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## II. What Does This Correction Do?

This document is being issued to correct a technical error in the regulatory text published in the final rule on November 3, 2008 (723 FR 65452), in 40 CFR 370.42(i)(8) and (9). Specifically, the November 2008 final rule amended 40 CFR parts 355 and 370, as well as rewrote the regulations in a plain language format; the final rule is based on a June 8, 1998 (63 FR 31268) proposed rule in which EPA proposed several revisions to parts 355 and 370, as well as proposed to reorganize and rewrite the regulations in a plain language format. Prior to the November 2008 final rule, the instructions to the Tier II inventory form in 40 CFR 370 allowed facilities to include optional attachments with their inventory form. These optional items include: a site plan with site coordinates, a list of site coordinate abbreviations that correspond to buildings, lots, etc. or a description of dikes and other safeguard measures for storage locations throughout the facility. Although the Agency did not propose any revisions to these specific instructions in the June 1998 proposed rule, the Agency made an error in the November 2008 final rule, while reorganizing the instructions to the Tier II inventory form. The Agency inadvertently listed one of the optional items, description of dikes and other safeguard measures, as a required item in 40 CFR 370.42(i)(9).

This document corrects this error by deleting the phrase, “a description of dikes and other safeguard measures for each location listed” from 40 CFR 370.42(i)(9), and re-inserting this phrase into 40 CFR 370.42(i)(8), which has also been re-formatted to provide greater clarity.

## III. Authority Under the Administrative Procedure Act

Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(3)(B), provides that, when an Agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the Agency may issue a final rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause

for making this technical correction final without prior proposal and opportunity for comment, because this final rule corrects a technical error, adds clarity, and does not otherwise change the original requirements of the final rule. This section of the regulations was not proposed for any revisions in the June 8, 1998 proposed rule; it was only proposed for a rewrite in a plain language format. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(3)(B).

## IV. Do Any of the Statutory and Executive Order Reviews Apply to This Action?

This final rule corrects a technical error and does not otherwise change the requirements in the final rule. As a technical correction, this action is not subject to the statutory and Executive Order review requirements. For information about the statutory and Executive Order review requirements as they related to the final rule, see Section III in the **Federal Register** of November 3, 2008.

## V. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before a rule may take effect, the Agency promulgating the rule must submit a rule report to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to the publication of this final rule in the **Federal Register**. This final rule is not a “major rule” as defined by 5 U.S.C. 804(2).

## List of Subjects in 40 CFR Part 370

Environmental protection, Chemicals, Hazardous substances, Penalties, Reporting and recordkeeping requirements, Superfund.

Dated: March 16, 2009.

**Lisa P. Jackson**,  
Administrator.

■ For the reasons set out in the preamble, title 40, chapter 1 of the Code of Federal Regulations is amended as follows:

## PART 370—[AMENDED]

■ 1. The authority citation for part 370 continues to read as follows:

**Authority:** Sections 302, 311, 312, 322, 324, 325, 327, 328, and 329 of the Emergency Planning and Community Right-To-Know Act of 1986 (EPCRA) (Pub. L. 99–499, 100 Stat. 1613, 42 U.S.C. 11002, 11021, 11022,

11042, 11044, 11045, 11047, 11048, and 11049).

■ 2. In § 370.42 revise paragraphs (i)(8) and (9) to read as follows:

## § 370.42 What is Tier II Inventory Information?

\* \* \* \* \*

(i) \* \* \*

(8) (i) Provide a brief description of the precise location of the hazardous chemical at your facility. You may also attach one of the following with your Tier II inventory form.

(A) A *site plan* with site coordinates indicated for buildings, lots, areas, etc. throughout your facility.

(B) A *list of site coordinate abbreviations* that correspond to buildings, lots, areas, etc. throughout your facility.

(C) A *description of dikes and other safeguard measures* for storage locations throughout your facility.

(ii) Under EPCRA section 324, you may choose to withhold from disclosure to the public the location information for a specific chemical. If you choose to withhold the location information from disclosure to the public, you must clearly indicate that the information is “confidential.” You must provide the confidential location information on a separate sheet from the other Tier II information (which will be disclosed to the public), and attach the Confidential Location Information Sheet to the other Tier II information. Indicate any attachments you are including.

