notice of proposed rulemaking is not required for this rule. Even so, the Secretary of Veterans Affairs hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act. This final rule would not directly affect any small entities. Therefore, this final rule is also exempt pursuant to 5 U.S.C. 605(b) from the regulatory flexibility analysis requirements of sections 603 and 604.

Executive Order 12866

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The Executive Order classifies a ''significant regulatory action,'' requiring review by the Office of Management and Budget (OMB) unless OMB waives such review, as any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

The economic, interagency, budgetary, legal, and policy implications of this final rule have been examined and it has been determined not to be a significant regulatory action under Executive Order 12866.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995, codified at 2 U.S.C. 1532, requires agencies to prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any year. This final rule would have no such effect on State, local, and tribal governments, or on the private sector.

Catalog of Federal Domestic Assistance

There is no Catalog of Federal Domestic Assistance number for this final rule.

List of Subjects

38 CFR Part 1

Administrative practice and procedure, Government employees.

38 CFR Part 2

Authority delegations (Government agencies).

Approved: November 14, 2007.

Gordon H. Mansfield,

Acting Secretary of Veterans Affairs.

■ For the reasons set forth in the preamble, the Department of Veterans Affairs amends 38 CFR parts 1 and 2 as follows:

PART 1—GENERAL PROVISIONS

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

Authority: 38 U.S.C. 501(a), and as noted in specific sections.

§ 1.552 [Amended]

■ 2. Amend § 1.552 by:

■ a. In paragraph (a), removing ''All final orders in such actions as entertained by the Contract Appeals Board, those'' and adding, in its place, ''Those''.

■ b. Removing paragraph (b).

■ c. Redesignating paragraphs (c) and (d) as new paragraphs (b) and (c), respectively.

§§ 1.780 through 1.783 [Removed]

■ 3. Remove the undesignated center heading immediately preceding § 1.780 and remove and reserve §§ 1.780 through 1.783.

§ 1.923 [Amended]

■ 4. In § 1.923, amend the introductory text of paragraph (c) by removing ''VA Board of Contract Appeals Administrative Judge or Hearing Examiner, or any other''.

■ 5. Revise § 1.983(b)(8) to read as follows:

§ 1.983 Notice requirements before salary offset of debts not involving benefits under the laws administered by VA.

* * * * *

(b) * * *

(8) The VA employee's right to request an oral or paper hearing on the Secretary or appropriate designee's determination of the existence or amount of the debt, or the percentage of disposable pay to be deducted each pay period, so long as a request is filed by the employee as prescribed by the Secretary. The hearing official for the hearing requested by a VA employee must be either a VA administrative law judge or a hearing official from an agency other than VA. Any VA hearing official may conduct an oral or paper hearing at the request of a non-VA employee on the determination by an appropriately designated official of the employing agency of the existence or amount of the debt, or the percentage of disposable pay to be deducted each pay period, so long as a hearing request is filed by the non-VA employee as prescribed by the employing agency.

* * * * *

PART 2—DELEGATIONS OF AUTHORITY

■ 6. The authority citation for part 2 continues to read as follows:

Authority: 5 U.S.C. 302, 552(a); 38 U.S.C. 501, 512, 515, 1729, 1729A, 5711; 44 U.S.C. 3702, and as noted in specific sections.

§ 2.4 [Amended]

■ 7. Amend § 2.4 by removing ''the Chairman, Board of Contract Appeals;''.

■ 8. Amend § 2.5 by:

■ a. Removing paragraph (b).

■ b. Redesignating paragraph (c) as new paragraph (b).

■ c. Revising the authority citation.

The revision reads as follows:

§ 2.5 Delegation of authority to certify copies of documents, records, or papers in Department of Veterans Affairs files.

* * * * *

(Authority: 38 U.S.C. 302, 501, 512).

