

compliance year is generally based on the positive difference, if any, between the unit's emissions "during such control period" (that is, the control period in the compliance year) and the unit's first-round NUSA allocation for the compliance year.² A "control period" is defined as either a calendar year or a May–September period—for the SO₂ and NO_x annual programs and for the NO_x ozone season program, respectively—subject in both cases to an exclusion, for any given unit, of periods before the unit's monitor certification deadline, thereby ensuring that the unit's "control periods" generally represent the periods for which the unit must hold CSAPR allowances equal to its emissions.³ The emissions data used in calculating NUSA allowance allocations under the CSAPR FIPs thus properly exclude any emissions occurring before a unit's monitor certification deadline because such emissions are not emissions "during the immediately preceding control period" or "during such control period."⁴

EPA excluded emissions before units' monitor certification deadlines from the preliminary calculations of first-round 2015 NUSA allowance allocations discussed in the June 1 NODA. In the final calculations, EPA has likewise excluded emissions before units' monitor certification deadlines and has made no other changes to the data used in the preliminary calculations. The final first-round 2015 NUSA allowance allocations are therefore unchanged from the preliminary calculations.

The final unit-by-unit data and allowance allocation calculations are set forth in Excel spreadsheets titled "CSAPR_NUSA_2015_NOx_Annual_1st_Round_Final_Data", "CSAPR_

² 40 CFR 97.412(a)(9)(i), 97.512(a)(9)(i), 97.612(a)(9)(i), and 97.712(a)(9)(i). Second-round NUSA allocations occur only if all NUSA allowances were not allocated in the first round and may be affected by second-round NUSA over-subscription and rounding.

³ 40 CFR 97.402, 97.502, 97.602, and 97.702 (definitions of "control period"); see also 40 CFR 97.406(c)(3), 97.506(c)(3), 97.606(c)(3), and 97.706(c)(3) (exclusion of periods before monitor certification deadline).

⁴ The CSAPR regulations' exclusion of periods before a unit's monitor certification deadline from "control periods" is explicit with respect to control periods in and after 2015, the first year of obligations to hold CSAPR allowances. The regulations' only operative references to control periods before 2015 are the references in the NUSA allowance allocation provisions to "the immediately preceding control period," which, in the context of the 2015 compliance year, indicate 2014 "control periods." EPA interprets the NUSA provisions as intended to operate in the same manner in all compliance years and accordingly interprets the exclusion of periods before a unit's monitor certification deadline as applying to all control periods, including the 2014 "control periods."

NUSA_2015_NOx_OS_1st_Round_Final_Data", and "CSAPR_NUSA_2015_SO₂_1st_Round_Final_Data," available on EPA's Web site at <http://www.epa.gov/crossstaterule/actions.html>. The three spreadsheets show EPA's final determinations of first-round 2015 NUSA allocations under the CSAPR NO_x annual, NO_x ozone season, and SO₂ (Group 1 and Group 2) trading programs, respectively.

Pursuant to CSAPR's allowance recordation timing requirements, the allocated NUSA allowances will be recorded in sources' AMS accounts by August 1, 2015. EPA notes that an allocation or lack of allocation of allowances to a given unit does not constitute a determination that CSAPR does or does not apply to the unit. EPA also notes that NUSA allocations are subject to potential correction if a unit to which NUSA allowances have been allocated for a given compliance year is not actually an affected unit as of January 1 (or May 1 in the case of the NO_x ozone season program) of the compliance year.⁵

(Authority: 40 CFR 97.411(b), 97.511(b), 97.611(b), and 97.711(b).)

Dated: July 20, 2015.

Reid P. Harvey,
Director, Clean Air Markets Division.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 150619537-5615-01]

RIN 0648-XE037

Western and Central Pacific Fisheries for Highly Migratory Species; 2015 Bigeye Tuna Longline Fishery Closure

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

ACTION: Temporary rule; fishery closure.

SUMMARY: NMFS is closing the U.S. pelagic longline fishery for bigeye tuna in the western and central Pacific Ocean as a result of the fishery reaching the 2015 catch limit. This action is necessary to prevent additional fishing pressure on this fish stock.

DATES: Effective August 5, 2015, through December 31, 2015.

⁵ See 40 CFR 97.411(c), 97.511(c), 97.611(c), and 97.711(c).

FOR FURTHER INFORMATION CONTACT: Tom Graham, NMFS Pacific Islands Region, 808-725-5032.

SUPPLEMENTARY INFORMATION: Pelagic longline fishing in the western and central Pacific Ocean is managed, in part, under the Western and Central Pacific Fisheries Convention Implementation Act (Act). Regulations governing fishing by U.S. vessels in accordance with the Act appear at 50 CFR part 300, subpart O.

NMFS established a calendar year 2015 limit of 3,502 metric tons (mt) of bigeye tuna (*Thunnus obesus*) that may be caught and retained in the U.S. pelagic longline fishery in the area of application of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention Area) (80 FR 43634, July 23, 2015; 50 CFR 300.224). NMFS monitored the retained catches of bigeye tuna using logbook data submitted by vessel captains and other available information, and determined that the 2015 catch limit would be reached by August 5, 2015. In accordance with 50 CFR 300.224(e), this rule serves as advance notification to fishermen, the fishing industry, and the general public that the U.S. longline fishery for bigeye tuna in the Convention Area will be closed during the dates provided in the **DATES** heading. The fishery is scheduled to reopen on January 1, 2016. This rule does not apply to the longline fisheries of American Samoa, Guam, or the Commonwealth of the Northern Mariana Islands, collectively "the territories," as described below.

