

**List of Subjects in 40 CFR Part 300**

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water Pollution control, Water supply.

Dated: August 1, 2007.

**Lawrence E. Starfield,**

*Acting Regional Administrator, Region 6.*

■ For the reasons set out in this document, 40 CFR part 300 is amended as follows:

**PART 300—[AMENDED]**

■ 1. The authority citation for part 300 continues to read as follows:

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

**Appendix B—[Amended]**

■ 2. Table 1 of Appendix B to Part 300 is amended by amending the Superfund site entry for the “RSR Corp, Dallas, TX” by adding a note “P”.

[FR Doc. E7–16062 Filed 8–16–07; 8:45 am]

**BILLING CODE 6560–50–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Centers for Medicare & Medicaid Services****42 CFR Part 402**

[CMS–6146–CN2; CMS–6019–CN]

**RINs 0938–AM98; 0938–AN48**

**Medicare Program; Revised Civil Money Penalties, Assessments, Exclusions, and Related Appeals Procedures; Correction**

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

**ACTION:** Correction of final rule.

**SUMMARY:** This document corrects a typographical error that appeared in the final rule published in the **Federal Register** on July 20, 2007 entitled “Medicare Program; Revised Civil Money Penalties, Assessments, Exclusions, and Related Appeals Procedures.”

**DATES:** *Effective Date:* August 20, 2007.

**FOR FURTHER INFORMATION CONTACT:** Joel Cohen, (410) 786–3349. Joe Strazzire, (410) 786–2775.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

In FR Doc. E7–13535 of July 20, 2007 (72 FR 39746), there was a typographical error that is identified and corrected in the Correction of Errors section below. The provision in this correction notice is effective as if it had been included in the July 20, 2007 final rule. Accordingly, the correction is effective August 20, 2007.

**II. Correction of Errors**

In FR Doc. E7–13535 of July 20, 2007 (72 FR 39746), make the following correction:

**§ 402.105 [Corrected]**

1. On page 39752, in the 3rd column, in the 5th paragraph, the amendatory statement for § 402.105(d), the phrase “redesignate paragraph (d)(1)(xix) as paragraph (d)(1)(ix)” is corrected to read “redesignate paragraph (d)(2)(xix) as paragraph (d)(2)(ix).”

**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 notice such as this take effect in accordance with section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). We also ordinarily provide a 30-day delay in the effective date of the provisions of a notice in accordance with section 553(d) of the APA (5 U.S.C. 553(d)). However, we can waive both the notice and comment procedure and the 30-day delay in effective date if the Secretary finds, for good cause, that a 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.

We find it unnecessary to undertake notice and comment rulemaking because this notice merely provides a typographical correction to the regulations. We are not making substantive changes to our regulations, but rather, are simply correcting a typographical error. Therefore, we believe that undertaking further notice and comment procedures to incorporate this correction into the final rule is unnecessary and contrary to the public interest.

Further, we believe a delayed effective date is unnecessary because this correction notice merely corrects a typographical error. The correction does not make any substantive changes to our regulations. Moreover, we regard imposing a delay in the effective date as being contrary to the public interest. Therefore, we find good cause to waive the 30-day delay in effective date.

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

Dated: August 10, 2007.

**Ann C. Agnew,**

*Executive Secretary to the Department.*

[FR Doc. E7–16167 Filed 8–16–07; 8:45 am]

**BILLING CODE 4120–01–P**

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration****49 CFR Part 545**

[Docket No. NHTSA–05–21233]

**RIN 2127–AJ51**

**Federal Motor Vehicle Theft Prevention Standard**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

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

**SUMMARY:** On May 19, 2005, the National Highway Traffic Safety Administration (NHTSA) published a final rule; response to petitions for reconsideration of a final rule published on April 6, 2004. As part of that final rule, we added a new part 545 containing the reporting requirements for the phase-in to the amendments to part 541. We inadvertently incorrectly cited some cross-references in the regulatory text of part 545. This document corrects those errors.

**DATES:** Effective September 17, 2007.

**FOR FURTHER INFORMATION CONTACT:** For technical and policy issues, you may call Deborah Mazyck, Office of International Policy, Fuel Economy and Consumer Programs, (Telephone: 202–366–0846) (Fax: 202–493–2990).

For legal issues, you may call Ed Glancy, Office of Chief Counsel (Telephone: 202–366–2992) (Fax: 202–366–3820).

**SUPPLEMENTARY INFORMATION:** On May 19, 2005, the agency published a final rule responding to petitions for reconsideration of an April 6, 2004, final rule extending the anti-theft parts marking requirements (part 541) to (1) All below median theft rate passenger cars and multipurpose passenger vehicles (MPVs) that have a gross vehicle weight rating (GVWR) of 6,000 pounds or less, and (2) all below median theft rate light duty trucks with a GVWR of 6,000 pounds or less and major parts

that are interchangeable with a majority of the covered major parts of passenger cars or MPVs subject to the parts marking requirements. (70 FR 28843 and 69 FR 17960) As part of the May 2005 final rule, the agency changed the effective date of the April 2004 final rule to phase-in the new requirements over a two-year period. The reporting requirements for this phase-in were found in new 49 CFR part 545. This new part contained six incomplete cross-references to the parts marking requirements in 49 CFR part 541. This notice corrects those errors.

