

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FMCSA has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or within the meaning of Department of Transportation regulatory policies and procedures. The Office of Management and Budget (OMB) did not review this document. We expect the final rule, which is statutorily mandated to preserve the remedial effect of civil penalties, will have minimal costs. Therefore, a full regulatory evaluation is unnecessary.

Executive Order 13132 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132, dated August 4, 1999, and it has been determined this action does not have federalism implications or limit the policymaking discretion of the States.

Executive Order 12372 (Intergovernmental Review)

The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this action.

Paperwork Reduction Act

This action does not contain information collection requirements for purposes of the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*).

National Environmental Policy Act

The FMCSA is an Administration within the Department of Transportation (DOT). The FMCSA analyzed this rule under the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*) (NEPA), the Council on Environmental Quality Regulations implementing NEPA (40 CFR parts 1500–1508), and DOT Order 5610.1C, Procedures for Considering Environmental Impacts. This rule is categorically excluded from further analysis and documentation in an environmental assessment or environmental impact statement since this action does not have any effect on the quality of the environment.

Unfunded Mandates Reform Act of 1995

This rule does not impose an unfunded Federal mandate, as defined by the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532 *et seq.*), that will result in the expenditure by State, local, and tribal governments, in the aggregate,

or by the private sector, of \$120 million or more in any one year.

Executive Order 12988 (Civil Justice Reform)

This action meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Executive Order 13045 (Protection of Children)

The FMCSA has analyzed this action under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environment risk to health or safety that may disproportionately affect children.

Executive Order 12630 (Taking of Private Property)

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Executive Order 13211 (Energy Effects)

The FMCSA analyzed this action under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We determined that it is not a “significant energy action” under that Executive Order because it will not be economically significant and will not be likely to have an adverse effect on the supply, distribution, or use of energy.

List of Subjects in 49 CFR Part 386

Administrative procedures, Commercial motor vehicle safety, Highways and roads, Motor carriers, Penalties.

■ In consideration of the foregoing, the FMCSA amends title 49, Code of Federal Regulations, subtitle, B, chapter III, part 386 as set forth below:

PART 386—RULES OF PRACTICE FOR MOTOR CARRIER, BROKER, FREIGHT FORWARDER, AND HAZARDOUS MATERIALS PROCEEDINGS

■ 1. The authority citation for part 386 continues to read as follows:

Authority: 49 U.S.C. 13301, 13902, 31132–31133, 31136, 31502, 31504; sec. 204, Pub. L. 104–88, 109 Stat. 803, 941 (49 U.S.C. 701 note); sec. 217, Pub. L. 105–159, 113 stat. 1748, 1767; and 49 CFR 1.73.

Appendix A to Part 386—[Amended]

■ 2. Appendix A to part 386 is amended by revising the figure “\$650” to read as “\$750,” whenever it appears throughout the appendix.

Appendix B to Part 386—[Amended]

■ 3. In Appendix B to part 386 the introductory text is amended by revising the second sentence to read as follows:

* * * Pursuant to that authority, the inflation-adjusted civil penalties listed in paragraphs (a) through (h) of this appendix supersede the corresponding civil penalty amounts listed in title 49, United States Code.

* * * * *

■ 4. Appendix B to part 386 is further amended as follows:

■ a. Paragraph (a)(1) is amended by revising the figure “\$550” to read as “\$1,000,” and the figure “\$5,500” to read as “\$10,000.”

■ b. Paragraph (a)(2) is amended by revising the figure “\$5,500” to read as “\$10,000.”

■ c. Paragraph (e)(5) is amended by revising the figure “\$100,000” to read as “\$105,000.”

■ d. Paragraph (f)(2) is amended by revising the figure “\$100,000” to read as “\$105,000.”

■ e. Paragraph (g) is amended by revising the figure “\$550” to read as “\$650,” the figure “\$5,500” to read as “\$6,500,” the figure “\$27,500” to read as “\$32,500,” and the figure “\$110,000” to read as “\$120,000,” whenever they appear throughout paragraph (g).

Issued on: September 24, 2007.

John H. Hill,
Administrator.

[FR Doc. E7–19254 Filed 9–27–07; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

49 CFR Part 661

[Docket No. FTA–2005–23082]

RIN 2132–AA90

Buy America Requirements; End Product Analysis and Waiver Procedures

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Final rule; correction.

SUMMARY: The Federal Transit Administration published in the **Federal Register** of September 20, 2007, a final rule (effective October 22, 2007) which amended the Buy America

requirements in 49 CFR part 661. This document replaces text that was discussed in the preamble but omitted from the final rule with regard to final assembly requirements for rolling stock.

DATES: The effective date of this publication is October 22, 2007.

