

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[EPA-R03-OAR-2011-0714; FRL-9645-6]

Approval and Promulgation of Air Quality Implementation Plans; Delaware, New Jersey, and Pennsylvania; Determinations of Attainment of the 1997 Annual Fine Particulate Standard for the Philadelphia-Wilmington Nonattainment Area; Withdrawal of Direct Final Rule**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Withdrawal of direct final rule.

SUMMARY: Due to an adverse comment, EPA is withdrawing the direct final rule, published on January 23, 2012 (77 FR 3147), that made two determinations regarding the Philadelphia-Wilmington fine particulate (PM_{2.5}) nonattainment area (the Philadelphia Area), which is comprised of the New Castle County in Delaware; Burlington, Camden, and Gloucester Counties in New Jersey; and Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties in Pennsylvania. First, EPA made a determination that the Philadelphia Area attained the 1997 annual PM_{2.5} national ambient air quality standard (NAAQS) by its attainment date of April 5, 2010. Second, EPA made a clean data determination, finding that the Philadelphia Area has attained the 1997 PM_{2.5} NAAQS, based on quality assured and certified ambient air monitoring data for the 2007–2009 and 2008–2010 monitoring periods. In the direct final rule, EPA stated that if we received adverse comment by February 22, 2012, the rule would be withdrawn and not take effect. EPA subsequently received adverse comments. EPA will address the comments received in a subsequent final action based upon the proposed action also published on January 23, 2012 (77 FR 3223). EPA will not institute a second comment period on this action.

DATES: The direct final rule published on January 23, 2012 (77 FR 3147) is withdrawn as of March 13, 2012.

ADDRESSES: EPA has established docket number EPA-R03-OAR-2011-0714 for this action. The index to this action is available electronically at <http://www.regulations.gov> and in hard copy at Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

FOR FURTHER INFORMATION CONTACT: If you have questions concerning EPA's

action related to Delaware or Pennsylvania, please contact Maria A. Pino, (215) 814-2181, or by email at pino.maria@epa.gov. If you have questions concerning EPA's action related to New Jersey, please contact Henry Feingersh, (212) 637-3382, or by email at feingersh.henry@epa.gov.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: February 6, 2012.

W.C. Early,

Acting Regional Administrator, Region III.

Accordingly, the addition of 40 CFR 52.425, 52.427, 52.1576, 52.1602(d), 52.2056(f), and 52.2059(e), published on January 23, 2012 (77 FR 3147), is withdrawn as of March 13, 2012.

Dated: February 22, 2012.

Judith A. Enck,

Regional Administrator, Region II.

[FR Doc. 2012-5880 Filed 3-12-12; 8:45 am]

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 648**

[Docket No. 0910051338-0151-02]

RIN 0648-XB059

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Trip Limit Adjustments for the Common Pool Fishery

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

ACTION: Temporary rule; inseason adjustment of landing limits.

SUMMARY: NMFS increases the possession limits for Georges Bank (GB) cod and Southern New England (SNE)/Mid-Atlantic (MA) yellowtail flounder for Northeast (NE) multispecies common pool vessels for the remainder of the 2011 fishing year (FY), through April 30, 2012. This is intended to facilitate the harvest of GB cod and SNE/MA yellowtail flounder to allow the total catch of these stocks to approach their pertinent common pool sub-annual catch limits (sub-ACLs).

DATES: Effective March 8, 2012, through April 30, 2012.

FOR FURTHER INFORMATION CONTACT:

Brett Alger, Fisheries Management Specialist, (978) 675-2153, fax (978) 281-9135.

SUPPLEMENTARY INFORMATION:

Regulations governing the NE multispecies fishery are found at 50 CFR part 648, subpart F. The regulations at § 648.86(o) authorize the NE Regional Administrator (RA) to adjust the possession limits for common pool vessels in order to optimize the harvest of NE regulated multispecies by preventing the overharvest or underharvest of the pertinent common pool sub-ACLs. For FY 2011, the common pool sub-ACLs for GB cod is 205,030 lb (93 mt). The initial FY 2011 trip limit for GB cod was 2,000 lb (907.2 kg) per day-at-sea (DAS), up to 20,000 lb (9,071.8 kg) per trip, for Category A DAS vessels. However, the intended initial trip limit for GB cod for FY 2011 under Framework Adjustment 45 to the NE Multispecies Fishery Management Plan (FMP) was 3,000 lb (1,360.8 kg) per DAS, up to 30,000 lb (13,607.8 kg) per trip. Therefore, an inseason action that published in the **Federal Register** on May 19, 2011 (76 FR 30035) increased the trip limit to 3,000 lb (1,360.8 kg) per DAS, up to 30,000 (13,607.8 kg) per trip to adjust for this inadvertent error. Subsequently, an inseason action that published in the **Federal Register** on August 30, 2011 (76 FR 53832), reduced the GB cod trip limit to 300 lb (136.1 kg) per DAS, up to 600 lb (272.2 kg) per trip, for Category A DAS vessels. For Handgear B vessels, the GB cod trip limit was reduced to 25 lb (11.3 kg) per trip from 75 lb (34.0 kg) per trip on October 3, 2011 (76 FR 61060).