[FR Doc. E7–22705 Filed 11–20–07; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2006–0704; A–1–FRL–8492–1]

Approval and Promulgation of Air Quality Implementation Plans; Maine; Emission Statements Reporting and Definitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving State Implementation Plan (SIP) revisions submitted by the State of Maine. These revisions update Maine's criteria pollutant emissions reporting program and list of terms and associated definitions used in Maine's air pollution

control regulations. The intended effect of this action is to approve these revisions into the Maine SIP. This action is being taken under the Clean Air Act.

DATES: This direct final rule will be effective January 22, 2008, unless EPA receives adverse comments by December 21, 2007. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R01–OAR–2006–0704 by one of the following methods:

1. *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.

2. *E-mail: arnold.anne@epa.gov*; Fax: (617) 918–0047; Mail: ''Docket Identification Number EPA–R01–OAR–2006–0704'', Anne Arnold, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100 (mail code CAQ), Boston, MA 02114–2023.

3. *Hand Delivery or Courier:* Deliver your comments to: Anne Arnold, Manager, Air Quality Planning Unit, Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, 11th floor, (CAQ), Boston, MA 02114–2023. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding legal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R01–OAR–2006–0704. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *http://www.regulations.gov*, or e-mail, information that you consider to be CBI or otherwise protected. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., 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 in *http://www.regulations.gov* or in hard copy at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding legal holidays.

In addition, copies of the state submittal and EPA's technical support document are also available for public inspection during normal business hours, by appointment at the State Air Agency, the Bureau of Air Quality Control, Department of Environmental Protection, First Floor of the Tyson Building, Augusta Mental Health Institute Complex, Augusta, ME 04333–0017.

FOR FURTHER INFORMATION CONTACT: Bob McConnell, Air Quality Planning Unit, EPA New England Regional Office, One Congress Street, Suite 1100–CAQ, Boston, MA 02114–2023, telephone number 617–918–1046, fax number 617–918–0046, e-mail *mcconnell.robert@epa.gov.*

SUPPLEMENTARY INFORMATION: Organization of this document. The following outline is provided to aid in locating information in this preamble.

I. Background and Purpose
II. Chapter 137, Emission Statements
A. Background and Purpose
B. Evaluation of Maine's Submittal
1. 40 CFR 51.15(a); Pollutants
2. 40 CFR 51.20(b); Emission Thresholds
3. 40 CFR 51.25; Geographic Coverage
4. 40 CFR 51.30(a); Reporting Due Date
5. Appendix A to Subpart A of 40 CFR Part 51; Table 2a
C. Results of EPA's Analysis of State's Submittal
III. Chapter 100, Definitions
IV. Summary of SIP Revisions
V. Final Action
VI. Statutory and Executive Order Reviews

I. Background and Purpose

On July 14, 2004, and February 8, 2006, the State of Maine submitted formal revisions to its State Implementation Plan (SIP). These SIP submittals consist of revisions to Maine's Chapter 137 Emission Statements rule, and Chapter 100 list of definitions for terms used in Maine's air pollution control regulations. EPA approved previous versions of each of these rules, and is approving the revised rules in today's action.

II. Chapter 137, Emission Statements

A. *Background.* Sections 182(a)(3)(B) and 184(b)(2) of the Clean Air Act (the Act) requires that states develop and submit, as SIP revisions, rules which establish annual reporting requirements for precursors of ozone from stationary sources. To meet this requirement, on January 3, 1994, Maine submitted its Chapter 137 Emission Statements rule to EPA and requested EPA incorporate the rule into the state's SIP. EPA did so by publishing, on January 10, 1995, a final rule approving Maine's Chapter 137 emission statements reporting rule into the state's SIP (see 60 FR 2524). Subsequently, on June 10, 2002, EPA published the Consolidated Emissions Reporting Rule (CERR) as a final rule in the **Federal Register** (67 FR 39602). This rule requires additional reporting obligations for states, chief among them a requirement that states collect air emissions data from stationary point sources for emissions of fine particulate matter (particulate matter with a diameter less than or equal to 2.5 micrometers, sometimes noted as $PM_{2.5}$) and ammonia (NH3), which is a precursor to $PM_{2.5}$ formation, and report this information to EPA. On July 14, 2004, Maine submitted a revised version of its Chapter 137 Emission Statements rule to EPA. Maine had revised the rule in accordance with the provisions of EPA's CERR, and requested that EPA incorporate the revised rule into the state's SIP.