During the closure, a U.S. fishing vessel may not retain on board, tranship, or land bigeye tuna captured by longline gear in the Convention Area, except that any bigeye tuna already on board a fishing vessel upon the effective date of the restrictions may be retained on board, transshipped, and landed, provided that they are landed within 14 days of the start of the closure, that is, by August 19, 2015. This 14-day landing requirement does not apply to a vessel that has declared to NMFS, pursuant to 50 CFR 665.803(a), that the current trip type is shallow-setting.

Longline-caught bigeye tuna may be retained on board, transshipped, and landed if the fish are caught by a vessel with a valid American Samoa longline permit, or landed in the territories. In either case, the following conditions must be met:

(1) The fish is not caught in the U.S. Exclusive Economic Zone (EEZ) around Hawaii;

(2) Other applicable laws and regulations are followed; and

(3) The vessel has a valid permit issued under 50 CFR 660.707 or 665.801.

Bigeye tuna caught by longline gear during the closure may also be retained on board, transshipped, and/or landed if they are caught by a vessel that is included in a specified fishing agreement under 50 CFR 665.819(d), in accordance with 50 CFR 300.224(f)(iv).

During the closure, a U.S. vessel is also prohibited from transshipping bigeye tuna caught in the Convention Area by longline gear to any vessel other than a U.S. fishing vessel with a valid permit issued under 50 CFR 660.707 or 665.801.

The catch limit and this closure do not apply to bigeye tuna caught by longline gear outside the Convention Area, such as in the eastern Pacific Ocean. To ensure compliance with the restrictions related to bigeye tuna caught by longline gear in the Convention Area, however, the following requirements apply during the closure period:

(1) Longline fishing both inside and outside the Convention Area is not allowed during the same fishing trip. An exception would be a fishing trip that is in progress on August 5, 2015. In that case, the catch of bigeye tuna must be landed by August 19, 2015; and

(2) If a longline vessel fishes outside the Convention Area and the vessel then enters the Convention Area during the same fishing trip, the fishing gear must be stowed and not readily available for fishing in the Convention Area.

Specifically, hooks, branch lines, and floats must be stowed and the mainline hauler must be covered.

The above two additional prohibitions do not apply to the following vessels:

(1) Vessels on declared shallow-setting trips pursuant to 50 CFR 665.803(a); and

(2) Vessels operating in the longline fisheries of the territories. This includes vessels included in a specified fishing agreement under 50 CFR 665.819(d), in accordance with 50 CFR 300.224(f)(iv). This group also includes vessels with valid American Samoa longline permits and vessels landing bigeye tuna in one of the territories, as long as the bigeye tuna were not caught in the EEZ around Hawaii, the fishing was compliant with all applicable laws, and the vessel has a valid permit issued under 50 CFR 660.707 or 665.801.

Classification

There is good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment on this action, because it would be contrary to the public interest. This rule closes the U.S. longline fishery for bigeye tuna in

the western and central Pacific as a result of reaching the applicable bigeye tuna catch limit. The limit is codified in Federal regulations and is based on agreed limits established by the Western and Central Pacific Fisheries Commission. NMFS forecasts that the fishery will reach the 2015 limit by August 5, 2015. Although this is much earlier than in previous years, longline fishermen have been subject to longline bigeye tuna limits in the western and central Pacific since 2009. They have received ongoing, updated information about the 2015 catch and progress of the fishery in reaching the Convention Area limit via the NMFS Web site, social media, and other means. This constitutes adequate advance notice of this fishery closure. Additionally, the publication timing of this rule provides longline fishermen with seven days' advance notice of the closure date, and allows two weeks to return to port and land their catch of bigeye tuna.

For the reasons stated above, there is also good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness for this temporary rule. NMFS must close the fishery as soon as possible to ensure that fishery does not exceed the catch limit. According to NMFS stock-status-determination criteria, bigeye tuna in the Pacific Ocean are currently experiencing overfishing. NMFS implemented the catch limit to reduce the effects of fishing on bigeye tuna and restore the stock to levels capable of producing maximum sustainable yield on a continuing basis. Failure to close the fishery immediately would result in additional fishing pressure on this stock, in violation of Federal law and international obligations.

This action is required by 50 CFR 300.224 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 6901 *et seq.*

Dated: July 23, 2015.

Alan D. Risenhoover,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 120627194-3657-02]

RIN 0648-XE005

Atlantic Highly Migratory Species; North Atlantic Swordfish Fishery

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

ACTION: Temporary rule; Swordfish General Commercial permit retention limit adjustment for Northwest Atlantic, Gulf of Mexico, and U.S. Caribbean regions.

SUMMARY: NMFS is adjusting the Swordfish (SWO) General Commercial permit retention limits for the Northwest Atlantic, Gulf of Mexico, and U.S. Caribbean regions for the remainder of 2015, unless otherwise noticed. The SWO General Commercial permit retention limit in each of these three regions is increased to six SWO per vessel per trip. The SWO General Commercial permit retention limit in the Florida SWO Management Area will remain unchanged at zero SWO per vessel per trip. This adjustment applies to SWO General Commercial permitted vessels and HMS Charter/Headboat permitted vessels when on a non-for-hire trip. This action is based upon consideration of the applicable inseason regional retention limit adjustment criteria.

DATES: The adjusted SWO General Commercial permit retention limits in the Northwest Atlantic, Gulf of Mexico, and U.S. Caribbean regions are effective July 30, 2015 through December 31, 2015.

FOR FURTHER INFORMATION CONTACT: Rick Pearson or Randy Blankinship, 727-824-5399.

SUPPLEMENTARY INFORMATION:

Regulations implemented under the authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of North Atlantic SWO by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 subdivides the U.S. North Atlantic SWO quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT)