

ethical and conflicts of interest questions and acts as the Commission's liaison on such matters with the Office of Administrative and Personnel Management, the Office of the Inspector General and the Department of Justice.”;

■ b. In paragraph (b), remove the phrase “Subject to the oversight of the General Counsel or his or her delegate, the” and add in its place the word “The”;

#### Subpart M—Regulation Concerning Conduct of Members and Employees and Former Members and Employees of the Commission

■ 4. The authority citation for Part 200, Subpart M, continues to read as follows:

**Authority:** 15 U.S.C. 77s, 77sss, 78w, 80a–37, 80b–11; E.O. 11222, 3 CFR, 1964–1965 Comp., p. 36; 5 CFR 735.104 and 5 CFR 2634; and 5 CFR 2635, unless otherwise noted.

■ 5. In § 200.735–11, remove the words “Commission’s Office of the General Counsel’s” in paragraphs (c), (d) and (e);

■ 6. In § 200.735–15:

■ (a) In paragraphs (a), (b), (c), and (d), remove the words “General Counsel” wherever they appear and add in their place the words “Ethics Counsel”;

■ (b) In paragraphs (b), (e), and (f), remove the phrase “Commission’s Office of the General Counsel’s”.

■ 7. In § 200.735–17, remove the phrase “Under the general direction of the General Counsel, the”, and add in its place the word “The”.

Dated: November 14, 2011.

**Elizabeth M. Murphy,**  
Secretary.

[FR Doc. 2011–29802 Filed 11–17–11; 8:45 am]

**BILLING CODE 8011–01–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[TD 9552]

RIN 1545–BJ24

#### Deduction for Qualified Film and Television Production Costs; Correction

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correction to final and temporary regulations.

**SUMMARY:** This document contains a correction to final and temporary regulations (TD 9552) that were published in the **Federal Register** on Wednesday, October 19, 2011 (76 FR 64816) relating to deductions for the

cost of producing film and television productions.

**DATES:** This correction is effective on November 18, 2011, and is applicable on October 19, 2011.

**FOR FURTHER INFORMATION CONTACT:** Bernard P. Harvey, (202) 622–4930 (not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

##### Background

The final and temporary regulations that are the subject of this correction are under Section 181 of the Internal Revenue Code.

##### Need for Correction

As published, final and temporary regulations (TD 9552) contain an error that may prove to be misleading and is in need of clarification.

##### Correction of Publication

Accordingly, the publication of the final and temporary regulations (TD 9552) which were the subject of FR Doc. 2011–26973 published in the **Federal Register** on Wednesday, October 19, 2011 is corrected as follows:

##### § 1.181–1 [Corrected]

On page 64817, column 2, under the amendatory instruction, the language “Par. 2. Section 1.181–1 is amended by revising paragraphs (a)(1)(ii), (a)(6) and (b)(1)(ii) and (b)(2)(vi) to read as follows:” is removed and is replaced with the new language “Par. 2. Section 1.181–1 is amended by revising paragraphs (a)(1)(ii), (a)(6), (b)(1)(ii), (b)(2)(vi), and (c)(2) to read as follows:”.

**LaNita Van Dyke,**

Chief, Publications and Regulations Branch,  
Legal Processing Division, Associate Chief  
Counsel, Procedure and Administration.

[FR Doc. 2011–29922 Filed 11–17–11; 8:45 am]

**BILLING CODE 4830–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA–R03–OAR–2011–0474; FRL–9494–2]

#### Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Determination of Clean Data for the 2006 Fine Particulate Standard for the Charleston Area

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

**ACTION:** Final rule.

**SUMMARY:** EPA is making a final determination regarding the Charleston, West Virginia nonattainment area

(hereafter referred to as the “Charleston Area” or the “Area”) for the 24-hour 2006 fine particulate matter (PM<sub>2.5</sub>) national ambient air quality standard (NAAQS). EPA is determining that the Charleston Area has clean data for the 24-hour 2006 PM<sub>2.5</sub> NAAQS. This determination is based upon complete, quality assured, and certified ambient air monitoring data showing that this area has monitored attainment of the 24-hour 2006 PM<sub>2.5</sub> NAAQS based on the 2007–2009 data and data available to date for 2010 in EPA’s Air Quality System (AQS) database. EPA’s determination releases the Charleston Area from the requirements to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning State Implementation Plans (SIPs) related to attainment of the standard for so long as the Area continues to meet the 24-hour 2006 PM<sub>2.5</sub> NAAQS.

