

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[DE102-1100; FRL-8291-7]

**Approval and Promulgation of Air Quality Implementation Plans; Delaware; Update to Materials Incorporated by Reference****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule; notice of administrative change.

**SUMMARY:** EPA is updating the materials submitted by Delaware that are incorporated by reference (IBR) into the State implementation plan (SIP). The regulations affected by this update have been previously submitted by the Delaware Department of Natural Resources and Environmental Control (DNREC) and approved by EPA. This update affects the SIP materials that are available for public inspection at the National Archives and Records Administration (NARA), the Air and Radiation Docket and Information Center located at EPA Headquarters in Washington, D.C., and the Regional Office.

**EFFECTIVE DATE:** This action is effective April 3, 2007.

**ADDRESSES:** SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations: Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, EPA Headquarters Library, Room Number 3334, EPA West Building, 1301 Constitution Ave., NW., Washington, DC 20460, and the National Archives and Records Administration. If you wish to obtain materials from the docket in the EPA Headquarters Library, please call the Office of Air and Radiation (OAR) Docket/Telephone number: (202) 566-1742; or the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

**FOR FURTHER INFORMATION CONTACT:** Harold A. Frankford, (215) 814-2108 or by e-mail at [frankford.harold@epa.gov](mailto:frankford.harold@epa.gov).

**SUPPLEMENTARY INFORMATION:** The SIP is a living document which the State revises as necessary to address the unique air pollution problems.

Therefore, EPA from time to time must take action on SIP revisions containing new and/or revised regulations to make them part of the SIP. On May 22, 1997 (62 FR 27968), EPA revised the procedures for incorporating by reference Federally-approved SIPs, as a result of consultations between EPA and the Office of the Federal Register (OFR). The description of the revised SIP document, IBR procedures and "Identification of plan" format are discussed in further detail in the May 22, 1997 **Federal Register** document. On December 7, 1998 (63 FR 67407), EPA published a document in the **Federal Register** beginning the new IBR procedure for Delaware. On June 21, 2004 (69 FR 34285), EPA published an update to the IBR material for Delaware. In this document, EPA is doing the following:

1. Announcing the update to the IBR material as of February 15, 2007.
2. Making corrections to the following entries listed in the paragraph 52.420(c) chart, as described below:
  - a. Revising the title of Regulation 1102 (formerly Regulation 2) so that it restores the text of the revised title as published in the December 7, 2006 **Federal Register** (71 FR 70883 at 70885).
  - b. Adding an entry for Regulation 1102, Appendix A with a State effective date of June 1, 1997. EPA had approved the addition of this appendix as a SIP revision on January 13, 2000 (65 FR 2005), but had inadvertently omitted a corresponding entry as an addition to 40 CFR 52.420(c) at the time of EPA's approval action.
  - c. For the entries Regulation 1102, Sections 1, 6, 11, and 12, adding text in the "Additional explanation" column to indicate the SIP effective date.
  - d. For the entry Regulation 24, Section 10, removing the text from the "Additional explanation" column.
  - e. For the entry Regulation 31, Appendix 6(a)(9), correcting a typographical error in the "Title/subject" column.
3. Making corrections to the following entries listed in the paragraph 52.420(d) chart, as described below:
  - a. Renaming the title of the second column from "Title/subject" to "Permit number."
  - b. Entry for Phoenix Steel Co.—Electric Arc Furnaces Charging & Tapping #2—Correcting a typographical error in the "Permit number" column.

EPA has determined that today's rule falls under the "good cause" exemption in section 553(b)(3)(B) of the Administrative Procedures Act (APA), which, upon finding "good cause," authorizes agencies to dispense with

public participation, and section 553(d)(3), which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today's rule simply codifies provisions which are already in effect as a matter of law in Federal and approved State programs. Under section 553 of the APA, an agency may find good cause where procedures are "impractical, unnecessary, or contrary to the public interest." Public comment is "unnecessary" and contrary to the "public interest" since the codification only reflects existing law. Immediate notice in the CFR benefits the public by removing outdated citations and incorrect chart entries.

**Statutory and Executive Order Reviews***A. General Requirements*

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is 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). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by State law, it 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). This rule also does not have tribal implications because it will 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). This action also does not have Federalism implications because it does not 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 government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it approves a state rule implementing a Federal standard. In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. 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. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

*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 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 rule is not a "major rule" as defined by 5 U.S.C. 804(2).

*C. Petitions for Judicial Review*

EPA has also determined that the provisions of section 307(b)(1) of the Clean Air Act pertaining to petitions for judicial review are not applicable to this action. Prior EPA rulemaking actions for each individual component of the Delaware SIP compilations had previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA sees no need in this action to reopen the 60-day period for filing such petitions for judicial review for this "Identification of plan" reorganization update action for Delaware.

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and record keeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: March 9, 2007.  
**William T. Wisniewski,**  
*Acting Regional Administrator, Region III.*

■ 40 CFR part 52 is amended as follows:

**PART 52—[AMENDED]**

■ 1. The authority for citation for part 52 continues to read as follows:

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

**Subpart I—Delaware**

■ 2. Section 52.420 is amended by revising paragraphs (b), (c), and (d) to read as follows:

**52.420 Identification of plan.**

\* \* \* \* \*

(b) *Incorporation by reference.*

(1) Material listed as incorporated by reference in paragraphs (c) and (d) was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c) and (d) of this section with EPA approval dates on or after February 15, 2007 will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region III certifies that the rules/regulations provided by EPA at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State implementation plan as of February 15, 2007.

