

influence the suitability of alternative means of addressing the requirement in section 172(c)(9) for contingency measures for SO₂. An appropriate means of satisfying this requirement is for the state to have a comprehensive enforcement program that identifies sources of violations of the SO₂ NAAQS and for the state to undertake aggressive follow-up for compliance and enforcement. Illinois' plan provides for satisfying the contingency measure requirement in this manner for sources in the state. EPA concurs and proposes to approve Illinois' plan for meeting the contingency measure requirement in this manner.

VI. EPA's Proposed Action

EPA is proposing to approve Illinois' submission as a SIP revision, which the state submitted to EPA on December 31, 2018, for attaining the 2010 SO₂ NAAQS for the Alton Township nonattainment area. As part of this action, EPA is proposing to incorporate Illinois' Permit to Construct Number #18020009, applicable to Alton Steel, by reference into the SIP. The permit requires that Alton Steel operate a new LMF stack to replace the four downward facing vents on the individual compartments on the LMF stack. The SO₂ emissions from the LMF stack must not exceed 0.10 pound per ton of steel produced, 11.20 pounds per hour, and 37.50 tons per year.

This SO₂ nonattainment plan includes Illinois' attainment demonstration for the Alton township SO₂ nonattainment area. Although Illinois did not explicitly model air quality based on Ameren-Sioux's updated limit, Illinois provided sufficient information and modeling to enable EPA to conduct additionally necessary supplemental modeling to demonstrate that the revised limit at the Alton Steel facility, that will drastically reduce any contributions from Illinois to the violations modeled in the NAA, and a lower limit imposed on Ameren-Sioux by Missouri would allow the area to meet the standard. Therefore, EPA concludes that the modeling in Illinois' plan, as supplemented by EPA, adequately demonstrates that the control requirements that apply to relevant sources in and near the area, including the revised 24-hour block SO₂ limit for Ameren-Sioux, provide for attainment in the area. As previously explained, EPA conducted a confirmatory model run explicitly applying the more stringent limit at Ameren-Sioux, and factoring a historically representative adjustment factor, showing more directly that the measures in Illinois' plan as supplemented by this limit provide for attainment. This nonattainment plan

also addresses requirements for emission inventories, RACT/RACM, RFP, and contingency measures. Illinois has previously addressed requirements regarding nonattainment area NSR. EPA has determined that Illinois' SO₂ nonattainment plan meets the applicable requirements of CAA sections 172, 191, and 192. EPA is taking public comments for thirty days following the publication of this proposed action in the **Federal Register**. EPA will take these comments into consideration in our final action.

VII. Incorporation by Reference

In this rule, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference the Illinois construction permit for Alton Steel, Inc., issued March 5, 2018, as described in section VI. of this preamble. EPA has made, and will continue to make, these documents generally available through www.regulations.gov 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).

VIII. 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);
- 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, Intergovernmental relations, Sulfur oxides.

Dated: December 21, 2022.

Debra Shore,

Regional Administrator, Region 5.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

RIN 0648-BL08

Fisheries of the Exclusive Economic Zone Off Alaska; Amendment 122 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area; Pacific Cod Trawl Cooperative Program

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability of fishery management plan amendment; request for comments.

SUMMARY: The North Pacific Fishery Management Council (Council) submitted Amendment 122 to the Fishery Management Plan (FMP) for groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI) to the Secretary of Commerce for review. If approved, Amendment 122 would implement the Pacific cod Trawl Cooperative (PCTC) Program, a limited access privilege program. Amendment 122 is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), Amendment 122, and the BSAI FMP.

DATES: Comments must be received no later than February 28, 2023.

ADDRESSES: You may submit comments, identified by NOAA–NMFS–2022–0072, by any of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter NOAA–NMFS–2022–0072 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit written comments to the Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end 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 without change. All personal identifying information (e.g., name, address), 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).

Electronic copies of Amendment 122 to the BSAI FMP, the Environmental Assessment/Regulatory Impact Review prepared for this action (the Analysis), and the Finding of No Significant Impact prepared for this action may be obtained from www.regulations.gov and the NMFS Alaska Region website at <https://www.fisheries.noaa.gov/region/alaska>.

FOR FURTHER INFORMATION CONTACT: Stephanie Warpinski, (907) 586–7228.

