to read as follows:

§ 404.1713 Mandatory use of electronic services.

A representative must conduct business with us electronically at the times and in the manner we prescribe on matters for which the representative requests direct fee payment. (See § 404.1740(b)(4)).

§ 404.1740 Rules of conduct and standards of responsibility for representatives.

* * * * *

(b) * * *

(2) * * *

(vi) * * * In §§ 404.1560 through 404.1569, we discuss in more detail the evidence we need when we consider vocational factors;

(3) * * *

(ii) * * * This includes providing prompt and responsive answers to our requests for information pertinent to processing of the claim; and

(4) Conduct business with us electronically at the times and in the manner we prescribe on matters for which the representative requests direct fee payment. (See § 404.1713).

* * * * *

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Subpart O—[Amended]

4. The authority citation for subpart O of part 416 is revised to read as follows:

Authority: Secs. 702(a)(5), 1127, and 1631(d) of the Social Security Act (42 U.S.C. 902(a)(5), 1320a-6, and 1331(d)).

5. Add § 416.1513 to read as follows:

§ 416.1513 Mandatory use of electronic services.

A representative must conduct business with us electronically at the times and in the manner we prescribe on matters for which the representative requests direct fee payment. (See § 416.1540(b)(4)).

6. Amend § 416.1540 by revising the second sentence of paragraph (b)(2)(vi) and the second sentence of paragraph (b)(3)(ii), and adding paragraph (b)(4), to read as follows:

§ 416.1540 Rules of conduct and standards of responsibility for representatives.

* * * * *

(b) * * *

(2) * * *

(vi) * * * In §§ 416.960 through 416.969, we discuss in more detail the evidence we need when we consider vocational factors;

(3) * * *

(ii) * * * This includes providing prompt and responsive answers to our requests for information pertinent to processing of the claim; and

(4) Conduct business with us electronically at the times and in the manner we prescribe on matters for which the representative requests direct fee payment. (See § 416.1513).

* * * * *

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 242

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 100


RIN 1018–AX52

Subsistence Management Regulations for Public Lands in Alaska—Subpart B, Federal Subsistence Board

AGENCIES: Forest Service, Agriculture; Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This final rule revises the regulations concerning the composition of the Federal Subsistence Board (Board). On October 23, 2009, the Secretary of the Interior announced the initiation of a Departmental review of the Federal Subsistence Management Program in Alaska. The review focused on how the program is meeting the purposes and subsistence provisions of Title VIII of the Alaska National Interest Lands Conservation Act of 1980 (ANILCA), and how the program is serving rural subsistence users. The review proposed several administrative and regulatory changes to strengthen the program and make it more responsive to rural subsistence users. This rule expands the Federal Subsistence Board by two public members who possess personal knowledge of and direct experience with subsistence uses in rural Alaska. This action will afford additional stakeholder input to the process.

DATES: This rule is effective October 12, 2011.