(3) Copies of the materials incorporated by reference may be inspected at the EPA Region III Office at 1650 Arch Street, Philadelphia, PA 19103; the EPA, Air and Radiation Docket and Information Center, Room Number 3334, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC 20460; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(c) *EPA approved regulations.*

**EPA-APPROVED REGULATIONS IN THE DELAWARE SIP**

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
<b>Regulation 1 Definitions and Administrative Principles</b>				
Section 1 .....	General Provisions .....	5/28/74	03/23/76, 41 FR 12010.	<b>New Definitions:</b> (Effective date: 1/7/77). —Capacity factor. —Continuous monitoring system. —Emission standard. —Equipment shutdown. —Excess Emissions. (Effective Date: 9/26/78). —Sulfuric Acid Plant.
Section 2 .....	Definitions .....	10/11/98	3/11/99, 64 FR 12085.	
Section 2 .....	Definitions .....	2/8/95	9/9/99, 64 FR 48961 .....	

## EPA-APPROVED REGULATIONS IN THE DELAWARE SIP—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
Section 2 .....	Definitions .....	2/11/03	11/1/05, 70 FR 65847 .....	<b>Revised Definitions:</b> (Effective date: 1/7/77). —Existing Installation, Equipment, Source, or Operation. —New Installation, Equipment, Source, or Operation. Added definition of PM <sub>2.5</sub>
Section 3 .....	Administrative Principles .....	1/7/72	05/31/72, 37 FR 10842.	
Section 4 .....	Abbreviations .....	2/1/81	3/15/82, 48 FR 11013 .....	Abbreviation of "ACAA" only.
<b>Regulation 1102 Permits (Formerly "Regulation 2—Permits")</b>				
Section 1 .....	General Provisions .....	6/15/06	12/7/06, 71 FR 70883 .....	SIP effective date is 2/5/07.
Section 2 .....	Applicability .....	6/1/97	1/13/00, 65 FR 2048.	
Section 3 .....	Applications Prepared by Interested Parties.	6/1/97	1/13/00, 65 FR 2048.	
Section 4 .....	Cancellation of Construction Permits.	6/1/97	1/13/00, 65 FR 2048.	
Section 5 .....	Action on Applications .....	6/1/97	1/13/00, 65 FR 2048.	
Section 6 .....	Denial, Suspension or Revocation of Operating Permits.	6/15/06	12/7/06, 71 FR 70883 .....	SIP effective date is 2/5/07.
Section 7 .....	Transfer of Permit/Registration Prohibited.	6/1/97	1/13/00, 65 FR 2048.	
Section 8 .....	Availability of Permit/Registration ...	6/1/97	1/13/00, 65 FR 2048.	
Section 9 .....	Registration Submittal .....	6/1/97	1/13/00, 65 FR 2048.	
Section 10 .....	Source Category Permit Application	6/1/97	1/13/00, 65 FR 2048.	
Section 11 .....	Permit Application .....	6/15/06	12/7/06, 71 FR 70883 .....	SIP effective date is 2/5/07.
Section 12 .....	Public Participation .....	6/15/06	12/7/06, 71 FR 70883 .....	SIP effective date is 2/5/07.
Section 13 .....	Department Records .....	6/1/97	1/13/00, 65 FR 2048.	
Appendix A .....	[List of Permit Exemptions] .....	6/1/97	1/13/00, 65 FR 2048.	
<b>Regulation 3 Ambient Air Quality Standards</b>				
Section 1 .....	General Provisions .....	2/11/03	11/1/05, 70 FR 65847 .....	Addition of section 1.6.j.
Section 2 .....	General Restrictions .....	3/11/80	10/30/81, 46 FR 53663.	
Section 3 .....	Suspended Particulates .....	3/11/80	10/30/81, 46 FR 53663.	
Section 4 .....	Sulfur Dioxide .....	3/11/80	10/30/81, 46 FR 53663.	
Section 5 .....	Carbon Monoxide .....	3/11/80	10/30/81, 46 FR 53663.	
Section 6 .....	Ozone .....	2/11/03	11/1/05, 70 FR 65847 .....	Addition to section 6.1—"This standard shall be applicable to New Castle and Kent Counties.;" Addition of section 6.2.
Section 8 .....	Nitrogen Dioxide .....	3/11/80	10/30/81, 46 FR 53663.	
Section 10 .....	Lead .....	3/11/80	3/11/82, 48 FR 10535.	
Section 11 .....	PM <sub>10</sub> and PM <sub>2.5</sub> Particulates .....	2/11/03	11/1/05, 70 FR 65847 .....	Section title added "and PM <sub>2.5</sub> "; Addition of sections 11.2.a. and 11.2.b.
<b>Regulation 4 Particulate Emissions From Fuel Burning Equipment</b>				
Section 1 .....	General Provisions .....	5/28/74	3/23/76, 41 FR 12010.	
Section 2 .....	Emission Limits .....	5/28/74	3/23/76, 41 FR 12010.	
<b>Regulation 5 Particulate Emissions From Industrial Process Operations</b>				
Section 1 .....	General Provisions .....	5/28/74	3/23/76, 41 FR 12010.	
Section 2 .....	General Restrictions .....	5/28/74	3/23/76, 41 FR 12010.	
Section 3 .....	Restrictions on Hot Mix Asphalt Batching Operations.	5/28/74	3/23/76, 41 FR 12010.	
Section 4 .....	Restrictions on Secondary Metal Operations.	12/2/77	07/30/79, 44 FR 44497.	
Section 5 .....	Restrictions on Petroleum Refining Operations.	9/26/78	9/9/99, 64 FR 48961.	
Section 6 .....	Restrictions on Prill Tower Operations.	9/26/78	08/01/80, 45 FR 51198.	
Section 7 .....	Control of Potentially Hazardous Particulate Matter.	1/7/72	5/31/72, 37 FR 10842.	
<b>Regulation 6 Particulate Emissions From Construction and Materials Handling</b>				
Section 1 .....	General Provisions .....	1/7/72	05/31/72, 37 FR 10842.	
Section 2 .....	Demolition .....	5/28/74	03/23/76, 41 FR 12010.	

