

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. section 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 15, 2013. 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, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Visibility, and Volatile organic compounds.

Dated: November 15, 2012.

Dennis J. McLerran,

Regional Administrator, Region 10.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 et seq.

Subpart C—Alaska

■ 2. Section 52.70 is amended by adding paragraph (c)(41) to read as follows:

§ 52.70 Identification of plan.

* * * * *

(c) * * *

(41) On April 4, 2011, the Alaska Department of Environmental Conservation submitted a SIP revision to meet the regional haze requirements of Clean Air Act sections 169A and 169B, and Federal Regulations 40 CFR 51.308, to implement a regional haze program in the State of Alaska for the first planning period through July 31, 2018.

(i) Incorporation by reference.

(A) The following revised section of the Alaska Administrative Rules: Alaska Department of Environmental Conservation, 18 AAC 50.260, “Guidelines for Best Available Retrofit Technology under the Regional Haze Rule”, state effective date December 30, 2007.

(ii) Additional material.

(A) The following section of ADEC’s air quality control regulations: 18 AAC 50.030 State Air Quality Control Plan; state effective date February 11, 2011; Volume II, Section III. F. Open Burning; and Volume II, Section III. K. Area Wide Pollution Control Program for Regional Haze.

■ 3. Section 52.73 is amended by adding paragraph (g) to read as follows:

§ 52.73 Approval of plans.

* * * * *

(g) *Visibility protection.* (1) EPA approves the Regional Haze SIP revision submitted by the Alaska Department of Environmental Conservation on April 4, 2011, as meeting the requirements of Clean Air Act sections 169A and 169B, and Federal Regulations 40 CFR 51.308 to implement a regional haze program in the State of Alaska for the first planning period through July 31, 2018.

(2) [Reserved]

[FR Doc. 2013–03329 Filed 2–13–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2013–0064; FRL–9777–8]

Interim Final Determination To Stay and Defer Sanctions, Sacramento Metropolitan Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule.

SUMMARY: EPA is making an interim final determination to stay the imposition of offset sanctions and to defer the imposition of highway sanctions based on a proposed approval of a revision to the Sacramento Metropolitan Air Quality Management District (SMAQMD or District) portion of the California State Implementation Plan (SIP) published elsewhere in this **Federal Register**. The SIP revision concerns two permitting rules submitted by the SMAQMD: Rule 214, *Federal New Source Review*, and Rule 217, *Public Notice Requirements for Permits*. **DATES:** This interim final determination is effective on February 14, 2013.

However, comments will be accepted until March 18, 2013.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2013–0064, by one of the following methods:

1. *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions.

2. Email: R9airpermits@epa.gov.

3. *Mail or deliver:* Gerardo Rios (Air-3), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through <http://www.regulations.gov> or email. <http://www.regulations.gov> is an “anonymous access” system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Docket: Generally, documents in the docket for this action are available electronically at <http://www.regulations.gov> and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed at <http://www.regulations.gov>, some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Laura Yannayon, EPA Region IX, (415) 972–3534, yannayon.laura@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, “we,” “us” and “our” refer to EPA.

I. Background

On July 20, 2011 (76 FR 43183), we published a limited approval and limited disapproval of SMAQMD Rule 214 as adopted locally on October 28,

2010 and submitted by the State on December 7, 2010. We based our limited disapproval action on certain deficiencies in the submitted rule. This disapproval action started a sanctions clock for imposition of offset sanctions 18 months after August 19, 2011 and highway sanctions 6 months later, pursuant to section 179 of the Clean Air Act (CAA) and our regulations at 40 CFR 52.31. Under 40 CFR 52.31(d)(1), offset sanctions apply eighteen months after the effective date of a disapproval and highway sanctions apply six months after the offset sanctions, unless we determine that the deficiencies forming the basis of the disapproval have been corrected.

On August 23, 2012, SMAQMD adopted an amended version of Rule 214, which was intended to correct the deficiencies identified in our July 20, 2011 limited approval and limited disapproval action. On September 26, 2012, the State submitted this amended rule to EPA. In the Proposed Rules section of today's **Federal Register**, we are proposing to fully approve this rule because we believe it corrects the deficiencies identified in our July 20, 2011 disapproval action. Based on today's proposed approval, we are taking this final rulemaking action, effective on publication, to stay the imposition of the offset sanctions and to defer the imposition of the highway sanctions that were triggered by our July 20, 2011 limited disapproval.

EPA is providing the public with an opportunity to comment on this stay/deferral of sanctions. If comments are submitted that change our assessment described in this final determination and our proposed full approval of amended SMAQMD Rule 214, we intend to take subsequent final action to reimpose sanctions pursuant to 40 CFR 52.31(d). If no comments are submitted that change our assessment, then all sanctions and sanction clocks will be permanently terminated on the effective date of a final rule approval.

II. EPA Action

We are making an interim final determination to stay the imposition of the offset sanctions and to defer the imposition of the highway sanctions associated with SMAQMD Rule 214 (as adopted 2010) based on our concurrent proposal to approve the State's SIP revision as correcting the deficiencies that initiated sanctions.

Because EPA has preliminarily determined that the State has corrected the deficiencies identified in EPA's limited disapproval action, relief from sanctions should be provided as quickly as possible. Therefore, EPA is invoking

the good cause exception under the Administrative Procedure Act (APA) in not providing an opportunity for comment before this action takes effect (5 U.S.C. 553(b)(3)). However, by this action EPA is providing the public with a chance to comment on EPA's determination after the effective date, and EPA will consider any comments received in determining whether to reverse such action.

