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[FR Doc. E7-12849 Filed 7-5-07; 8:45 am]

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**ENVIRONMENTAL PROTECTION
AGENCY**

[EPA-R03-OAR-2006-0919; FRL-8335-1]

40 CFR Part 81**Approval and Promulgation of Air
Quality Implementation Plans; Virginia;
Redesignation of the Hampton Roads
Nonattainment Area to Attainment and
Approval of the Area's Maintenance
Plan and 2002 Base-Year Inventory;
Correction****AGENCY:** Environmental Protection
Agency (EPA).**ACTION:** Final rule; correcting
amendment.**SUMMARY:** This document corrects an
error in the rule language of a final rule
pertaining to EPA's approval of the
Hampton Roads Area maintenance plan
and 2002 base-year inventory submitted
by the Commonwealth of Virginia.**DATES:** *Effective Date:* July 6, 2007.**FOR FURTHER INFORMATION CONTACT:**
Amy Caprio, (215) 814-2156 or by e-
mail at caprio.amy@epa.gov.**SUPPLEMENTARY INFORMATION:**

Throughout this document wherever
"we" or "our" are used we mean EPA.
On June 1, 2007, (72 FR 30490), we
published a final rulemaking action
announcing our approval of the
Hampton Roads Area maintenance plan
and 2002 base-year inventory. In that
document, we inadvertently omitted
Gloucester County on the list of
Hampton Roads Cities and Counties in
which the Mobile Vehicle Emission
Budgets (MVEBs) are applicable. We
also inadvertently omitted York County
in the Virginia table for the 8-Hour
ozone standard published at 40 CFR
81.347. The intent of the rule was to
approve the maintenance plan and 2002
base-year inventory for the Hampton
Roads Area. This action corrects the
erroneous preamble language and rule.

In rule document FRL-8320-9
published in the **Federal Register** on
June 1, 2007 (72 FR 30490), on page
30490 in the third column, the revised
rule language is corrected to read "As a
result of our finding, the Cities of
Chesapeake, Hampton, Newport News,
Norfolk, Poquoson, Portsmouth, Suffolk,
Virginia Beach, and Williamsburg, and
the Counties of Isle of Wight, James
City, Gloucester, and York, Virginia
must use the MVEBs from the submitted
8-hour ozone maintenance plan for
future conformity determinations."

Section 553 of the Administrative
Procedure Act, 5 U.S.C. 553(b)(B),
provides that, when an agency for good
cause finds that notice and public
procedure are impracticable,
unnecessary or contrary to the public
interest, the agency may issue a rule
without providing notice and an
opportunity for public comment. We
have determined that there is good
cause for making today's rule final
without prior proposal and opportunity
for comment because we are merely
correcting an incorrect citation in a
previous action. Thus, notice and public
procedure are unnecessary. We find that
this constitutes good cause under 5
U.S.C. 553(b)(B).

**Statutory and Executive Order
Reviews:**

Under Executive Order 12866 (58 FR
51735, October 4, 1993), this action is
not a "significant regulatory action" and
is therefore not subject to review by the
Office of Management and Budget. For
this reason, this action is also not
subject to Executive Order 13211,
"Actions Concerning Regulations That
Significantly Affect Energy Supply,
Distribution, or Use" (66 FR 28355 (May
22, 2001)). Because the agency has made
a "good cause" finding that this action
is not subject to notice-and-comment
requirements under the Administrative
Procedures Act or any other statute as
indicated in the **SUPPLEMENTARY
INFORMATION** section above, it is not
subject to the regulatory flexibility
provisions of the Regulatory Flexibility
Act (5 U.S.C 601 et seq.), or to sections
202 and 205 of the Unfunded Mandates
Reform Act of 1995 (UMRA) (Pub. L.
104-4). In addition, this action does not
significantly or uniquely affect small
governments or impose a significant
intergovernmental mandate, as
described in sections 203 and 204 of
UMRA. This rule also does not have a
substantial direct effect on one or more
Indian tribes, on the relationship
between the Federal Government and
Indian tribes, or on the distribution of
power and responsibilities between the
Federal Government and Indian tribes,
as specified by Executive Order 13175
(65 FR 67249, November 9, 2000), nor
will it have substantial direct effects on
the States, on the relationship between
the national government and the States,
or on the distribution of power and
responsibilities among the various
levels of governments, as specified by
Executive Order 13132 (64 FR 43255,
August 10, 1999). This rule also is not
subject to Executive Order 13045 (62 FR
19885, April 23, 1997), because it
approves a state rule implementing a
Federal standard.

This technical correction action does
not involve technical standards; thus
the requirements of section 12(d) of the
National Technology Transfer and
Advancement Act of 1995 (15 U.S.C.
272 note) do not apply. The rule also
does not involve special consideration
of environmental justice related issues
as required by Executive Order 12898
(59 FR 7629, February 16, 1994). In
issuing this rule, EPA has taken the
necessary steps to eliminate drafting
errors and ambiguity, minimize
potential litigation, and provide a clear
legal standard for affected conduct, as
required by section 3 of Executive Order
12988 (61 FR 4729, February 7, 1996).
EPA has complied with Executive Order
12630 (53 FR 8859, March 15, 1998) by
examining the takings implications of
the rule in accordance with the
"Attorney General's Supplemental
Guidelines for the Evaluation of Risk
and Avoidance of Unanticipated
Takings" issued under the executive
order. This rule does not impose an
information collection burden under the
Paperwork Reduction Act of 1995 (44
U.S.C. 3501 et seq.).

