

and Medina Valley as a revision to the Illinois SIP. See 80 FR 79261. EPA determined that the variance would not interfere with the attainment, reasonable further progress (RFP), or any other applicable requirement of the Clean Air Act (CAA), and thus, was approvable under CAA section 110(l).

While the variance was in place, the MPS Group's annual reports provided by IEPA showed that the MPS Group's actual tons of SO<sub>2</sub> emissions emitted (using the base line heat inputs) were substantially lower than the tons of SO<sub>2</sub> emissions allowed by the variance (173,478 – 100,881 = 72,597 tons of benefit) from October 1, 2013 through August 31, 2016. Also, several EGUs were permanently retired in 2016. IPH permanently retired the operation of E.D. Edwards Unit 1 and Newton Unit 2, and Medina Valley permanently retired the Hutsonville Energy Center (Units 5 and 6) and the Meredosia Energy Center (Units 1, 2, 3, 4, and 5).

On September 2, 2016, IPH and Medina Valley filed a "Joint Motion to Terminate the Variance" with the Board. On October 27, 2016, the Board granted the "Joint Motion to Terminate the Variance," and terminated the variance immediately. On January 23, 2020, Illinois submitted a request to EPA to remove the variance from the Illinois SIP.

## II. What is EPA's analysis of the State's submittal?

EPA has analyzed the historical emissions data from the subject facilities and assessed the impacts from the removal of the variance. Absent the variance, SO<sub>2</sub> emissions will be reduced by reimposing the more stringent limits in section 225.233. These reductions coupled with the permanent retirement of several EGUs will continue to reduce regional haze forming emissions in Illinois and regional haze impacts downwind.

EPA has also evaluated the potential air quality impacts of the removal of the variance from the Illinois SIP to ensure that the revision meets section 110(l) of the CAA, 42 U.S.C. 7410. To be approved, a SIP must not interfere with any applicable requirement concerning attainment, RFP, or any other applicable requirement of the CAA. Currently, all the facilities owned by IPH that were subject to the variance are in areas attaining the 2010 SO<sub>2</sub> National Ambient Air Quality Standard (NAAQS). No emission increases from the removal of the variance and will not adversely impact any nonattainment areas or air quality. Therefore, EPA finds that the SIP revision meets the

CAA section 110(l) requirement as it will not interfere with attainment, RFP, or any other applicable CAA requirement. Thus, EPA is proposing to approve the removal of the variance from the Illinois SIP.

## III. What action is EPA taking?

EPA is proposing to approve IEPA's January 23, 2020, request to remove PCB 14–10 from the Illinois SIP, for IPH and Medina Valley.

## IV. Incorporation by Reference

In this document, EPA is proposing to amend regulatory text that includes incorporation by reference. As described in section III of this preamble, EPA is proposing to remove provisions of the EPA-Approved Illinois Source-Specific Requirements from the Illinois SIP, which is incorporated by reference in accordance with the requirements of 1 CFR part 51. EPA has made and will continue to make the Illinois SIP generally available through [www.epa.gov/sips-il](http://www.epa.gov/sips-il) and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

## V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- 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);

- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

## List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, and Sulfur oxides.

Dated: September 2, 2020.

**Kurt Thiede,**

*Regional Administrator, Region 5.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 300

[Docket No. 2018–00653]

RIN 0648–BG51

#### Commerce Trusted Trader Program; Withdrawal

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

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** The National Marine Fisheries Service (NMFS) withdraws the Commerce Trusted Trader Program proposed rule, which published in the **Federal Register** on January 17, 2018. The proposed voluntary program was intended to offer qualified importers electing to participate in the program a reduction in reporting and recordkeeping requirements and streamlined entry into U.S. commerce for seafood imports subject to the Seafood Import Monitoring Program. Upon consideration of public comment, NMFS has determined that this program will not provide the anticipated benefits to industry.

**DATES:** The proposed rule published on January 17, 2018, (83 FR 2412), is withdrawn as of September 18, 2020.

**FOR FURTHER INFORMATION CONTACT:** Rachael Confair or Dale Jones, NOAA Fisheries Office of International Affairs and Seafood Inspection, (301) 427-8301.

