

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 approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the 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 is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the 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 plan submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a plan submission, to use VCS in place of a plan submission that otherwise satisfies the provisions of the 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.*).

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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 19, 2007. Filing a petition for reconsideration by the Administrator of this final rule does not

affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

#### List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Waste treatment and disposal.

Dated: January 4, 2007.

**Alan J. Steinberg,**  
*Regional Administrator, Region 2.*

■ Part 62, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

#### PART 62—[AMENDED]

■ 1. The authority citation for part 62 continues to read as follows:

**Authority:** 62 U.S.C. 7401–7671q.

#### Subpart FF—New Jersey

■ 2. Part 62 is amended by adding new § 62.7605 and an undesignated heading to subpart FF to read as follows:

Air Emissions from Existing Municipal Solid Waste Landfills, Small Municipal Waste Combustion Units, and Hospital/Medical/Infectious Waste Incinerators.

#### § 62.7605 Identification of plan—delegation of authority.

(a) Letter from the New Jersey Department of Environmental Protection (NJDEP), submitted May 13, 2005, requesting delegation of authority from EPA to implement and enforce the following three Federal plans: Municipal Solid Waste Landfills (MSW Landfills), Hospital/Medical/Infectious Waste Incinerators (HMIWI) and Small Municipal Waste Combustion Units (Small MWCs). The Federal plans will be administered by both NJDEP and EPA, pursuant to the following: "Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction Prior to May 30, 1991 and Have Not Been Modified or Reconstructed Since May 30, 1991," 40 CFR part 62, subpart GGG; "Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators Constructed on or Before June 20, 1996," 40 CFR part 62, subpart HHH; and "Federal Plan Requirements for Small Municipal Waste Combustion

Units Constructed on or Before August 30, 1999," 40 CFR part 62, subpart JJJ.

(b) Identification of sources: The three Federal plans apply to existing facilities as follows: MSW Landfills which commenced construction, reconstruction, or modification before May 30, 1991 and a MSW Landfill that has accepted waste at any time since November 8, 1987 or the landfill has additional capacity for future waste deposition; HMIWIs that combust any amount of hospital, medical or infectious waste and that commenced construction on or before June 20, 1996; and Small MWCs with a capacity to combust at least 35 tons per day of municipal solid waste or refuse-derived fuel but no more than 250 tons per day of municipal solid waste or refuse-derived fuel and if the Small MWC commenced construction on or before August 30, 1999.

(c) On April 24, 2006, EPA prepared and signed Memorandums of Agreement (MOAs) between EPA and NJDEP that define the policies, responsibilities and procedures pursuant to the three Federal plans identified in (a) above by which the Federal plans will be administered by both NJDEP and EPA. On May 15, 2006, Lisa P. Jackson, NJDEP Commissioner, signed the MOAs, therefore agreeing to the terms and conditions of the MOAs and accepting responsibility to enforce and implement the policies, responsibilities, and procedures for MSW Landfills, HMIWIs and Small MWCs.

(d) The delegation became fully effective on May 15, 2006, the date the MOAs were signed by the NJDEP Commissioner.

[FR Doc. E7–413 Filed 1–12–07; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 239 and 258

[EPA–RO7–RCRA–2006–0878; FRL–8269–1]

### Adequacy of Nebraska Municipal Solid Waste Landfill Program; Withdrawal of Direct Final Rule

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

**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** Because EPA received adverse comment, we are withdrawing the direct final rule for Adequacy of Nebraska Municipal Solid Waste Landfill Program, published on November 16, 2006.

**DATES:** Effective January 16, 2007, EPA withdraws the direct final rule

published at 71 FR 66686 on November 16, 2006.

**FOR FURTHER INFORMATION CONTACT:**

Chilton McLaughlin, Solid Waste/Pollution Prevention Branch, EPA Region 7, 901 North 5th Street, Kansas City, Kansas 66101, telephone (913) 551-7666, [McLaughlin.chilton@epa.gov](mailto:McLaughlin.chilton@epa.gov).