For FY 2011, the common pool sub-ACL for SNE/MA yellowtail flounder is 265,555 lb (120 mt). The initial trip limit for SNE/MA yellowtail flounder was 500 lb (226.8 kg) per DAS up to 2,000 lb (907.2 kg) per trip, and has not been revised for this fishing year.

As of February 25, 2011, the best available catch information, including information from Vessel Monitoring System (VMS) reports and dealer reports, indicates that approximately 58.5 percent of the GB cod and 1.2 percent of the SNE/MA yellowtail flounder common pool sub-ACLs has been harvested. Based on this information, the RA has determined that additional measures are warranted to help facilitate the harvest of GB cod and SNE/MA yellowtail flounder to better allow the total catch of these stocks by

common pool vessels to approach their pertinent common pool sub-ACLs. Therefore, the trip limit for GB cod is increased to 1,500 lb (608.4 kg) per DAS, up to 4,500 lb (2,041.1 kg) per trip; and the trip limit for SNE/MA yellowtail flounder is increased to 1,500 lb (608.4 kg) per DAS, up to 4,500 lb (2,041.8 kg) per trip, for Category A DAS vessels, effective March 8, 2012, through April 30, 2012. In addition, the trip limit for GB cod is increased to 75 lb (34.0 kg) per trip for open access Handgear B vessels effective March 8, 2012, through April 30, 2012. This action does not change the current cod trip limit for vessels with a limited access Handgear A permit (300 lb (136.1 kg) per trip) or Small Vessel Category permit (300 lb (136.1 kg) of cod, haddock, and yellowtail flounder combined). Catch will continue to be monitored through dealer-reported landings, VMS catch reports, and other available information, and if necessary, additional adjustments to common pool management measures may be made.

Classification

This action is authorized by 50 CFR part 648 and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA (AA) finds good cause pursuant to 5 U.S.C. 553(b)(3)(B) to waive prior notice and the opportunity for public comment for this inseason adjustment because notice and comment would be impracticable and contrary to the public interest. The regulations at § 648.86(o) grant the RA authority to adjust the NE multispecies trip limits for common pool vessels in order to prevent the overharvest or underharvest of the pertinent common pool sub-ACLs. The information informing this action only very recently became available. Give this fact, this action increases the trip limits for GB cod and SNE/MA yellowtail flounder to reduce the probability of underharvesting the common pool sub-ACLs. The information informing this action only very recently became available. Given his fact, the time necessary to provide for prior notice and comment would prevent NMFS from implementing the necessary trip limit adjustments in a timely manner. A resulting delay in the liberalization of trip limits would unnecessarily restrain catch rates for GB cod and SNE/MA yellowtail flounder, thereby preventing the total catch of these stocks to further approach the pertinent common pool sub-ACL. Giving effect to this rule as soon as possible will prevent these unnecessary impacts.

Further, the AA finds good cause pursuant to 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness for this action. This action increases the trip limits for GB cod and SNE/MA yellowtail flounder to reduce the probability of underharvesting the common pool sub-ACLs. A delay in the increase of these trip limits would prevent vessels from harvesting catch at higher rates and potentially prevent the total catch of these stocks to further approach the pertinent common pool sub-ACL. Giving effect to this rule as soon as possible will prevent these unnecessary impacts.

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

Dated: March 8, 2012.

Carrie Selberg,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2012-6048 Filed 3-8-12; 4:15 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 101126522-0640-02]

RIN 0648-XB077

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Statistical Area 630 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the B season allowance of the 2012 total allowable catch of pollock for Statistical Area 630 in the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 10, 2012, through 1200 hrs, A.l.t., August 25, 2012.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance

with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The B season allowance of the 2012 total allowable catch (TAC) of pollock in Statistical Area 630 of the GOA is 2,589 metric tons (mt) as established by the final 2011 and 2012 harvest specifications for groundfish of the GOA (76 FR 11111, March 1, 2011) and inseason adjustment (77 FR 438, January 5, 2012). In accordance with § 679.20(a)(5)(iv)(B), the Administrator, Alaska Region, NMFS (Regional Administrator), hereby decreases the B season pollock allowance by 179 mt to reflect the total overharvest of the A seasonal apportionment in Statistical Area 630. Therefore, the revised B season allowance of the pollock TAC in Statistical Area 630 is 2,410 mt (2,589 mt minus 179 mt).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the B season allowance of the 2012 TAC of pollock in Statistical Area 630 of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 2,200 mt and is setting aside the remaining 210 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 630 of the GOA.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Acting Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) and § 679.25(c)(1)(ii) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing for pollock in Statistical Area 630 of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of March 7, 2012.

The AA also finds good cause to waive the 30-day delay in the effective