**SUPPLEMENTARY INFORMATION:**

**Background**

NMFS published a proposed rule on January 17, 2018 (83 FR 2412) requesting comment on a voluntary Commerce Trusted Trader Program (CTTP), which would offer limited reductions to the burden of compliance in meeting the reporting and recordkeeping requirements of the Seafood Import Monitoring Program (SIMP). Importers electing to participate would submit an application package including a Compliance Plan, and, once approved, would be required to conduct internal product trace backs (at least one trace-back annually for each SIMP species imported) and hire certified third party auditors annually to verify their adherence to their Compliance Plan in order to maintain Commerce Trusted Trader (CTT) status.

In the proposed rule, NMFS estimated that the CTTP would financially benefit the largest 216 of roughly 2,000 importers subject to SIMP reporting and recordkeeping requirements, and would create an annual industry-wide cost savings of approximately \$806,810. However, numerous public comments noted that the estimated cost of compliance with the proposed CTTP was unrealistically low, as NMFS's estimate did not include staff time to perform internal product trace backs, review and respond to annual third party audit reports, and update the importer's Compliance Plan regularly. In consideration of these public comments, NMFS prepared revised cost estimates that incorporated these changes. The revised cost estimate resulted in an industry-wide cost to

implement the CTTP, rather than a cost savings, when applied to the largest 216 importers of SIMP species. At this revised mid-range estimate, only the 41 importers (of 2,000 total) with the highest quantity of entries subject to SIMP in a given year would realize a cost savings. One commenter estimated that third party trace backs would cost \$30,000 (\$10,000/species for three trace backs), which far exceeded the proposed rule estimate of \$2,240 per species for this annual requirement. NMFS finds the commenter's estimate acceptable as an upper bound. Using a revised \$30,000 cost for third party trace backs, only the largest three importers of seafood products subject to reporting and recordkeeping requirements of SIMP would financially benefit from the CTTP, yielding a negligible estimated industry-wide annual cost savings of \$15,880.

Reinforcing the limitations of cost savings, several commenters expressed that the CTTP would not offer sufficient relief from SIMP requirements to incentivize participation, noting that companies have already invested substantial resources to comply with the requirements of SIMP, and that it may not be cost effective for these importers to become CTTs as that would entail additional investments to comply with this voluntary program. NMFS agrees, but did not receive suggestions for alternative measures to provide importers relief from SIMP reporting burdens that would not undermine the stated objective of SIMP, which is to prevent illegally harvested or misrepresented seafood from entering U.S. commerce. Therefore, NMFS decided to withdraw the proposed rule.

Several commenters discussed the connection between Illegal, Unreported, and Unregulated (IUU) fishing and forced labor, noting the value of SIMP data in identifying forced labor in seafood supply chains. Commenters are correct in their assessment that SIMP data has applications in enforcing human rights laws; U.S. Customs and Border Protection has successfully used SIMP entry filing data to identify forced labor in seafood supply chains and prevented these products from entering U.S. commerce. While the consideration of impacts to efforts to combat forced labor was not a determining factor in the decision to withdraw this rule, the decision will keep all SIMP entry filing data requirements in place, thereby eliminating the data availability concerns identified by the commenters.

The withdrawal of this proposed rule does not preclude NMFS from reinstating rulemaking concerning the issue addressed. Should NMFS decide

to undertake such rulemaking in the future, we will re-propose the action and provide new opportunities for comment. You may wish to review the SIMP website (<http://www.iuufishing.noaa.gov>) for any current guidance on this matter.

Dated: August 28, 2020.

**Alexa Cole,**

*Director, Office of International Affairs and Seafood Inspection, National Marine Fisheries Service.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 200911-0241]

**RIN 0648 BJ59**

**Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands**

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes regulatory amendments that would modify Federal permit conditions and impose participation requirements for certain Federally-permitted vessels when fishing for Pacific cod in state waters adjacent to the exclusive economic zone of the Bering Sea and Aleutian Islands during the State of Alaska's parallel Pacific cod fishery. This action is necessary to enhance Federal conservation, management, and catch accounting measures previously adopted by the North Pacific Fishery Management Council (Council) regarding license limitation, sector allocations, and catch reporting. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area, and other applicable law.

**DATES:** Submit comments on or before October 19, 2020.

**ADDRESSES:** You may submit comments, identified by FDMS Docket Number NOAA-NMFS-2020-0081, by any of the following methods:

- *Federal eRulemaking Portal.* Go to [www.regulations.gov/](http://www.regulations.gov/)