**SUPPLEMENTARY INFORMATION:** Because EPA received adverse comment, we are withdrawing the direct final rule for Adequacy of Nebraska Municipal Solid Waste Landfill Program published on November 16, 2006 (71 FR 66686). We stated in that direct final rule that if we received adverse comment by January 16, 2007, the direct final rule would not take effect and we would publish a timely withdrawal in the **Federal Register**. On December 8, 2006, the **Federal Register** published a correction notice (71 FR 71241) establishing December 18, 2006, as the date by which EPA would receive comment. We subsequently received an adverse comment on that direct final rule. We will address that comment in a subsequent final action. As stated in the direct final rule and the parallel proposed rule, we will not institute a second comment period in this action.

**List of Subjects**

*40 CFR Part 239*

Environmental protection, Administrative practice and procedure, Intergovernmental relations, Waste treatment and disposal.

*40 CFR Part 258*

Reporting and recordkeeping requirements, Waste treatment disposal, Water pollution control.

**Authority:** This action is issued under the authority of section 2002, 4005 and 4010(c) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912, 6945 and 6949(a).

Dated: January 9, 2007.

**William Rice,**

*Acting Regional Administrator, Region 7.*  
[FR Doc. E7-414 Filed 1-12-07; 8:45 am]

**BILLING CODE 6560-50-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 060216044-6044-01; I.D. 010807A]

**Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2007 A and B Season Allowances of Pollock in Statistical Area 620 in the Gulf of Alaska**

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

**ACTION:** Temporary rule; inseason adjustment; request for comments.

**SUMMARY:** NMFS is adjusting the A and B season allowances of pollock in Statistical Area 620 of the Gulf of Alaska (GOA). This action is necessary because the current A and B season allowances of pollock in Statistical Area 620 of the GOA are incorrectly specified and to ensure the A and B season catch of pollock in Statistical Area 620 of the GOA does not exceed the appropriate amount, based on the best available scientific information for pollock in the GOA. This action is consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), January 16, 2007, through 2400 hrs, A.l.t., April 15, 2007, unless otherwise modified or superceded through publication of a notification in the **Federal Register**.

Comments must be received at the following address no later than 4:30 p.m., A.l.t., January 31, 2007.

**ADDRESSES:** Send comments to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian. Comments may be submitted by:

- Mail to: P.O. Box 21668, Juneau, AK 99802;
- Hand delivery to the Federal Building, 709 West 9th Street, Room 420A, Juneau, Alaska;
- FAX to 907-586-7557;
- E-mail to

[620PLCKADJUSTMENT@noaa.gov](mailto:620PLCKADJUSTMENT@noaa.gov) and include the subject line of the e-mail comment the document identifier: 620PLCKADJUSTMENT (E-mail comments, with or without attachments, are limited to 5 megabytes); or

- Webform at the Federal eRulemaking Portal: <http://www.regulations.gov>.

Follow the instructions at that site for submitting comments.

**FOR FURTHER INFORMATION CONTACT:**

Jennifer Hogan, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (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 total allowable catch of pollock in Statistical Area 620 of the GOA is 24,275 metric tons (mt) as established by the 2006 and 2007 harvest specification for groundfish in the GOA (71 FR 10870, March 3, 2006). The A season allowance is 8,910 mt and the B season allowance is 10,663 mt for pollock in Statistical area 620 of the GOA as established by the 2006 and 2007 harvest specification for groundfish in the GOA (71 FR 10870, March 3, 2006).

In December 2006, the Council recommended 2007 A and B season allowances of pollock in Statistical Area 620 of 7,357 mt and 8,924 mt, respectively. This amount is less than the A and B season allowances currently established by the 2006 and 2007 harvest specification for groundfish in the GOA (71 FR 10870, March 3, 2006). The A and B season allowances as recommended by the Council are based on the Stock Assessment and Fishery Evaluation report (SAFE), dated November 2006, which is the best available scientific information for this fishery.

In accordance with § 679.25(a)(2)(i)(B), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined, based on the November 2006 SAFE report for this fishery, that the current A and B season allowances of pollock in Statistical Area 620 of the GOA are incorrectly specified. Consequently, the Regional Administrator is adjusting the 2007 A and B season allowances of pollock in Statistical Area 620 of the GOA to 7,357 mt and 8,924 mt, respectively.

Pursuant to § 679.20(a)(5)(iv), Tables 6, 13, and 16 of the 2006 and 2007 final harvest specifications for groundfish in the GOA (71 FR 10870, March 3, 2006) are revised for the 2007 A and B season allowances of pollock in Statistical Area 620 of the GOA consistent with this adjustment.