

Dated: February 19, 2015.  
**Alexis Strauss,**  
*Acting Regional Administrator, Region IX.*

**Editorial Note:** This document was received for publication by the Office of the Federal Register on August 4, 2015.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

■ 1. The authority citation for part 52 continues to read as follows:

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

**Subpart D—Arizona**

■ 2. Section 52.120 is amended by adding paragraphs (c)(166), (167), (168), (169), and (170) to read as follows:

**§ 52.120 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(166) The following plan was submitted on October 14, 2011, by the Governor's designee.

- (i) [Reserved]
- (ii) Additional materials.

(A) Arizona Department of Environmental Quality.

(1) Arizona State Implementation Plan Revision under Clean Air Act Section 110(a)(1) and (2); Implementation of the 2008 Lead National Ambient Air Quality Standards, excluding the appendices.

(167) The following plan was submitted on December 27, 2012 by the Governor's designee.

- (i) [Reserved]
- (ii) Additional materials.

(A) Arizona Department of Environmental Quality.

(1) Arizona State Implementation Plan Revision under Clean Air Act Section 110(a)(1) and (2); 2008 8-hour Ozone NAAQS, excluding the appendices.

(168) The following plan was submitted on December 6, 2013 by the Governor's designee.

- (i) *Incorporation by reference.*
- (A) Maricopa County Air Quality Department.

(1) Maricopa County Air Pollution Control Regulations, Rule 100 ("General Provisions and Definitions"), section 100 ("General"), subsection 108 ("Hearing Board"), revised September 25, 2013.

(169) The following plan was submitted on December 19, 2013 by the Governor's designee.

- (i) [Reserved]
- (ii) Additional materials.

(A) Pima County Department of Environmental Quality.

(1) Board of Supervisors of Pima County, Arizona, Ordinance No. 1993–128, Section 1, 17.040.190  
"Composition" Section 6, 17.24.040  
"Reporting for compliance evaluations" adopted September 28, 1993.

(2) Board of Supervisors of Pima County, Arizona, Ordinance 2005–43, Chapter 17.12, Permits and Permit Revisions, section 2,17.12.040  
"Reporting Requirements" adopted April 19, 2005.

(170) The following plan was submitted on September 4, 2014 by the Governor's designee.

(i) *Incorporation by reference.*

(A) Pinal County Air Quality Control District.

(1) Pinal County Board of Supervisors, Resolution No. 072314–AQ1, 1–3–140, Definitions, 74, Hearing Board, including new text that is underlined and excluding removed text which was struck by the board, effective July 23, 2014.

■ 3. Section 52.123 is amended by revising paragraphs (l), (m), and (n) to read as follows:

**§ 52.123 Approval status.**

\* \* \* \* \*

(l) *1997 8-hour ozone NAAQS:* The SIPs submitted on October 14, 2009 and August 24, 2012 are fully or partially disapproved for Clean Air Act (CAA) elements 110(a)(2)(C), (D)(ii), (J) and (K) for all portions of the Arizona SIP.

(m) *1997 PM<sub>2.5</sub> NAAQS:* The SIPs submitted on October 14, 2009 and August 24, 2012 are fully or partially disapproved for Clean Air Act (CAA) elements 110(a)(2)(C), (D)(ii), (J) and (K) for all portions of the Arizona SIP.

(n) *2006 PM<sub>2.5</sub> NAAQS:* The SIPs submitted on October 14, 2009 and August 24, 2012 are fully or partially disapproved for Clean Air Act (CAA) elements 110(a)(2)(C), (D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality), (D)(ii), (J) and (K) for all portions of the Arizona SIP.

[FR Doc. 2015–19499 Filed 8–7–15; 8:45 am]

**BILLING CODE 6560–50–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA–R08–OAR–2012–0346; FRL–9932–04–Region 8]

**Approval and Promulgation of State Implementation Plans; State of Colorado; Interstate Transport of Pollution for the 2006 24-Hour PM<sub>2.5</sub> NAAQS**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a May 11, 2012 State Implementation Plan (SIP) submission from the State of Colorado that is intended to demonstrate that its SIP meets certain interstate transport requirements of the Clean Air Act (Act or CAA) for the 2006 fine particulate matter (PM<sub>2.5</sub>) National Ambient Air Quality Standards (NAAQS). This submission addresses the requirement that Colorado's SIP contain adequate provisions prohibiting air emissions that will have certain adverse air quality effects in other states. EPA is determining that Colorado's existing SIP contains adequate provisions to ensure that air emissions in Colorado do not significantly contribute to nonattainment or interfere with maintenance of the 2006 24-hour PM<sub>2.5</sub> NAAQS in any other state, or interfere with another state's measures to prevent significant deterioration of air quality or to protect visibility. EPA is also approving the portion of Colorado's submission that addresses the CAA requirement that SIPs contain adequate provisions related to interstate and international pollution abatement.

