

all prune handlers. Finally, the proposal was made available through the Internet by USDA and the Office of the Federal Register. A 20-day comment period ending September 27, 2007, was provided to allow interested persons to respond to the proposal. No comments were received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <http://www.ams.usda.gov/fv/moab/html>. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it also found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because the 2007–08 crop year began on August 1, 2007, and the marketing order requires that the rate of assessment for each year apply to all assessable prunes handled during the year; and handlers are already receiving 2007–08 crop prunes from growers. The Committee needs to have sufficient funds to meet its expenses which are incurred on a continuous basis. Further, handlers are aware of this rule which was which was unanimously recommended at a public meeting. Also, a 20-day comment period was provided for in the proposed rule and no comments were received.

#### List of Subjects in 7 CFR Part 993

Marketing agreements, Plums, Prunes, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, 7 CFR part 993 is amended as follows:

#### PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

■ 1. The authority citation for 7 CFR part 993 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

■ 2. Section 993.347 is revised to read as follows:

#### § 993.347 Assessment rate.

On and after August 1, 2007, an assessment rate of \$0.60 per ton of salable dried prunes is established for California dried prunes.

Dated: October 31, 2007.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 07–5503 Filed 11–1–07; 8:57 am]

**BILLING CODE 3410–02–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2007–28771; **Airspace**  
Docket No. 07–ACE–8]

#### Modification of Class E Airspace; Fort Scott, KS

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Direct final rule; confirmation of effective date and correction.

**SUMMARY:** This document confirms the effective date of the direct final rule which revises Class E airspace at Fort Scott, KS and corrects the coordinates of the Fort Scott Nondirectional Beacon (NDB).

**DATES:** *Effective Date:* 0901 UTC, December 20, 2007. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**FOR FURTHER INFORMATION CONTACT:** Grant Nichols, System Support, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2522.

**SUPPLEMENTARY INFORMATION:** The FAA published this direct final rule with a request for comments in the **Federal Register** on Friday, August 10, 2007 (72 FR 44954). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent of submit such an adverse comment, were received within the comment period, the regulation would become effective on December 20, 2007. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9R,

Airspace Designations and Reporting Points, signed August 15, 2007, and effective September 15, 2007, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

#### Correction to Final Rule

In the description of the airspace contained in the direct final rule, the coordinates of the Fort Scott NDB were incorrectly published. This action makes this editorial correction, which does not change the airspace configuration. The FAA is republishing the entire airspace description.

■ Accordingly, pursuant to the authority delegated to me, the airspace published in the **Federal Register**, Friday, August 10, 2007 (72 FR 44954), Airspace Docket No. 07–ACE–8, page 44955 is corrected as follows:

#### § 71.1 [Amended]

\* \* \* \* \*

#### ACE KS E5 Fort Scott, KS [Corrected]

Fort Scott Municipal Airport, KS  
(Lat. 37°47'54" N., long. 94°46'10" W.)  
Fort Scott NDB  
(Lat. 37°47'49" N., long. 94°45'56" W.)

That airspace extending upward from 700 feet above the surface within a 7.0-mile radius of Fort Scott Municipal Airport and within 2.6 miles each side of the 350° bearing from Fort Scott NDB extending from the 7.0-mile radius of the airport to 7 miles north of the NDB.

\* \* \* \* \*

Issued in Fort Worth, Texas on October 24, 2007.

**Richard H. Farrell, III,**

*Acting Manager, System Support Group, ATO Central Service Center.*

[FR Doc. 07–5454 Filed 11–2–07; 8:45 am]

**BILLING CODE 4910–13–M**

## DEPARTMENT OF DEFENSE

### Department of the Navy

#### 32 CFR Part 706

#### Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty and Maritime Law) has determined that USS STERETT

(DDG 104) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**DATES:** This rule is effective November 5, 2007, and is applicable to August 1, 2007.

**FOR FURTHER INFORMATION CONTACT:**

Commander Gregg A. Cervi, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law), Office of the Judge Advocate General, Department of the Navy, 1322 Patterson Ave., SE., Suite 3000, Washington Navy Yard, DC 20374-5066, telephone 202-685-5040.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that USS STERETT (DDG 104) is a vessel of the Navy which, due to its special

construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I, paragraph 2(f)(i), pertaining to the placement of the masthead light or lights above and clear of all other lights and obstructions; Annex I, paragraph 2(f)(ii), pertaining to the vertical placement of task lights; Annex I, paragraph 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship, and the horizontal distance between the forward and after masthead lights; and Annex I, paragraph 3(c), pertaining to placement of task lights not less than two meters from the fore and aft centerline of the ship in the athwartship direction. The Deputy Assistant Judge Advocate General (Admiralty and Maritime Law) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the

placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

**List of Subjects in 32 CFR Part 706**

Marine safety, Navigation (water), and Vessels.

