

Rule 57 Incinerators (Adopted 01/11/05)
 Rule 57.1 Particulate Matter Emissions from Fuel Burning Equipment (Adopted 01/11/05)
 Rule 62.7 Asbestos—Demolition and Renovation (Adopted 09/01/92)
 Rule 63 Separation and Combination of Emissions (Adopted 11/21/78)
 Rule 64 Sulfur Content of Fuels (Adopted 04/13/99)
 Rule 67 Vacuum Producing Devices (Adopted 07/05/83)
 Rule 68 Carbon Monoxide (Adopted 04/13/04)
 Rule 71 Crude Oil and Reactive Organic Compound Liquids (Adopted 12/13/94)
 Rule 71.1 Crude Oil Production and Separation (Adopted 06/16/92)
 Rule 71.2 Storage of Reactive Organic Compound Liquids (Adopted 09/26/89)
 Rule 71.3 Transfer of Reactive Organic Compound Liquids (Adopted 06/16/92)
 Rule 71.4 Petroleum Sumps, Pits, Ponds, and Well Cellars (Adopted 06/08/93)
 Rule 71.5 Glycol Dehydrators (Adopted 12/13/94)
 Rule 72 New Source Performance Standards (NSPS) (Adopted 09/13/05)
 Rule 73 National Emission Standards for Hazardous Air Pollutants (NESHAPS) (Adopted 09/13/05)
 Rule 74 Specific Source Standards (Adopted 07/06/76)
 Rule 74.1 Abrasive Blasting (Adopted 11/12/91)
 Rule 74.2 Architectural Coatings (Adopted 11/13/01)
 Rule 74.6 Surface Cleaning and Degreasing (Adopted 11/11/03—effective 07/01/04)
 Rule 74.6.1 Batch Loaded Vapor Degreasers (Adopted 11/11/03—effective 07/01/04)
 Rule 74.7 Fugitive Emissions of Reactive Organic Compounds at Petroleum Refineries and Chemical Plants (Adopted 10/10/95)
 Rule 74.8 Refinery Vacuum Producing Systems, Waste-water Separators and Process Turnarounds (Adopted 07/05/83)
 Rule 74.9 Stationary Internal Combustion Engines (Adopted 11/08/05)
 Rule 74.10 Components at Crude Oil Production Facilities and Natural Gas Production and Processing Facilities (Adopted 03/10/98)
 Rule 74.11 Natural Gas-Fired Residential Water Heaters—Control of NO_x (Adopted 04/09/85)
 Rule 74.11.1 Large Water Heaters and Small Boilers (Adopted 09/14/99)
 Rule 74.12 Surface Coating of Metal Parts and Products (Adopted 11/11/03)
 Rule 74.15 Boilers, Steam Generators and Process Heaters (Adopted 11/08/94)
 Rule 74.15.1 Boilers, Steam Generators and Process Heaters (Adopted 06/13/00)
 Rule 74.16 Oil Field Drilling Operations (Adopted 01/08/91)
 Rule 74.20 Adhesives and Sealants (Adopted 01/11/05)
 Rule 74.23 Stationary Gas Turbines (Adopted 1/08/02)
 Rule 74.24 Marine Coating Operations (Adopted 11/11/03)
 Rule 74.24.1 Pleasure Craft Coating and Commercial Boatyard Operations (Adopted 01/08/02)

Rule 74.26 Crude Oil Storage Tank Degassing Operations (Adopted 11/08/94)
 Rule 74.27 Gasoline and ROC Liquid Storage Tank Degassing Operations (Adopted 11/08/94)
 Rule 74.28 Asphalt Roofing Operations (Adopted 05/10/94)
 Rule 74.30 Wood Products Coatings (Adopted 06/27/06)
 Rule 75 Circumvention (Adopted 11/27/78)
 Rule 101 Sampling and Testing Facilities (Adopted 05/23/72)
 Rule 102 Source Tests (Adopted 04/13/04)
 Rule 103 Continuous Monitoring Systems (Adopted 02/09/99)
 Rule 154 Stage 1 Episode Actions (Adopted 09/17/91)
 Rule 155 Stage 2 Episode Actions (Adopted 09/17/91)
 Rule 156 Stage 3 Episode Actions (Adopted 09/17/91)
 Rule 158 Source Abatement Plans (Adopted 09/17/91)
 Rule 159 Traffic Abatement Procedures (Adopted 09/17/91)
 Rule 220 General Conformity (Adopted 05/09/95)
 Rule 230 Notice to Comply (Adopted 11/09/99)
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 061020273–7001–03]

