

specific requirements for a named source.

### C. Petitions for Judicial Review

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 December 26, 2006. 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 approving the removal of the August 2, 1984 Secretarial Order as a revision to the Maryland SIP 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, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: October 16, 2006.

**William Wisniewski,**

*Acting Regional Administrator, Region III.*

■ For reasons set forth in the preamble, 40 CFR part 52 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 V—Maryland

■ 2. In § 52.1070, the table in paragraph (d) is amended by removing the entry for American Cyanamid Co.

[FR Doc. E6-17795 Filed 10-23-06; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

### 49 CFR Parts 1150 and 1180

[STB Ex Parte No. 659]

### Public Participation in Class Exemption Proceedings

**AGENCY:** Surface Transportation Board, Transportation.

**ACTION:** Final rule.

**SUMMARY:** The Surface Transportation Board is modifying the timeframes in its rules for certain class exemptions to provide greater public notice in advance

of the possible consummation of an exempt transaction. The proposed changes will ensure that the public is given notice of a proposed transaction before the exemption becomes effective; and that the Board may process such notices of exemption, and related petitions for stay, if any, in an orderly and timely fashion.

**DATES:** These rules are effective November 23, 2006.

**ADDRESSES:** Comments and material received from the public, as well as documents referred to herein, are part of STB Ex Parte No. 659 and are available for inspection or copying at the Board's Public Docket Room, Room 755, 1925 K Street, NW., Washington, DC 20423-0001, are posted on the Board's <http://www.stb.dot.gov> Web site, and are available from the Board's contractor, ASAP Document Solutions (mailing address: Suite 103, 9332 Annapolis Rd., Lanham, MD 20706; e-mail address: [asapdc@verizon.net](mailto:asapdc@verizon.net); telephone number: 202-306-4004).

### FOR FURTHER INFORMATION CONTACT:

Joseph H. Dettmar, (202) 565-1609. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

**SUPPLEMENTARY INFORMATION:** The purpose for this rulemaking was set forth in the notice of proposed rulemaking (NPRM) served by the Board on March 10, 2006, and published in the **Federal Register** on March 16, 2006 (71 FR 13563-5). The Board is revising the class exemption procedures at 49 CFR 1150.31, *et seq.*, 49 CFR 1150.41, *et seq.*, and 49 CFR 1180.2(d), so that the exemptions will take effect 30 days (rather than 7 days) after a notice is filed, and **Federal Register** publication of the notice will precede the effective date of the exemption. The notice provisions at 49 CFR 1150.35 and 1150.45 (both of which involve transactions that would create a Class I or Class II carrier) also are revised, to allow transactions under these class exemptions to go forward in 45 days (rather than 21 days). The Board is adopting the changes as proposed in the NPRM. As indicated there, only the procedural timeframes for these rules are being revised—their scope, purpose and effect otherwise remain the same. This proceeding is based on the Board's exemption authority at 49 U.S.C. 10502.

### Comments

The Board received comments on the proposed rules from the American Short Line and Regional Railroad Association; Association of American Railroads; John D. Fitzgerald; Genesee & Wyoming Inc.;

the State of New Jersey; Rail Conference, International Brotherhood of Teamsters; Rail Labor Division, Transportation Trades Department, AFL-CIO; and Watco Companies, Inc. A summary of this rulemaking proceeding and a discussion of the comments received in response to it, are set forth in the Board's decision served on October 19, 2006. That decision also provides a discussion of the Board's reasons for adopting the rules as originally proposed. For further information on the decision, interested parties should consult the Board's Web site at <http://www.stb.dot.gov>.

### Regulatory Flexibility Analysis

The Board concludes that this action will not have a significant effect on a substantial number of small entities.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

### List of Subjects in 49 CFR Parts 1150 and 1180

Administrative Practice and Procedure, Railroads.

**Authority:** 49 U.S.C. 10502 and 5 U.S.C. 553.

Decided: October 17, 2006.

By the Board, Chairman Nottingham, Vice Chairman Mulvey, Commissioner Buttrey.

**Vernon A. Williams,**  
*Secretary.*

■ For the reasons set forth in the preamble, the Surface Transportation Board amends parts 1150 and 1180 of title 49, chapter X, of the Code of Federal Regulations as follows:

### PART 1150—CERTIFICATE TO CONSTRUCT, ACQUIRE, OR OPERATE RAILROAD LINES.

■ 1. The authority citation for part 1150 continues to read as follows:

**Authority:** 49 U.S.C. 721(a), 10502, 10901, and 10902.

■ 2. Amend § 1150.32 as follows:

■ A. In paragraph (b), remove the words "30 days" and add, in their place the words "16 days".

■ B. In paragraph (b), remove the words "7 days" and add, in their place, the words "30 days".

■ C. In paragraph (c), add a new sentence to the end of the paragraph to read as follows:

**§ 1150.32 Procedures and relevant dates—transactions that involve creation of Class III carriers.**

\* \* \* \* \*

(c) \* \* \* Stay petitions must be filed at least 7 days before the exemption becomes effective.

\* \* \* \* \*

■ 3. Amend § 1150.35 as follows:

■ A. In paragraph (e), remove the words “21 days” and add, in their place, the words “45 days”.

■ B. In paragraph (e), remove the words “30 days” and add, in their place, the words “16 days”.

■ C. In paragraph (f), revise the third sentence to read as follows:

**§ 1150.35 Procedures and relevant dates—transactions that involve creation of Class I or Class II carriers.**

\* \* \* \* \*

(f) \* \* \* Stay petitions must be filed at least 14 days before the exemption becomes effective. \* \* \*

\* \* \* \* \*

■ 4. Amend § 1150.42 as follows:

■ A. In paragraph (b), remove the words “30 days” and add, in their place, the words “16 days”.

