

Petitioner	Date of petition to EPA	Petition: Document No. in docket	Date of EPA response	EPA response: Document No. in docket
State of Connecticut .....	2/15/2005	- 0756 .....	12/5/2005	- 0765.
Commonwealth of Virginia .....	2/18/2005	- 0665 .....	12/5/2005	- 0757.
State of Maryland .....	2/22/2005	- 0666 and - 0667 ...	12/5/2005	- 0758.
Guilford County, NC .....	2/22/2005	- 0677 .....	12/5/2005	- 0759 and - 0759.1.
State of North Carolina .....	2/22/2005	- 0676 .....	12/5/2005	- 0760.
State of Alabama .....	1/20/2005	- 0672 .....	12/5/2005	- 0761.
State of Georgia .....	2/22/2005	- 0673 .....	12/5/2005	- 0762.
Southwestern PA Growth Alliance .....	3/4/2005	- 0766, 0766.15, 0766.16, 0766.17.	12/5/2005	- 0763.
Oakland County, MI (first petition) .....	3/7/2005	- 0636 .....	1/20/2006	- 0740.
State of Michigan .....	2/22/2005	- 0635 .....	1/20/2006	- 0737.
State of West Virginia .....	2/21/2005	- 0661 .....	1/20/2006	- 0735.
State of Ohio .....	2/14/2005	- 0681 .....	1/20/2006	- 0736.
State of Georgia .....	6/10/2005	- 0728 thru 0728.11	1/20/2006	- 0738.
Dynegy Midwest Generation .....	6/13/2005	- 0721 and - 0726 ...	1/20/2006	- 0739.
Midwest Ozone Group/West Virginia Chamber of Commerce	3/28/2006	- 0744 .....	8/16/2007	- 0746 and - 0746.1.
Oakland County, MI (second petition) .....	3/21/2006	- 0747 thru 0751 .....	9/25/2007	- 0764.

All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, some information is not publicly available, e.g., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the EPA Docket Center (Air Docket), EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744 and the telephone number for the Air Docket is (202) 566-1742.

This **Federal Register** notice, the petitions for reconsideration, and the letters denying the petitions can also be found on EPA's Web site <http://www.epa.gov/pmdesignations/regs.htm>. The air quality designations for the fine particle NAAQS were published in the **Federal Register** on January 5, 2005 at 70 FR 944. A supplemental notice was published in the **Federal Register** on April 14, 2005 at 70 FR 19844.

## II. Judicial Review

Section 307(b)(1) of the Act indicates which Federal Courts of Appeal have venue for petitions for review of final actions by EPA. This section provides, in part, that petitions for review must be filed in the Court of Appeals for the District of Columbia Circuit if: (i) The agency action consists of "nationally applicable regulations promulgated, or final action taken, by the

Administrator," or (ii) such actions are locally or regionally applicable, if "such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination."

The EPA has determined that its actions denying the petitions for reconsideration are of nationwide scope and effect for purposes of section 307(b)(1) because EPA previously found that the air quality designations for the PM<sub>2.5</sub> NAAQS, which establish designations for all areas of the United States, to be of nationwide scope and effect. Thus, any petitions for review of the letters denying the petitions for reconsideration described in this Notice must be filed in the Court of Appeals for the District of Columbia Circuit within 60 days from the date this Notice is published in the **Federal Register**.

Dated: October 30, 2007.

**Stephen L. Johnson,**  
*Administrator.*

[FR Doc. E7-21681 Filed 11-2-07; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 001005281-0369-02]

RIN 0648-XC59

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS closes the commercial fishery for king mackerel in the exclusive economic zone (EEZ) in the western zone of the Gulf of Mexico. This closure is necessary to protect the Gulf king mackerel resource.

**DATES:** The closure is effective from 12 noon, local time, November 3, 2007, through June 30, 2008.

**FOR FURTHER INFORMATION CONTACT:**

Susan Gerhart, 727-824-5305, fax: 727-824-5308, e-mail: [Susan.Gerhart@noaa.gov](mailto:Susan.Gerhart@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, cero, cobia, little tunny, and, in the Gulf of Mexico only, dolphin and bluefish) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is

implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Based on the Councils' recommended total allowable catch and the allocation ratios in the FMP, NMFS implemented a commercial quota for the Gulf of Mexico migratory group of king mackerel in the western zone of 1.01 million lb (0.46 million kg) (66 FR 17368, March 30, 2001).