EPA believes that notice-and-comment rulemaking before the effective date of this action is impracticable and contrary to the public interest. EPA has reviewed the State's submittal and, through its proposed action, is indicating that it is more likely than not that the State has corrected the deficiencies that started the sanctions clocks. Therefore, it is not in the public interest to initially impose sanctions or to keep applied sanctions in place when the State has most likely done all it can to correct the deficiencies that triggered the sanctions clocks. Moreover, it would be impracticable to go through notice-and-comment rulemaking on a finding that the State has corrected the deficiencies prior to the rulemaking approving the State's submittal. Therefore, EPA believes that it is necessary to use the interim final rulemaking process to stay and defer sanctions while EPA completes its rulemaking process on the approvability of the State's submittal. Moreover, with respect to the effective date of this action, EPA is invoking the good cause exception to the 30-day notice requirement of the APA because the purpose of this notice is to relieve a restriction (5 U.S.C. 553(d)(1)).

III. Statutory and Executive Order Reviews

This action stays and defers Federal sanctions and imposes no additional requirements.

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget.

This action 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.

The administrator certifies that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. § 601 *et seq.*).

This rule does not contain any unfunded mandate or significantly or uniquely affect small governments, as

described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4).

This rule does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

This action does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999).

This rule is not subject to Executive Order 13045, "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

The requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272) do not apply to this rule because it imposes no standards.

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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 to Congress and the Comptroller General. However, section 808 provides that any rule for which the issuing agency for good cause finds that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, shall take effect at such time as the agency promulgating the rule determines. 5 U.S.C. 808(2). EPA has made such a good cause finding, including the reasons therefore, and established an effective date of February 14, 2013. 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 rule is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States

Court of Appeals for the appropriate circuit by April 15, 2013. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purpose of judicial review nor does it extend the time within which 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 regulations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements.

Dated: January 29, 2013.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2013-03250 Filed 2-13-13; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 120109034-2171-01]

RIN 0648-XC456

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Trip Limit Adjustments for the Common Pool Fishery

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

ACTION: Temporary rule; inseason adjustment of landing limits.

SUMMARY: This temporary rule increases the possession limits for Georges Bank cod, Gulf of Maine cod, and Southern New England/Mid-Atlantic yellowtail flounder for Northeast multispecies common pool vessels for the remainder of the 2012 fishing year. This rule also decreases the trip limits for white hake and pollock. This is intended to facilitate the harvest of Georges Bank cod, Gulf of Maine cod, and Southern New England/Mid-Atlantic yellowtail flounder to allow the total catch of these stocks to approach their pertinent common pool sub-annual catch limits

sub-annual catch limits and prevent the overharvest of the white hake and pollock sub-annual catch limits.

DATES: Effective February 11, 2013, through April 30, 2013.

FOR FURTHER INFORMATION CONTACT: Brett Alger, Fisheries Management Specialist, 978-675-2153, Fax 978-281-9135.

SUPPLEMENTARY INFORMATION:

Regulations governing the Northeast (NE) multispecies fishery are found at 50 CFR part 648, subpart F. The regulations at § 648.86(o) authorize the NE Regional Administrator (RA) to adjust the possession limits for common pool vessels in order to optimize the harvest of NE regulated multispecies by preventing the overharvest or underharvest of the pertinent common pool sub-annual catch limits (ACLs). As of January 30, 2013, Gulf of Maine (GOM) cod, Georges Bank (GB) cod, and Southern New England (SNE)/Mid-Atlantic (MA) yellowtail flounder catch is well below their respective quotas, and conversely, catch of white hake and pollock is relatively high with approximately 3 months remaining in fishing year (FY) 2012. Table 1 includes the common pool sub-ACL for each stock affected by this action and the amount that has been caught as of February 7, 2013.

TABLE 1—SUB-ACLs AND CURRENT CATCH OF FIVE NE MULTISPECIES STOCKS IN THE COMMON POOL

	Sub-ACL (lb)	Sub-ACL (mt)	Percent harvested
GOM Cod	176,414	80	35.5
GB Cod	179,489	81	20.3
SNE/MA Yellowtail Flounder	338,099	153	6.1
White Hake	57,896	26	88.7
Pollock	180,323	82	77.8

Framework Adjustment 47 (FW 47) to the NE Multispecies Fishery Management Plan (FMP) established the current trip limits for the common pool

vessels fishing under a Category A day-at-sea (DAS) (77 FR 26104). Since then, there have been no adjustments to any trip limits for any common pool vessels.

Table 2 contains the current landing limit and the new landing limit being implemented by this action.

TABLE 2—THE CURRENT AND NEW TRIP LIMITS FOR FIVE NE MULTISPECIES STOCKS IN THE COMMON POOL

	Current DAS limit	New DAS limit
GOM Cod	650 lb (294.8 kg) per DAS up to 2,000 lb (907.2 kg) per trip.	2,000 lb (907.2 kg) per DAS up to 6,000 lb (2,721 kg) per trip.
GB Cod	2,000 lb (907.2 kg) per DAS up to 20,000 lb (9,072 kg) per trip.	3,000 lb (1,361 kg) per DAS up to 30,000 lb (13,608 kg) per trip.
SNE/MA Yellowtail Flounder	1,500 lb (680.4 kg) per DAS up to 4,500 lb (2,041 kg) per trip.	5,000 lb (2,268 kg) per DAS up to 15,000 lb (6,804 kg) per trip.
White Hake	1,500 lb (680.4 kg) per trip	500 lb (226.8 kg) per trip.
Pollock	Unlimited	10,000 lb (4,536 kg) per trip.

The regulations require that the Handgear B (HB) trip limit for GOM and

GB cod be adjusted proportionally (rounded up to the nearest 25 lb (11.3

kg)) if either the GOM or GB cod trip limit applicable to a vessel fishing