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. Section 808 allows
the issuing agency to make a rule
effective sooner than otherwise
provided by the CRA if the agency
makes a good cause finding that notice
and public procedure is impracticable,
unnecessary or contrary to the public
interest. This determination must be
supported by a brief statement. 5 U.S.C.
808(2). As stated previously, EPA had
made such a good cause finding,
including the reasons therefore, and
established an effective date of June 1,
2007. EPA will submit a report
containing this rule 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**. This correction to
the MVEB applicability and the section
40 CFR 81.347 table for Virginia is not
a "major rule" as defined by 5 U.S.C.
804(2).

List of Subjects in 40 CFR Part 81

Environmental protection, Air
pollution control, National parks,
Wilderness areas.

Dated: June 25, 2007.

Donald S. Welsh,

Regional Administrator, Region III.

■ 40 CFR part 81 is amended as follows:

PART 81—[AMENDED]

■ 1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

■ 2. In § 81.347 the table entitled “Virginia—Ozone (8-Hour Standard)” is

VIRGINIA—OZONE (8-HOUR STANDARD)

amended by revising the entry for the Norfolk-Virginia Beach-Newport News (Hampton Roads), VA Area to read as follows:

§ 81.347 Virginia.

| Designated area | Designation ^a | | Category/classification | |
|---|--------------------------|-------------|-------------------------|------|
| | Date ¹ | Type | Date ¹ | Type |
| * | * | * | * | * |
| Norfolk-Virginia Beach-Newport News (Hampton Roads), VA Area | | | | |
| Chesapeake City | June 1, 2007 | Attainment. | | |
| Gloucester County | June 1, 2007 | Attainment. | | |
| Hampton City | June 1, 2007 | Attainment. | | |
| Isle of Wight County | June 1, 2007 | Attainment. | | |
| James City County | June 1, 2007 | Attainment. | | |
| Newport News City | June 1, 2007 | Attainment. | | |
| Norfolk City | June 1, 2007 | Attainment. | | |
| Poquoson City | June 1, 2007 | Attainment. | | |
| Portsmouth City | June 1, 2007 | Attainment. | | |
| Suffolk City | June 1, 2007 | Attainment. | | |
| Virginia Beach City | June 1, 2007 | Attainment. | | |
| Williamsburg City | June 1, 2007 | Attainment. | | |
| York County | June 1, 2007 | Attainment. | | |
| * | * | * | * | * |

^a Includes Indian country located in each county or area except otherwise noted.

¹ This date is June 15, 2004, unless otherwise noted.

[FR Doc. E7-12998 Filed 7-5-07; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 070316061-7124-02 ; I.D. 031907B]

RIN 0648-AV13

Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Observer Program

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

ACTION: Final rule.

SUMMARY: NMFS issues a final rule to amend regulations supporting the North Pacific Groundfish Observer Program (Observer Program). This action is necessary to revise requirements for the facilitation of observer data transmission and improve inseason support for observers. This action would

promote the goals and objectives of the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area and the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMPs).

DATES: Effective on August 6, 2007.

ADDRESSES: Copies of the final Regulatory Impact Review/Final Regulatory Flexibility Analysis (RIR/FRFA) prepared for this action may be obtained from the NMFS Alaska Region, P.O. Box 21668, Juneau, AK 99802, Attn: Ellen Sebastian, and on the NMFS Alaska Region website at <http://www.fakr.noaa.gov>. The proposed rule to revise requirements for the facilitation of observer data transmission and improve inseason support for observers may also be accessed at this website.

FOR FURTHER INFORMATION CONTACT: Jason Anderson, 907-586-7228, or jason.anderson@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

NMFS manages the U.S. groundfish fisheries of the Bering Sea and Aleutian Islands Management Area (BSAI) and Gulf of Alaska (GOA) in the Exclusive

Economic Zone under the FMPs. The North Pacific Fishery Management Council (Council) has prepared the FMPs pursuant to the Magnuson-Stevens Fishery Conservation and Management Act. Regulations implementing the FMPs appear at 50 CFR part 679. General regulations that pertain to U.S. fisheries appear at subpart H of 50 CFR part 600.

The Council originally adopted and NMFS approved and implemented the current “interim” Observer Program (Observer Program) in 1996 (61 FR 56425, November 1, 1996). Through interim extensions, Observer Program regulatory requirements have been extended through 2007 (62 FR 67755, December 30, 1997; 63 FR 69024, December 15, 1998; 65 FR 80381, December 21, 2000; and 67 FR 72595, December 6, 2002). A final rule that extended regulations implementing the Observer Program indefinitely was published on June 13, 2007 (72 FR 32559).

The Observer Program provides the regulatory framework for the collection of data by observers to obtain information necessary for the conservation and management of the groundfish fisheries managed under the FMPs. Regulations implementing the