

*Proposed § 3010.165(b).* Proposed § 3010.165(b) is added to clarify the timing and content requirements for motions for reconsideration.

*Proposed § 3010.165(c).* Proposed § 3010.165(c) is added to explain that motions for reconsideration do not, on their own, stay the effect of the underlying order.

#### List of Subjects in 39 CFR Part 3010

Administrative practice and procedure, Confidential business information, Freedom of information, Sunshine Act.

**Erica A. Barker,**  
Secretary.

For the reasons stated in the preamble, the Commission proposes to amend chapter III of title 39 of the Code of Federal Regulations as follows:

#### PART 3010—RULES OF PRACTICE AND PROCEDURE

■ 1. The authority citation for part 3010 continues to read as follows:

**Authority:** 39 U.S.C. 404(d); 503; 504; 3661.

■ 2. Add § 3010.165 to read as follows:

#### § 3010.165 Motions for reconsideration.

(a) Any person may file a motion requesting reconsideration of a final order by the Commission.

(b) The motion shall be filed within 15 days of the issuance of the final order that is the subject of the motion and must:

(1) Briefly and specifically allege material errors of fact or law and the relief sought; and

(2) Be confined to new questions raised by the determination or action ordered and upon which the moving party had no prior opportunity to submit arguments.

(c) Unless the Commission orders otherwise, the filing of a motion for reconsideration shall not stay the effect of an order of the Commission.

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#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 52

[EPA-R08-OAR-2021-0807; FRL-9680-01-R8]

#### Approval and Promulgation of Implementation Plans; South Dakota; Revisions to South Dakota Codified Law and Administrative Rules of South Dakota

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA or the “Agency”) is proposing approval of South Dakota’s submittal requesting that EPA recognize the merger of South Dakota’s Department of Agriculture (DOA) with the Department of Environment and Natural Resources (DENR) to form the new Department of Agriculture and Natural Resources (DANR) and incorporate corresponding non-substantive revisions to the South Dakota Codified Law (SDCL) and the Administrative Rules of South Dakota (ARSD) into South Dakota’s State Implementation Plan. Accordingly, EPA is proposing to approve South Dakota’s submittal in accordance with the Clean Air Act (CAA).

**DATES:** Written comments must be received on or before May 11, 2022.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R08-OAR-2021-0807, to the Federal Rulemaking Portal: <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [www.regulations.gov](https://www.regulations.gov). EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://>

[www.epa.gov/dockets/commenting-epa-dockets](http://www.epa.gov/dockets/commenting-epa-dockets).

**Docket:** All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. Although listed in the index, some information is not publicly available, *e.g.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically in [www.regulations.gov](http://www.regulations.gov). To reduce the risk of COVID-19 transmission, for this action we do not plan to offer hard copy review of the docket. Please email or call the person listed in the **FOR FURTHER INFORMATION CONTACT** section if you need to make alternative arrangements for access to the docket.

**FOR FURTHER INFORMATION CONTACT:** Kate Gregory, Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 8, Mail Code 8P-ARD-QP, 1595 Wynkoop Street, Denver, Colorado 80202-1129, telephone number: (303) 312-6175, email address: [gregory.kate@epa.gov](mailto:gregory.kate@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document “we,” “us,” and “our” means EPA. In the Final Rules section of this **Federal Register**, EPA is approving the State’s SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives such comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the Rules section of this issue of the **Federal Register**.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Greenhouse gases, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone,

Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: April 2, 2022.

**K.C. Becker,**

*Regional Administrator, Region 8.*

[FR Doc. 2022-07411 Filed 4-8-22; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 635

[Docket No. 220405-0084]

RIN 0648-BL17

#### Atlantic Highly Migratory Species; Shortfin Mako Shark Retention Limit

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

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

**SUMMARY:** NMFS is proposing to implement a flexible shortfin mako shark retention limit with a default limit of zero in commercial and recreational Atlantic highly migratory species (HMS) fisheries. NMFS proposes to leave the default limit of zero in place unless and until changed. Changes to the retention limit could only be made based on regulatory criteria and only if consistent with an allowable retention determination made by the International Commission for the Conservation of Atlantic Tunas (ICCAT) pursuant to Recommendation 21-09. This action is necessary to implement the binding recommendation of ICCAT adopted in 2021, as authorized under the Atlantic Tunas Convention Act (ATCA), and to achieve domestic management objectives under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

**DATES:** Written comments must be received by May 11, 2022. NMFS will hold a public hearing via conference call and webinar for this proposed rule on April 27, 2022, from 2 p.m. to 5 p.m. EDT. For webinar registration information, see the **SUPPLEMENTARY INFORMATION** section of this document.