RIN 0648–XD45

Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for New York

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS announces that the 2007 summer flounder commercial quota allocated to the State of New York has been harvested. Vessels issued a commercial Federal fisheries permit for the summer flounder fishery may not land summer flounder in New York for the remainder of calendar year 2007, unless additional quota becomes available through a transfer from another state. Regulations governing the summer flounder fishery require publication of this notification to advise New York that the quota has been harvested and to advise vessel permit holders and dealer permit holders that

no commercial quota is available for landing summer flounder in New York.

DATES: Effective 0001 hours, October 20, 2007, through 2400 hours, December 31, 2007.

FOR FURTHER INFORMATION CONTACT:

Emily Bryant, Fishery Management Specialist, (978) 281–9244.

SUPPLEMENTARY INFORMATION:

Regulations governing the summer flounder fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned on a percentage basis among the coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.100.

The initial total commercial quota for summer flounder for the 2007 calendar year was set equal to 7,789,800 lb (3,533 mt) (71 FR 75134, December 14, 2006). This quota was increased through an emergency action to 10,267,098 lb (4,658 mt) (72 FR 2458, January 19, 2007). The percent allocated to vessels landing summer flounder in New York is 7.64599 percent, resulting in a commercial quota of 785,029 lb (357 mt). The 2007 allocation was reduced to 767,161 lb (348 mt) when research set-aside was deducted and then reduced to 619,123 (281 mt) after the 2006 overages had been applied.

Section 648.101(b) requires the Administrator, Northeast Region, NMFS (Regional Administrator) to monitor state commercial quotas and to determine when a state's commercial quota has been harvested. NMFS then publishes a notification in the **Federal Register** to advise the state and to notify Federal vessel and dealer permit holders that, effective upon a specific date, the state's commercial quota has been harvested and no commercial quota is available for landing summer flounder in that state. The Regional Administrator has determined, based upon dealer reports and other available information, that New York has harvested its quota for 2007.

The regulations at § 648.4(b) provide that Federal permit holders agree, as a condition of the permit, not to land summer flounder in any state that the Regional Administrator has determined no longer has commercial quota available. Therefore, effective 0001 hours, October 20, 2007, further landings of summer flounder in New York by vessels holding summer flounder commercial Federal fisheries permits are prohibited for the remainder of the 2007 calendar year, unless additional quota becomes available through a transfer and is announced in

the **Federal Register**. Effective 0001 hours, October 20, 2007, federally permitted dealers are also notified that they may not purchase summer flounder from federally permitted vessels that land in New York for the remainder of the calendar year, or until additional quota becomes available through a transfer from another state.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

Dated: October 17, 2007.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 07-5228 Filed 10-22-07; 3:08 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 070213033-7033-01]

RIN 0648-XD53

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Pot Gear in the Bering Sea and Aleutian Islands Management Area

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by catcher vessels using pot gear in the Bering Sea and

Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2007 directed fishing allowance (DFA) of Pacific cod specified for catcher vessels using pot gear in the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), October 18, 2007, until 1200 hrs, A.l.t., December 31, 2007.

FOR FURTHER INFORMATION CONTACT: Jennifer Hogan, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2007 Pacific cod TAC allocated to catcher vessels using pot gear in the BSAI as a DFA of 12,129 metric tons is established by the 2007 and 2008 final harvest specifications for groundfish in the BSAI (72 FR 9451, March 2, 2007) and a reallocation (72 FR 52493, September 14, 2007). See § 679.20(c)(3)(iii) and (c)(5), and (a)(7)(i)(C). The fishery was previously closed to directed fishing on September 28, 2007 (72 FR 56016, October 2, 2007) and reopened on October 2, 2007 (72 FR 56933, October 5, 2007).

In accordance with § 679.20(d)(1)(iii), the Administrator, Alaska Region, NMFS, has determined that the 2007 Pacific cod TAC allocated to catcher vessels using pot gear in the BSAI has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher vessels using pot gear in the BSAI.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of Pacific cod by catcher vessels using pot gear in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of October 17, 2007.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: October 17, 2007.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 07-5227 Filed 10-18-07; 3:08 pm]

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