

requirements. The Department instead believes that a compliance assistance approach is more likely to increase proper reporting than a revocation approach that is counter-intuitive and likely to damage compliance assistance efforts.

One public policy organization commented that the effects of the revocation had been inflated by some commenters, and that until the Secretary is given the authority to issue civil monetary penalties to delinquent and deficient filers, the revocation procedure should serve as that penalty. The commenter went on to state that the approach seemed harmless and thus not problematic. The Department disagrees with this commenter. The purposes for which the Secretary may revoke an organization's authorization to file a simpler form are the purposes of transparency and enhanced disclosure, not punishment. As shown above, those purposes are not served by imposing a requirement that there is no realistic expectation that most small labor organizations will be able to meet.

Other commenters listed several possibly detrimental consequences of the revocation procedure, such as the diversion of union officials from grievance handling and other core business; the resignation of union officials; and the merger and imposition of trusteeships by international unions. The Department believes that the January 21 rule did not adequately address these comments, as it failed to appropriately balance the need for transparency with the need to limit burden and intrusion upon smaller unions. Further, the Department does not believe that it can justify revocation by merely lessening or playing down the acknowledged increased burden imposed by the Form LM-2 reporting requirements. As a matter of policy, the Department does not intend to encourage or discourage the participation of union members from running and serving in union office, nor does it otherwise desire to unnecessarily interfere in the internal affairs of unions. The Department intends to implement the LMRDA with as little interference as possible, with the overarching goal of empowering members to govern their unions democratically. Compliance assistance is a vital aspect of this approach, as are audit and enforcement options and both are better approaches than a revocation procedure that is viewed as punitive to Form LM-3 filers.

#### IV. Regulatory Procedures

##### *Executive Order 12866*

This proposed rule has been drafted and reviewed in accordance with Executive Order 12866, section 1(b), Principles of Regulation.

##### *Regulatory Flexibility Act*

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601 *et seq.*, requires agencies to prepare regulatory flexibility analyses, and to develop alternatives wherever possible, in drafting regulations that will have a significant impact on a substantial number of small entities. The Department does not believe that this proposed rule will have a significant economic impact on a substantial number of small entities, as the rule contains no collection of information and relieves the additional burden imposed upon labor organizations through the rescission of the regulations published on January 21, 2009. Therefore, a regulatory flexibility analysis under the Regulatory Flexibility Act is not required. The Secretary has certified this conclusion to the Chief Counsel for Advocacy of the Small Business Administration.

##### *Unfunded Mandates Reform*

This proposed rule will not include any Federal mandate that may result in increased expenditures by State, local, and tribal governments, in the aggregate, of \$100 million or more, or in increased expenditures by the private sector of \$100 million or more.

##### *Paperwork Reduction Act*

This proposed rule contains no new information collection requirements for purposes of the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*). The January 21, 2009 rule would increase the burden of reporting under OMB No. 1215-0188, if the Department determines rescission is inappropriate and the January 21, 2009 rule become effective. Under the January 21, 2009 rule the total burden hours per Form LM-2 respondent would be increased by approximately 60.06 hours, and the total burden hours will be increased by 274,539. The average cost per Form LM-2 respondent would be increased by \$1,939 and the total cost would be increased by \$8,863,038. If this proposed rule is adopted these increases in reporting burden under OMB No. 1215-0188 will not occur. The Department will seek OMB approval of any revisions of the existing information collection requirements, in accordance with the PRA.

#### *Small Business Regulatory Enforcement Fairness Act of 1996*

This proposed rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based companies to compete with foreign-based companies in domestic and export markets.

#### **List of Subjects in 29 CFR Part 403**

Labor unions, Reporting and recordkeeping requirements.

#### **Text of Proposed Rule**

Accordingly, for the reasons stated herein, the Secretary proposes to withdraw the rule published on January 21, 2009 (74 FR 3677) and retain the text of the regulations prior to that date.

Signed in Washington, DC, this 16th day of April 2009.

