

Administrator of this final action does not affect the finality of the action for the purposes of judicial review or extend the time within which a petition for judicial review must be filed and shall not postpone the effectiveness of such rule or action.

List of Subjects

40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

40 CFR Part 71

Environmental protection, Administrative practice and procedure, Air pollution control, Reporting and recordkeeping requirements.

Lee Zeldin,

Administrator.

For the reasons stated in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 70—STATE OPERATING PERMIT PROGRAMS

■ 1. The authority citation for part 70 continues to read as follows:

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

■ 2. In § 70.6, add paragraph (g) to read as follows:

§ 70.6 Permit content.

* * * * *

(g) *Emergency provision*—(1) *Definition.* An “emergency” means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

(2) *Effect of an emergency.* An emergency constitutes an affirmative defense to an action brought by noncompliance with such technology-based emission limitations if the conditions of paragraph (g)(3) of this section are met.

(3) *Demonstration.* The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An emergency occurred and that the permittee can identify the cause(s) of the emergency;

(ii) The permitted facility was at the time being properly operated;

(iii) During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

(iv) The permittee submitted notice of the emergency to the permitting authority within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice fulfills the requirement of paragraph (a)(3)(iii)(B) of this section. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(4) *Burden of proof.* In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

(5) *Applicability.* This provision is in addition to any emergency or upset provision contained in any applicable requirement.

PART 71—FEDERAL OPERATING PERMIT PROGRAMS

■ 3. The authority citation for part 71 continues to read as follows:

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

■ 4. In § 71.6, add paragraph (g) to read as follows:

§ 71.6 Permit content.

* * * * *

(g) *Emergency provision*—(1) *Definition.* An “emergency” means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

(2) *Effect of an emergency.* An emergency constitutes an affirmative defense to an action brought by noncompliance with such technology-based emission limitations if the conditions of paragraph (g)(3) of this section are met.

(3) *Demonstration.* The affirmative defense of emergency shall be demonstrated through properly signed,

contemporaneous operating logs, or other relevant evidence that:

(i) An emergency occurred and that the permittee can identify the cause(s) of the emergency;

(ii) The permitted facility was at the time being properly operated;

(iii) During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

(iv) The permittee submitted notice of the emergency to the permitting authority within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice fulfills the requirement of paragraph (a)(3)(iii)(B) of this section. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(4) *Burden of proof.* In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

(5) *Applicability.* This provision is in addition to any emergency or upset provision contained in any applicable requirement.

[FR Doc. 2026–10875 Filed 5–29–26; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 240715–0194; RTID 0648–XF794]

Fisheries of the Caribbean, Gulf of America, and South Atlantic; Reef Fish Fishery of the Gulf of America; 2026–2027 Recreational Closure for Greater Amberjack

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements an accountability measure (AM) for the recreational harvest of greater amberjack in Federal waters of the Gulf of America (Gulf). The 2026–2027 fishing season for greater amberjack begins on September 1, 2026. NMFS has projected that recreational landings of greater amberjack will reach the annual catch target (ACT) by October 14, 2026. Therefore, the recreational fishing season will be open from September 1

through October 13 and will close on October 14, 2026. NMFS implements this recreational AM to protect the greater amberjack resource.

DATES: This temporary rule is effective from October 14, 2026, through July 31, 2027.

FOR FURTHER INFORMATION CONTACT:

Kelli O'Donnell, NMFS Southeast Regional Office, telephone, 727-824-5305, email: kelli.odonnell@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS manages the Gulf reef fish fishery and greater amberjack under the Fishery Management Plan for the Reef Fish Resources of the Gulf (FMP). The Gulf Fishery Management Council prepared the FMP, and NMFS implements the FMP under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) through regulations at 50 CFR part 622.

All greater amberjack weights discussed in this temporary rule are in round weight. The metric conversion for the imperial measurement used in this document is 1 pound (lb) equals approximately 0.45 kilograms.