**DATES:** *Effective Date:* This final rule is effective on December 19, 2011.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2011–0474. All documents in the docket are listed in the <http://www.regulations.gov> Web site. Although listed in the electronic docket, some information is not publicly available, *i.e.*, confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

**FOR FURTHER INFORMATION CONTACT:** Asrah Khadr, (215) 814–2071, or by email at [khadr.asrah@epa.gov](mailto:khadr.asrah@epa.gov).

#### SUPPLEMENTARY INFORMATION:

- I. What action is EPA taking?
- II. What is the effect of this action?
- III. Statutory and Executive Order Reviews

#### I. What action is EPA taking?

EPA is making a final determination that the Charleston Area has clean data for the 24-hour 2006 PM<sub>2.5</sub> NAAQS. This determination is based upon complete, quality assured, and certified ambient air monitoring data showing that this area has monitored attainment

of the 2006 PM<sub>2.5</sub> NAAQS based on the 2007–2009 data and data available to date for 2010 in EPA's AQS database.

On August 19, 2011 (76 FR 51927), EPA proposed its determination of clean data for the Charleston Area. A discussion of the rationale behind this determination and the effect of the determination were included in the notice of proposed rulemaking. EPA received no comments on this notice of proposed rulemaking.

## II. What is the effect of this action?

Under the provisions of EPA's PM<sub>2.5</sub> implementation rule (*See* 40 CFR section 51.1004(c)), the requirements for the Charleston Area to submit an attainment demonstration and associated reasonably available control measures (including reasonably available control technology), a reasonable further progress plan, contingency measures, and any other planning SIPs related to attainment of the 2006 PM<sub>2.5</sub> NAAQS are suspended for so long as the area continues to meet the 24-hour 2006 PM<sub>2.5</sub> NAAQS. If EPA subsequently determines that this area violates the 24-hour 2006 PM<sub>2.5</sub> NAAQS, the basis for the suspension of the specific requirements, set forth at 40 CFR 51.1004(c), would no longer exist and this area would thereafter have to address the pertinent requirements.

This action, does not constitute a redesignation of the Charleston Area to attainment of the 24-hour 2006 PM<sub>2.5</sub> NAAQS under section 107(d)(3) of the Clean Air Act (CAA). Further, this action does not involve approving maintenance plans for the Area as required under section 175A of the CAA, nor does it find that the Area has met all other requirements for redesignation. Even after a determination of attainment by EPA, the designation status of the Charleston Area is nonattainment for the 24-hour 2006 PM<sub>2.5</sub> NAAQS until such time as EPA determines that the Area meets the CAA requirements for redesignation to attainment and takes action to redesignate the Charleston Area.

## III. Statutory and Executive Order Reviews

### A. General Requirements

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting

Federal requirements and does not impose additional requirements beyond those 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 CAA; and
  - Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable 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.

### B. Submission to Congress and the Comptroller General

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).

### C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 17, 2012. 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 clean data determination for the 24-hour 2006 PM<sub>2.5</sub> NAAQS for the Charleston Area 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, Particulate matter, Reporting and recordkeeping requirements.

Dated: November 4, 2011.

**W.C. Early,**

*Acting, Regional Administrator, Region III.*

40 CFR part 52 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 XX—West Virginia

- 2. In § 52.2526, paragraph (f) is added to read as follows:

#### § 52.2526 Control strategy: particulate matter.

\* \* \* \* \*

(f) *Determination of Attainment.* EPA has determined, as of November 18, 2011, that based on 2007 to 2009 ambient air quality data, the Charleston nonattainment area has attained the 24-hour 2006 PM<sub>2.5</sub> NAAQS. This determination, in accordance with 40 CFR 51.1004(c), suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan,

contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 24-hour 2006 PM<sub>2.5</sub> NAAQS.

[FR Doc. 2011-29767 Filed 11-17-11; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 81

[EPA-R04-OAR-2009-1010-201158; FRL-9493-5]

#### Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; North Carolina: Redesignation of the Hickory-Morganton-Lenoir 1997 Annual Fine Particulate Matter Nonattainment Area to Attainment

