

Dated: September 20, 2012.

**Jared Blumenfeld,**

*Regional Administrator, Region IX.*

Therefore, 40 CFR chapter I 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 and reserving paragraph (c)(417) and adding paragraph (c)(418) to read as follows:

#### **§ 52.220 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(417) [Reserved]

(418) New and amended regulation for the following APCD was submitted on April 22, 2011, by the Governor's Designee.

(i) Incorporation by Reference

(A) South Coast Air Quality Management District

(1) Rule 317, "Clean Air Act Non-Attainment Fees," amended on February 4, 2011.

[FR Doc. 2012–29385 Filed 12–13–12; 8:45 am]

**BILLING CODE 6560–50–P**

#### **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Part 82**

[EPA–HQ–OAR–2011–0111; FRL–9757–5]

RIN 2060–AQ84

#### **Protection of Stratospheric Ozone: Listing of Substitutes for Ozone Depleting Substances—Fire Suppression and Explosion Protection**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Withdrawal in part of direct final rule.

**SUMMARY:** On September 19, 2012, the **Federal Register** published a direct final rule and a companion proposed rule issuing listings for three fire suppressants under EPA's Significant New Alternatives Policy program. Because EPA received adverse comment concerning C7 Fluoroketone, we are withdrawing that part of the direct final rule that listed C7 Fluoroketone acceptable subject to narrowed use limits as a substitute for halon 1211. Other listings in that direct final rule will take effect on December 18, 2012.

**DATES:** Effective December 14, 2012, EPA withdraws the entire entry for "Streaming: C7 Fluoroketone as a substitute for Halon 1211" in Appendix S to Subpart G of Part 82 in the direct final rule published at 77 FR 58035, September 19, 2012.

#### **FOR FURTHER INFORMATION CONTACT:**

Bella Maranion, Stratospheric Protection Division, Office of Atmospheric Programs; Environmental Protection Agency, Mail Code 6205J, 1200 Pennsylvania Avenue NW., Washington DC 20460; telephone number (202) 343–9749, fax number, (202) 343–2338; email address at [maranion.bella@epa.gov](mailto:maranion.bella@epa.gov). The published versions of notices and rulemakings under the SNAP program are available on EPA's Stratospheric Ozone Web site at <http://www.epa.gov/ozone/snap/regs>.

**SUPPLEMENTARY INFORMATION:** On September 19, 2012, the **Federal Register** published a direct final rule and a companion proposed rule issuing listings for three fire suppressants under EPA's Significant New Alternatives Policy program (77 FR 58035). Because EPA received adverse comment concerning C7 Fluoroketone, we are withdrawing that part of the direct final rule that listed C7 Fluoroketone.

The listing would have found C7 Fluoroketone acceptable subject to narrowed use limits, as a substitute for halon 1211 for use as a streaming agent in portable fire extinguishers in nonresidential applications. We stated in that direct final rule that if we received adverse comment by October 19, 2012, that we would publish a timely withdrawal in the **Federal Register**. We subsequently received one adverse comment on that part of the direct final rule, but no comments on the other listings in the direct final rule. The other listings in that direct final rule, finding Powdered Aerosol F and Powdered Aerosol G acceptable subject to use conditions as substitutes for halon 1301 for use as a total flooding agent in normally unoccupied areas, will take effect on December 18, 2012. EPA intends to address the adverse comment concerning C7 Fluoroketone in a subsequent final action, which will be based on the parallel proposed rule published on September 19, 2012 (77 FR 58081). As stated in the direct final rule and the parallel proposed rule, we will not institute a second comment period on this action.

Dated: December 5, 2012.

**Gina McCarthy,**

*Assistant Administrator, Office of Air and Radiation.*

Accordingly, the entire entry for "Streaming: C7 Fluoroketone as a

substitute for Halon 1211" in Appendix S to Subpart G of Part 82 in the direct final rule published on September 19, 2012 (77 FR 58035) is withdrawn as of December 14, 2012.

[FR Doc. 2012–29984 Filed 12–13–12; 8:45 am]

**BILLING CODE 6560–50–P**

#### **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

#### **Centers for Medicare & Medicaid Services**

#### **42 CFR Parts 438, 441, and 447**

[CMS–2370–CN]

RIN 0938–AQ63

#### **Medicaid Program; Payments for Services Furnished by Certain Primary Care Physicians and Charges for Vaccine Administration Under the Vaccines for Children Program; Correction**

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), HHS.

**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects technical errors that appeared in the final rule published in the November 6, 2012 **Federal Register** entitled "Medicaid Program; Payments for Services Furnished by Certain Primary Care Physicians and Charges for Vaccine Administration under the Vaccines for Children Program."

**DATES:** *Effective Date:* The provisions of this final rule are effective on January 1, 2013.

#### **FOR FURTHER INFORMATION CONTACT:**

Mary Cieslicki, (410) 786–4576, or Linda Tavener, (410) 786–3838, for issues related to payments for primary care physicians.

Mary Beth Hance, (410) 786–4299, for issues related to charges for the administration of pediatric vaccines.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

In FR Doc. 2012–26507 of November 6, 2012 (77 FR 66670), there were a number of technical errors that are identified and corrected in the Correction of Errors section below. The provisions in this correction document are effective as if they had been included in the document published November 6, 2012. Accordingly, the corrections are effective January 1, 2013.

##### **II. Summary of Errors**

In the November 6, 2012 final rule (77 FR 66670), we inadvertently published

technical errors in § 447.400(a) and § 447.405 listed on page 66701. One correction ensures consistency between two sentences in the same paragraph and the other restores text inadvertently omitted from the final rule that had been included in the May 11, 2012 notice of proposed rulemaking (77 FR 27671) on pages 26789–90. Thus, we are correcting page 66701 to reflect the correct information.