## EPA-APPROVED REGULATIONS IN THE DELAWARE SIP—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
Section 3 .....	Grading, Land Clearing, Excavation and Use of Non-Paved Roads.	5/28/74	03/23/76, 41 FR 12010.	
Section 4 .....	Material Movement .....	5/28/74	03/23/76, 41 FR 12010.	
Section 5 .....	Sandblasting .....	5/28/74	03/23/76, 41 FR 12010.	
Section 6 .....	Material Storage .....	5/28/74	03/23/76, 41 FR 12010.	
<b>Regulation 7 Particulate Emissions From Incineration</b>				
Section 1 .....	General Provisions .....	05/28/74	03/23/76, 41 FR 12010.	
Section 2 .....	Restrictions .....	12/8/83	10/3/84 49, FR 39061 .....	Provisions were revised 10/13/89 by State, but not submitted to EPA as SIP revisions.
<b>Regulation 8 Sulfur Dioxide Emissions From Fuel Burning Equipment</b>				
Section 1 .....	General Provisions .....	12/8/83	10/3/84, 49 FR 39061.	
Section 2 .....	Limit on Sulfur Content of Fuel .....	5/9/85	12/08/86, 51 FR 44068.	
Section 3 .....	Emissions Control in Lieu of Sulfur Content Limits of Section 2.	5/9/85	12/08/86, 51 FR 44068.	
<b>Regulation 9 Emissions of Sulfur Compounds From Industrial Operations</b>				
Section 1 .....	General Provisions .....	5/9/85	12/08/86, 51 FR 44068.	1. On 3/11/1982 (47 FR 10535), EPA approved revisions to Section 2 with a State effective date of 12/29/1980. 2. Section 2.2 (State effective date: 9/26/1980) is federally enforceable as a Section 111(d) plan and codified at 40 CFR 62.1875.
Section 2 .....	Restrictions on Sulfuric Acid Manufacturing Operations.	9/26/78	9/9/99, 64 FR 48961 .....	
Section 3 .....	Restriction on Sulfur Recovery Operations.	5/28/74	03/23/76, 41 FR 12010.	
Section 4 .....	Stack Height Requirements .....	4/18/83	09/21/83, 48 FR 42979.	
<b>Regulation 10 Control of Sulfur Dioxide Emissions—Kent and Sussex Counties</b>				
Section 1 .....	Requirements for Existing Sources of Sulfur Dioxide.	1/7/72	05/31/72, 37 FR 10842.	
Section 2 .....	Requirements for New Sources of Sulfur Dioxide.	5/28/74	03/23/76, 41 FR 12010.	
<b>Regulation 11 Carbon Monoxide Emissions From Industrial Process Operations—New Castle County</b>				
Section 1 .....	General Provisions .....	5/28/74	03/23/76, 41 FR 12010.	
Section 2 .....	Restrictions on Petroleum Refining Operations.	1/7/72	05/31/72, 37 FR 10842 .....	Citation revised 3/23/76 41 FR 12010.
<b>Regulation 12 Control of Nitrogen Oxide Emissions</b>				
Section 1 .....	Applicability .....	11/24/93	6/14/01, 66 FR 32234.	
Section 2 .....	Definitions .....	11/24/93	6/14/01, 66 FR 32234.	
Section 3 .....	Standards .....	11/24/93	6/14/01, 66 FR 32234.	
Section 4 .....	Exemptions .....	11/24/93	6/14/01, 66 FR 32234.	
Section 5 .....	Alternative and Equivalent RACT Determination.	11/24/93	6/14/01, 66 FR 32234.	
Section 6 .....	RACT Proposals .....	11/24/93	6/14/01, 66 FR 32234.	
Section 7 .....	Compliance, Certification, Record-keeping, and Reporting Requirements.	11/24/93	6/14/01, 66 FR 32234.	
<b>Regulation 13 Open Burning</b>				
Section 1 .....	Prohibitions—All Counties .....	2/8/95	03/12/97, 62 FR 11329 .....	EPA effective date is 5/1/98.
Section 2 .....	Prohibitions—Specific Counties .....	2/8/95	03/12/97, 62 FR 11329 .....	EPA effective date is 5/1/98.
Section 3 .....	General Restrictions—All Counties .....	2/8/95	03/12/97, 62 FR 11329 .....	EPA effective date is 5/1/98.
Section 4 .....	Exemptions—All Counties .....	2/8/95	03/12/97, 62 FR 11329 .....	EPA effective date is 5/1/98.
<b>Regulation 14 Visible Emissions</b>				
Section 1 .....	General Provisions .....	7/17/84	07/02/85, 50 FR 27244.	
Section 2 .....	Requirements .....	7/17/84	07/02/85, 50 FR 27244.	