**ADDRESSES:** Electronic copies of this proposed rule and supporting documents are available from the HMS Management Division website at <https://www.fisheries.noaa.gov/topic/atlantic-highly-migratory-species>.

You may submit comments on this document, identified by NOAA-NMFS-2022-0015, by electronic submission. Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter "NOAA-NMFS-2022-0015" in the Search box. Click on the "Comment" icon, complete the required fields, and enter or attach your comments.

**Instructions:** Comments sent by any other method, to any other address or individual, or received after the close of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](https://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

#### FOR FURTHER INFORMATION CONTACT:

Carrie Soltanoff ([carrie.soltanoff@noaa.gov](mailto:carrie.soltanoff@noaa.gov)) or Guy DuBeck ([guy.dubeck@noaa.gov](mailto:guy.dubeck@noaa.gov)) at 301-427-8503.

**SUPPLEMENTARY INFORMATION:** North Atlantic shortfin mako sharks are managed primarily under the authority of the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*), as well as under ATCA (16 U.S.C. 971 *et seq.*) because they are primarily caught in fisheries for tuna and tuna-like species. Like other Atlantic highly migratory species, North Atlantic shortfin mako sharks are managed under the 2006 Consolidated Atlantic HMS Fishery Management Plan (2006 Consolidated HMS FMP) and its amendments, implemented by regulations at 50 CFR part 635.

NMFS has prepared an Environmental Assessment (EA), Regulatory Impact Review (RIR), and an Initial Regulatory Flexibility Analysis (IRFA), which analyze the anticipated environmental, social, and economic impacts of several alternatives for each of the major issues contained in this proposed rule. A brief summary of the alternatives considered and the background of this proposed rule are provided below. Additional information regarding this rule and overall Atlantic shark management can be found in the draft EA/RIR/IRFA, the 2006 Consolidated HMS FMP and its amendments, the annual HMS Stock Assessment and Fishery Evaluation (SAFE) Reports, and online at <https://www.fisheries.noaa.gov/topic/atlantic-highly-migratory-species>.

A copy of the draft EA/RIR/IRFA prepared for this proposed rule is available from NMFS (see **ADDRESSES**).

#### Recent ICCAT Shortfin Mako Shark Stock Assessments and Recommendations

The North Atlantic shortfin mako shark (*Isurus oxyrinchus*) is a highly migratory species that ranges across the entire North Atlantic Ocean and is caught by vessels from numerous countries. The stock is predominantly caught in association with fisheries that primarily target tunas and tuna-like species. While these sharks have been a valued component of U.S. recreational and commercial fisheries, U.S. catch represents only a small portion of the species' total catch in the North Atlantic by all reporting countries. International measures are, therefore, critical to effective conservation and management of the species.

In 2017, ICCAT's scientific body, the Standing Committee on Research and Statistics (SCRS), conducted a benchmark stock assessment for North Atlantic shortfin mako sharks. ICCAT accepted the assessment and adopted new management measures for the stock in ICCAT fisheries (Recommendation 17-08). These measures largely focused on maximizing live releases of North Atlantic shortfin mako sharks, allowing retention only in certain limited circumstances, increasing minimum size limits, and improving data collection. Further details are available in Amendment 11 to the 2006 Consolidated HMS FMP (Amendment 11; 84 FR 5358, February 21, 2019). Following the SCRS assessment, NMFS applied domestic stock status determination criteria in 2017 and determined the stock to be overfished and experiencing overfishing.

In 2019, the SCRS completed a North Atlantic shortfin mako shark stock assessment update and provided additional rebuilding information that reflected rebuilding timeframes of two mean generation times (through 2070). Following the update, ICCAT adopted Recommendation 19-06, which maintained the shortfin mako shark management measures in Recommendation 17-08 and called for the development of additional measures in order to establish a rebuilding plan with a high probability of avoiding overfishing and rebuilding the stock to biomass at maximum sustainable yield ( $B_{MSY}$ ) within a timeframe that takes into account the biology of the stock.

Given that Recommendation 19-06 called for the development of additional measures in order to establish a rebuilding plan, ICCAT at the November