For Gulf greater amberjack, the recreational fishing year begins on August 1 and extends through July 31 of the following calendar year (50 CFR 622.7(h)). However, there are seasonal closures of the recreational sector during each January through August and November through December (50 CFR 622.34(c)). Therefore, the recreational fishing season for greater amberjack is open during September and October. The recreational annual catch limit (ACL) is 404,000 lb, and the ACT, or recreational quota, is 335,320 lb (50 CFR 622.41(a)(2)(iii) and 622.39(a)(2)(ii)). Under the recreational AM at 50 CFR 622.41(a)(2)(i), NMFS is required to close the recreational harvest of greater amberjack if NMFS projects that landings will reach the recreational ACT during a fishing year. Based on a review of recreational landings data, NMFS has projected that for the 2026–2027 fishing year, the recreational ACT of 335,320 lb (152,099 kg) will be reached by October 14, 2026. Accordingly, NMFS closes recreational harvest of greater amberjack in or from Gulf Federal waters on October 14, 2026.

During the recreational closure, the bag and possession limits for greater amberjack harvested in or from Gulf Federal waters are zero. The possession of greater amberjack is also prohibited in state waters of the Gulf for any vessel issued a valid Federal charter vessel/headboat permit for Gulf reef fish (50 CFR 622.39(c)).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.41(a)(2)(i), which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment are unnecessary and contrary to the public interest. Such procedures are unnecessary because the regulation associated with the closure of the greater amberjack recreational sector at 50 CFR 622.41(a)(2)(i) has already been subject to notice and public comment, and all that remains is to notify the public of the closure. Prior notice and opportunity for public comment are contrary to the public interest because there is a need to immediately implement this action to protect the greater amberjack stock. In addition, prior notice and opportunity for public comment would require time and many of those affected by the length of the recreational fishing season, particularly charter vessel and headboat operators who book trips for clients in advance, need as much notice as possible to adjust their business plans to account for the recreational fishing season.

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

Dated: May 28, 2026.

David R. Blankinship,

Acting 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. 220919-0193; RTID 0648-XF752]

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Harpoon Category Retention Limit Adjustment

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

ACTION: Temporary rule; retention limit adjustments.

SUMMARY: NMFS is decreasing the Harpoon category daily retention limit

from the default of no more than a combined total of 10 large medium and giant bluefin tuna (BFT) (*i.e.*, measuring 73 inches (185 cm) or greater curved fork length (CFL)), to no more than a combined total of 5 large medium and giant BFT. The incidental catch limit of two large medium BFT per vessel per day/trip remains unchanged. This retention limit applies to Atlantic Tunas Harpoon category permitted vessels from June 1 through the remainder of the 2026 Harpoon category fishing season, which concludes on November 15, 2026, or until further modified.

DATES: Effective from June 1, 2026, through November 15, 2026, or until NMFS announces via a notice in the **Federal Register** another adjustment to the retention limit.

FOR FURTHER INFORMATION CONTACT:

Becky Curtis, becky.curtis@noaa.gov, or Larry Redd, Jr., larry.redd@noaa.gov, by email or by phone at 301-427-8503.

SUPPLEMENTARY INFORMATION: Atlantic BFT fisheries are managed under the 2006 Consolidated Highly Migratory Species Fishery Management Plan (HMS FMP) and its amendments, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) and consistent with the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*). ATCA is the implementing statute for binding recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). The HMS FMP and its amendments are implemented by regulations at 50 CFR part 635. Section 635.27(a) divides the U.S. BFT quota, established by ICCAT and as implemented by the United States among the various domestic fishing categories, per the allocations established in the HMS FMP and its amendments. NMFS is required under the Magnuson-Stevens Act at 16 U.S.C. 1854(g)(1)(D) to provide U.S. fishing vessels with a reasonable opportunity to harvest quotas under relevant international fishery agreements such as the ICCAT Convention, which is implemented domestically pursuant to ATCA.

As described in § 635.27(a), the current baseline U.S. BFT quota is 1,316.14 metric tons (mt) (not including the 25 mt ICCAT allocated to the United States to account for bycatch of BFT in pelagic longline fisheries in the Northeast Distant Gear Restricted Area). The Harpoon category baseline quota is 59.2 mt. As described in § 635.23(d)(1), the default Harpoon category daily retention limit is no more than 10 large medium and giant BFT, combined, per vessel per day/trip. As described in