

Thus, Executive Order 13175 does not apply to this rule.

*G. Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks*

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. This rule is not subject to Executive Order 13045, because it approves a State rule implementing a Federal standard.

*H. Executive Order 13211, Actions That Significantly Affect Energy Supply, Distribution, or Use*

This rule is not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

*I. National Technology Transfer and Advancement Act*

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use “voluntary consensus standards” (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today’s action does not require the public to perform activities conducive to the use of VCS.

*J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*

Executive Order (EO) 12898 (59 FR 7629 (Feb. 16, 1994)) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA lacks the discretionary authority to address environmental justice in this rulemaking.

*K. Congressional Review Act*

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, 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 publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2). This rule will be effective on May 17, 2012.

*L. 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 June 18, 2012. 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 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, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: February 15, 2012.

**Jared Blumenfeld**,  
Regional Administrator, Region IX.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations 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 D—Arizona**

- 2. Section 52.120 is amended by adding paragraph (c)(84)(i)(M) to read as follows:

**§ 52.120 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(84) \* \* \*

(i) \* \* \*

(M) Rule 5–24–1032, “Federally Enforceable Minimum Standard of Performance—Process Particulate Emissions,” codified February 22, 1995.

\* \* \* \* \*

[FR Doc. 2012–9069 Filed 4–16–12; 8:45 am]

**BILLING CODE 6560–50–P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 110707371–2136–02]

**RIN 0648–XB145**

**Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of the Trimester 1 Longfin Squid Fishery**

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS announces the closure of the directed fishery for longfin squid (longfin) in the Exclusive Economic Zone (EEZ) for the remainder of Trimester 1, effective 0001 hours, April 17, 2012. Vessels issued a Federal permit to harvest longfin may not fish for, possess, or land more than 2,500 lb (1.13 mt) of longfin per trip for the remainder of Trimester 1 (through April 30, 2011). This action is necessary to prevent the longfin fishery from exceeding the butterfish mortality cap for Trimester 1.

**DATES:** Effective 0001 hours, April 17, 2012, through 2400 hours, April 30, 2012.

**FOR FURTHER INFORMATION CONTACT:** Lindsey Feldman, Fishery Management Specialist, 978–675–2179, Fax 978–281–9135.

**SUPPLEMENTARY INFORMATION:** Regulations governing the longfin and butterfish fisheries are found at 50 CFR part 648. The regulations require specifications for maximum sustainable yield, initial optimum yield, allowable biological catch (ABC), domestic annual harvest (DAH), domestic annual processing, joint venture processing, and total allowable levels of foreign fishing for the species managed under the Atlantic Mackerel, Squid, and

Butterfish Fishery Management Plan (FMP). The procedures for setting the annual initial specifications are described in § 648.22.

The longfin DAH for the 2012 fishing year (FY) is 22,220 mt, and is allocated into three trimesters: Trimester 1 (January 1–April 30) is allocated 43 percent of the quota (9,555 mt); Trimester 2 (May 1–August 31) is allocated 17 percent of the quota (3,777 mt); and Trimester 3 (September 1–December 31) is allocated 40 percent of the quota (8,888 mt) (77 FR 16472, March 21, 2012).

The regulations also require the specification of a butterfish mortality cap in the longfin fishery, which is equal to 75 percent of the butterfish ABC, and accounts for all butterfish discards and landings caught on trips that land over 2,500 lb (1.13 mt) of longfin. The remaining 25 percent of the butterfish ABC is allocated for butterfish landed in the directed longfin fishery, as well as in other fisheries, including trips landing less than 2,500 lb (1.13 mt) of longfin. The butterfish ABC for FY 2012 is 1,811 mt, which corresponds to a butterfish mortality cap of 1,436 mt (75 percent of 1,811 mt). The butterfish mortality cap is also allocated by trimester: Trimester 1 is allocated 65 percent of the butterfish mortality cap (933.4 mt); Trimester 2 is allocated 3.3 percent (47.4 mt); and Trimester 3 is allocated 31.7 percent (455.2 mt).

Section 648.24 requires NMFS to close the directed longfin fishery in the EEZ when 80 percent of the Trimester I butterfish mortality cap (747 mt) is projected to be harvested. NMFS is further required to notify, in advance of the closure, the Executive Directors of the Mid-Atlantic, New England, and South Atlantic Fishery Management Councils; mail notification of the closure to all holders of longfin permits at least 72 hr before the effective date of the closure; and publish notification of the closure in the **Federal Register**.

This action announces that NMFS has determined, based on catch data from observed trips, dealer reports, and other available information, that 80 percent of the Trimester 1 butterfish mortality cap is projected to be harvested. Therefore, effective 0001 hours, April 17, 2012, the Trimester 1 directed longfin fishery is closed and vessels issued Federal permits for longfin may not retain or land more than 2,500 lb (1.13 mt) of longfin per trip or calendar day. The directed fishery will reopen at 0001 hours, May 1, 2012.

### Classification

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

The Assistant Administrator for Fisheries, NOAA (AA), finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be impracticable and contrary to the public interest. This action closes the Trimester 1 directed longfin fishery through April 30, 2012, under current regulations. The regulations at § 648.24 require such action to ensure that longfin vessels do not exceed the 2012 Trimester 1 butterfish mortality cap. Data indicating the longfin fleet will have landed at least 80 percent of the 2012 butterfish mortality cap on trips that land 2,500 lb or more of longfin have only recently become available. If implementation of this closure is delayed to solicit prior public comment, the butterfish mortality cap for Trimester 1 will be exceeded, thereby undermining the conservation objectives of the FMP. Such overage would have to be deducted from that portion of the bycatch cap allocated to Trimester 3. This would have adverse economic consequences for those that fish for longfin in the fall. The AA further finds, pursuant to 5 U.S.C. 553(d)(3), good cause to waive the 30-day delayed effectiveness period for the reasons stated above.

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

Dated: April 12, 2012.

### Carrie Selberg,

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

[FR Doc. 2012–9230 Filed 4–12–12; 4:15 pm]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 100804324–1265–02]

RIN 0648–BC02

### Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Biennial Specifications and Management Measures; Inseason Adjustments

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

**ACTION:** Final rule; inseason adjustments to biennial groundfish management measures; request for comments.

**SUMMARY:** This final rule announces inseason changes to management measures in the Pacific Coast groundfish fisheries. These actions, which are authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP), are intended to allow fisheries to access more abundant groundfish stocks while protecting overfished and depleted stocks.

**DATES:** Effective 0001 hours (local time) May 1, 2012. Comments on this final rule must be received no later than May 17, 2012.

**ADDRESSES:** You may submit comments, identified by FDMS docket number NOAA–NMFS–2010–0194 by any one of the following methods:

- **Electronic Submissions:** Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>.

- **Fax:** 206–526–6736, Attn: Colby Brady

- **Mail:** William W. Stelle, Jr., Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115–0070, Attn: Colby Brady.

**Instructions:** All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

**FOR FURTHER INFORMATION CONTACT:** Colby Brady (Northwest Region, NMFS), phone: 206–526–6117, fax: 206–526–6736, [colby.brady@noaa.gov](mailto:colby.brady@noaa.gov).

### SUPPLEMENTARY INFORMATION:

#### Electronic Access

This final rule is accessible via the Internet at the Office of the Federal Register's Web site at <http://www.gpo.gov/fdsys/search/home.action>. Background information and documents are available at the Pacific Fishery Management Council's Web site at <http://www.pcouncil.org/>.