B. *Evaluation of Maine's Submittal.* The CERR requires that states collect a variety of information pertaining to air emissions from industrial sources in the state, and report this information to

EPA. The discussion below describes how Maine's modified Chapter 137 Emission Statements rule conforms with the requirements of EPA's CERR stated in 40 CFR Part 51.

1. 40 CFR 51.15(a); Pollutants. 40 CFR 51.15(a)(1) requires that states report emissions of sulfur oxides, volatile organic compounds (VOC), nitrogen oxides, carbon monoxide, lead and lead compounds, primary $PM_{2.5}$, primary PM_{10}, and ammonia. Maine's revised Chapter 137 emission statements regulation requires collection of emissions data for all of these pollutants from industrial sources in the state.

2. 40 CFR 51.20(b); Emission thresholds. 40 CFR 51.20(b) requires that states collect emissions data from all stationary sources that emit at levels above those shown in Table 1 of Appendix A to subpart 51. Maine's revised Chapter 137 rule contains emission reporting thresholds that are more stringent than required by Table 1 of Appendix A, and as such the rule complies with EPA's 40 CFR 51.20(b) reporting requirement.

3. 40 CFR 51.25; Geographic coverage. 40 CFR 51.25 requires collection of point source data from all sources in the state that emit pollutants above the level specified in 40 CFR 51.20(b). Maine's revised Chapter 137 rule requires statewide reporting, and as such complies with this requirement.

4. 40 CFR 51.30(a); Reporting due date. 40 CFR 51.30(a) requires that states report their point source data to EPA no later than 17 months after the end of the calendar year in which the emissions occurred. Maine's revised Chapter 137 rule requires that sources report their emissions to the state within 6 months of the end of the year in which the emissions occurred, so the state will have sufficient time to collect, review, and quality assure the data prior to submitting it to EPA.

5. Appendix A to Subpart A of 40 CFR Part 51; Table 2a. Table 2a lists the data elements that states must report to EPA. The provisions of Maine's revised Chapter 137 Emission Statements rule will enable the state to submit all of the required point source data elements listed in Table 2a of Appendix A.

C. *Results of EPA's analysis of Maine's submittal.* EPA's review has found that Maine's revised Chapter 137 Emission Statements rule meets all of the requirements of EPA's CERR, and therefore EPA is approving the revised rule into the state's SIP.

EPA takes approval action on SIP revisions based on the authority of section 110(a) of the Act. Pursuant to section 110 (a)(1) of the Act, states are required to revise their SIP when EPA promulgates or revises a national ambient air quality standard (NAAQS). Maine's Chapter 137 Emission Statements regulation contains, in addition to criteria pollutant reporting provisions, requirements that will enable the state to collect data on certain hazardous air pollutants (HAPs) and greenhouse gas emissions. The HAP and greenhouse gas requirements are needed for Maine to implement programs at the state level, but are not required for federal reporting purposes under the CERR. Therefore, Maine did not include the Chapter 137 HAP and greenhouse gas requirements in its SIP revision request to EPA and these provisions are not being approved into the state's SIP.

The specific requirements of Maine's Chapter 137 regulation and EPA's evaluation of these requirements are detailed in a memorandum dated August 7, 2006, entitled ''Technical Support Document (TSD) for revisions to the Maine SIP of Chapter 100, Definitions Regulation, and Chapter 137, Emission Statements.'' The TSD and Maine's Chapter 137 Emission Statements rule are available in the docket supporting this action.