FOR FURTHER INFORMATION CONTACT:
Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, 
Attention: Dr. Polly Wheeler, Office of Subsistence Management; (907) 786– 
3888 or subsistence@fws.gov. For 
questions specific to National Forest 
System lands, contact Steve Kessler, 
Subsistence Program Leader, USDA, 
Forest Service, Alaska Region, (907) 
743–9461 or skessler@fs.fed.us.
SUPPLEMENTARY INFORMATION:
Background
Under Title VIII of the Alaska 
National Interest Lands Conservation 
Act (ANILCA) (16 U.S.C. 3111–3126), 
the Secretary of the Interior and the 
Secretary of Agriculture (Secretaries) 
jointly implement the Federal 
Subsistence Management Program. This 
program provides a preference for take 
of fish and wildlife resources for 
subsistence uses on Federal public 
lands and waters in Alaska. The 
Secretaries published temporary 
regulations to carry out this program in 
the Federal Register on June 29, 1990 
(55 FR 27114), and final regulations 
were published in the Federal 
Register on May 29, 1992 (57 FR 22940). The 
Program has subsequently amended 
these regulations a number of times. 
Because this program is a joint effort 
between Interior and Agriculture, these 
regulations are located in two titles of 
the Code of Federal Regulations (CFR): 
Title 36, “Parks, Forests, and Public 
Property,” and Title 50, “Wildlife and 
Fisheries,” at 36 CFR 242.1–28 and 50 
CFR 100.1–28, respectively. The 
regulations contain subparts as follows: Subpart A, General Provisions; Subpart B, Program Structure; Subpart C, Board 
Determinations; Subpart D, Subsistence Taking of Fish and Wildlife. 
Consistent with subpart B of these 
regulations, the Secretaries established a 
Federal Subsistence Board to administer 
the Federal Subsistence Management 
Program. The Board is currently made 
up of:
• A Chair appointed by the Secretary 
of the Interior with concurrence of the 
Secretary of Agriculture;
• The Alaska Regional Director, U.S. 
Fish and Wildlife Service;
• The Alaska Regional Director, U.S. 
National Park Service;
• The Alaska State Director, U.S. 
Bureau of Land Management;
• The Alaska Regional Director, U.S. 
Bureau of Indian Affairs; and 
• The Alaska Regional Forester, U.S. 
Forest Service.
Through the Board, these agencies 
participate in the development of 
regulations for subparts C and D, which, 
among other things, set forth program 
eligibility and specific harvest seasons 
and limits.
In administering the program, the 
Secretaries divided Alaska into 10 
subsistence resource regions, each of 
which is represented by a Subsistence 
Regional Advisory Council (Council). 
The Councils provide a forum for rural 
residents with personal knowledge of 
local conditions and resource 
requirements to have a meaningful role 
in the subsistence management of fish 
and wildlife on Federal public lands in 
Alaska. The Council members represent 
varied geographical, cultural, and user 
interests within each region.
Current Rule
On October 23, 2009, Secretary of the 
Interior Salazar announced the 
initiation of a Departmental review of the 
Federal Subsistence Management 
Program in Alaska. The review focused 
on how the Program is meeting the 
purposes and subsistence provisions of 
Title VIII of the Alaska National Interest 
Lands Conservation Act of 1980 
(ANILCA), and how the Program is 
serving rural subsistence users as 
envisioned when the program began in 
the early 1990s.
On August 31, 2010, the Secretaries 
announced the findings of the review, 
which included several proposed 
administrative and regulatory changes 
to strengthen the Program and make it 
more responsive to those who rely on it 
for their subsistence uses. One proposal 
called for adding two public members 
representing rural Alaskan subsistence 
users to the Federal Subsistence Board, 
which would allow additional regional 
representation and increased 
stakeholder input in the decisionmaking 
process.
The Departments published a 
proposed rule on February 11, 2011 (76 
FR 7758), to amend the regulations in 
subpart B of 36 CFR part 242 and 50 
CFR part 100. “Federal Subsistence 
Board.” The proposed rule opened a 
comment period, which closed on April 
12, 2011. The Departments advertised 
the proposed rule by mail, radio, and 
newspaper. During the meeting period 
for the Federal Subsistence Regional 
Advisory Councils as published in the 
proposed rule, the Councils met and, in 
addition to other Council business, 
formulated recommendations to the 
Board on the proposed rule and 
received comments and suggestions 
from the public and Alaska Native 
organizations. The Board met on May 3, 
2011, to receive additional comments 
and to discuss recommendations to the 
Secretaries on the proposed rule. The 
Board received a total of 6 comments 
from the public, 7 from Alaska Native 
organizations, 2 from subsistence 
resource commissions, 3 from State 
advisory committees, and 10 from 
Federal Subsistence Regional Advisory 
Councils. All comments were posted at 
http://www.regulations.gov at Docket 
The Councils had a substantial role in 
reviewing the proposed rule and making 
recommendations for the final rule. 
Moreover, a Council Chair, or a 
designated representative, presented 
each Council’s recommendations at the 
Board meeting of May 3, 2011. These 
final regulations reflect Board review 
and consideration of Council 
recommendations and public and 
Alaska Native organizations’ comments. 
The public received extensive 
opportunity to review and comment on 
almost all proposed changes. Conforming 
regulatory changes are also made to 
clarify the designation of alternates for 
Board members representing Federal 
agencies and to increase the size of a 
quorum.
Summary of Comments and Board 
Recommendation to the Secretaries
The Board received a total of 28 
public comments. All but two supported 
the addition of two members to the 
Board. One comment was neutral, and 
another opposed the proposed rule. Both 
of these comments recommended 
that the Board membership be changed 
to be comprised solely of members of 
the public or Alaska Natives with no 
Federal agency representation.
All 10 Federal Subsistence Regional 
Advisory Councils supported the 
proposed rule. While the majority of 
comments supported the proposed rule, 
a majority also recommended that the 
proposed language be changed from 
“* * *” to “* * *” two public members 
representing rural Alaskan subsistence 
users * * * ” and “* * *” two public members who are rural Alaskan 
subsistence users * * * ”.
After careful review of all public, 
Tribal, and Native Corporation 
comments and consideration of the 
Councils’ recommendations, the Board 
recommended the above language to the 
Secretaries. The Board’s justification 
for this recommended modification to the 
language in the proposed rule was:
• To truly represent subsistence 
users, public members need to be 
actively participating in the subsistence 
way of life;
• With the exception of the Chair, 
active subsistence users are not 
represented on this Board, but their 
knowledge and current hunting, fishing, 
and gathering experience would clearly 
benefit this Board; and
• This recommendation would demonstrate a genuine commitment to listening to what the Board heard through the public comment process on the proposed rule.