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

**ACTION:** Final rule; correcting amendment.

**SUMMARY:** EPA is taking final action to approve a request submitted on December 18, 2009, and supplemented on December 22, 2010, from the State of North Carolina, through the North Carolina Department of Environment and Natural Resources (NC DENR), Division of Air Quality (DAQ), to redesignate the Hickory-Morganton-Lenoir fine particulate matter (PM<sub>2.5</sub>) nonattainment area (hereafter the "Hickory Area" or "Area") to attainment for the 1997 Annual PM<sub>2.5</sub> National Ambient Air Quality Standards (NAAQS). The Hickory Area is comprised of Catawba County in its entirety. EPA's approval of the redesignation request is based on the determination that the State of North Carolina has met the criteria for redesignation to attainment set forth in the Clean Air Act (CAA or Act), including the determination that the Hickory Area has attained the 1997 Annual PM<sub>2.5</sub> NAAQS by its applicable attainment date of April 5, 2010. Additionally, EPA is approving a revision to the North Carolina State Implementation Plan (SIP) to include the 1997 Annual PM<sub>2.5</sub> maintenance plan for the Hickory Area that contains the new motor vehicle emission budgets (MVEBs) for nitrogen oxides (NO<sub>x</sub>) for the years 2011 and 2021 for Catawba County and the mobile insignificance determination for direct PM<sub>2.5</sub> for the Hickory Area. This action also approves the emissions inventory submitted with the maintenance plan. Further, EPA is

correcting a typographical error for the citation associated with a previous adequacy determination the Agency made for the NO<sub>x</sub> MVEBs for Catawba County and the mobile source insignificance determination for direct PM<sub>2.5</sub> for the Hickory Area.

**DATES:** *Effective Date:* This rule will be effective December 19, 2011.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-R04-OAR-2009-1010. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Madolyn Dominy or Joel Huey, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Madolyn Dominy may be reached by phone at (404) 562-9644 or via electronic mail at [dominy.madolyn@epa.gov](mailto:dominy.madolyn@epa.gov). Joel Huey may be reached by phone at (404) 562-9104 or via electronic mail at [huey.joel@epa.gov](mailto:huey.joel@epa.gov).

#### SUPPLEMENTARY INFORMATION:

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- I. What is the background for the actions?
- II. What are the actions EPA is taking?
- III. Why is EPA taking these actions?
- IV. What are the effects of these actions?
- V. Final Action
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#### I. What is the background for the actions?

On December 18, 2009, and supplemented on December 22, 2010,

the State of North Carolina, through NC DENR, submitted a request to redesignate the Hickory Area to attainment for the 1997 Annual PM<sub>2.5</sub> NAAQS, and for EPA approval of the North Carolina SIP revisions containing a maintenance plan for the Area. In an action published on September 20, 2011 (76 FR 58210), EPA proposed approval of North Carolina's plan for maintaining the 1997 Annual PM<sub>2.5</sub> NAAQS, including the emissions inventory submitted pursuant to CAA section 172(c)(3) and the NO<sub>x</sub> MVEBs for Catawba County and the mobile insignificance determination for direct PM<sub>2.5</sub> for the Hickory Area as contained in the maintenance plan. At that time, EPA also proposed to approve the redesignation of the Hickory Area to attainment. Additional background for today's action is set forth in EPA's September 20, 2011, proposal.

The MVEBs, specified in kilograms per year (kg/yr), included in the maintenance plan are as follows:

TABLE 1—CATWABA COUNTY MVEBS  
[kg/yr]

Conformity MVEB	2011	2021
NO <sub>x</sub> .....	3,996,601	2,236,028

In its September 20, 2011, proposed action, EPA noted that the adequacy public comment period on these MVEBs (as contained in North Carolina's submittal) began on November 23, 2010, and closed on December 23, 2010. No comments were received during the public comment period. Thus, EPA deemed the new MVEBs for Catawba County and the mobile source insignificance determination for PM<sub>2.5</sub> in the Hickory Area adequate for the purposes of transportation conformity on May 2, 2011 (76 FR 24475).

As stated in the September 20, 2011, proposal, this redesignation addresses the Hickory Area's status solely with respect to the 1997 Annual PM<sub>2.5</sub> NAAQS, for which designations were finalized on January 5, 2005 (70 FR 944), and as supplemented on April 14, 2005 (70 FR 19844).

EPA reviewed PM<sub>2.5</sub> monitoring data from ambient PM<sub>2.5</sub> monitoring stations in the Hickory Area for the PM<sub>2.5</sub> seasons from 2007-2009. These data have been quality-assured and are recorded in Air Quality System (AQS). The annual arithmetic mean PM<sub>2.5</sub> concentrations for 2006-2009 and the 3-year averages of these values (*i.e.*, design values) are summarized in Table 2. EPA has reviewed more recent data which indicate that the Hickory Area