

containing Kentucky's 8-hour ozone maintenance plan for the Kentucky Bi-State Louisville Area. The maintenance plan includes regional MVEBs for 2003 and 2020, among other requirements.

Further, as part of today's action, EPA is providing notice that it is reviewing the adequacy of the regional MVEBs in accordance with 40 CFR 93.118(f)(2). Within 24 months from the effective date of EPA's adequacy finding for the MVEBs, or the date of publication of the final rule for this action, whichever is done first, the transportation partners will need to demonstrate conformity to these new MVEBs pursuant to 40 CFR 93.104(e) as effectively amended by new section 172(c)(2)(E) of the CAA as added by the Safe, Accountable, Flexible, Efficient Transportation Equity Act—A Legacy for Users (SAFETEA-LU), which was signed into law on August 10, 2005.

#### X. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed 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 proposed action merely proposes to approve State law as meeting Federal requirements and imposes no additional requirements beyond those imposed by State law. Redesignation of an area to attainment under section 107(d)(3)(e) of the CAA does not impose any new requirements on small entities. Redesignation is an action that affects the status of a geographical area and does not impose any new regulatory requirements on sources. Accordingly, the Administrator certifies that this proposed 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 proposes to approve 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 (Public Law 104-4).

This proposed 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 affects the status of a geographical area, does not impose any new requirements on sources, or allow a State to avoid adopting or implementing other requirements and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This proposed 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 is not economically significant and because the Agency does not have reason to believe that the rule concerns an environmental health risk or safety risk that may disproportionately affect children.

In reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the Commonwealth 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 CAA. Redesignation is an action that affects the status of a geographical area but does not impose any new requirements on sources. 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 proposed 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.*).

#### List of Subjects

##### 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

##### 40 CFR Part 81

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

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

Dated: April 18, 2007.

**J.I. Palmer, Jr.,**

*Regional Administrator, Region 4.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 94

[EPA-HQ-OAR-2007-0120; FRL-8306-6]

RIN 2060-A026

### Change in Deadline for Rulemaking To Address the Control of Emissions From New Marine Compression-Ignition Engines at or Above 30 Liters per Cylinder

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

**ACTION:** Proposed Rule.

**SUMMARY:** A January 2003 final rule established the first U.S. emission standards for new compression-ignition Category 3 marine engines, those with a displacement at or above 30 liters per cylinder displacement. It also established a deadline of April 27, 2007 for EPA to promulgate a new tier of emission standards for these engines as determined appropriate under Clean Air Act (CAA) section 213(a). This rulemaking schedule was intended to allow EPA time to consider the state of technology that may permit deeper emission reductions and the status of international action for more stringent standards. Since 2003, we have continued to gain a greater understanding of the technical issues described in the final rule and to assess the continuing efforts of manufacturers to apply advanced emission control technologies to these very large engines, through ongoing discussions with various stakeholders. In addition, we have continued to work with and through the International Maritime Organization (IMO) toward more stringent international emission standards that would apply to all new marine diesel engines on ships engaged in international transportation. IMO is an important forum for EPA to gather new information and data regarding emission control technologies, costs, and other information on Category 3 engines and vessels. IMO is also important because the majority of ships

used in international commerce are flagged in other nations. Due to the length of time necessary to assess advanced emission control technologies much of the information that we believe is necessary to develop more stringent Category 3 marine diesel engines standards has only become available recently and we expect more information to come to light in the course of the current negotiations underway at the IMO. Therefore, EPA is proposing a new deadline for the rulemaking that will consider the next tier of Category 3 marine diesel engine standards. Under this new schedule, EPA would adopt a final rule by December 17, 2009. In the “Rules and Regulations” section of this **Federal Register**, we are making this revision as a direct final rule without a prior proposed rule. If we receive no adverse comment, we will not take further action on this proposed rule.