■ B. In paragraph (b), remove the words “7 days” and add, in their place, the words “30 days”.

■ C. In paragraph (c), add a new sentence to the end of the paragraph to read as follows:

**§ 1150.42 Procedures and relevant dates for small line acquisitions.**

\* \* \* \* \*

(c) \* \* \* Stay petitions must be filed at least 7 days before the exemption becomes effective.

\* \* \* \* \*

■ 5. Amend § 1150.45 as follows:

■ A. In paragraph (e), remove the words “21 days” and add, in their place, the words “45 days”.

■ B. In paragraph (e), remove the words “30 days” and add, in their place, the words “16 days”.

■ C. In paragraph (f), revise the third sentence to read as follows:

**§ 1150.45 Procedures and relevant dates—transactions under section 10902 that involve creation of Class I or Class II rail carriers.**

\* \* \* \* \*

(f) \* \* \* Stay petitions must be filed at least 14 days before the exemption becomes effective. \* \* \*

\* \* \* \* \*

**PART 1180—RAILROAD ACQUISITION, CONTROL, MERGER, CONSOLIDATION PROJECT, TRACKAGE RIGHTS, AND LEASE PROCEDURES.**

■ 6. The authority citation for part 1180 continues to read as follows:

**Authority:** 5 U.S.C. 553 and 559; 11 U.S.C. 1172; 49 U.S.C. 721, 10502, 11323–11325.

■ 7. Amend § 1180.4 as follows:

■ A. In paragraph (g)(1) introductory text, remove the words “one week” and add, in their place, the words “30 days”.

■ B. In paragraph (g)(1)(ii), remove the words “30 days” and add, in their place, the words “16 days”.

■ C. Redesignate paragraph (g)(1)(iii) as paragraph (g)(1)(iv) and add a new paragraph (g)(1)(iii).

■ D. Remove paragraph (g)(2)(ii).

■ E. Redesignate paragraph (g)(2)(iii) as paragraph (g)(2)(ii).

■ F. Remove paragraph (g)(2)(iv).

**§ 1180.4 Procedures.**

\* \* \* \* \*

(g) \* \* \*

(1) \* \* \*

(iii) The filing of a petition to revoke under 49 U.S.C. 10502(d) does not stay the effectiveness of an exemption. Stay petitions must be filed at least 7 days before the exemption becomes effective.

\* \* \* \* \*

[FR Doc. E6–17759 Filed 10–23–06; 8:45 am]

BILLING CODE 4915–01–P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 051130316–6047–02; I.D. 101706A]

**Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested for Management Area 1A**

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

**ACTION:** Closure of Atlantic herring fishery for Management Area 1A.

**SUMMARY:** NMFS announces that 95 percent of the Atlantic herring total allowable catch (TAC) allocated to Management Area 1A (Area 1A) for 2006 is projected to be harvested by October 21, 2006. Therefore, effective 0001 hours, October 21, 2006, federally permitted vessels may not fish for, catch, possess, transfer or land more than 2,000 lb (907.2 kg) of Atlantic herring in or from Area 1A per trip or calendar day until January 1, 2007, when the 2007 TAC becomes available, except for transiting purposes as described in this notice. Regulations governing the Atlantic herring fishery

require publication of this notification to advise vessel and dealer permit holders that no TAC is available for the directed fishery for Atlantic herring harvested from Area 1A.

**DATES:** Effective 0001 hrs local time, October 21, 2006, through 2400 hrs local time, December 31, 2006.

**FOR FURTHER INFORMATION CONTACT:** Don Frei, Fishery Management Specialist, at (978) 281–9221.

**SUPPLEMENTARY INFORMATION:**

Regulations governing the Atlantic herring fishery are found at 50 CFR part 648. The regulations require annual specification of optimum yield, domestic and foreign fishing, domestic and joint venture processing, and management area TACs. The 2006 TAC allocated to Area 1A (71 FR 10867, March 3, 2006) is 60,000 mt (132,277,621 lb).

The regulations at 50 CFR 648.202 require the Administrator, Northeast Region, NMFS (Regional Administrator) to monitor the Atlantic herring fishery in each of the four management areas designated in the Fishery Management Plan for the Atlantic Herring Fishery and, based upon dealer reports, state data, and other available information, to determine when the harvest of Atlantic herring is projected to reach 95 percent of the TAC allocated. When such a determination is made, NMFS is required to publish notification in the **Federal Register** of this determination. Effective upon a specific date, NMFS must notify vessel and dealer permit holders that vessels are prohibited from fishing for, catching, possessing, transferring or landing more than 2,000 lb (907.2 kg) of herring per trip or calendar day in or from the specified management area for the remainder of the closure period. Transiting of Area 1A with more than 2,000 lb (907.2 kg) of herring on board is allowed under the conditions specified below.

The Regional Administrator has determined, based upon dealer reports and other available information, that 95 percent of the total Atlantic herring TAC allocated to Area 1A for the 2006 fishing year is projected to be harvested by October 21, 2006. Therefore, effective 0001 hrs local time, October 21, 2006, federally permitted vessels may not fish for, catch, possess, transfer or land more than 2,000 lb (907.2 kg) of Atlantic herring in or from Area 1A per trip or calendar day through December 31, 2006; except a vessel may transit Area 1A with more than 2,000 lb (907.2 kg) of herring on board, or land more than 2,000 lb (907.2 kg) provided such herring were not caught in Area 1A, and provided all fishing gear is stowed and