Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52


RIN 2060–AQ45

Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Federal Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public hearing; correction.

SUMMARY: In this document, EPA is making a correction to the Action to Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Federal Implementation Plan; Public Hearing to be held on September 14, 2010 (published in the Federal Register on August 30, 2010, 75 FR 52916). We inadvertently within the summary section of the document stated that the hearing will be held in Arlington, VA. This document corrects the location to Washington, DC.

ADDRESSES: Public Hearing: The September 14, 2010 hearing will be held at the EPA Ariel Rios East building, Room 1153, 1301 Constitution Avenue, Washington, DC 20460. The public hearing will convene at 9 a.m. (eastern standard time) and continue until the later of 6 p.m. or 1 hour after the last registered speaker has spoken. The EPA will make every effort to accommodate all speakers that arrive and register. A lunch break is scheduled from 12:30 p.m. until 2 p.m. Because this hearing is being held at U.S. Government facilities, individuals planning to attend the hearing should be prepared to show valid picture identification to the security staff in order to gain access to the meeting room. In addition, you will need to obtain a property pass for any personal belongings you bring with you. Upon leaving the building, you will be required to return this property pass to the security desk. No large signs will be allowed in the building, cameras may only be used outside of the building, and demonstrations will not be allowed on Federal property for security reasons. The EPA Web Site for the rulemaking, which includes the proposal and information about the public hearing, can be found at: http://www.epa.gov/nsr.

Docket: The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2010–0107. All documents in the docket are listed in the http://www.regulations.gov index. Although listed in the index, some information is not publicly available, e.g., confidential business information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in http://www.regulations.gov or in hard copy at the EPA Docket Center EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the EPA Docket Center is (202) 566–1742. The EPA Web Site for the rulemaking, which includes the proposal and information about the public hearing, can be found at http://www.epa.gov/nsr.

FOR FURTHER INFORMATION CONTACT: Pamela Long, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Policy Division, C504–03, Research Triangle Park, NC 27711; telephone number (919) 541–0641, e-mail address: long.pam@epa.gov.


Mary Henigin,
Acting Director, Office of Air Quality Planning and Standards.

[FR Doc. C1–2010–22208 Filed 9–3–10; 8:45 am]
BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No.: 100813358–0392–01]

RIN 0648–BA16

Fisheries of the Northeastern United States; Discard Provision for Herring Midwater Trawl Vessels Fishing in Groundfish Closed Area I

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS seeks public comment on a provision of the regulations implemented by a November 2, 2009, final rule, as well as comments on proposed alternatives to replace this provision. The provision allows a midwater trawl vessel with an All Areas or/and Areas 2 and 3 Atlantic herring limited access permit fishing in Northeast (NE) multispecies Closed Area I (CA I) to release fish that cannot be pumped from the net and, thus, remain in the net at the end of pumping operations, without those fish being sampled by a NMFS at-sea observer. Based on comments that it receives, NMFS may keep the current provision unchanged, modify the provision, or remove the provision entirely. This action is part of a Court-approved joint motion to stay.

DATES: Written comments must be received no later than 5 p.m. local time on October 7, 2010.

ADDRESSES: You may submit comments, identified by 0648–BA16, by any one of the following methods:


• Mail: Paper, disk, or CD–ROM comments should be sent to Patricia A. Kurkul, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930–2276. Mark the outside of the envelope: “Herring Midwater Trawl Discard Provision; RIN 0648–BA16.”

• Fax: (978) 281–9135.
If a codend is released in accordance with one of the first three exemptions, the vessel operator must complete and sign an affidavit to NOAA’s Office of Law Enforcement (OLE) detailing the vessel name and permit number; the vessel trip report (VTR) serial number; where, when, and for what reason the catch was released; the total weight of fish caught on that tow; and the weight of fish released (if less than the full tow). Completed affidavits are to be submitted to OLE at the conclusion of the trip. Following a released codend under one of the first three exemptions, the vessel may not fish in CA I for the remainder of the trip.

Although not specifically mentioned in the proposed rule, the final rule added a narrow, additional exemption, based on public comment, which allowed for small amounts of fish that cannot be pumped from the net (sometimes called operational discards) to be released unobserved from the net in the water. NMFS considered this additional exemption to be a logical outgrowth of the proposed rule that needed no further public comment because it addressed a foreseeable practical problem that a small amount of fish may be left in a net after pumping operations were completed.

Following publication of the final rule, a suit was filed by three fishermen challenging the exemption that allows release of small amounts of fish that remain after pumping (Taylor et al. v. Locke, 09–CV–02289–HJK), on grounds that this additional exemption violated the Administrative Procedure Act because it was not a “logical outgrowth” of the proposed rule and should have been subjected to public comment, and that it violated conservation requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by allowing fish to be released from herring nets unobserved. Plaintiffs also claimed that the terms “small amounts of fish” and “at the completion of pumping operations” were not adequately defined.

Without admitting any fault in publishing the final rule, NMFS and the plaintiffs have agreed to stay the litigation (Taylor et al. v. Locke, 09–CV–02289–HJK), on grounds that this additional exemption violated the Administrative Procedure Act because it was not a “logical outgrowth” of the proposed rule and should have been subjected to public comment, and that it violated conservation requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by allowing fish to be released from herring nets unobserved. Plaintiffs also claimed that the terms “small amounts of fish” and “at the completion of pumping operations” were not adequately defined.

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published in the November 2, 2009, final rule remain in place during this rulemaking process.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined preliminarily that this proposed rule is consistent with the Atlantic Herring and NE Multispecies FMPs, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Regional Administrator has preliminarily determined that this proposed rule would constitute a minor addition, correction, or change to a management plan and would therefore be categorically excluded from the requirement to prepare an Environmental Impact Statement or equivalent document under the National Environmental Policy Act (NEPA). However, NMFS expects that measures in a final rule may differ from those proposed, based on public comment received on this proposed rule and other relevant factors. A final determination of the appropriate level of environmental review under NEPA will be made during the development of a final rule.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. None of the three proposed alternatives significantly affect the practices of any fishing operation. A total of 45 vessels currently have either an All Areas or an Areas 2 and 3 Atlantic herring limited access permit. Not all of these vessels fish in Closed Area I, and part of the intent of the increased observer coverage in CA I was to determine how many midwater trawl trips there are into this closed area. The requirement for 100-percent observer coverage became effective on November 2, 2009, so there is not yet a full year’s worth of data available. Estimates based on VTR data suggest an average of 15 trips using midwater trawl gear into CA I, annually. Vessels that do fish in CA I may make multiple trips into CA I in a single year, so this action would impact fewer than 15 small entities. The average midwater trawl trip makes less than three tows.

Alternative 1 would have the greatest potential impact on vessel operations. The time to bring a near-empty codend aboard the vessel under this alternative is estimated to range between 30 minutes and 60 minutes. The total impact to an average fishing trip would be at most 3 hours of additional time under alternative 1, or less time under alternative 2 or 3; plus associated cost of fuel. Therefore, any potential delay from the three alternatives in fishing operations to allow an at-sea observer to document catch remaining in the net at the end of pumping operations is expected to have a minimal impact. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

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

Dated: September 2, 2010.

Eric C. Schwaab,
Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 2010–22347 Filed 9–2–10; 4:15 pm]

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