

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. section 804(2). This rule will be effective on November 26, 2012.

#### L. *Petitions for Judicial Review*

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 December 24, 2012. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule 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 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, Reporting and recordkeeping requirements.

Dated: September 5, 2012.

**Jared Blumenfeld,**

*Regional Administrator, Region IX.*

Part 52, Chapter I, Title 40 of the Code of Federal Regulations 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 F—California

- 2. Section 52.220, is amended by adding paragraph (c)(379)(i)(E) to read as follows:

#### § 52.220 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(379) \* \* \*

(i) \* \* \*

(E) Mojave Desert Air Quality Management District.

(I) Rule 1159, “Stationary Gas Turbines,” amended on September 28, 2009.

\* \* \* \* \*

[FR Doc. 2012–26212 Filed 10–24–12; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 63

[EPA–HQ–OAR–2008–0334; FRL–9746–4]

RIN 2060–AQ89

### National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources

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

**ACTION:** Final rule; stay.

**SUMMARY:** On January 30, 2012, the EPA published in the **Federal Register** a proposed rule reconsidering certain provisions in the final National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources (CMAS) that was promulgated on October 29, 2009. The compliance date for the final CMAS rule is October 29, 2012. However, the EPA is still in the process of finalizing the reconsideration action. For this reason, a short stay of the final CMAS rule pending completion of the reconsideration action is warranted. Pursuant to the Clean Air Act, the EPA is staying until December 24, 2012 the final CMAS rule.

**DATES:** Effective October 25, 2012, 40 CFR part 63, subpart VVVVVV, is stayed until December 24, 2012.

**FOR FURTHER INFORMATION CONTACT:** Mr. Nick Parsons, Sector Policies and Programs Division (E143–01), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–5372; fax number: (919) 541–0246; email address: [parsons.nick@epa.gov](mailto:parsons.nick@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On October 29, 2009 (74 FR 56008), the EPA issued the final CMAS rule. On February 12, 2010, the American Chemistry Council and the Society of Chemical Manufacturers and Affiliates (collectively referred to as “Petitioners”) sought reconsideration of certain provisions in the final rule. On June 15, 2010, the EPA notified Petitioners that the EPA intended to initiate the reconsideration process.

On January 30, 2012 (77 FR 4522), the EPA published a proposed rule reconsidering certain aspects of the final CMAS rule, including provisions that, if finalized, would revise the applicability of the final rule. The compliance date for the final CMAS rule is October 29, 2012, and it was EPA’s expectation that the reconsideration would be finalized

in advance of that date. However, the EPA is still in the process of finalizing the reconsideration action. For this reason, a short stay of the final rule is appropriate to allow the EPA the time necessary to complete the reconsideration action.

Pursuant to Clean Air Act section 307(d)(7)(B), the EPA is staying for 60 days the provisions of 40 CFR part 63, subpart VVVVVV.

## II. Statutory and Executive Order Reviews

### A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and, therefore, is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001). In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), or require prior consultation with state officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*). This action also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the federal government and Indian tribes or on the distribution of power and responsibilities between the federal government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have federalism implications because it does not have substantial direct effects on the states, on the relationship between the national government and the states or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action also is not subject to Executive Order 13045 “Protection of Children from Environmental Health Risks and Safety Risks” (62 FR 19885, April 23, 1997). The requirements of section 12(d) of the

National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*). The EPA's compliance with these statutes and Executive Orders for the underlying rule is discussed in the October 29, 2009, **Federal Register** document.

*B. Submission to Congress and the Comptroller General*

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. The EPA will submit a report containing this notice and other required information to the United States Senate, the United States House of Representatives and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. The stay of the provisions in 40 CFR part 63, subpart VVVVVV is not a "major rule" as defined by 5 U.S.C. 804(2).

**List of Subjects in 40 CFR Part 63**

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

Dated: October 19, 2012.

**Lisa P. Jackson**,  
*Administrator.*

For the reasons stated in the preamble, title 40, chapter I, part 63 of the Code of Federal Regulations is amended as follows:

**PART 63—[AMENDED]**

■ 1. The authority citation for part 63 continues to read as follows:

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

**Subpart VVVVVV—[AMENDED]**

■ 2. Subpart VVVVVV is stayed from October 25, 2012 until December 24, 2012.

[FR Doc. 2012–26285 Filed 10–24–12; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 111220786–1781–01]

**RIN 0648–XC303**

**Fisheries of the Northeastern United States; Black Sea Bass Fishery; Recreational Quota Harvested**

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS announces that the 2012 black sea bass recreational harvest limit has been exceeded. No one may fish for or possess black sea bass in Federal waters for the remainder of calendar year 2012, unless issued a Federal moratorium permit and fishing commercially. Regulations governing the black sea bass fishery require publication of this notification to advise that the recreational quota has been harvested and to advise vessel permit holders that no Federal recreational quota is available for fishing black sea bass.

**DATES:** Effective at 0001 hr local time, November 1, 2012, through 2400 hr local time December 31, 2012.

**FOR FURTHER INFORMATION CONTACT:** Moira Kelly, Fishery Policy Analyst, (978) 281–9218, or [Moira.Kelly@noaa.gov](mailto:Moira.Kelly@noaa.gov).

**SUPPLEMENTARY INFORMATION:** Regulations governing the black sea bass

fishery are found at 50 CFR part 648. The regulations require annual specification of a recreational harvest limit (RHL) for the Atlantic coast from Cape Hatteras, North Carolina, through Maine. The process to set the annual RHL is described in § 648.142.

The initial total RHL for black sea bass for the 2012 fishing year is 1.86 million lb (844 mt) (76 FR 82189, December 30, 2011). The 2012 RHL was reduced to 1.32 million lb (599 mt) after deduction of research set-aside and discards.

The Administrator, Northeast Region, NMFS (Regional Administrator), monitors the recreational harvest limit and determines when the recreational harvest limit has been met or exceeded. NMFS is required to publish notification in the **Federal Register** advising and notifying recreational vessels that, effective upon a specific date, the recreational harvest limit has been harvested. The Regional Administrator has determined based upon data from the Marine Recreational Fishing Statistical Survey and the Marine Recreational Information Program that the 2012 recreational black sea bass quota has been exceeded.

Effective 0001 hours, November 1, 2012, no one may fish for or possess black sea bass in Federal waters for the remainder of the 2012 calendar year, unless issued a commercial moratorium permit and fishing commercially. This closure also applies to vessels issued a Federal party/charter permit fishing in state waters.

**Classification**

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

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

Dated: October 19, 2012.

**Emily H. Menashes**,  
*Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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