**DATES:** Written comments must be received by May 29, 2007. If a public hearing is requested no later than May 17, 2007, it will be held at a time and place to be published in the **Federal Register**.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2007-0120, by mail to Environmental Protection Agency, Mail

Code: 6102T, 1200 Pennsylvania Ave., NW., Washington, DC, 20460. Please include two copies. Comments may also be submitted electronically or through hand delivery/courier, or a public hearing may be requested, by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Michael Samulski, Assessment and Standards Division, Office of Transportation and Air Quality, 2000 Traverwood Drive, Ann Arbor, MI, 48105; telephone number: (734) 214-4532; fax number: (734) 214-4050; e-mail address: *samulski.michael@epa.gov*.

**SUPPLEMENTARY INFORMATION:**

**I. Why Is EPA Issuing This Proposed Rule?**

This document proposes to take action on changing the regulatory deadline for a rulemaking to address the control of emissions from new marine compression-ignition engines at or above 30 liters per cylinder. We have published a direct final rule making this revision in the “Rules and Regulations” section of this **Federal Register** because we view this as a relatively noncontroversial action and anticipate

no adverse comment. We have explained our reasons for this action in the preamble to the direct final rule.

If we receive no adverse comment or a request for a public hearing, we will not take further action on this proposed rule. Otherwise, we will withdraw the direct final rule and it will not take effect. We would address all public comments in any subsequent final rule based on this proposed rule.

We do not intend to institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information, please see the information provided in the **ADDRESSES** section of this document.

**II. Does This Action Apply to Me?**

This action will affect companies that manufacture, sell, or import into the United States new marine compression-ignition engines for use on vessels flagged or registered in the United States; companies and persons that make vessels that will be flagged or registered in the United States and that use such engines; and the owners or operators of such U.S. vessels. This action may also affect companies and persons that rebuild or maintain these engines. Affected categories and entities include the following:

Category	NAICS code <sup>a</sup>	Examples of potentially affected entities
Industry .....	333618	Manufacturers of new marine diesel engines.
Industry .....	336611	Manufacturers of marine vessels.
Industry .....	811310	Engine repair and maintenance.
Industry .....	483	Water transportation, freight and passenger.

<sup>a</sup>North American Industry Classification System (NAICS).

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. To determine whether particular activities may be affected by this action, you should carefully examine the regulations. You may direct questions regarding the applicability of this action as noted in **FOR FURTHER INFORMATION CONTACT**.

**III. Summary of Rule**

This proposed rule would make a revision to the regulations to implement the following amendment:

- Extend the regulatory deadline to promulgate a new tier of standards for Category 3 marine engines by amending § 94.8(a)(2)(ii), so that the date is on or before December 17, 2009.

For additional discussion of the proposed rule change, see the direct final rule EPA has published in the “Rules and Regulations” section of

today’s **Federal Register**. This proposal incorporates by reference all the reasoning, explanation, and regulatory text from the direct final rule. Furthermore, elsewhere in today’s **Federal Register**, EPA is publishing an Advance Notice of Proposed Rulemaking which describes EPA’s current thinking with regard to potential new requirements for C3 marine engines and identifies and discusses a number of important issues upon which EPA is seeking comment.

**IV. Statutory and Executive Order Reviews**

*A. Executive Order 12866: Regulatory Planning and Review*

This proposed rule is not a “significant regulatory action” under the terms of Executive Order (EO) 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under the EO. This proposed rule merely changes

the regulatory schedule for a rulemaking to address emissions from Category 3 marine engines. There are no new costs associated with this proposed rule.

*B. Paperwork Reduction Act*

This action does not impose any new information collection burden. This direct final rule merely changes the regulatory schedule for a rulemaking to address emissions from Category 3 marine engines. However, the Office of Management and Budget (OMB) has previously approved the information collection requirements contained in the existing regulations [40 CFR 94] under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2060-0287, EPA ICR number 1684.08. A copy of the OMB approved Information Collection Request (ICR) may be obtained from Susan Auby, Collection Strategies Division; U.S. Environmental

Protection Agency (2822T); 1200 Pennsylvania Ave., NW., Washington, DC 20460 or by calling (202) 566-1672.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

#### C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of this proposed rule on small entities, a *small entity is defined as*: (1) A small business that meet the definition for business based on SBA size standards at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's proposed rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any significant adverse economic impact on small

entities, since the primary purpose of the regulatory flexibility analyses is to identify and address regulatory alternatives "which minimize any significant economic impact of the rule on small entities." 5 U.S.C. 603 and 604. Thus, an agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, or otherwise has a positive economic effect on all of the small entities subject to the rule.