(9) Provide a brief description of the manner of storage of the hazardous chemical, including container type, temperature and pressure for each location listed. You must use codes that correspond to different storage types and temperature and pressure conditions. The storage codes are in § 370.43. If the specific location for which you are reporting storage conditions is a “confidential” location, then you must report the storage conditions on a separate Confidential Location Information Sheet.

[FR Doc. E9–6264 Filed 3–25–09; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

## 47 CFR Part 73

[DA 09–412; MB Docket No. 08–26; RM–11418]

## Radio Broadcasting Services; Evart and Ludington, MI

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Audio Division, at the request of Roy E. Henderson, allots FM Channel 274A at Evart, Michigan, as that community's first local service. In order to accommodate that allotment, the Audio Division also substitutes Channel 249A for vacant FM Channel 242A at Ludington, Michigan. Channel 274A can be allotted at Evart, Michigan, in compliance with the Commission's minimum distance separation requirements with a site restriction of 14.6 km (9.1 miles) north of Evart at the following reference coordinates: 44–01–43 North Latitude and 85–17–51 West Longitude. Channel 249A can be allotted at Ludington, Michigan, in compliance with the Commission's minimum distance separation requirements with a site restriction of 9.0 km (5.6 miles) north of Ludington at the following reference coordinates: 44–01–53 North Latitude and 86–24–57 West Longitude.

**DATES:** Effective April 13, 2009.

**ADDRESSES:** Secretary, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Deborah Dupont, Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MB Docket No. 08–26, adopted February 25, 2009, and released February 27, 2009. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. The complete text of this decision also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, (800) 378–3160, or via the company's Web site, <http://www.bcpweb.com>.

This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden “for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

**List of Subjects in 47 CFR Part 73**

Radio, Radio broadcasting.

■ As stated in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

**PART 73—RADIO BROADCAST SERVICES**

■ 1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

**§ 73.202 [Amended]**

■ 2. Section 73.202(b), the Table of FM Allotments under Michigan, is amended by adding Evart, Channel 274A, by removing Channel 242A and by adding Channel 249A at Ludington.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. E9–6791 Filed 3–25–09; 8:45 am]

**BILLING CODE 6712–01–P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 622**

[Docket No. 001005281–0369–02]

**RIN 0648–XL91**

**Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure**

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS closes the commercial fishery for king mackerel in the exclusive economic zone (EEZ) in the western zone of the Gulf of Mexico. This closure is necessary to protect the Gulf king mackerel resource.

**DATES:** The closure is effective noon, local time, March 27, 2009, through June 30, 2009.

**FOR FURTHER INFORMATION CONTACT:** Susan Gerhart, 727–824–5305, fax: 727–824–5308, e-mail: [Susan.Gerhart@noaa.gov](mailto:Susan.Gerhart@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, cero, cobia, little tunny, and, in the Gulf of Mexico only, dolphin and bluefish) is

managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) 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 the Gulf of Mexico migratory group of king mackerel in the western zone is managed under a commercial quota of 1.01 million lb (0.46 million kg) (66 FR 17368, March 30, 2001) for the current fishing year, July 1, 2008, through June 30, 2009.

Under 50 CFR 622.43(a), NMFS is required to close any segment of the king mackerel 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 1.01 million lb (0.46 million kg) for Gulf group king mackerel in the western zone will be reached by March 27, 2009.

Accordingly, the commercial fishery for Gulf group king mackerel in the western zone is closed effective noon, local time, March 27, 2009, through June 30, 2009, the end of the fishing year. The boundary between the eastern and western zones is 87°31'06" W. long., which is a line directly south from the Alabama/Florida boundary.

Except for a person aboard a charter vessel or headboat, during the closure, no person aboard a vessel for which a commercial permit for king mackerel has been issued may fish for or retain Gulf group king mackerel in the EEZ in the closed zones or subzones. A person aboard a vessel that has a valid charter vessel/headboat permit for coastal migratory pelagic fish may continue to retain king mackerel in or from the closed zones or subzones under the bag and possession limits set forth in 50 CFR 622.39(c)(1)(ii) and (c)(2), provided the vessel is operating as a charter vessel or headboat. A charter vessel or headboat that also has a commercial king mackerel permit is considered to be operating as a charter vessel or headboat when it carries a passenger who pays a fee or when there are more than three persons aboard, including operator and crew.

During the closure, king mackerel from the closed zones or subzones taken in the EEZ, including those harvested under the bag and possession limits, may not be purchased or sold. This prohibition does not apply to trade in