III. Chapter 100, Definitions

Maine's Chapter 100 definitions regulation provides definitions for the terms used in the state's air pollution control regulations and emission standards. EPA previously approved Maine's Chapter 100 definitions in a final rule published in the **Federal Register** on October 15, 1996 (61 FR 53639). Since that time, Maine has amended its Chapter 100 list of definitions on numerous occasions in conjunction with SIP submittals it has made over time for various programs such as the Title V permitting, best available control technology, and prevention of significant deterioration programs. EPA has reviewed the list of terms and found them to conform to the applicable EPA guidance, and so we are approving Maine's revised Chapter 100 list of definitions into the state's SIP. The specific requirements of Maine's Chapter 100 Definitions regulation and EPA's evaluation of these requirements are detailed in the TSD which is available in the docket supporting this action.

IV. Summary of SIP Revisions

For the reasons outlined above, EPA is approving Maine's revised Chapter 100 Definitions, and revised Chapter 137 Emission Statements regulations and incorporating these regulations into the state's SIP. Maine's Chapter 100 definitions regulation provides definitions for the terms used in the state's air pollution control regulations, many of which are federally enforceable. The state's Chapter 137 Emission Statements regulation has been amended to conform with the EPA's Consolidated Emission Statements Rule.

V. Final Action

EPA is approving Maine's revised Chapter 100 list of definitions and revised Chapter 137 Emission Statements rule into the state's SIP.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comments be filed. This rule will be effective January 22, 2008 without further notice unless the Agency receives relevant adverse comments by December 21, 2007.

If the EPA receives such comments, then EPA will publish a notice withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on the proposed rule. All parties interested in commenting on the proposed rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on January 22, 2008 and no further action will be taken on the proposed rule. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

VI. Statutory and Executive Order Reviews

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), because it 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.*).

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 Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 22, 2008. Interested parties should comment in response to the proposed rule rather than petition for judicial review, unless the objection arises after the comment period allowed for in the proposal. 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 52

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

Dated: October 25, 2007.

Robert W. Varney,

Regional Administrator, EPA New England.

■ Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart U—Maine

■ 2. Section 52.1020 is amended by removing paragraph (c)(34)(i)(C) and by adding paragraph (c)(62) as follows:

§ 52.1020 Identification of plan.

* * * * *

(c) * * *

(62) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on July 14, 2004, and February 8, 2006.

(i) Incorporation by reference.

(A) Chapter 100 of the Maine Department of Environmental Protection Regulations, ''Definitions,'' effective in the State of Maine December 24, 2005.

(B) Chapter 137 of the Maine Department of Environmental Protection Regulations, ''Emission Statements,'' effective in the State of Maine on July 6, 2004, with the exception of the following sections which the state did not include in its SIP revision request: section 137.1.C; section 137.1.E; section 137.1.F; section 137.2.A through F; section 137.2.H; section 137.3.B; section 137.3.C; section 137.4.D(4), from the sentence beginning with ''Greenhouse gases'' to the end of this section; the note within section 137.D(5); section 137(E), and; Appendix A.

(ii) Additional materials.

(A) Nonregulatory portions of these submittals.

(B) Correspondence from David W. Wright of the Maine DEP dated June 6, 2006, indicating which portions of Chapter 137 should not be incorporated into the State's SIP.

■ 3. In § 52.1031, Table 52.1031 is amended by adding a new entry to the existing state citation for Chapter 100, and by revising the entry for Chapter 137 to read as follows:

§ 52.1031 EPA-approved Maine regulations.

