

and Vietnam, who are currently afflicted with osteoporosis. Therefore, in order to ensure that as many former POWs as possible benefit from this presumption, it is critical that VA take action as soon as practicable. Accordingly, the Secretary has provided a 30-day comment period for this rule.

#### Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in an 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 given year. This rule would have no such effect on State, local, and tribal governments, or on the private sector.

#### 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, 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 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 entitlement recipients; 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.

VA has examined the economic, interagency, budgetary, legal, and policy implications of this proposed rule and has concluded that it is a significant regulatory action under Executive Order 12866 because it is likely to result in a rule that may raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

#### Paperwork Reduction Act

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

#### Regulatory Flexibility Act

The Secretary hereby certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This proposed rule would not affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this proposed rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

#### Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance program numbers and titles for this rule are as follows: 64.109, Veterans Compensation for Service-Connected Disability; and 64.110, Veterans Dependency and Indemnity Compensation for Service-Connected Death.

#### List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Veterans, Vietnam.

Approved: November 5, 2008.

**James B. Peake,**

*Secretary of Veterans Affairs.*

For the reasons set forth in the preamble, VA proposes to amend 38 CFR part 3 as follows:

#### PART 3—ADJUDICATION

##### Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A continues to read as follows:

**Authority:** 38 U.S.C. 501(a), unless otherwise noted.

2. Amend § 3.309(c)(2) by:

(a) In the list of diseases, adding "Osteoporosis." after "Cirrhosis of the liver."

(b) Revising the authority citation at the end of the paragraph.

The revision reads as follows:

##### § 3.309 Disease subject to presumptive service connection.

\* \* \* \* \*

(c) \* \* \*

(2) \* \* \*

**Authority:** 38 U.S.C. 501(a) and 1112(b).

[FR Doc. E9–587 Filed 1–13–09; 8:45 am]

**BILLING CODE** 8320–01–P

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 52

[EPA–R08–OAR–2007–1031; FRL–8754–6]

##### Approval and Promulgation of Air Quality Implementation Plans; Utah's Emission Inventory Reporting Requirements

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

**ACTION:** Proposed Rule.

**SUMMARY:** EPA is proposing to approve State Implementation Plan (SIP) revisions submitted by the State of Utah on September 7, 1999, and December 1, 2003. The revisions add the requirements of EPA's Consolidated Emission Reporting Rule (CERR) to the State's SIP. The intended effect of this action is to approve only those portions from the State's submittals that add CERR requirements. This action is being taken under section 110 of the Clean Air Act.

In the "Rules and Regulations" section of this **Federal Register**, EPA is approving the State's SIP revisions as a direct final rule without prior proposal because the Agency views these as non-controversial SIP revisions and anticipates no adverse comments. A detailed rationale for taking this action is set forth in the preamble to the direct final rule. If EPA receives no adverse comments, EPA will not take further action on this proposed rule. If EPA receives adverse comments, EPA will withdraw the direct final rule and it will not take effect. EPA will address all public comments in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. 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.

**DATES:** Any written comments on this proposal must be received on or before February 13, 2009.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R08–OAR–2007–1031, by one of the following methods:

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

- E-mail: [videtich.callie@epa.gov](mailto:videtich.callie@epa.gov) and [komp.mark@epa.gov](mailto:komp.mark@epa.gov).

- Fax: (303) 312-6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** section if you are faxing comments).

- Mail: Callie Videtich, Director, Air Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P-AR, 1595 Wynkoop Street, Denver, Colorado 80202-1129.

- Hand Delivery: Callie Videtich, Director, Air Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P-AR, 1595 Wynkoop Street, Denver, Colorado 80202-1129. Such deliveries are only accepted Monday through Friday, 8 a.m. to 4:30 p.m., excluding Federal holidays. Special arrangements should be made for deliveries of boxed information.

Please see the direct final rule which is located in the Rules Section of this **Federal Register** for detailed instructions on how to submit comments.

**FOR FURTHER INFORMATION CONTACT:**

Mark Komp, Air Program, U.S. Environmental Protection Agency, Region 8, Mailcode 8P-AR, 1595 Wynkoop, Denver, Colorado 80202-1129, (303) 312-6022, [komp.mark@epa.gov](mailto:komp.mark@epa.gov).

**SUPPLEMENTARY INFORMATION:** See the information provided in the Direct Final Action of the same title which is located in the Rules and Regulations Section of this **Federal Register**.

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

Dated: November 24, 2008.

**Stephen S. Tuber,**

*Acting Regional Administrator, Region 8.*  
[FR Doc. E9-522 Filed 1-13-09; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 300

[Docket No. 070514119-81404-02]

RIN 0648-AV51

#### Magnuson-Stevens Fishery Conservation and Management Reauthorization Act; Proposed Rule to Implement Identification and Certification Procedures to Address Illegal, Unreported, and Unregulated (IUU) Fishing Activities and Bycatch of Protected Living Marine Resources (PLMRs)

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes to implement identification and certification procedures to address illegal, unreported, and unregulated (IUU) fishing activities and bycatch of protected living marine resources (PLMRs) pursuant to the High Seas Driftnet Fishing Moratorium Protection Act (Moratorium Protection Act). The objective of these procedures is to promote the sustainability of transboundary and shared fishery stocks and to enhance the conservation and recovery of PLMRs. The proposed rule is intended to implement existing U.S. statutory authorities to address noncompliance with international fisheries management and conservation agreements and encourage the use of bycatch reduction methods in international fisheries that are comparable to methods used by U.S. fishermen. NMFS is seeking public comment on these procedures and on the sources and types of information to be considered in these procedures.

**DATES:** Written comments must be received no later than 5 p.m. Eastern time on May 14, 2009.

**ADDRESSES:** Written comments on this action, identified by RIN 0648-AV51, may be submitted by any of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>.

- Mail: Laura Cimo, Trade and Marine Stewardship Division, Office of International Affairs, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

Instructions: All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All personal identifying information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter "N/A" in the required fields, if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

**FOR FURTHER INFORMATION CONTACT:**

Laura Cimo, Trade and Marine Stewardship Division, Office of International Affairs, NMFS, at (301) 713-9090.

**SUPPLEMENTARY INFORMATION:** NMFS is soliciting feedback on the proposed rule. Information and comments concerning this proposed rule may be submitted by any one of several methods (see **ADDRESSES**). NMFS will also seek feedback from other nations on the proposed rule at bilateral and multilateral meetings, as appropriate. Information related to the international fisheries provisions of the Moratorium Protection Act can be found on the NMFS Web site at <http://www.nmfs.noaa.gov/msa2007/>. NMFS will consider all comments and information received during the comment period in preparing a final rule.

#### National Environmental Policy Act (NEPA)

NMFS prepared a draft Environmental Assessment (EA) to accompany this proposed rule. The EA was developed as an integrated document that includes a Regulatory Impact Review (RIR) and an Initial Regulatory Flexibility Analysis (RFA). Copies of the draft EA/RIR/RFA analysis are available at the following address: Office of International Affairs, F/IA, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. Copies are also available via the Internet at the NMFS website at <http://www.nmfs.noaa.gov/msa2007/>.

#### Electronic Access

This proposed rule is accessible via the Internet at the Government Printing Office website at [http://www.access.gpo.gov/su\\_docs/](http://www.access.gpo.gov/su_docs/).

#### Background

The Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (MSRA),