## EPA-APPROVED REGULATIONS IN THE DELAWARE SIP—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
Section 3 .....	Alternate Opacity Requirements .....	7/17/84	07/02/85, 50 FR 27244.	
Section 4 .....	Compliance with Opacity Standards	7/17/84	07/02/85, 50 FR 27244.	
<b>Regulation 15 Air Pollution Alert and Emergency Plan</b>				
Section 1 .....	General Provisions .....	1/7/72	05/31/72, 37 FR 10842.	Delaware removed the word "standby" from Table III, section 3B effective 5/28/74, but did not submit as a SIP revision.
Section 2 .....	Stages and Criteria .....	3/29/88	04/06/94, 59 FR 16140.	
Section 3 .....	Required Actions .....	1/7/72	05/31/72, 37 FR 10842 .....	
Section 4 .....	Standby Plans .....	1/7/72	05/31/72, 37 FR 10842.	
<b>Regulation 16 Sources Having an Interstate Air Pollution Potential</b>				
Section 1 .....	General Provisions .....	1/7/72	05/31/72, 37 FR 10842 .....	Delaware revised provision effective 5/28/74, but did not submit as a SIP revision.
Section 2 .....	Limitations .....	1/7/72	05/31/72, 37 FR 10842.	
Section 3 .....	Requirements .....	1/7/72	05/31/72, 37 FR 10842.	
<b>Regulation 17 Source Monitoring, Recordkeeping and Reporting</b>				
Section 1 .....	Definitions and Administrative Principles.	1/11/93	02/28/96, 61 FR 7453.	Former SIP Sections 1 through 5 respectively; citation revised 2/28/96, 62 FR 7453.
Section 2 .....	Sampling and Monitoring .....	7/17/84,	07/02/85, 50 FR 27244 .....	
Section 3 .....	Minimum Emission Monitoring Requirements for Existing Sources.	1/10/77	8/25/81, 46 FR 43150.	
Section 4 .....	Performance Specifications .....	1/11/93	9/9/99, 64 FR 48961.	
Section 5 .....	Minimum Data Requirements .....	1/10/77	8/25/81, 46 FR 43150.	
Section 6 .....	Data Reduction .....	1/11/93	9/9/99, 64 FR 48961.	
Section 7 .....	Emission Statement .....	1/11/93	02/28/96, 61 FR 7453.	
<b>Regulation 23 Standards of Performance for Steel Plants: Electric Arc Furnaces</b>				
Section 1 .....	Applicability .....	12/2/77	07/30/79, 44 FR 44497 .....	Correction published 8/20/80, 45 FR 55422.
Section 2 .....	Definitions .....	04/18/83	09/21/83, 49 FR 39061.	Correction published 8/20/80, 45 FR 55422.
Section 3 .....	Standard for Particulate Matter .....	04/18/83	09/21/83, 49 FR 39061.	
Section 4 .....	Monitoring of Operations .....	12/2/77	07/30/79, 44 FR 44497 .....	
Section 5 .....	Test Methods and Procedures .....	12/2/77	07/30/79, 44 FR 44497 .....	
<b>Regulation 24 Control of Volatile Organic Compound Emissions</b>				
Section 1 .....	General Provisions .....	1/11/93	5/3/95, 60 FR 21707.	
Section 2 .....	Definitions .....	1/11/02	11/14/03, 68 FR 64540.	
Section 3 .....	Applicability .....	1/11/93	5/3/95, 60 FR 21707.	
Section 4 .....	Compliance Certification, Recordkeeping, and Reporting Requirements for Coating Sources.	1/29/94	01/26/96, 61 FR 2419.	
Section 5 .....	Compliance Certification, Recordkeeping, and Reporting Requirements for Non-Coating Sources.	1/11/93	5/3/95, 60 FR 21707.	
Section 7 .....	Circumvention .....	1/11/93	5/3/95, 60 FR 21707.	
Section 8 .....	Handling, Storage, and Disposal of Volatile Organic Compounds (VOCs).	11/29/94	01/26/96, 61 FR 2419.	
Section 9 .....	Compliance, Permits, Enforceability	1/11/93	5/3/95, 60 FR 21707.	
Section 10 .....	Aerospace Coatings .....	2/11/03	3/24/04, 69 FR 13737.	
Section 11 .....	Mobile Equipment Repair and Refinishing.	11/11/01	11/22/02, 67 FR 70315.	
Section 12 .....	Surface Coating of Plastic Parts .....	11/29/94	01/26/96, 61 FR 2419.	
Section 13 .....	Automobile and Light-Duty Truck Coating Operations.	1/11/93	5/3/95, 60 FR 21707.	
Section 14 .....	Can Coating .....	1/11/93	5/3/95, 60 FR 21707.	
Section 15 .....	Coil Coating .....	1/11/93	5/3/95, 60 FR 21707.	
Section 16 .....	Paper Coating .....	1/11/93	5/3/95, 60 FR 21707.	
Section 17 .....	Fabric Coating .....	1/11/93	5/3/95, 60 FR 21707.	

