§ 63.2390 [Amended]

5. Section 63.2390 is amended as follows:
   a. In paragraph (e)(2) by removing the citation “§ 63.2348(a)(4)(v)” and adding in its place the citation “§ 63.2346(a)(4)(v)”.
   b. In paragraph (e)(3) by removing the citation “§ 63.2348(a)(4)(vi)(B)” and adding in its place the citation “§ 63.2346(a)(4)(vi)(B)”.
   c. In paragraph (e)(3)(ii) by removing the citation “§ 63.2348(a)(4)(vi)(B)” and adding in its place the citation “§ 63.2346(a)(4)(vi)(B)”.

6. Table 10 to Subpart EEEE of Part 63 is amended by revising entry 6. to read as follows:

<table>
<thead>
<tr>
<th>For each . . .</th>
<th>For the following standard . . .</th>
<th>You must demonstrate continuous compliance by . . .</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. Storage tank at an existing, reconstructed, or new affected source meeting any of the tank capacity and vapor pressure criteria specified in Table 2 to this subpart, items 1 through 6.</td>
<td>a. Route emissions to a fuel gas system or back to the process.</td>
<td>i. Continuing to meet the requirements specified in § 63.984(b).</td>
</tr>
<tr>
<td></td>
<td>b. Install and, during the filling of the storage tank with organic liquids, operate a vapor balancing system.</td>
<td>i. Except for pressure relief devices, monitoring each potential source of vapor leakage in the system, including, but not limited to pumps, valves, and sampling connections, quarterly during the loading of a storage tank using the methods and procedures described in the rule requirements selected for the work practice standard for equipment leak components as specified in Table 4 to this subpart, item 4. An instrument reading of 500 ppmv defines a leak. Repair of leaks is performed according to the repair requirements specified in your selected equipment leak standards. For pressure relief devices, comply with § 63.2346(a)(4)(v). If no loading of a storage tank occurs during a quarter, then monitoring of the vapor balancing system is not required.</td>
</tr>
</tbody>
</table>
The interim final rule modified the procedures for submitting an advisory opinion request by deleting the requirements at § 1008.31(b) and 1008.36(b)(6) for an initial payment of $250 for each advisory opinion request, and amending § 1008.31(b) to require that payment for an advisory opinion be made directly to the Treasury of the United States, as directed by OIG. In addition, we amended § 1008.43(d) to state that an advisory opinion will be issued following receipt by OIG of confirmation that payment in full has been remitted by the requesting party to the Department of Treasury, as directed by OIG. We also notified the public that, as of the effective date of the interim final rule, we no longer would accept checks or money orders from requesting parties and payments must be made directly to the United States Treasury through wire or other electronic funds transfer. We provided additional instructions to the public on our Web site (www.oig.hhs.gov) for paying fees owed for advisory opinions via wire or other electronic funds transfer.

III. Regulatory Impact Statement

A. Administrative Procedure Act

The advisory opinion process is an established OIG program. This final rule is limited to modifying the processing of payments received for advisory opinion requests. It does not modify eligibility of a party to request an advisory opinion, nor does it modify the standards under which OIG will accept and/or analyze a request. OIG expects that this final rule will further the public’s interest with minimal burden by confirming the interim final rule, which deleted the requirement for an initial payment of a deposit to be credited toward the final advisory opinion processing costs, and by requiring the use of electronic transfers of funds. This final rule will also provide greater efficiency in processing payments from requestors and will save staff time.

B. Regulatory Analysis

We have examined the impact of this final rule as required by Executive Order 12866, the Regulatory Flexibility Act (RFA) of 1980, the Unfunded Mandates Reform Act of 1995, and Executive Order 13132.

Executive Order 12866 and Regulatory Flexibility Act

As discussed above, these regulations were published as an interim final rule on March 26, 2008. Because no notice of proposed rulemaking was required, the provisions of the RFA do not apply. Further, this document does not meet the criteria for a significant regulatory action as specified in Executive Order 12866.

Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995, Public Law 104–4, requires that agencies assess anticipated costs and benefits before issuing any rule that may result in expenditures in any one year by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation). We believe that this final rule will not impose any mandates on State, local, or tribal governments or the private sector that would result in an expenditure of $100 million or more (adjusted for inflation) in any given year, and that a full analysis under the Unfunded Mandates Reform Act is not necessary.

Executive Order 13132

Executive Order 13132, Federalism, establishes certain requirements that an agency must meet when it promulgates a rule that imposes substantial direct requirements or costs on State and local governments, preempts State law, or otherwise has Federalism implications. In reviewing this final rule under the threshold criteria of Executive Order 13132, Federalism, we have determined that this final rule would not significantly limit the rights, roles, and responsibilities of State or local governments. We have determined, therefore, that a full analysis under Executive Order 13132 is not necessary.

C. Paperwork Reduction Act

In accordance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we are required to solicit public comments, and receive final OMB approval, on any information collection requirements set forth in rulemaking. This final rule will not impose any information collection burden or affect information currently collected by OIG.

Accordingly, the interim final rule amending 42 CFR chapter V, subchapter B, which was published in the Federal Register at 73 FR 15037 on March 26, 2008, is adopted as a final rule without change.

Daniel R. Levinson, Inspector General.
Approved: July 3, 2008.
Michael O. Leavitt, Secretary.

DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service

50 CFR Part 23

[FR Doc. E8–15777 Filed 7–16–08; 8:45 am]

BILLING CODE 4152–01–M

Revision of Regulations Implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); Import and Export of Sturgeon Caviar

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Direct final rule.

SUMMARY: We, the Fish and Wildlife Service (FWS), are amending certain provisions related to international trade in sturgeon caviar in the regulations that implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). We are reducing the quantity of caviar that may be imported or exported under the CITES personal effects exemption and amending the requirements for import of caviar from shared stocks subject to quotas. These changes are not controversial and will bring U.S. regulations in line with revisions adopted by consensus at the most recent meeting of the Conference of the Parties to CITES (June 2007). The revised regulations will help us more effectively promote species conservation, help us continue to fulfill our responsibilities under the Treaty, and help those affected by CITES to understand how to conduct lawful international trade in sturgeon caviar.

DATES: This rule is effective September 15, 2008 without further action, unless adverse comment is received or postmarked on or before August 18, 2008. If we receive adverse comment, then we will publish a timely withdrawal of the rule in the Federal Register.

ADDRESSES: You may submit comments by one of the following methods:

• Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

• U.S. mail or hand-delivery: Public Comments Processing, Attn: RRN 1018-AV70; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

We will not accept e-mail or faxes. We will post all comments on http://www.regulations.gov. This generally means that we will post any personal information you provide (see the