

- 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).

Executive Order 13175, entitled “Consultation and Coordination with

Indian Tribal Governments” (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure “meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.” This rule does not have tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments. Thus, Executive Order 13175 does not apply to this rule.

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

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

Dated: June 7, 2012.

**Karl Brooks,**

*Regional Administrator, Region 7.*

40 CFR part 52 is amended as follows:

#### PART 52—[AMENDED]

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

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

#### Subpart AA—Missouri

■ 2. In § 52.1320:

■ a. The table in paragraph (d) is amended by adding a new entry (26) in numerical order; and

■ b. The table in paragraph (e) is amended by adding a new entry (57) in numerical order.

The additions read as follows:

#### § 52.1320 Identification of plan.

\* \* \* \* \*

(d) *EPA-approved State source-specific permits and orders.*

#### EPA-APPROVED MISSOURI SOURCE-SPECIFIC PERMITS AND ORDERS

Name of source	Order/permit No.	State effective date	EPA approval date	Explanation
(26) Holcim	.....	April 19, 2009	June 26, 2012, [Insert <b>Federal Register</b> citation].	§ 52.1339(c); Limited Approval.

(e) *EPA approved nonregulatory provisions and quasi-regulatory measures.*

#### EPA-APPROVED MISSOURI NONREGULATORY SIP PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
(57) Regional Haze Plan for the first implementation period.	Statewide	8/5/09, supplemented 1/30/12.	6/26/12, [Insert <b>Federal Register</b> citation].	§ 52.1339(c); Limited Approval.

■ 3. Section 52.1339 is amended by revising paragraph (c) to read as follows:

#### § 52.1339 Visibility protection.

\* \* \* \* \*

(c) *Regional Haze.* The requirements of section 169A of the Clean Air Act are not met because the regional haze plan submitted by Missouri on August 5, 2009, and supplemented on January 30, 2012, does not include fully approvable measures for meeting the requirements of 40 CFR 51.308(d)(3) and 51.308(e) with respect to emissions of NO<sub>x</sub> and SO<sub>2</sub> from electric generating units. EPA has given limited approval and limited

disapproval to the plan provisions addressing these requirements.

[FR Doc. 2012–15021 Filed 6–25–12; 8:45 am]

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#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 635

[Docket No. 110210132–1275–02]

**RIN 0648–XC055**

#### Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS closes the incidental Longline category northern area fishery for large medium and giant Atlantic bluefin tuna (BFT) for the remainder of 2012. Fishing for, retaining, possessing, or landing BFT in the Longline category northern area is prohibited for the remainder of 2012. The Longline fishery in the Northeast Distant gear restricted area (NED) remains open at this time. This action is being taken to prevent overharvest of the Longline category northern area BFT subquota.

**DATES:** Effective 11:30 p.m., local time, June 30, 2012, through December 31, 2012.

**FOR FURTHER INFORMATION CONTACT:** Sarah McLaughlin or Brad McHale, 978–281–9260.

**SUPPLEMENTARY INFORMATION:**

Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27(a) subdivides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) among the various domestic fishing categories, consistent with the allocations established in the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan (Consolidated HMS FMP) (71 FR 58058, October 2, 2006) and subsequent rulemaking.

Under § 635.27(a)(3), the total amount of large medium and giant BFT (measuring 73 inches (185 cm) curved fork length (CFL) or greater) that may be caught incidentally and retained, possessed, or landed by vessels that possess Longline category Atlantic Tunas permits is 8.1 percent of the baseline annual U.S. BFT quota. NMFS may allocate no more than 60 percent of the Longline category incidental BFT quota may be allocated for landing in the area south of 31°00′ N. lat. (i.e., the “southern area”), with the remainder allocated for landing in the area north of 31°00′ N. lat. (i.e., the “northern area”). The current Longline category baseline BFT quota is 74.8 mt, with 29.9 mt allocated to the northern area.

In addition to the Longline category quota of 74.8 mt, 25 mt are allocated, consistent with ICCAT Recommendation 10–03 (Supplemental Recommendation by ICCAT concerning the Western BFT Rebuilding Program),

for incidental catch of BFT by pelagic longline vessels fishing in the NED, an area far offshore the northeastern United States. The NED is the Atlantic Ocean area bounded by straight lines connecting the following coordinates in the order stated: 35°00′ N. lat., 60°00′ W. long.; 55°00′ N. lat., 60°00′ W. long.; 55°00′ N. lat., 20°00′ W. long.; 35°00′ N. lat., 20°00′ W. long.; 35°00′ N. lat., 60°00′ W. long. This action is taken consistent with the regulations at §§ 635.27(a)(3) and 635.28(a)(1). NMFS accounts for landings under the 25-mt NED allocation separately from other Longline category landings.

NMFS is required, under § 635.28(a)(1), to file a closure notice with the Office of the Federal Register for publication when a BFT quota is reached or is projected to be reached. On and after the effective date and time of such notification, for the remainder of the fishing year, or for a specified period as indicated in the notification, fishing for, retaining, possessing, or landing BFT under that quota category is prohibited until the opening of the subsequent quota period or until such date as specified in the notice. Earlier this year, NMFS announced a closure of the Longline category southern area BFT fishery, effective May 29, 2012 (77 FR 31546, May 29, 2012).

Based on the best available landings information for the incidental Longline category northern area BFT fishery (i.e., 23.7 mt of the available 29.9 mt landed as of June 14, 2012), NMFS projects that the Longline category northern area BFT subquota will be reached by the end of June 2012. Given the extended duration of longline fishing trips in the northern area, NMFS has determined that a closure of the Longline category northern area bluefin tuna fishery is warranted at this time. Therefore, through December 31, 2012, fishing for, retaining, possessing, or landing large medium or giant BFT north of 31°00′ N. lat., other than BFT caught inside the NED, by vessels permitted in the Atlantic tunas Longline category must cease at 11:30 p.m. local time on June 30, 2012. The Longline fishery in the NED remains open at this time. The intent of this closure is to prevent overharvest of the Longline category northern area BFT subquota.

NMFS will continue to monitor incidental Longline category BFT landings from the NED against the 25 mt allocated for that area and may take further action, if necessary. Any subsequent adjustments to the Longline category fishery for 2012 would be published in the **Federal Register**. In addition, fishermen may call (978) 281–

9260, or access [www.hmspermits.gov](http://www.hmspermits.gov), for fishery updates.

**Classification**

The Assistant Administrator for NMFS (AA) finds that it is impracticable and contrary to the public interest to provide prior notice of, and an opportunity for public comment on, this action for the following reasons:

The closure of the Longline category northern area BFT fishery, i.e., prohibiting further BFT landings against the Longline category northern area subquota is necessary to prevent overharvest of the Longline northern area BFT subquota. NMFS provides notification of closures by publishing the notice in the **Federal Register**, emailing individuals who have subscribed to the Atlantic HMS News electronic newsletter, and updating the information posted on the Atlantic Tunas Information Line and on [www.hmspermits.gov](http://www.hmspermits.gov).

These fisheries are currently underway, and delaying this action would be contrary to the public interest as it could result in excessive BFT landings, which could have adverse effects on the stock and/or may result in future potential quota reductions for the Longline category. NMFS must close the Longline category northern area fishery to landings before large medium and giant BFT exceed the available subquota for that area. Therefore, the AA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment. For all of the above reasons, there is good cause under 5 U.S.C. 553(d) to waive the 30-day delay in effectiveness.

This action is being taken under §§ 635.27(a)(3) and 635.28(a)(1), and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: June 20, 2012.

**Emily H. Menashes,**

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