## EPA-APPROVED REGULATIONS IN THE DELAWARE SIP—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
Section 18 ....	Vinyl Coating .....	1/11/93	5/3/95, 60 FR 21707.	
Section 19 ....	Coating of Metal Furniture .....	1/11/93	5/3/95, 60 FR 21707.	
Section 20 ....	Coating of Large Appliances .....	1/11/93	5/3/95, 60 FR 21707.	
Section 21 ....	Coating of Magnet Wire .....	11/29/94	01/26/96, 61 FR 2419.	
Section 22 ....	Coating of Miscellaneous Metal Parts.	1/11/93	5/3/95, 60 FR 21707.	
Section 23 ....	Coating of Flat Wood Panelling .....	1/11/93	5/3/95, 60 FR 21707.	
Section 24 ....	Bulk Gasoline Plants .....	1/11/93	5/3/95, 60 FR 21707.	
Section 25 ....	Bulk Gasoline Terminals .....	11/29/94	01/26/96, 61 FR 2419.	
Section 26 ....	Gasoline Dispensing Facility—Stage I Vapor Recovery.	1/11/02	11/14/03 68 FR 64540.	
Section 27 ....	Gasoline Tank Trucks .....	1/11/93	5/3/95, 60 FR 21707.	
Section 28 ....	Petroleum Refinery Sources .....	1/11/93	5/3/95, 60 FR 21707.	
Section 29 ....	Leaks from Petroleum Refinery Equipment.	11/29/94	01/26/96, 61 FR 2419.	
Section 30 ....	Petroleum Liquid Storage in External Floating Roof Tanks.	11/29/94	01/26/96, 61 FR 2419.	
Section 31 ....	Petroleum Liquid Storage in Fixed Roof Tanks.	11/29/94	01/26/96, 61 FR 2419.	
Section 32 ....	Leaks from Natural Gas/Gasoline Processing Equipment.	11/29/94	01/26/96, 61 FR 2419.	
Section 33 ....	Solvent Metal Cleaning and Drying	11/11/01	11/22/02 67 FR 70315.	
Section 34 ....	Cutback and Emulsified Asphalt .....	1/11/93	5/3/95, 60 FR 21707.	
Section 35 ....	Manufacture of Synthesized Pharmaceutical Products.	11/29/94	01/26/96, 61 FR 2419.	
Section 36 ....	Stage II Vapor Recovery .....	1/11/93	6/10/94, 59 FR 29956.	
Section 37 ....	Graphic Arts Systems .....	11/29/94	01/26/96, 61 FR 2419.	
Section 38 ....	Petroleum Solvent Dry Cleaners .....	1/11/93	5/3/95, 60 FR 21707.	
Section 39 ....	Perchloroethylene Dry Cleaning .....	1/11/93	5/3/95, 60 FR 21707.	
Section 40 ....	Leaks from Synthetic Organic Chemical, Polymer, and Resin Manufacturing Equipment.	1/11/93	5/3/95, 60 FR 21707.	
Section 41 ....	Manufacture of High-Density Polyethylene, Polypropylene and Polystyrene Resins.	1/11/93	5/3/95, 60 FR 21707.	
Section 42 ....	Air Oxidation Processes in the Synthetic Organic Chemical Manufacturing Industry.	1/11/93	5/3/95, 60 FR 21707.	
Section 43 ....	Bulk Gasoline Marine Tank Vessel Loading Facilities.	11/29/94	01/26/96, 61 FR 2419.	
Section 44 ....	Batch Processing Operations .....	11/29/94	01/26/96, 61 FR 2419.	
Section 45 ....	Industrial Cleaning Solvents .....	11/29/94	01/26/96, 61 FR 2419.	
Section 47 ....	Offset Lithographic Printing .....	11/29/94	05/14/97, 62 FR 26399.	
Section 48 ....	Reactor Processes and Distillation Operations in the Synthetic Organic Chemical Manufacturing Industry.	11/29/94	01/26/96, 61 FR 2419.	
Section 49 ....	Control of Volatile Organic Compound Emissions from Volatile Organic Liquid Storage Vessels.	11/29/94	01/26/96, 61 FR 2419.	
Section 50 ....	Other Facilities that Emit Volatile Organic Compounds (VOCs).	11/29/94	03/12/97, 62 FR 11329 .....	EPA effective date for Sections 50(a)(5) and 50(b)(3) is 5/1/98.
Appendix "A"	Test Methods and Compliance Procedures: General Provisions.	11/29/94	01/26/96, 61 FR 2419.	
Appendix "B"	Test Methods and Compliance Procedures: Determining the Volatile Organic Compound (VOC) Content of Coatings and Inks.	1/11/93	5/3/95, 60 FR 21707.	
Appendix "C"	Test Methods and Compliance Procedures: Alternative Compliance Methods for Surface Coating.	1/11/93	5/3/95, 60 FR 21707.	
Appendix "D"	Test Methods and Compliance Procedures: Emission Capture and Destruction or Removal Efficiency and Monitoring Requirements.	11/29/94	01/26/96, 61 FR 2419.	
Appendix "E"	Test Methods and Compliance Procedures: Determining the Destruction or Removal Efficiency of a Control Device.	1/11/93	5/3/95, 60 FR 21707.	

## EPA-APPROVED REGULATIONS IN THE DELAWARE SIP—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
Appendix "F"	Test Methods and Compliance Procedures: Leak Detection Methods for Volatile Organic Compounds (VOCs).	1/11/93	5/3/95, 60 FR 21707.	
Appendix "G"	Performance Specifications for Continuous Emissions Monitoring of Total Hydrocarbons.	1/11/93	5/3/95, 60 FR 21707.	
Appendix "H"	Quality Control Procedures for Continuous Emission Monitoring Systems (CEMS).	1/11/93	5/3/95, 60 FR 21707.	
Appendix "I"	Method to Determine Length of Rolling Period for Liquid—Liquid Material Balance Method.	11/29/94	01/26/96, 61 FR 2419.	
Appendix "J"	Procedures for Implementation of Regulations Covering Stage II Vapor Recovery Systems for Gasoline Dispensing Facilities.	1/11/93	6/10/94, 59 FR 29956.	
Appendix "J1"	Certified Stage II Vapor Recovery Systems.	1/11/93	6/10/94, 59 FR 29956.	
Appendix "J2"	Pressure Decay/Leak Test Procedure for Verification of Proper Functioning of Stage I & Stage II Vapor Recovery Equipment.	1/11/93	6/10/94, 59 FR 29956.	
Appendix "J3"	Dynamic Backpressure (Dry) Test and Liquid Blockage (Wet) Test Procedure for Verification of Proper Functioning of Stage II Vapor Balance Recovery Systems.	01/11/93	6/10/94, 59 FR 29956.	
Appendix "K"	Emission Estimation Methodologies	11/29/94	01/26/96, 61 FR 2419.	
Appendix "L"	Method to Determine Total Organic Carbon for Offset Lithographic Solutions.	11/29/94	01/26/96, 61 FR 2419.	
Appendix "M"	Test Method for Determining the Performance of Alternative Cleaning Fluids.	11/29/94	01/26/96, 61 FR 2419.	