**DATES:** This final rule is effective on September 9, 2015.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2012–0346. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado

80202–1129. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays.

**FOR FURTHER INFORMATION CONTACT:**  
Adam Clark, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, 303–312–7104, [clark.adam@epa.gov](mailto:clark.adam@epa.gov).

## I. Background

On September 21, 2006, EPA promulgated a final rule revising the 1997 24-hour primary and secondary NAAQS for PM<sub>2.5</sub> from 65 micrograms per cubic meter (µg/m<sup>3</sup>) to 35 µg/m<sup>3</sup> (October 17, 2006, 71 FR 61144).

Section 110(a)(1) of the CAA requires each state to submit to EPA, within three years (or such shorter period as the Administrator may prescribe) after the promulgation of a primary or secondary NAAQS or any revision thereof, a SIP that provides for the “implementation, maintenance, and enforcement” of such NAAQS. EPA refers to these specific submittals as “infrastructure” SIPs because they are intended to address basic structural SIP requirements for new or revised NAAQS. For the 2006 24-hour PM<sub>2.5</sub> NAAQS, these infrastructure SIPs were due on September 21, 2009. CAA section 110(a)(2) includes a list of specific elements that “[e]ach such plan submission” must meet.

The interstate transport provisions in CAA section 110(a)(2)(D)(i) (also called “good neighbor” provisions) require each state to submit a SIP that prohibits emissions that will have certain adverse air quality effects in other states. CAA section 110(a)(2)(D)(i) identifies four distinct elements related to the impacts of air pollutants transported across state lines. The two elements under 110(a)(2)(D)(i)(I) require SIPs to contain adequate provisions to prohibit any source or other type of emissions activity within the state from emitting air pollutants that will (element 1) contribute significantly to nonattainment in any other state with respect to any such national primary or secondary NAAQS, and (element 2) interfere with maintenance by any other state with respect to the same NAAQS. The two elements under 110(a)(2)(D)(i)(II) require SIPs to contain adequate provisions to prohibit emissions that will interfere with measures required to be included in the applicable implementation plan for any

other state under part C (element 3) to prevent significant deterioration of air quality or (element 4) to protect visibility. CAA section 110(a)(2)(D)(ii) requires that each SIP shall contain adequate provisions insuring compliance with applicable requirements of sections 126 and 115 (relating to interstate and international pollution abatement).

On May 11, 2012, the Colorado Department of Public Health and Environment (CDPHE) submitted an interstate transport SIP which concluded that Colorado meets all of the requirements of CAA section 110(a)(2)(D)(i) for the 2006 24-hour PM<sub>2.5</sub> NAAQS.<sup>1</sup> The State’s May 11, 2012 interstate transport submission and June 4, 2010 infrastructure SIP certification for the 2006 24-hour PM<sub>2.5</sub> NAAQS both overlooked the requirements of CAA section 110(a)(2)(D)(ii), which requires that each SIP shall contain adequate provisions insuring compliance with applicable requirements of sections 126 and 115 (relating to interstate and international pollution abatement). The State submitted a clarification letter on March 12, 2015, which explained that the State had inadvertently left discussion of 110(a)(2)(D)(ii) out of the 2006 24-hour PM<sub>2.5</sub> infrastructure certification.<sup>2</sup> EPA proposed approval of all 110(a)(2)(D)(i) and 110(a)(2)(D)(ii) elements of Colorado’s May 11, 2012 submission on May 12, 2015 (80 FR 27121).

## II. Response to Comments

EPA did not receive any comments on the May 12, 2015 proposal.