SUPPLEMENTARY INFORMATION:

The Magnuson-Stevens Act requires that each regional fishery management council submit any FMP amendment it prepares to NMFS for review and approval, disapproval, or partial approval by the Secretary of Commerce. The Magnuson-Stevens Act also requires that NMFS, upon receiving an FMP amendment, immediately publish a notice in the **Federal Register** announcing that the amendment is available for public review and comment. This notice announces that proposed Amendment 122 to the BSAI FMP is available for public review and comment.

The Council prepared, and the Secretary approved, the BSAI FMP under the authority of the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*). The BSAI FMP is implemented by regulations governing U.S. fisheries at 50 CFR parts 600 and 679. The Council is authorized to prepare and recommend an FMP amendment for the conservation and management of a fishery covered under the FMP.

Amendment 122 would create a limited access privilege program—the PCTC Program—in the BSAI Pacific cod trawl fishery, allocating harvest quota to participants based on their history in the fishery. Amendment 122 would allocate quota share (QS) to groundfish License Limitation Program (LLP) license holders based on the harvest of BSAI Pacific cod during the qualifying years of 2009 through 2019. Amendment 122 would also allocate QS to a processor permit holder based on processing history during those qualifying years. Under this program, QS holders would be required to join a PCTC Program cooperative annually. Cooperatives would be allocated an exclusive harvest privilege in the form of cooperative quota (CQ), equal to the aggregate QS of all cooperative members. The Council’s intent in recommending Amendment 122 is to improve the prosecution of the fishery by promoting safety and stability in the harvesting and processing sectors, increasing the value of the fishery, minimizing bycatch to the extent practicable, providing for the sustained participation of fishery dependent communities, and ensuring the sustainability and viability of the Pacific cod resource in the BSAI.

Amendment 122 would add section 3.7.6 of the FMP to: (1) Authorize the PCTC Program harvesters and processors to form cooperatives to harvest their QS; (2) Allocate QS to

harvesters based on legal landings of targeted BSAI Pacific cod by trawl catcher vessels (CVs) during the 2009 to 2019 qualifying years; (3) Allocate QS to Bering Sea processors based on deliveries of legal landings of targeted BSAI Pacific cod by trawl CVs during the 2009 to 2019 qualifying years; (4) Establish annual halibut and crab prohibited species catch (PSC) limits specific to the BSAI Pacific cod trawl CV sector during the annual harvest specifications process; (5) Require cooperatives to reserve 12 percent of A season CQ as a set-aside for delivery to an Aleutian Islands shoreplant if the community of Adak or Atka file a notice of intent to process Pacific cod that year; (6) Establish an aggregate Gulf of Alaska (GOA) groundfish sideboard and halibut PSC limit for all American Fisheries Act (AFA) CVs that are not currently exempt from GOA sideboards (except when participating in the Central GOA Rockfish Program); (7) Restrict PCTC Program harvesters that are exempt from GOA sideboards from leasing CQ derived from their QS; and (8) Establish limitations on transferability of QS, requirements for cooperative reporting to the Council, and ownership and use caps.

Amendment 122 would remove section 3.6.5 of the FMP because Amendment 113 and its implementing regulations were vacated by the U.S. District Court for the District of Columbia (Court) on March 21, 2019. BSAI Amendment 113 required harvesters to deliver a certain amount of Pacific cod to AI shoreside processors, as recommended by the Council and implemented by NMFS at the start of the 2017 fishing year (81 FR 84434, November 23, 2016). This proposed amendment would remove Amendment 113 and implement an alternative delivery set-aside under which PCTC Program cooperatives would reserve CQ for delivery to an Aleutian Island shoreplant under certain conditions.

NMFS is soliciting public comments on proposed Amendment 122 through the end of the comment period (see **DATES**). NMFS intends to publish in the **Federal Register** and seek public comment on a proposed rule that would implement Amendment 122 following NMFS’s evaluation of the proposed rule under the Magnuson-Stevens Act.

Respondents do not need to submit the same comments on Amendment 122 and the proposed rule. All relevant written comments received by the end of the applicable comment period, whether specifically directed to the FMP amendment or the proposed rule, will be considered by NMFS in the approval/disapproval decision for

Amendment 122 and addressed in the response to comments in the final rule. Comments received after that date may not be considered in the approval/disapproval decision on Amendment 122. To be certain of consideration,

comments must be received, not just postmarked or otherwise transmitted, by the last day of the comment period (see **DATES**).

Authority: 16 U.S.C. 1801 *et seq.*

Dated: December 27, 2022.

Ngagne Jafnar Gueye,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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