In addition to recommendations and comments on the proposed regulatory language, the Councils’ and public comments recommended several selection criteria for new public Board members. While these criteria was not addressed in the proposed rule, the Board consolidated these recommendations and forwarded them to the Secretaries.

On July 25, 2011, Secretary of the Interior Salazar, with concurrence of Secretary of Agriculture Vilsack, notified the Federal Subsistence Board that they approved the addition of two public members to the Board with the following language, “* * * * two public members who possess personal knowledge of and direct experience with subsistence uses in rural Alaska * * * *”. The approved language, while differing slightly from the Board’s recommendation, captures the intent of the Board and recommendations made by the Councils, and the majority of comments from Alaska Native organizations and members of the public. The Secretaries responded positively to the recommended selection criteria for public members to the Board.

Tribal Consultation and Comment

As expressed in Executive Order 13175, “Consultation and Coordination with Indian Tribal Governments,” the Federal officials that have been delegated authority by the Secretaries are committed to honoring the unique government-to-government political relationship that exists between the Federal Government and Federally Recognized Indian Tribes (Tribes) as well as the relationship required by statute and the relationship required by statute and the relationship required by statute and the relationship required by statute and the relationship required by statute and the relationship required by statute and the relationship required by statute. The Board engaged in outreach efforts for this rule, including a notification letter, to ensure that Tribes and Alaska Native corporations were advised of the mechanisms by which they could participate. The Board provided a variety of opportunities for consultation: Commenting on proposed changes to the existing rule; engaging in dialogue at the Regional Council meetings; engaging in dialogue at the Board’s meetings; and providing input in person, by mail, e-mail, or phone at any time during the rulemaking process. The Board is committed to efficiently and adequately providing opportunities to Tribes and Alaska Native corporations for consultation with regard to subsistence rulemaking.

The Board considered Tribes’ and Alaska Native corporations’ information, input, and recommendations, and addressed their concerns as much as practicable. A total of seven Alaska Native organizations provided comments and recommendations on this rule.

Conformance With Statutory and Regulatory Authorities

Administrative Procedure Act Compliance

The Board has provided extensive opportunity for public input and involvement in compliance with Administrative Procedure Act requirements, including publishing a proposed rule in the Federal Register, and receiving public comment on the proposed regulatory change through http://www.regulations.gov. There were also opportunities for participation during multiple Regional Council meetings at which Council recommendations were made in consideration of public comments received and opportunity for additional public comment during the Board meeting prior to deliberation and forming a recommendation to the Secretaries. Therefore, the Board believes that sufficient public notice and opportunity for involvement have been given to affected persons regarding the Board’s recommendation and the Secretaries’ decision.

National Environmental Policy Act Compliance

A Draft Environmental Impact Statement that described four alternatives for developing a Federal Subsistence Management Program was distributed for public comment on October 7, 1991. The Final Environmental Impact Statement (FEIS) was published on February 28, 1992. Based on the public comments received, the analysis contained in the FEIS, and the recommendations of the Federal Subsistence Board and the Department of the Interior’s Subsistence Policy Group, the Secretary of the Interior, with the concurrence of the Secretary of Agriculture, through the U.S. Department of Agriculture–Forest Service, selected Alternative IV as identified in the DEIS and FEIS. The Record of Decision (ROD) on Subsistence Management for Federal Public Lands in Alaska was signed April 6, 1992. The selected alternative in the FEIS (Alternative IV) defined the administrative framework of an annual regulatory cycle for subsistence regulations. Several alternatives were considered for the composition of the Board including all Federal agency heads and public members representing subsistence users. This regulation adding two additional public members to the Board falls within the scope of alternatives. For this reason, the impacts described in the FEIS and ROD are deemed sufficient for this regulation and require no further analysis.