FOR FURTHER INFORMATION CONTACT: Richard Wong, Office of the Chief Counsel, Federal Transit Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590, (202) 366-4011 or Richard.Wong@dot.gov.

SUPPLEMENTARY INFORMATION: An inadvertent error occurred in the drafting of the final rule. In the Second Notice of Proposed Rulemaking (SNPRM) (71 FR 69412, Nov. 30, 2006), FTA proposed a new Appendix D to part 661 to amend the final assembly requirements for rolling stock. In the preamble to the final rule (72 FR 53688, Sept. 20, 2007), FTA announced that it was withdrawing the proposed language in the SNPRM and would instead continue to implement the terms of the March 18, 1997, Dear Colleague letter, with a few minor additions to reflect industry practices that have taken effect after the 1997 Dear Colleague letter was issued. In the process of drafting the final rule, text that was discussed in the preamble was not included in the final rule.

Accordingly, this document will correct that omission by removing the erroneous text in the September 20, 2007, final rule and replacing it with the correct text.

PART 661—BUY AMERICA REQUIREMENTS

■ In rule FR Doc E7-18355 published on September 20, 2007 (72 FR 53688) make the following corrections:

§ 661.11 [corrected]

■ 1. Beginning on page 53697, in the third column, in Appendix D to § 661.11, paragraphs (a) and (b) are corrected to read as follows:

Appendix D to § 661.11—Minimum Requirements for Final Assembly

(a) Rail Cars: In the case of the manufacture of a new rail car, final assembly would typically include, as a minimum, the following operations: installation and interconnection of propulsion control equipment, propulsion cooling equipment, brake equipment, energy sources for auxiliaries and controls, heating and air conditioning, communications equipment, motors, wheels and axles, suspensions and frames; the inspection and verification of all installation and interconnection work; and the in-plant testing of the stationary product to verify all functions.

(b) Buses: In the case of a new bus, final assembly would typically include, at a minimum, the installation and interconnection of the engine, transmission, axles, including the cooling and braking systems; the installation and interconnection of the heating and air conditioning equipment; the installation of pneumatic and electrical systems, door systems, passenger seats, passenger grab rails, destination signs, wheelchair lifts; and road testing, final inspection, repairs and preparation of the vehicles for delivery.

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Issued on September 25, 2007.

James S. Simpson,
Administrator.

[FR Doc. 07-4803 Filed 9-25-07; 3:19 pm]

BILLING CODE 4910-57-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No.060525140-6221-02]

RIN 0648-XC83

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic Region; 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 golden tilefish in the exclusive economic zone (EEZ) in the South Atlantic. This closure is necessary to protect the golden tilefish resource.

DATES: The closure is effective 12 noon, local time, October 3, 2007, through December 31, 2007.

FOR FURTHER INFORMATION CONTACT: Susan Gerhart, 727-824-5305, fax: 727-824-5308, e-mail: Susan.Gerhart@noaa.gov.

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council (Council) 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.

The commercial fishery for South Atlantic golden tilefish is managed

under a commercial quota of 295,000 lb (133,810 kg), as specified in 50 CFR 622.42(e)(2), for the current fishing year, January 1 through December 31, 2007.

Under 50 CFR 622.43(a), NMFS is required to close the golden tilefish 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 295,000 lb (133,810 kg) for golden tilefish in the South Atlantic will be reached by October 3, 2007.

Accordingly, the commercial fishery for South Atlantic golden tilefish is closed effective 12 noon, local time, October 3, 2007, through December 31, 2007, the end of the fishing year. The operator of a vessel with a valid commercial vessel permit for South Atlantic snapper-grouper having golden tilefish aboard must have landed and bartered, traded, or sold such golden tilefish prior to 12 noon, local time, October 3, 2007.

During the closure, the appropriate bag limits specified in 50 CFR 622.39(d)(1) and the applicable possession limits specified in 50 CFR 622.39(d)(2) apply to all harvest or possession of golden tilefish in or from the South Atlantic EEZ, and the sale or purchase of golden tilefish taken from the EEZ is prohibited. The prohibition on sale or purchase does not apply to sale or purchase of golden tilefish that were harvested, landed ashore, and sold prior to 12 noon, local time, October 3, 2007, and were held in cold storage by a dealer or processor.

Classification

This action responds to the best available information recently obtained from the fisheries. The Assistant Administrator for Fisheries, NOAA, finds that the need to immediately implement this action to close the fishery constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(3)(B), as such procedures would be 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.

NMFS also finds good cause that the implementation of this action cannot be delayed for 30 days. There is a need to implement this measure in a timely fashion to prevent an overrun of the commercial quota of South Atlantic golden tilefish, given the capacity of the fishing fleet to harvest the quota quickly. Any delay in implementing this action would be contrary to the