**Shelby Hallmark,**

*Acting Assistant Secretary for Employment Standards.*

**Andrew D. Auerbach,**

*Deputy Director, Office of Labor-Management Standards.*

[FR Doc. E9-9175 Filed 4-20-09; 8:45 am]

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#### **ENVIRONMENTAL PROTECTION AGENCY**

##### **40 CFR Part 52**

**[EPA-R05-OAR-2007-1045; FRL-8893-9]**

#### **Approval and Promulgation of Air Quality Implementation Plans; Minnesota**

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve a site-specific revision to the Minnesota sulfur dioxide (SO<sub>2</sub>) State Implementation Plan (SIP) for the Olmsted Waste to Energy Facility (OWEF), located in Rochester, Olmsted County, Minnesota. In its September 28, 2007, submittal, the Minnesota Pollution Control Agency (MPCA) requested that EPA approve certain conditions contained in OWEF's revised Federally enforceable Title V operating permit into the Minnesota SO<sub>2</sub> SIP. The request is approvable because it satisfies

the requirements of the Clean Air Act (Act).

**DATES:** Comments must be received on or before May 21, 2009.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R05-OAR-2007-1045, by one of the following methods:

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

2. *E-mail:* [mooney.john@epa.gov](mailto:mooney.john@epa.gov).

3. *Fax:* (312) 886-5824.

4. *Mail:* John M. Mooney, Chief, Criteria Pollutant Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

5. *Hand Delivery:* John M. Mooney, Chief, Criteria Pollutant Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m. excluding Federal holidays.

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:**

Christos Panos, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-8328, [panos.christos@epa.gov](mailto:panos.christos@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should 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. For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: March 30, 2009.

**Walter W Kovalick Jr.,**

*Acting Regional Administrator, Region 5.*

[FR Doc. E9-9043 Filed 4-20-09; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 300

[Docket No. 080630798-9258-01]

**RIN 0648-AW92**

#### Pacific Halibut Fisheries; Limited Access for Guided Sport Charter Vessels in Alaska

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

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

**SUMMARY:** NMFS proposes regulations that would implement a limited access system for charter vessels in the guided sport fishery for Pacific halibut in waters of International Pacific Halibut Commission (IPHC) Regulatory Areas 2C (Southeast Alaska) and 3A (Central Gulf of Alaska). If approved, this limited access system would limit the number of charter vessels that may participate in the guided sport fishery for halibut in these areas. NMFS would issue a charter halibut permit to a licensed charter fishing business owner based on his or her past participation in the charter halibut fishery for halibut and to a Community Quota Entity representing specific rural communities. All charter halibut permit holders would be subject to limits on the number of permits they could hold and on the number of charter vessel anglers who could catch and retain halibut on their charter vessels. This action is necessary to achieve the halibut fishery management goals of the North Pacific Fishery Management Council. The intended effect is to curtail growth of fishing capacity in the guided sport fishery for halibut.

**DATES:** Written comments must be received by June 5, 2009.

**ADDRESSES:** Send comments to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian. You may submit comments identified by 0648-AW92 by any one of the following methods:

• **Electronic submissions:** Submit all electronic public comments via the Federal eRulemaking Portal website at <http://www.regulations.gov>.

• **Mail:** P.O. Box 21668, Juneau, AK 99802-1668.

• **Fax:** 907-586-7557.

• **Hand delivery:** 709 West 9<sup>th</sup> Street, Room 420A, Juneau, AK.

All comments received are part of the public record and will be posted to <http://www.regulations.gov> without change. All personal identifying information (such as 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). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file format only.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule may be submitted to NMFS at the above address and by e-mail to [David\\_Rostker@omb.eop.gov](mailto:David_Rostker@omb.eop.gov) or fax to 202-395-7285.

Copies of the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis prepared for this action may be obtained from the Alaska Region, NMFS at the address above or from the Alaska Region website at <http://www.fakr.noaa.gov/>.

**FOR FURTHER INFORMATION CONTACT:** Jay Ginter, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The IPHC and NMFS manage fishing for Pacific halibut (*Hippoglossus stenolepis*) through regulations established under authority of the Northern Pacific Halibut Act of 1982 (Halibut Act). The IPHC promulgates regulations governing the Pacific halibut fishery under the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea (Convention), signed at Ottawa, Ontario, on March 2, 1953, as amended by a Protocol Amending the Convention (signed at Washington, D.C., on March 29, 1979). Regulations developed by the IPHC are subject to approval by the Secretary of