This proposed rule merely changes the regulatory schedule for a rulemaking to address emissions from Category 3 marine engines. We have therefore concluded that today's proposed rule will relieve regulatory burden for all affected small. We continue to be interested in the potential impacts of the proposed rule on small entities and welcome comments on issues related to such impacts.

#### D. Unfunded Mandates Reform Act

This proposed rule contains no federal mandates for state, local, tribal governments, or the private sector as defined by the provisions of Title II of the UMRA. The proposed rule imposes no enforceable duties on any of these governmental entities. This proposed rule contains no regulatory requirements that would significantly or uniquely affect small governments. EPA has determined that this proposed rule contains no federal mandates that may result in expenditures of more than \$100 million to the private sector in any single year. This proposed rule merely changes the regulatory schedule for a rulemaking to address emissions from Category 3 marine engines. See the direct final rule EPA has published in the "Rules and Regulations" section of today's **Federal Register** for a more extensive discussion of UMRA policy.

#### E. Executive Order 13132: Federalism

This proposed rule does not have federalism implications. It will 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. This proposed rule merely changes the regulatory schedule for a rulemaking to address emissions from Category 3 marine engines. See the direct final rule EPA has published in the "Rules and Regulations" section of today's **Federal Register** for a more extensive discussion of Executive Order 13132.

#### F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This proposed rule does not have tribal implications. It will not have substantial direct effects on tribal governments, 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 in Executive Order 13175. This proposed rule does not uniquely affect the communities of Indian Tribal Governments. Further, no circumstances specific to such communities exist that would cause an impact on these communities beyond those discussed in the other sections of this rule. This proposed rule merely changes the regulatory schedule for a rulemaking to address emissions from Category 3 marine engines. Thus, Executive Order 13175 does not apply to this rule. See the direct final rule EPA has published in the "Rules and Regulations" section of today's **Federal Register** for a more extensive discussion of Executive Order 13132.

#### G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

This proposed rule is not subject to the Executive Order because it is not economically significant, and does not involve decisions on environmental health or safety risks that may disproportionately affect children. See the direct final rule EPA has published in the "Rules and Regulations" section of today's **Federal Register** for a more extensive discussion of Executive Order 13045.

#### H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This proposed rule is not a "significant energy action" as defined in Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001) because it is not likely to have a significant adverse effect on the supply, distribution or use of energy. This proposed rule merely changes the regulatory schedule for a rulemaking to address emissions from Category 3 marine engines.

#### I. National Technology Transfer and Advancement Act

This proposed rule does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards. This proposed rule merely changes the regulatory

schedule for a rulemaking to address emissions from Category 3 marine engines. Thus, we have determined that the requirements of the NTTAA do not apply. See the direct final rule EPA has published in the "Rules and Regulations" section of today's **Federal Register** for a more extensive discussion of NTTAA policy.

*J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*

EPA has determined that this proposed rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. See the direct final rule EPA has published in the "Rules and Regulations" section of today's **Federal Register** for a more extensive discussion of Executive Order 13045.

*K. Statutory Authority*

The statutory authority for this action comes from section 213 of the Clean Air Act as amended (42 U.S.C. 7547). This action is a notice of proposed rulemaking subject to the provisions of Clean Air Act section 307(d). See 42 U.S.C. 7607(d).

**List of Subjects in 40 CFR Part 94**

Environmental protection, Administrative practice and procedure, Air pollution control, Confidential business information, Imports, Penalties, Reporting and recordkeeping requirements, Vessels, Warranties.

Dated: April 23, 2007.