### III. Waiver of Proposed Rulemaking

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a rule take effect in accordance with section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). However, we can waive this notice and comment procedure if the Secretary finds, for good cause, that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons therefore in the notice.

Section 553(d) of the APA ordinarily requires a 30-day delay in effective date of final rules after the date of their publication in the **Federal Register**. This 30-day delay in effective date can be waived, however, if an agency finds for good cause that the delay is impracticable, unnecessary, or contrary to the public interest, and the agency incorporates a statement of the findings and its reasons in the rule issued. The policies expressed in final rule (77 FR 66670) have been previously subjected to notice and comment procedures. This notice merely provides a technical correction to the final rule and does not make substantive changes to the policies or methodologies that were expressed in the final rule. One technical correction ensures consistency of two sentences of the same paragraph, and the other restores text that had been present in the notice of proposed rulemaking (77 FR 27671) but inadvertently omitted from the final rule text. Therefore, we find it unnecessary to undertake further notice and comment procedures with respect to this correction notice and find good cause to waive notice and comment procedures and the 30-day delay in the effective date for this correction notice.

### IV. Correction of Errors

In FR Doc. 2012–26507 of November 6, 2012 (77 FR 66670), make the following corrections:

1. On page 66701, in the first column; in the last full sentence, in the first partial paragraph, the sentence reads, “A physician self-attests that he/she:”.

Correct the sentence to read, “Such physician then attests that he/she:”.

2. On the same page, in the same column; in the last full paragraph, paragraph (a) reads, “For CYs 2013 and 2014, a state must pay for physician services described in § 447.400 based on:”. Correct the sentence to read, “For CYs 2013 and 2014, a state must pay for physician services described in § 447.400 based on the lower of:”.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: December 3, 2012.

**Oliver Potts,**

*Deputy Executive Secretary to the Department, Department of Health and Human Services.*

[FR Doc. 2012–29640 Filed 12–13–12; 8:45 am]

**BILLING CODE 4120–01–P**

## DEPARTMENT OF ENERGY

### 48 CFR Parts 908, 945, 952, and 970

**RIN 1991–AB86**

### Acquisition Regulation: Department of Energy Acquisition Regulation, Government Property

**AGENCY:** Department of Energy.

**ACTION:** Final rule.

**SUMMARY:** The Department of Energy (DOE) is amending the Department of Energy Acquisition Regulation (DEAR) to conform to the Federal Acquisition Regulation (FAR), remove out-of date government property coverage, and update references. This rule does not alter substantive rights or obligations under current law.

**DATES:** *Effective Date:* January 14, 2013.

**FOR FURTHER INFORMATION CONTACT:** Helene Abbott at (202) 287–1593 or via email: [helene.abbott@hq.doe.gov](mailto:helene.abbott@hq.doe.gov).

#### SUPPLEMENTARY INFORMATION:

- I. Background
- II. Comment Resolution
- III. Section-by-Section Analysis
- IV. Procedural Requirements
  - A. Review Under Executive Order 12866
  - B. Review Under Executive Order 12988
  - C. Review Under the Regulatory Flexibility Act
  - D. Review Under the Paperwork Reduction Act
  - E. Review Under the National Environmental Policy Act
  - F. Review Under Executive Order 13132
  - G. Review Under the Unfunded Mandates Reform Act of 1995
  - H. Review Under the Treasury and General Government Appropriations Act, 1999
  - I. Review Under Executive Order 13211

- J. Review Under the Treasury and General Government Appropriations Act, 2001
- K. Review Under the Small Business Regulatory Enforcement Fairness Act of 1996
- L. Approval by the Office of the Secretary of Energy

### I. Background

DOE is amending Parts 908, Required Sources of Supplies and Services, 945, Government Property, 952, Solicitation Provisions and Contract Clauses, and 970, Management and Operating Contracts, to remove out-of-date coverage, to update references and to conform to the FAR.

This final rule contains several administrative changes that will not substantially change the content of the regulation. Changes include adding correct citations; correcting office names; updating vehicle license tag ordering procedures; correcting the excess personal property screening timeframe; revising the contractor's reporting of sensitive item listing; and retaining the definition of “Capital Equipment” which was included in the proposed rule for deletion. After further analysis, it is necessary to retain the “Capital Equipment” definition for the purpose of this rule. In addition, during the review of the final rule, it was discovered that section 952.245–5 referenced FAR 52.245–5 which is “Reserved” under the FAR rewrite.

### II. Comment Resolution.

This final rule follows a notice of proposed rulemaking published in the **Federal Register** on March 4, 2011, 76 FR 11985. There were no comments received as a result of that proposed rulemaking.

### III. Section-by-Section Analysis

DOE is amending the DEAR as follows:

1. Section 908.1102 is amended by redesignating paragraph (a) (4) as 908.1102–70 Vehicle leasing to conform to the FAR convention, and adding the phrase “All subsequent lease renewals or extensions may be exercised only when General Service Administration (GSA) has advised that it cannot furnish the vehicle(s) as prescribed herein.”

2. Section 908.1104(f) is amended by removing “Federal Property Management Regulation (FPMR) 41 CFR 101–38.6.” and adding in its place “Federal Management Regulation (FMR) 41 CFR 102–34.160, 102–34.175 and 102–34.80” to provide the updated citation.

3. Section 908.7101–2 (a) is amended by removing “FPMR 41 CFR 101–25.304, 101–26.501, and 101–38.13 and DOE–PMR 41 CFR 109–25.304, 109–