**Regulation 25 Requirements for Preconstruction Review**

Section 1 .....	General Provisions .....	1/1/93 (As Revised 5/1/99)	2/7/01, 66 FR 9211 .....	Excluding §§ 1.2, 1.6, 1.9(L), 1.9(M), 1.9(N), 1.9(O), which relate to Prevention of Significant Deterioration.
Section 2 .....	Emission Offset Provisions (EOP) ...	1/1/93 (As Revised 5/1/99)	2/7/01, 66 FR 9211.	
Section 3 .....	Prevention of Significant Deterioration of Air Quality.	5/15/90	01/27/93, 58 FR 26689.	

**Regulation 26 Motor Vehicle Emissions Inspection Program**

Section 1 .....	Applicability and Definitions .....	2/12/01	11/27/03, 68 FR 66343 .....	Regulation 26 provisions apply to Sussex County only, effective November 1, 1999.
Section 2 .....	General Provisions .....	2/12/01	11/27/03, 68 FR 66343.	
Section 3 .....	Registration Requirement .....	5/9/85	12/08/86, 51 FR 44068.	
Section 4 .....	Exemptions .....	2/12/01	11/27/03, 68 FR 66343.	
Section 5 .....	Enforcement .....	7/6/82	10/17/83, 48 FR 46986.	
Section 6 .....	Compliance, Waivers, Extensions of Time.	2/12/01	11/27/03, 68 FR 66343.	
Section 7 .....	Inspection Facility Requirements .....	7/6/82	10/17/83, 48 FR 46986.	
Section 8 .....	Certification of Motor Vehicle Officers.	7/6/82	10/17/83, 48 FR 46986.	
Section 9 .....	Calibration and Test Procedures and Approved Equipment.	2/12/01	11/27/03, 68 FR 66343.	
Technical Memorandum 1.	Delaware Division of Motor Vehicles Vehicle Exhaust Emissions Test.	2/12/01	11/27/03, 68 FR 66343.	

## EPA-APPROVED REGULATIONS IN THE DELAWARE SIP—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
<b>Regulation 27 Stack Heights</b>				
Section 1 .....	General Provisions .....	4/18/83	09/21/83, 48 FR 42979.	
Section 2 .....	Definitions Specific to this Regulation.	12/7/88	06/29/90, 55 FR 26689.	
Section 3 .....	Requirements for Existing and New Sources.	2/18/87	06/29/90, 55 FR 26689.	
Section 4 .....	Public Notification .....	2/18/87	06/29/90, 55 FR 26689.	
<b>Regulation 31 Low Enhanced Inspection and Maintenance Program</b>				
Section 1 .....	Applicability .....	10/11/01	11/27/03, 68 FR 66343.	
Section 2 .....	Low Enhanced I/M Performance Standard.	10/11/01	1/27/03, 68 FR 66343.	
Section 3 .....	Network Type and Program Evaluation.	10/11/01	11/27/03, 68 FR 66343.	
Section 4 .....	Test Frequency and Convenience ..	6/11/99	9/30/99, 64 FR 52657.	
Section 5 .....	Vehicle Coverage .....	10/11/01	11/27/03, 68 FR 66343.	
Section 6 .....	Test Procedures and Standards .....	10/11/01	11/27/03, 68 FR 66343.	
Section 7 .....	Waivers and Compliance via Diagnostic Inspection.	10/11/01	11/27/03, 68 FR 66343.	
Section 8 .....	Motorist Compliance Enforcement ..	10/11/01	11/27/03, 68 FR 66343.	
Section 9 .....	Enforcement Against Operators and Motor Vehicle Technicians.	10/11/01	11/27/03, 68 FR 66343.	
Section 10 .....	Improving Repair Effectiveness .....	8/13/98	9/30/99, 64 FR 52657.	
Section 11 .....	Compliance with Recall Notices .....	8/13/98	9/30/99, 64 FR 52657.	
Section 12 .....	On-Road Testing .....	8/13/98	9/30/99, 64 FR 52657.	
Section 13 .....	Implementation Deadlines .....	10/11/01	11/27/03, 68 FR 66343.	
Appendix 1(d)	Commitment to Extend the I/M Program to the Attainment Date From Secretary Tulou to EPA Administrator W. Michael McCabe.	8/13/98	9/30/99, 64 FR 52657.	
Appendix 3(a)(7).	Exhaust Emission Limits According to Model Year.	8/13/98	9/30/99, 64 FR 52657.	
Appendix 3(c)(2).	VMASTM Test Procedure .....	6/11/99	9/30/99, 64 FR 52657.	
Appendix 4(a)	Sections from Delaware Criminal and Traffic Law Manual.	8/13/98	9/30/99, 64 FR 52657.	
Appendix 5(a)	Division of Motor Vehicles Policy on Out of State Renewals.	8/13/98	9/30/99, 64 FR 52657.	
Appendix 5(f)	New Model Year Clean Screen .....	10/11/01	11/27/03, 68 FR 66343.	
Appendix 6(a)	Idle Test Procedure .....	10/11/01	11/27/03, 68 FR 66343.	
Appendix 6(a)(5).	Vehicle Emission Repair Report Form.	8/13/98	9/30/99, 64 FR 52657.	
Appendix 6(a)(8).	Evaporative System Integrity (Pressure) Test.	10/11/01	11/27/03, 68 FR 66343.	
Appendix 6(a)(9).	On-board Diagnostic Test Procedure OBD II Test Procedure.	10/11/01	11/27/03, 68 FR 66343.	
Appendix 7(a)	Emission Repair Technician Certification Process.	8/13/98	9/30/99, 64 FR 52657.	
Appendix 8(a)	Registration Denial System Requirements Definition.	8/13/98	9/30/99, 64 FR 52657.	
Appendix 9(a)	Enforcement Against Operators and Inspectors.	10/11/01	11/27/03, 68 FR 66343.	
<b>Regulation 35 Conformity of General Federal Actions to the State Implementation Plans</b>				
Section 1 .....	Purpose .....	8/14/96	7/15/97, 62 FR 37722.	
Section 2 .....	Definitions .....	8/14/96	07/15/97, 62 FR 37722.	
Section 3 .....	Applicability .....	8/14/96	07/15/97, 62 FR 37722.	
Section 4 .....	Conformity Analysis .....	8/14/96	07/15/97, 62 FR 37722.	
Section 5 .....	Reporting Requirements .....	8/14/96	07/15/97, 62 FR 37722.	
Section 6 .....	Public Participation and Consultation.	8/14/96	07/15/97, 62 FR 37722.	
Section 7 .....	Frequency of Conformity Determinations.	8/14/96	07/15/97, 62 FR 37722.	
Section 8 .....	Criteria for Determining Conformity of General Federal Actions.	8/14/96	07/15/97, 62 FR 37722.	
Section 9 .....	Procedures for Conformity Determinations of General Federal Actions.	8/14/96	07/15/97, 62 FR 37722.	



## EPA-APPROVED REGULATIONS IN THE DELAWARE SIP—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
Section 10 ....	Mitigation of Air Quality Impacts .....	8/14/96	07/15/97, 62 FR 37722.	
Section 11 ....	Savings Provision .....	8/14/96	07/15/97, 62 FR 37722.	
<b>Regulation 37 NO<sub>x</sub> Budget Program</b>				
Section 1 .....	General Provisions .....	12/11/99	3/9/00, 65 FR 12481.	
Section 2 .....	Applicability .....	12/11/99	3/9/00, 65 FR 12481.	
Section 3 .....	Definitions .....	12/11/99	3/9/00, 65 FR 12481.	
Section 4 .....	Allowance Allocation .....	12/11/99	3/9/00, 65 FR 12481.	
Section 5 .....	Permits .....	12/11/99	3/9/00, 65 FR 12481.	
Section 6 .....	Establishment of Compliance Accounts.	12/11/99	3/9/00, 65 FR 12481.	
Section 7 .....	Establishment of General Accounts	12/11/99	3/9/00, 65 FR 12481.	
Section 8 .....	Opt In Provisions .....	12/11/99	3/9/00, 65 FR 12481.	
Section 9 .....	New Budget Source Provisions .....	12/11/99	3/9/00, 65 FR 12481.	
Section 10 ....	NO <sub>x</sub> Allowance Tracking System (NATS).	12/11/99	3/9/00, 65 FR 12481.	
Section 11 ....	Allowance Transfer .....	12/11/99	3/9/00, 65 FR 12481.	
Section 12 ....	Allowance Banking .....	12/11/99	3/9/00, 65 FR 12481.	
Section 13 ....	Emission Monitoring .....	12/11/99	3/9/00, 65 FR 12481.	
Section 14 ....	Recordkeeping .....	12/11/99	3/9/00, 65 FR 12481.	
Section 15 ....	Emissions Reporting .....	12/11/99	3/9/00, 65 FR 12481.	
Section 16 ....	End-of Season Reconciliation .....	12/11/99	3/9/00, 65 FR 12481.	
Section 17 ....	Compliance Certification .....	12/11/99	3/9/00, 65 FR 12481.	
Section 18 ....	Failure to Meet Compliance Requirements.	12/11/99	3/9/00, 65 FR 12481.	
Section 19 ....	Program Audit .....	12/11/99	3/9/00, 65 FR 12481.	
Section 20 ....	Program Fees .....	12/11/99	3/9/00, 65 FR 12481.	
Appendix "A"	NO <sub>x</sub> Budget Program .....	12/11/99	3/9/00, 65 FR 12481.	
<b>Regulation 39 Nitrogen Oxides (NO<sub>x</sub>) Budget Trading Program</b>				
Section 1 .....	Purpose .....	12/11/00	5/17/01, 66 FR 27459.	
Section 2 .....	Emission Limitation .....	12/11/00	5/17/01, 66 FR 27459.	
Section 3 .....	Applicability .....	12/11/00	5/17/01, 66 FR 27459.	
Section 4 .....	Definitions .....	12/11/00	5/17/01, 66 FR 27459.	
Section 5 .....	General Provisions .....	12/11/00	5/17/01, 66 FR 27459.	
Section 6 .....	NO <sub>x</sub> Authorized Account Representative for NO <sub>x</sub> Budget Sources.	12/11/00	5/17/01, 66 FR 27459.	
Section 7 .....	Permits .....	12/11/00	5/17/01, 66 FR 27459.	
Section 8 .....	Monitoring and Reporting .....	12/11/00	5/17/01, 66 FR 27459.	
Section 9 .....	NATS .....	12/11/00	5/17/01, 66 FR 27459.	
Section 10 ....	NO <sub>x</sub> Allowance Transfers .....	12/11/00	5/17/01, 66 FR 27459.	
Section 11 ....	Compliance Certification .....	12/11/00	5/17/01, 66 FR 27459.	
Section 12 ....	End-of-Season Reconciliation .....	12/11/00	5/17/01, 66 FR 27459.	
Section 13 ....	Failure to Meet Compliance Requirements.	12/11/00	5/17/01, 66 FR 27459.	
Section 14 ....	Individual Unit Opt-Ins .....	12/11/00	5/17/01, 66 FR 27459.	
Section 15 ....	General Accounts .....	12/11/00	5/17/01, 66 FR 27459.	
Appendix A ...	Allowance Allocations to NO <sub>x</sub> Budget Units Under Section 3(a)(1)(i) and 3(a)(1)(ii) of Regulation No. 39.	12/11/00	5/17/01, 66 FR 27459.	
Appendix B ...	Regulation No. 37—Regulation No. 39 Program Transition.	12/11/00	5/17/01, 66 FR 27459.	
<b>Regulation 40 Delaware's National Low Emission Vehicle (NLEV) Regulation</b>				
Section 1 .....	Applicability .....	10/11/99	12/28/99, 64 FR 72564 .....	Issued on September 1, 1999 by Secretary's Order No. 99-A-0046.
Section 2 .....	Definitions .....	10/11/99	12/28/99, 64 FR 72564.	
Section 3 .....	Program Participation .....	10/11/99	12/28/99, 64 FR 72564.	
<b>Regulation 41 Limiting Emissions of Volatile Organic Compounds From Consumer and Commercial Products</b>				
Section 1 .....	Architectural and Industrial Maintenance Coatings.	03/11/02	11/22/02, 67 FR 70315.	
Section 2 .....	Commercial Products .....	01/11/02	11/22/02, 67 FR 70315.	
Section 3 .....	Portable Fuel Containers .....	11/11/01	11/22/02, 67 FR 70315.	

EPA-APPROVED REGULATIONS IN THE DELAWARE SIP—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
<b>Regulation 42 Specific Emission Control Requirements</b>				
Section 1 .....	Control of NO <sub>x</sub> Emissions from Industrial Boilers.	12/11/01	11/22/02, 67 FR 70315.	

(d) EPA approved State source-specific requirements.

EPA-APPROVED DELAWARE SOURCE-SPECIFIC REQUIREMENTS

Name of source	Permit No.	State effective date	EPA approval date	Additional explanation
Getty Oil Co .....	75-A-4 .....	8/5/75	3/7/79, 44 FR 12423 .....	52.420(c)(11).
Phoenix Steel Co.—Electric Arc Furnaces Charging & Tapping #2.	77-A-8 .....	12/2/77	7/30/79 .....	52.420(c)(12).
Delmarva Power & Light—Indian River.	89-A-7/APC 89/197 .....	2/15/89	1/22/90, 55 FR 2067 .....	52.420(c)(38).
SPI Polyols, Inc .....	Secretary's Order No. 2000-A-0033.	7/11/00	6/14/01, 66 FR 32231 .....	Polyhydrate Alcohol's Catalyst Regenerative Process—Approved NO <sub>x</sub> RACT Determination.
Citisteel .....	Secretary's Order No. 2000-A-0033.	7/11/00	6/14/01, 66 FR 32231 .....	Electric Arc Furnace—Approved NO <sub>x</sub> RACT Determination.
General Chemical Corp .....	Secretary's Order No. 2000-A-0033.	7/11/00	6/14/01, 66 FR 32231 .....	(1) Sulfuric Acid Process & Interstage Absorption System. (2) Metallic Nitrite Process—Approved NO <sub>x</sub> RACT Determinations.

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[FR Doc. 07-1648 Filed 4-2-07; 8:45 am]  
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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 070213033-7033-01; I.D. 032807A]

**Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 ft (18.3 m) LOA Using Pot or Hook-and-Line 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 less than 60 ft (18.3 meters (m)) length overall (LOA) using pot or hook-and-

line gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2007 Pacific cod total allowable catch (TAC) allocated to catcher vessels less than 60 ft (18.3 m) LOA using pot or hook-and-line gear in the BSAI.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), March 30, 2007, through 2400 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 and 2008 final harvest specification for groundfish in the BSAI (72 FR 9451, March 2, 2007), and the reallocation on March 5, 2007 (72 FR

10428, March 8, 2007) allocated a directed fishing allowance for Pacific cod of 2,321 metric tons to catcher vessels less than 60 ft (18.3 m) LOA using pot or hook-and-line gear in the BSAI. See § 679.20(c)(3)(iii) and (c)(5), and (a)(7)(i)(C).

In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that the 2007 Pacific cod directed fishing allowance allocated to catcher vessels less than 60 ft (18.3 m) LOA using pot or hook-and-line gear in the BSAI has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher vessels less than 60 ft (18.3 m) LOA using pot or hook-and-line 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