

TABLE FIVE

Vessel	Hull No.	Forward masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than 1/2 ship's length aft of forward masthead light. Annex I, sec. 3(a)	Percentage horizontal separation attained
USS STERETT .....	DDG 104 .....	X	X	X	14.5

Approved: August 1, 2007.

**Gregg A. Cervi,**

*Commander, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law).*

[FR Doc. E7-21586 Filed 11-2-07; 8:45 am]

**BILLING CODE 3810-FF-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 60

[EPA-HQ-OAR-2002-0071; FRL-8490-9]

**RIN 2060-A009**

### Update of Continuous Instrumental Test Methods: Technical Amendments

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

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

**SUMMARY:** EPA published a direct final rule on September 7, 2007, to correct errors in a May 15, 2006, final rule amending five instrumental test methods. We received adverse comment during the comment period on the September 2007 direct final rule and are now withdrawing that direct final rule.

**DATES:** Effective November 5, 2007, EPA withdraws the direct final rule published at 72 FR 51365, September 7, 2007.

#### FOR FURTHER INFORMATION CONTACT:

Foston Curtis, Air Quality Assessment Division, Office of Air Quality Planning and Standards (E143-02), Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number (919) 541-1063; fax number (919) 541-0516; e-mail address: [curtis.foston@epa.gov](mailto:curtis.foston@epa.gov).

**SUPPLEMENTARY INFORMATION:** Because EPA received adverse comment, we are withdrawing the direct final rule entitled "Update of Continuous Instrumental Test Methods: Technical Amendments" published on September 7, 2007 (72 FR 51365). This direct final

rule made corrections to a May 15, 2006 final rule (71 FR 28082) which amended five instrumental test methods. The direct final was to correct errors and clarify portions of the amendments that may have been ambiguous. We stated in the September 2007 direct final rule that if we received any adverse comments by October 9, 2007, the direct final would not take effect and we would publish a timely withdrawal in the **Federal Register**. We subsequently received adverse comments on that direct final rule.

We will address those comments in any subsequent final action based on the parallel proposed rule also published on September 7, 2007 (72 FR 51392). As stated in the direct final rule and the parallel proposed rule, we will not institute a second comment period on this action.

Dated: October 30, 2007.

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

■ Accordingly, the amendments to the rule published on September 7, 2007 (72 FR 51365), are withdrawn as of November 5, 2007.

[FR Doc. E7-21721 Filed 11-2-07; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 81

[EPA-HQ-OAR-2003-0061; FRL-8490-8]

### Air Quality Designations for the Fine Particle (PM<sub>2.5</sub>) National Ambient Air Quality Standards; Notice of Actions Denying Petitions for Reconsideration

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

**ACTION:** Notice of actions denying petitions for reconsideration.

**SUMMARY:** The EPA is providing notice that it has responded to sixteen petitions for reconsideration of the air

quality designations for the fine particle (PM<sub>2.5</sub>) national ambient air quality standards (NAAQS). The PM<sub>2.5</sub> designations were published in the **Federal Register** on January 5, 2005, and a supplemental notice to this action was published in the **Federal Register** on April 14, 2005. Subsequent to the publication of this action, a total of sixteen petitions for reconsideration were received by EPA. The EPA considered the petitions and supporting information along with information contained in the rulemaking docket in reaching a decision on the petitions. EPA Administrator Stephen L. Johnson denied the petitions for reconsideration in separate letters to the petitioners issued between December 2005 and October 2007. The letters explain EPA's reasons for the denials.

#### FOR FURTHER INFORMATION CONTACT:

Geoffrey L. Wilcox, U.S. EPA, Office of General Counsel, Mail Code 2344A, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, telephone (202) 564-5601, e-mail at [wilcox.geoffrey@epa.gov](mailto:wilcox.geoffrey@epa.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. How Can I Get Copies of This Document and Other Related Information?

This **Federal Register** notice, the petitions for reconsideration, and the letters denying the petitions for reconsideration are available in the docket that EPA established for the air quality designations for the fine particle NAAQS (docket number EPA-HQ-OAR-2003-0061). The table below identifies the petitions received by EPA, the date EPA received the petition, the document identification number for the petition, the date of EPA's response, and the document identification number for EPA's response. (Note that all the document numbers listed in the table are in the form of "EPA-HQ-OAR-2003-0061-xxxx.")

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]

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## 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