* * * * *

TABLE 52.1031.—EPA-APPROVED RULES AND REGULATIONS

State citation	Title/subject	Date adopted by State	Date approved by EPA	**Federal Register** citation	52.1020	
*	*	*	*	*	*	*
100	Definitions	12/1/2005	11/21/07	[Insert **Federal Register** page number where the document begins].	(c)(62)	Revised to add definitions associated with SIP submittals made between 7/19/95 and 12/1/05.
*	*	*	*	*	*	*
137	Emission Statements.	12/17/04	11/21/07	[Insert **Federal Register** page number where the document begins].	(c)(62)	Revised to incorporate changes required by EPA's consolidated emissions reporting rule. The entire rule is approved with the exception of HAP and greenhouse gas reporting requirements which were not included in the state's SIP revision request.
*	*	*	*	*	*	*

Note 1. The regulations are effective statewide unless stated otherwise in comments or title section.

[FR Doc. E7–22596 Filed 11–20–07; 8:45 am]
BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 070827484–7581–02]

RIN 0648–AV99

Fisheries of the Northeastern United States; Recreational Management Measures for the Summer Flounder Fishery; Fishing Year 2008

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

ACTION: Final rule.

SUMMARY: Through this final rule, NMFS is implementing coastwide summer flounder recreational management measures to complete the rulemaking process initiated in March 2007. This action is necessary to implement appropriate coastwide management measures to be in place on January 1, 2008, following the expiration of the current state-by-state conservation equivalency management measures on December 31, 2007. The intent of these measures is to prevent overfishing of the summer flounder resource during the interim between the aforementioned expiration of the 2007 recreational measures and the implementation of measures for 2008.

DATES: Effective 0001 hours, Eastern Standard Time (EST), January 1, 2008.

ADDRESSES: Copies of the Supplemental Environmental Assessment, as well as the original Environmental Assessment, Regulatory Impact Review, and Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) completed for the 2007 recreational management measures are available from Patricia A. Kurkul, Regional Administrator, NMFS Northeast Region, 1 Blackburn Drive, Gloucester, MA 01930–2298. The Supplemental Environmental Assessment is also accessible via the Internet at *http://www.nero.noaa.gov*.

FOR FURTHER INFORMATION CONTACT: Michael P. Ruccio, Fishery Policy Analyst, (978) 281–9104.

SUPPLEMENTARY INFORMATION: The summer flounder recreational fishery is managed cooperatively under the provisions of the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) by the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission (Commission), in consultation with the New England and South Atlantic Fishery Management Councils. The Council prepared the FMP under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevenson Act), 16 U.S.C. 1801 *et seq.* Regulations implementing the FMP appear at 50 CFR part 648, with subparts A (general provisions) and G (summer flounder) pertaining to the summer flounder fishery. General regulations governing U.S. fisheries also appear at 50 CFR part 600. States manage summer flounder within 3 nautical miles of their coasts, under the Commission's plan for summer flounder, scup, and black sea bass. The Federal regulations govern vessels fishing in the exclusive economic zone (EEZ), as well as vessels possessing a Federal fisheries permit, regardless of where they fish.

Under the FMP and regulations, the Council may recommend and NMFS may approve one of two approaches for managing the summer flounder recreational fishery: Conservation equivalency (either state-by-state or regional) with a precautionary default backstop approved by NMFS; or coastwide management measures. The FMP requires that the Council review updated assessment and fishery information on an annual basis and recommend to NMFS both a Total Allowable Landings (TAL) and recreational management measures.

For the 2007 recreational fishery, the Council recommended and NMFS approved state-by-state conservation equivalency. When the conservation equivalency measures expire at the end of a fishing year, coastwide measures found at §§ 648.103(a) and 648.105(a) become effective. Typically, the coastwide measures are adjusted during the annual rulemaking process that establishes recreational management measures to ensure that the coastwide measures are sufficient to constrain recreational landings to the established harvest limit. This is done even if conservation equivalency is implemented, as was done for 2007, because the coastwide measures serve as the interim measures in place in the following year (i.e., 2008) until new measures are put in place. This is typically completed by late spring or early summer. However, because of timing issues that arose from the reauthorization of the Magnuson-Stevens Act that granted authority to extend the summer flounder rebuilding period, and a subsequent increase to the 2007 TAL, NMFS did not implement