■ For the reasons set forth in the preamble, amend part 706 of title 32 of the Code of Federal Regulations as follows:

**PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972**

■ 1. The authority citation for part 706 continues to read:

**Authority:** 33 U.S.C. 1605.

■ 2. Table Four, Paragraph 15 of § 706.2 is amended by adding, in numerical order, the following entry for USS STERETT:

**§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.**

\* \* \* \* \*

Vessel					Number	Horizontal distance from the fore and aft centerline of the vessel in the athwartship direction
USS STERETT .....					DDG 104 .....	1.88 meters.
* * * * *					* * * * *	*

■ 3. Table Four, Paragraph 16 of § 706.2 is amended by adding, in numerical

order, the following entry for USS STERETT:

**§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.**

\* \* \* \* \*

Vessel					Number	Obstruction angle relative ship's headings
USS STERETT .....					DDG 104 .....	106.82 THRU 112.50 DEGREES.
* * * * *					* * * * *	*

■ 4. Table Five of § 706.2 is amended by adding, in numerical order, the following entry for USS STERETT:

**§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.**

\* \* \* \* \*

TABLE FIVE

Vessel	Hull No.	Forward masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than 1/2 ship's length aft of forward masthead light. Annex I, sec. 3(a)	Percentage horizontal separation attained
USS STERETT .....	DDG 104 .....	X	X	X	14.5

Approved: August 1, 2007.

**Gregg A. Cervi,**

*Commander, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law).*

[FR Doc. E7-21586 Filed 11-2-07; 8:45 am]

**BILLING CODE 3810-FF-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 60

[EPA-HQ-OAR-2002-0071; FRL-8490-9]

**RIN 2060-A009**

### Update of Continuous Instrumental Test Methods: Technical Amendments

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

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

**SUMMARY:** EPA published a direct final rule on September 7, 2007, to correct errors in a May 15, 2006, final rule amending five instrumental test methods. We received adverse comment during the comment period on the September 2007 direct final rule and are now withdrawing that direct final rule.

**DATES:** Effective November 5, 2007, EPA withdraws the direct final rule published at 72 FR 51365, September 7, 2007.

#### FOR FURTHER INFORMATION CONTACT:

Foston Curtis, Air Quality Assessment Division, Office of Air Quality Planning and Standards (E143-02), Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number (919) 541-1063; fax number (919) 541-0516; e-mail address: [curtis.foston@epa.gov](mailto:curtis.foston@epa.gov).

**SUPPLEMENTARY INFORMATION:** Because EPA received adverse comment, we are withdrawing the direct final rule entitled "Update of Continuous Instrumental Test Methods: Technical Amendments" published on September 7, 2007 (72 FR 51365). This direct final

rule made corrections to a May 15, 2006 final rule (71 FR 28082) which amended five instrumental test methods. The direct final was to correct errors and clarify portions of the amendments that may have been ambiguous. We stated in the September 2007 direct final rule that if we received any adverse comments by October 9, 2007, the direct final would not take effect and we would publish a timely withdrawal in the **Federal Register**. We subsequently received adverse comments on that direct final rule.

We will address those comments in any subsequent final action based on the parallel proposed rule also published on September 7, 2007 (72 FR 51392). As stated in the direct final rule and the parallel proposed rule, we will not institute a second comment period on this action.

Dated: October 30, 2007.

**Stephen L. Johnson,**  
*Administrator.*

■ Accordingly, the amendments to the rule published on September 7, 2007 (72 FR 51365), are withdrawn as of November 5, 2007.

[FR Doc. E7-21721 Filed 11-2-07; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 81

[EPA-HQ-OAR-2003-0061; FRL-8490-8]

### Air Quality Designations for the Fine Particle (PM<sub>2.5</sub>) National Ambient Air Quality Standards; Notice of Actions Denying Petitions for Reconsideration

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

**ACTION:** Notice of actions denying petitions for reconsideration.

**SUMMARY:** The EPA is providing notice that it has responded to sixteen petitions for reconsideration of the air

quality designations for the fine particle (PM<sub>2.5</sub>) national ambient air quality standards (NAAQS). The PM<sub>2.5</sub> designations were published in the **Federal Register** on January 5, 2005, and a supplemental notice to this action was published in the **Federal Register** on April 14, 2005. Subsequent to the publication of this action, a total of sixteen petitions for reconsideration were received by EPA. The EPA considered the petitions and supporting information along with information contained in the rulemaking docket in reaching a decision on the petitions. EPA Administrator Stephen L. Johnson denied the petitions for reconsideration in separate letters to the petitioners issued between December 2005 and October 2007. The letters explain EPA's reasons for the denials.

#### FOR FURTHER INFORMATION CONTACT:

Geoffrey L. Wilcox, U.S. EPA, Office of General Counsel, Mail Code 2344A, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, telephone (202) 564-5601, e-mail at [wilcox.geoffrey@epa.gov](mailto:wilcox.geoffrey@epa.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. How Can I Get Copies of This Document and Other Related Information?

This **Federal Register** notice, the petitions for reconsideration, and the letters denying the petitions for reconsideration are available in the docket that EPA established for the air quality designations for the fine particle NAAQS (docket number EPA-HQ-OAR-2003-0061). The table below identifies the petitions received by EPA, the date EPA received the petition, the document identification number for the petition, the date of EPA's response, and the document identification number for EPA's response. (Note that all the document numbers listed in the table are in the form of "EPA-HQ-OAR-2003-0061-xxxx.")