Correcting these errors will not impose or relax any additional substantive requirements or burdens on manufacturers. Therefore, NHTSA finds for good cause that any notice and opportunity for comment on these correcting amendments are not necessary.

■ For the reasons set out in the preamble, NHTSA is correctly amending 49 CFR part 545 as follows:

#### **PART 545—[AMENDED]**

■ 1. The authority for part 545 continues to read as follows:

**Authority:** 49 U.S.C. 322, 33101, 33102, 33103, 33104, 33105; delegation of authority at 49 CFR 1.50.

■ 2. Section 545.1 is revised to read as follows:

##### **§ 545.1 Scope.**

This part establishes requirements for manufacturers of motor vehicles to respond to NHTSA inquiries, to submit reports, and to maintain records related to the reports, concerning the number of vehicles that meet the requirements of 49 CFR part 541, and the number of vehicles that are excluded from the requirements of 49 CFR part 541 pursuant to 49 CFR 541.3(b)(2).

■ 3. The first paragraph of § 545.4 is designated as paragraph (a) and the second paragraph of § 545.4 is designated as paragraph (b) and revised to read as follows:

##### **§ 545.4 Response to inquiries.**

(a) \* \* \*

(b) At any time prior to August 31, 2007, each manufacturer must, upon request from the Office of Vehicle Safety Compliance, provide information identifying the vehicles (by make, model, and vehicle identification number) that are excluded from the requirements of 49 CFR part 541 pursuant to 49 CFR 541.3(b)(2).

■ 4. Section 545.6 is amended by revising the heading, paragraph (a) introductory text, and paragraph (b)(1) to read as follows:

##### **§ 545.6 Reporting requirements for vehicles listed in § 541.3(a)(1).**

(a) *General reporting requirements.* Within 60 days after the end of the production year ending August 31, 2007, each manufacturer shall submit a report to the National Highway Traffic Safety Administration concerning its compliance with 49 CFR part 541 for vehicles listed in § 541.3(a)(1) that were manufactured between September 1, 2006 and August 31, 2007. Each report must—

\* \* \* \* \*

(b) *Report content—(1) Basis for Statement of Compliance.* Each manufacturer shall provide the number of motor vehicles listed in § 541.3(a)(1) that were manufactured between September 1, 2006 and August 31, 2007 (excluding those motor vehicles that were subject to the requirements of 49 CFR part 541 before September 1, 2006).

\* \* \* \* \*

■ 5. Section 545.7 is amended by revising the heading to read as follows:

##### **§ 545.7 Reporting requirements for vehicles listed in § 541.3(b)(2).**

\* \* \* \* \*

Issued on: August 10, 2007.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

[FR Doc. E7-16125 Filed 8-16-07; 8:45 am]

**BILLING CODE 4910-59-P**

## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 660**

[Docket No. 070404078-0778-01]

**RIN 0648-XB00**

#### **Fisheries off West Coast States; Pacific Coast Groundfish Fishery; End of the Pacific Whiting Primary Season for the Catcher-processor, Mothership and Shore-based Sectors**

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

**ACTION:** Fishing restrictions; request for comments.

**SUMMARY:** NMFS announces the end of the 2007 Pacific Whiting (whiting) primary Season for the catcher-processor, mothership and shore-based sectors at 1800 local time (l.t.) July 26, 2007. This action is intended to minimize impacts on widow rockfish and to keep the harvest of widow

rockfish, an overfished species, within its 2007 optimum yield (OY).

**DATES:** Effective from 1800 l.t. July 26, 2007, until the start of the 2008 primary seasons, unless modified, superseded or rescinded in which NMFS will publish a notification in the **Federal Register**. Comments will be accepted through September 4, 2007.

**ADDRESSES:** You may submit comments, identified by [RIN number 0648-XB00], by any of the following methods:

1. E-mail:

[Whitingclosureall.nwr@noaa.gov](mailto:Whitingclosureall.nwr@noaa.gov)

Include [RIN number 0648-XB00] in the subject line of the message.

2. Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

3. Fax: 206-526-6736, Attn: Becky Renko.

4. Mail: D. Robert Lohn, Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115-0070, Attn: Becky Renko.

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

Becky Renko at 206-526-6110.

**SUPPLEMENTARY INFORMATION:** This action is authorized by regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California.

The 2007 non-tribal commercial optimum yield (OY) for whiting is 208,091 mt. Regulations at 50 CFR 660.323(a)(4) divide the commercial whiting OY into separate allocations for the catcher-processor, mothership, and shore-based sectors. The catcher-processor sector is composed of vessels that harvest and process whiting. The mothership sector is composed of catcher vessels that harvest whiting and mothership vessels that process, but do not harvest whiting. The shore-based sector is composed of vessels that harvest whiting for delivery to land-based processors. Each commercial sector receives a portion of the commercial OY. For 2007, the catcher-processors received 34 percent (70,751 mt), motherships received 24 percent (49,942 mt), and the shore-based sector received 42 percent (87,398 mt).

#### **Overfished Species**

The limited availability of overfished species that can be taken as incidental catch in the whiting fisheries, particularly canary, darkblotched and widow rockfish led to NMFS implementing bycatch limits for those species. With bycatch limits, the industry has the opportunity to harvest a larger whiting OY, providing the