Even in the absence of the consideration of alternatives in the existing programmatic FEIS and ROD, no further NEPA analysis would be required in this instance. There are two reasons for this. The first is that this action is merely administrative in nature and has no environmental impact. The second is that activities of this nature are categorically excluded from the requirements of NEPA under both Department of the Interior (DOI) regulations and Department of Agriculture (USDA) regulations. Specifically, DOI regulations at 43 CFR 46.210 set forth categorical exclusions for both internal organizational changes and the adoption of regulations that are of an administrative nature. Similarly, USDA regulations at 7 CFR 1b.3(a) provide a categorical exclusion for routine activities such as personnel and organizational changes, and similar administrative functions.

The final rule for subsistence management regulations for public lands in Alaska, subparts A, B, and C, implemented the Federal Subsistence Management Program and included a framework for a regulatory cycle for the subsistence taking of wildlife and fish. The following Federal Register documents pertain to this rulemaking:
An environmental assessment was prepared in 1997 on the expansion of Federal jurisdiction over fisheries and is available from the office listed under FOR FURTHER INFORMATION CONTACT. The Secretary of the Interior with the concurrence of the Secretary of Agriculture determined that the expansion of Federal jurisdiction did not constitute a major Federal action significantly affecting the human environment and, therefore, signed a Finding of No Significant Impact.

Section 810 of ANILCA

An ANILCA §810 analysis was completed as part of the FEIS process on the Federal Subsistence Management Program. The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. The final §810 analysis determination appeared in the April 6, 1992, ROD and concluded that the Program, under Alternative IV with an annual process for setting subsistence regulations, may have some local impacts on subsistence uses, but will not likely restrict subsistence uses significantly. During the subsequent environmental assessment process for extending fisheries jurisdiction, an evaluation of the effects of this rule was conducted in accordance with §810. That evaluation also supported the Secretaries’ determination that the rule

<table>
<thead>
<tr>
<th>Federal Register citation</th>
<th>Date of publication</th>
<th>Category</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>57 FR 22940</td>
<td>May 29, 1992</td>
<td>Final Rule</td>
<td>“Subsistence Management Regulations for Public Lands in Alaska; Final Rule” was published in the Federal Register. Amended the regulations to include subsistence activities occurring on inland navigable waters in which the United States has a reserved water right and to identify specific Federal land units where reserved water rights exist. Extended the Federal Subsistence Board’s management to all Federal lands selected under the Alaska Native Claims Settlement Act and the Alaska Statehood Act and situated within the boundaries of a Conservation System Unit, National Recreation Area, National Conservation Area, or any new national forest or forest addition, until conveyed to the State of Alaska or to an Alaska Native Corporation. Specified and clarified the Secretaries’ authority to determine when hunting, fishing, or trapping activities taking place in Alaska off the public lands interfere with the subsistence priority.</td>
</tr>
<tr>
<td>64 FR 1276</td>
<td>January 8, 1999</td>
<td>Final Rule</td>
<td></td>
</tr>
<tr>
<td>66 FR 31533</td>
<td>June 12, 2001</td>
<td>Interim Rule</td>
<td>Expanded the authority that the Board may delegate to agency field officials and clarified the procedures for enacting emergency or temporary restrictions, closures, or openings.</td>
</tr>
<tr>
<td>67 FR 30559</td>
<td>May 7, 2002</td>
<td>Final Rule</td>
<td>Amended the operating regulations in response to comments on the June 12, 2001, interim rule. Also corrected some inadvertent errors and oversights of previous rules.</td>
</tr>
<tr>
<td>68 FR 7703</td>
<td>February 18, 2003</td>
<td>Direct Final Rule</td>
<td>Clarified how old a person must be to receive certain subsistence use permits and removed the requirement that Regional Councils must have an odd number of members.</td>
</tr>
<tr>
<td>68 FR 23035</td>
<td>April 30, 2003</td>
<td>Affirmation of Direct Final Rule</td>
<td>Because no adverse comments were received on the direct final rule (67 FR 30559), the direct final rule was adopted.</td>
</tr>
<tr>
<td>69 FR 60957</td>
<td>October 14, 2004</td>
<td>Final Rule</td>
<td>Clarified the membership qualifications for Regional Advisory Council membership and relocated the definition of “regulatory year” from subpart A to subpart D of the regulations.</td>
</tr>
<tr>
<td>70 FR 76400</td>
<td>December 27, 2005</td>
<td>Final Rule</td>
<td>Revised jurisdiction in marine waters and clarified jurisdiction relative to military lands.</td>
</tr>
<tr>
<td>71 FR 49997</td>
<td>August 24, 2006</td>
<td>Final Rule</td>
<td>Revised the jurisdiction of the subsistence program by adding submerged lands and waters in the area of Makhnati Island, near Sitka, AK. This allowed subsistence users to harvest marine resources in this area under seasons, harvest limits, and methods specified in the regulations.</td>
</tr>
<tr>
<td>72 FR 25688</td>
<td>May 7, 2007</td>
<td>Final Rule</td>
<td>Revised nonrural determinations. Amended the regulations for accepting and addressing special action requests and the role of the Regional Advisory Councils in the process.</td>
</tr>
<tr>
<td>75 FR 63088</td>
<td>October 14, 2010</td>
<td>Final Rule</td>
<td></td>
</tr>
</tbody>
</table>