## III. Final Rule

EPA is approving all four interstate transport elements of CAA Section 110(a)(2)(D)(i) from Colorado’s May 11, 2012 submission. This approval is based on EPA’s finding that emissions from Colorado do not significantly contribute to nonattainment or interfere with maintenance of the 2006 24-hour PM<sub>2.5</sub> NAAQS in any other state and that the existing Colorado SIP is, therefore, adequate to meet the requirements of CAA section 110(a)(2)(D)(i) for the 2006 24-hour PM<sub>2.5</sub> NAAQS.

EPA is also approving the 110(a)(2)(D)(ii) portion of Colorado’s submission, based on our finding that the State’s existing SIP is adequate to meet the requirements of this element for the 2006 24-hour PM<sub>2.5</sub> NAAQS.

<sup>1</sup> Colorado’s SIP, dated May 11, 2012, is included in the docket for this action.

<sup>2</sup> Colorado’s certification letter is available in the docket for this action.

## IV. Statutory and Executive Orders Review

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act 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 Order 12866 (58 FR 51735, October 4, 1993);
  - 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).
- 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).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 9, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See CAA section 307(b)(2).)

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

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: July 23, 2015.

**Debra H. Thomas,**

*Acting Regional Administrator, Region 8.*

40 CFR part 52 is amended to read as follows:

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

■ 1. The authority citation for Part 52 continues to read as follows:

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

**Subpart G—Colorado**

■ 2. Section 52.352 is amended by adding paragraph (c) to read as follows:

**§ 52.352 Interstate transport.**

\* \* \* \* \*

(c) Addition to the Colorado State Implementation Plan of the Colorado Interstate Transport SIP regarding 2006 PM<sub>2.5</sub> Standards for all four of the CAA section 110(a)(2)(D)(i) requirements submitted by the Governor's designee on May 11, 2012.

[FR Doc. 2015-19500 Filed 8-7-15; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 150629564-5564-01]

RIN 0648-BF24

**Fisheries of the Exclusive Economic Zone Off Alaska; Prohibited Species Catch; Emergency Rule**

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

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

**SUMMARY:** This emergency rule establishes a 1,600 Chinook salmon prohibited species catch (PSC) limit for the Western and Central Gulf of Alaska (GOA) Non-Rockfish Program trawl catcher vessel sector (Non-Rockfish Program CV Sector) that is immediately available for use by the sector until the limit is reached or December 31, 2015. On January 1, 2015, an annual Chinook salmon PSC limit of 2,700 Chinook salmon became available for use by the Non-Rockfish Program CV Sector implementing Amendment 97 to the Fishery Management Plan for Groundfish of the GOA (FMP). On May 3, 2015, and considerably earlier than had been expected, NMFS prohibited directed fishing for groundfish by the Non-Rockfish Program CV Sector after determining that the sector had exceeded its annual PSC limit of 2,700 Chinook salmon. The North Pacific Fishery Management Council and NMFS recently discovered that the use of Chinook salmon PSC by the Non-Rockfish Program CV Sector in the first few months of 2015 was exorbitantly greater than the historical use, which was relied on in developing the Chinook salmon PSC limit for this sector, and that this discrepancy in use was not foreseen when the PSC limit of 2,700 Chinook salmon for the Non-Rockfish Program CV Sector was implemented

under Amendment 97. Due to the directed fishing closure, significant amounts of non-pollock groundfish remain unharvested by the Non-Rockfish Program CV Sector, and fishermen, shoreside processors, and communities that participate in the Non-Rockfish Program CV Sector have limited alternatives to mitigate the resulting significant, negative economic effects. This emergency rule is necessary to relieve a restriction that is preventing non-pollock groundfish harvest by the Non-Rockfish Program CV Sector while continuing to limit the amount of Chinook salmon PSC used by this sector. This rule is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the FMP, and other applicable law.

**DATES:** The amendments to § 679.21(i)(2)(iii) and (i)(7)(i) are effective August 10, 2015. The amendment to § 679.21(i)(8) is effective August 10, 2015, through December 31, 2015. Comments must be received by September 9, 2015.

**ADDRESSES:** You may submit comments, identified by NOAA-NMFS-2015-0082, by any of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to [www.regulations.gov/#/docketDetail;D=NOAA-NMFS-2015-0082](http://www.regulations.gov/#/docketDetail;D=NOAA-NMFS-2015-0082), click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. 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](http://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 the Regulatory Impact Review (RIR), and the Categorical Exclusion prepared for this emergency rule may be obtained from <http://www.regulations.gov> or from the Alaska Region Web site at <http://>