

**PART 172—HAZARDOUS MATERIALS  
TABLE, SPECIAL PROVISIONS,  
HAZARDOUS MATERIALS  
COMMUNICATIONS, EMERGENCY  
RESPONSE INFORMATION, AND  
TRAINING REQUIREMENT**

■ 1. The authority citation for part 172 continues to read as follows:

**Authority:** 49 U.S.C. 5101–5128, 44701; 49 CFR 1.53.

■ 2. In § 172.102, in paragraph (c)(2) Special Provision A101 is revised to read as follows:

**§ 172.102 Special provisions.**

\* \* \* \* \*

(c) \* \* \*

(2) \* \* \*

*Code/Special Provisions*

\* \* \* \* \*

A101 A primary (non-rechargeable) lithium battery or cell packed with equipment is forbidden for transport aboard a passenger carrying aircraft unless:

a. The battery or cell complies with the requirements and limitations of § 173.185(b)(1), (b)(2), (b)(3), (b)(4) and (b)(6) or § 173.185(c)(1), (c)(2), (c)(3) and (c)(5) of this subchapter;

b. The package contains no more than the number of lithium batteries or cells necessary to power the intended piece of equipment;

c. The equipment and the battery or cell are packed in a strong packaging;

d. The net weight of the lithium batteries in the package does not exceed 5 kg. Packages complying with the requirements of this special provision are excepted from all other requirements of this subchapter.

\* \* \* \* \*

Issued in Washington, DC on September 25, 2006, under authority delegated in 49 CFR part 1.

**Thomas J. Barrett,**  
*Administrator.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric  
Administration**

**50 CFR Part 648**

**[Docket No. 051104293–5344–02; I.D.  
092206D]**

**Fisheries of the Northeastern United  
States; Summer Flounder Fishery;  
Commercial Quota Harvested for  
Massachusetts**

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

**ACTION:** Closure of commercial fishery.

**SUMMARY:** NMFS announces that the summer flounder commercial quota available to Massachusetts has been harvested. Vessels issued a commercial Federal fisheries permit for the summer flounder fishery may not land summer flounder in Massachusetts for the remainder of calendar year 2006, unless additional quota becomes available through a transfer from another state. Regulations governing the summer flounder fishery require publication of this notification to advise Massachusetts that the quota has been harvested and to advise vessel permit holders and dealer permit holders that no commercial quota is available for landing summer flounder in Massachusetts.

**DATES:** Effective 0001 hours September 28, 2006, through 2400 hours, December 31, 2006.

**FOR FURTHER INFORMATION CONTACT:** Douglas Potts, Fishery Management Specialist, (978) 281–9341

**SUPPLEMENTARY INFORMATION:** Regulations governing the summer flounder fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned on a percentage basis among the coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.100.

The initial total commercial quota for summer flounder for the 2006 calendar year was set equal to 14,154,000 lb (6,420 mt) (70 FR 77061, December 29, 2005). The percent allocated to vessels landing summer flounder in Massachusetts is 6.82046 percent, resulting in a commercial quota of 965,368 lb (437,884 kg). The 2006 allocation was reduced to 931,750 lb (422,635 kg) due to research set-aside and quota overage from 2005.

Section 648.101(b) requires the Administrator, Northeast Region, NMFS

(Regional Administrator) to monitor state commercial quotas and to determine when a state's commercial quota has been harvested. NMFS then publishes a notification in the **Federal Register** to advise the state and to notify Federal vessel and dealer permit holders that, effective upon a specific date, the state's commercial quota has been harvested and no commercial quota is available for landing summer flounder in that state. The Regional Administrator has determined, based upon dealer reports and other available information, that Massachusetts has harvested its quota for 2006.

The regulations at § 648.4(b) provide that Federal permit holders agree, as a condition of the permit, not to land summer flounder in any state that the Regional Administrator has determined no longer has commercial quota available. Therefore, effective 0001 hours September 28, 2006, further landings of summer flounder in Massachusetts by vessels holding summer flounder commercial Federal fisheries permits are prohibited for the remainder of the 2006 calendar year, unless additional quota becomes available through a transfer and is announced in the **Federal Register**. Effective 0001 hours, September 28, 2006, federally permitted dealers are also notified that they may not purchase summer flounder from federally permitted vessels that land in Massachusetts for the remainder of the calendar year, or until additional quota becomes available through a transfer from another state.

**Classification**

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: September 25, 2006.

**Alan D. Risenhoover,**

*Director, Office of Sustainable Fisheries,  
National Marine Fisheries Service.*

[FR Doc. 06–8337 Filed 9–25–06; 1:47 pm]

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