For Further Information Contact. The Secretary of the Interior with the concurrence of the Secretary of Agriculture determined that the expansion of Federal jurisdiction did not constitute a major Federal action significantly affecting the human environment and, therefore, signed a Finding of No Significant Impact.
will not reach the "may significantly restrict" threshold that would require notice and hearings under ANILCA § 810(a).

Paperwork Reduction Act
An agency may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. This rule does not contain any new collections of information that require OMB approval. OMB has reviewed and approved the following collections of information associated with the subsistence regulations at 36 CFR part 242 and 50 CFR part 100: Subsistence hunting and fishing applications, permits, and reports, Federal Subsistence Regional Advisory Council Membership Application/Nomination and Interview Forms (OMB Control No. 1018–0075 expires January 31, 2013).

Regulatory Planning and Review (Executive Order 12866)
The Office of Management and Budget (OMB) has determined that this rule is not significant and has not reviewed this rule under Executive Order 12866. OMB bases its determination upon the following four criteria:
(a) Whether the rule will have an annual effect of $100 million or more on the economy or adversely affect an economic sector, productivity, jobs, the environment, or other units of the government.
(b) Whether the rule will create inconsistencies with other agencies’ actions.
(c) Whether the rule will materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients.
(d) Whether the rule raises novel legal or policy issues.

Regulatory Flexibility Act
The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations, or governmental jurisdictions. In general, the resources to be harvested under this rule are already being harvested and consumed by the local harvester and do not result in an additional dollar benefit to the economy. However, we estimate that two million pounds of meat are harvested by subsistence users annually and, if given an estimated dollar value of $3.00 per pound, this amount would equate to about $6 million in food value statewide. Based upon the amounts and values cited above, the Departments certify that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Small Business Regulatory Enforcement Fairness Act
Under the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801 et seq.), this rule is not a major rule. It does not have an effect on the economy of $100 million or more, will not cause a major increase in costs or prices for consumers, and does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Executive Order 12630
Title VIII of ANILCA requires the Secretaries to administer a subsistence priority on public lands. The scope of this Program is limited by definition to certain public lands. Likewise, these regulations have no potential takings of private property implications as defined by Executive Order 12630.

Unfunded Mandates Reform Act
The Secretaries have determined and certify pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 et seq., that this rulemaking will not impose a cost of $100 million or more in any given year on local or State governments or private entities. The implementation of this rule is by Federal agencies and there is no cost imposed on any State or local entities or Tribal governments.

Executive Order 12988
The Secretaries have determined that these regulations meet the applicable standards provided in §§ 3(a) and 3(b)(2) of Executive Order 12988, regarding civil justice reform.

Executive Order 13132
In accordance with Executive Order 13132, the rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment. Title VIII of ANILCA precludes the State from exercising subsistence management authority over fish and wildlife resources on Federal lands unless it meets certain requirements.

Executive Order 13175
The Alaska National Interest Lands Conservation Act does not provide rights to Tribes for the subsistence taking of wildlife, fish, and shellfish. However, the Board provided Federally recognized Tribes and Alaska Native Corporations an opportunity to consult on this rule. Consultation with Alaska Native Corporations is based on Public Law 108–199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Public Law 108–447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267, which provides that: “The Director of the Office of Management and Budget and all Federal agencies shall hereafter consult with Alaska Native Corporations on the same basis as Indian Tribes under Executive Order No. 13175.”

