

NORTH CAROLINA—2008 8-HOUR OZONE NAAQS
[Primary and secondary]

Designated area	Designation		Classification					
	Date ¹	Type	Date ¹	Type				
Charlotte-Rock Hill, NC—SC ²	This action is effective 7/28/2015.	Attainment						
Cabarrus County (part)								
Central Cabarrus Township, Concord Township, Georgeville Township, Harrisburg Township, Kannapolis Township, Midland Township, Mount Pleasant Township, New Gilead Township, Odell Township, Poplar Tent Township, Rimertown Township								
Gaston County (part)								
Crowders Mountain Township, Dallas Township, Gastonia Township, Riverbend Township, South Point Township								
Iredell County (part)								
Davidson Township, Coddle Creek Township								
Lincoln County (part)								
Catawba Springs Township, Ironton Township, Lincolnton Township								
Mecklenburg County								
Rowan County (part)								
Atwell Township, China Grove Township, Franklin Township, Gold Hill Township, Litaker Township, Locke Township, Providence Township, Salisbury Township, Steele Township, Unity Township								
Union County (part)								
Goose Creek Township, Marshville Township, Monroe Township, Sandy Ridge Township, Vance Township								
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¹ This date is July 20, 2012, unless otherwise noted.
² Excludes Indian country located in each area, unless otherwise noted.

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BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 97

[FRL-9931-40-OAR]

Allocations of Cross-State Air Pollution Rule Allowances From New Unit Set-Asides for the 2015 Compliance Year

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notice of data availability (NODA).

SUMMARY: The Environmental Protection Agency (EPA) is providing notice of emission allowance allocations to certain units under the new unit set-aside (NUSA) provisions of the Cross-State Air Pollution Rule (CSAPR) federal implementation plans (FIPs) and is responding to objections to preliminary calculations. EPA has completed final calculations for the first

round of NUSA allowance allocations for the 2015 compliance year and has posted spreadsheets containing the calculations on EPA’s Web site. The final allocations are unchanged from the preliminary calculations. EPA will record the allocated allowances in sources’ Allowance Management System (AMS) accounts by August 1, 2015.

DATES: July 28, 2015.

FOR FURTHER INFORMATION CONTACT: Questions concerning this action should be addressed to Robert Miller at (202) 343-9077 or *miller.robert1@epa.gov* or to Kenon Smith at (202) 343-9164 or *smith.kenon@epa.gov*.

SUPPLEMENTARY INFORMATION: Under the CSAPR FIPs, a portion of each state budget for each of the four CSAPR emissions trading programs is reserved as a NUSA from which allowances are allocated to eligible units through an annual one- or two-round process. In a NODA published in the **Federal Register** on June 1, 2015 (80 FR 30988), EPA described the allocation process and provided notice of preliminary calculations for the first-round 2015 NUSA allowance allocations. EPA also

described the process for submitting any objections to the preliminary calculations.

In response to the June 1 NODA, EPA received three timely written objections, two late written objections, and several telephone inquiries. The objections and inquiries all concerned the question of whether EPA is correct to exclude emissions that occurred before a unit’s monitor certification deadline from the emissions data used to calculate the NUSA allowance allocations. As explained below, under the regulations such emissions are properly excluded because they are not emissions during a “control period.”

Under the CSAPR FIPs, an eligible unit’s first-round NUSA allowance allocation for a given compliance year is generally based on the unit’s emissions “during the immediately preceding control period” (that is, the control period in the year before the compliance year).¹ An eligible unit’s second-round NUSA allowance allocation for a given

¹ 40 CFR 97.412(a)(4)(i), 97.512(a)(4)(i), 97.612(a)(4)(i), and 97.712(a)(4)(i). First-round NUSA allocations may be affected by first-round NUSA over-subscription and rounding.

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, transship, 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