**Stephen L. Johnson,**

*Administrator.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 622**

[Docket No. 070410083-7083-01; I.D. 040207C]

RIN 0648-AV45

**Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Gulf of Mexico Vermilion Snapper Fishery Management Measures**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS issues this proposed rule that would implement a regulatory amendment to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP) prepared by the Gulf of Mexico Fishery Management Council (Council). This proposed rule would reduce the minimum size limit for vermilion snapper to 10 inches (25.4 cm) total length (TL), eliminate the 10-fish recreational bag limit for vermilion snapper within the existing 20-fish aggregate reef fish bag limit, and eliminate the 40-day commercial closed season for vermilion snapper (from April 22 through May 31 each year). The intended effect of this proposed rule is to help achieve optimum yield (OY) by reducing vermilion snapper harvest limitations consistent with the findings of the recent stock assessment for this species.

**DATES:** Written comments must be received on or before May 14, 2007.

**ADDRESSES:** You may submit comments on the proposed rule by any of the following methods:

- E-mail: 0648-AV45.Proposed@noaa.gov. Include in the subject line the following document identifier: 0648-AV45.
- Federal e-Rulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Mail: Sarah DeVido, Southeast Regional Office, NMFS, 263 13<sup>th</sup> Avenue South, St. Petersburg, FL 33701.
- Fax: 727-824-5308; Attention: Sarah DeVido.

Copies of the regulatory amendment, which includes an environmental assessment (EA), a regulatory impact review (RIR), and an initial regulatory flexibility analysis (IRFA) may be obtained from the Gulf of Mexico Fishery Management Council, 2203 N. Lois Avenue, Suite 1100, Tampa, FL 33607; telephone: 813-348-1630; fax: 813-348-1711; e-mail: [gulfcouncil@gulfcouncil.org](mailto:gulfcouncil@gulfcouncil.org).

**FOR FURTHER INFORMATION CONTACT:** Sarah DeVido, telephone 727-824-5305; fax 727-824-5308; e-mail [sarah.devido@noaa.gov](mailto:sarah.devido@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The reef fish fishery of the Gulf of Mexico is managed under the FMP. The FMP was prepared by the Council and is implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

**Background**

In 2001, the Gulf of Mexico vermilion snapper stock was assessed using data through 1999. The findings from that assessment indicated the stock to be overfished and undergoing overfishing. Based on the assessment, the Council prepared Amendment 23 to the FMP, which implemented measures to end overfishing and rebuild the stock within 10 years. This plan was implemented on July 8, 2005 (70 FR 33385). In 2006, a new stock assessment was conducted through the Southeast Data, Assessment, and Review (SEDAR) process. This assessment included a new data set to assess the vermilion snapper stock through 2004. The findings from this assessment determined vermilion snapper to be neither overfished nor undergoing overfishing.

Based on the findings of this recent stock assessment, the rebuilding plan for vermilion snapper implemented in Amendment 23 is no longer necessary. Under the current rebuilding plan, harvest of vermilion snapper would not achieve the OY for the fishery. This is resulting in the unnecessary loss of social and economic benefits. National standard (NS) 1 of the Magnuson-Stevens Act requires that management measures prevent overfishing while achieving on a continuing basis the OY from the fishery. Therefore, the Council recommended and NMFS is proposing to implement the measures described above. This proposed rule contains a measure that would eliminate the annual commercial closure period, thus relieving a restriction in the commercial sector, and other measures for both the recreational and commercial sectors that allow for increased harvest of vermilion snapper consistent with national standard 1 and the best scientific information available.

**Current Rebuilding Plan**

The current rebuilding plan, under Amendment 23, is based on a stepped-harvest strategy that was designed to restore the vermilion snapper stock to the stock biomass needed to allow harvest at maximum sustainable yield (BMSY) in 10 years or less. The plan would reduce harvest to 1.475 million lb (0.669 million kg) for the first 4 years (2005-2008), increase to 2.058 million lb (0.933 million kg) for the next 3 years (2009-2011), and increase to 2.641 million lb (1.198 million kg) for the final 3 years (2012-2014). Overfishing was expected to end by 2008, three years after the plan was implemented. The final rule for Amendment 23 (70 FR 33385, July 8, 2005) implemented measures designed to achieve the