Executive Order 13211
This Executive Order requires agencies to prepare Statements of Energy Effects when undertaking certain actions. However, this rule is not a significant regulatory action under E.O. 13211, affecting energy supply, distribution, or use, and no Statement of Energy Effects is required.

Drafting Information
Theo Matuskowitz drafted these regulations under the guidance of Dr. Polly Wheeler of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Additional assistance was provided by:
- Daniel Sharp, Alaska State Office, Bureau of Land Management;
- Sandy Rabinowitch and Nancy Swanton, Alaska Regional Office, National Park Service;
- Dr. Glenn Chen, Alaska Regional Office, Bureau of Indian Affairs;
- Jerry Berg, Alaska Regional Office, U.S. Fish and Wildlife Service; and

List of Subjects
36 CFR Part 242
Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100
Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.
Regulation Promulgation

For the reasons set out in the preamble, the Federal Subsistence Board amends title 36, part 242, and title 50, part 100, of the Code of Federal Regulations, as set forth below.

PART SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

§ 2. Amend § 2.10 by revising paragraphs (b)(1) and (d)(2) to read as follows:

§ 2.10 Federal Subsistence Board.

(b) * * * * *

(1) The voting members of the Board are: A Chair to be appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture; two public members who possess personal knowledge of and direct experience with subsistence uses in rural Alaska to be appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture; the Alaska Regional Director, U.S. Fish and Wildlife Service; Alaska Regional Director, National Park Service; Alaska Regional Forester, U.S. Forest Service; the Alaska State Director, Bureau of Land Management; and the Alaska Regional Director, Bureau of Indian Affairs. Each Federal agency member of the Board may appoint a designee.

(d) * * *

(2) A quorum consists of five members.

Dated: August 31, 2011.

Ken Salazar,

Secretary of the Interior, Department of the Interior.

Dated: August 16, 2011.

Beth G. Pendleton,

Regional Forester, USDA—Forest Service.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52


Interim Final Determination to Stay and Defer Sanctions, San Joaquin Valley Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule.

SUMMARY: EPA is making an interim final determination to stay the imposition of offset sanctions and to defer the imposition of highway sanctions based on a proposed approval of revisions to the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) portion of the California State Implementation Plan (SIP) published elsewhere in this Federal Register. The revisions concern SJVUAPCD Rule 4684, Polyester Resin Operations.

DATES: This interim final determination is effective on September 12, 2011. However, comments will be accepted until October 12, 2011.

ADDRESSES: Submit comments, identified by docket number EPA—R09–OAR—2011–0733, by one of the following methods:


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 not 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. 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:

David Grounds, EPA Region IX, (415) 972–3019, grounds.david@epa.gov.

SUPPLEMENTARY INFORMATION:

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

I. Background

On January 26, 2010 (75 FR 3996), we published a limited approval and limited disapproval of SJVUAPCD Rule 4684, as adopted locally on September 20, 2007 and submitted by the State on March 7, 2008. We based our limited disapproval action on certain deficiencies in the submittal. This disapproval action started a sanctions clock for imposition of sanctions pursuant to section 179 of the Clean Air Act (CAA) and our regulations at 40 CFR 52.31. Under 40 CFR 52.31(d)(1), offset sanctions apply eighteen months after the effective date of a disapproval and highway sanctions apply six months after the offset sanctions, unless we determine that the deficiencies forming the basis of the disapproval have been corrected.

On August 18, 2011, SJVUAPCD adopted revisions to Rule 4684 that were intended to correct the deficiencies identified in our limited disapproval action. On July 22, 2011, the State submitted a proposed rule with request for parallel processing to EPA. In the Proposed Rules section of today’s Federal Register, we have proposed full approval of the rule once we receive the final adopted version as a revision to the California SIP because we believe it corrects the deficiencies for SJVUAPCD Rule 4684 identified in our January 26, 2010 disapproval action. Based on today’s proposed approval, we are taking this final rulemaking action, effective on publication, to stay the imposition of the offset sanctions and to defer the imposition of the highway sanctions triggered by our January 26, 2010 limited disapproval. This action only addresses SJVUAPCD Rule 4684.