Under 50 CFR 622.43(a), NMFS is required to close any segment of the king mackerel commercial fishery when its quota has been reached, or is projected to be reached, by filing a notification at the Office of the **Federal Register**. NMFS has determined the commercial quota of 1.01 million lb (0.46 million kg) for Gulf group king mackerel in the western zone will be reached by November 3, 2007.

Accordingly, the commercial fishery for Gulf group king mackerel in the western zone is closed effective 12 noon, local time, November 3, 2007, through June 30, 2008, the end of the fishing year. The boundary between the eastern and western zones is 87°31'06" W. long., which is a line directly south from the Alabama/Florida boundary.

Except for a person aboard a charter vessel or headboat, during the closure, no person aboard a vessel for which a commercial permit for king mackerel has been issued may fish for or retain Gulf group king mackerel in the EEZ in the closed zones or subzones. A person aboard a vessel that has a valid charter vessel/headboat permit for coastal migratory pelagic fish may continue to retain king mackerel in or from the closed zones or subzones under the bag and possession limits set forth in 50 CFR 622.39(c)(1)(ii) and (c)(2), provided the vessel is operating as a charter vessel or headboat. A charter vessel or headboat that also has a commercial king mackerel permit is considered to be operating as a charter vessel or headboat when it carries a passenger who pays a fee or when there are more than three persons aboard, including operator and crew.

During the closure, king mackerel from the closed zones or subzones taken in the EEZ, including those harvested under the bag and possession limits, may not be purchased or sold. This prohibition does not apply to trade in king mackerel from the closed zones or subzones that were harvested, landed

ashore, and sold prior to the closure and were held in cold storage by a dealer or processor.

#### 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 pursuant to the authority set forth at 5 U.S.C. 553(b)(B), as such prior notice and opportunity for public comment is unnecessary and contrary to the public interest. Such procedures would be unnecessary because the rule itself already has been subject to notice and comment, and all that remains is to notify the public of the closure. Allowing prior notice and opportunity for public comment is contrary to the public interest because of the need to immediately implement this action in order to protect the fishery since the capacity of the fishing fleet allows for rapid harvest of the quota. Prior notice and opportunity for public comment will require time and would potentially result in a harvest well in excess of the quota.

For the aforementioned reasons, the AA also finds good cause to waive the 30 day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

This action is taken under 50 CFR 622.43(a) and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: October 30, 2007.

**Alan D. Risenhoover,**  
*Director, Office of Sustainable Fisheries,*  
*National Marine Fisheries Service.*  
[FR Doc. 07-5461 Filed 10-30-07; 3:01 pm]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 061109296-7009-02]

RIN 0648-XD65

#### Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer

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

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; inseason quota transfer.

**SUMMARY:** NMFS announces that the Commonwealth of Virginia is transferring commercial bluefish quota to the State of New York from its 2007 quota. By this action, NMFS adjusts the quotas and announces the revised commercial quota for each state involved.

**DATES:** Effective November 2, 2007 through December 31, 2007.

**FOR FURTHER INFORMATION CONTACT:** Emily Bryant, Fishery Management Specialist, (978) 281-9244, fax (978) 281-9135.

#### SUPPLEMENTARY INFORMATION:

Regulations governing the Atlantic bluefish fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned among the coastal states from Florida through Maine. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.160.

Two or more states, under mutual agreement and with the concurrence of the Administrator, Northeast Region, NMFS (Regional Administrator), can transfer or combine bluefish commercial quota under § 648.160(f). The Regional Administrator is required to consider the criteria set forth in § 648.160(f)(1) in the evaluation of requests for quota transfers or combinations.

Virginia has agreed to transfer 200,000 lb (90,718 kg) of its 2007 commercial quota to New York. The Regional Administrator has determined that the criteria set forth in § 648.160(f)(1) have been met. The revised bluefish quotas for calendar year 2007 are: New York, 1,234,278 lb (559,859 kg); and Virginia, 668,660 lb (303,299 kg).

#### Classification

This action is taken under 50 CFR part 648 and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: October 30, 2007.

**Emily H. Menashes,**  
*Acting Director, Office of Sustainable Fisheries,*  
*National Marine Fisheries Service.*  
[FR Doc. E7-21717 Filed 11-2-07; 8:45 am]

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