

suspension of Clark County's Air Quality Regulations (AQR) Section 54 ("Cleaner Burning Gasoline: Wintertime Program") ("CBG Regulation"), and the amendments to the NAC section 590.065, including the relaxation in the State's wintertime gasoline RVP requirement for Clark County from 9.0 to 13.5 psi, because we find that doing so would not interfere with attainment or maintenance of any of the NAAQS or any applicable requirement of the Clean Air Act for the purposes of CAA section 110(l). We are not including subsection (7) of amended NAC section 590.065 in our proposed approval because the limits in subsection (7) of the amended rule are unrelated to the vapor pressure requirement and associated CO emissions reductions, and are severable from the rest of the rule.

We will accept comments from the public on this proposal for the next 30 days.

### VIII. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the accompanying approval of a maintenance plan under section 107(d)(3)(E) are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those imposed by State law. A redesignation to attainment does not in and of itself create any new requirements, but rather results in the applicability of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, 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 Clean Air Act. Accordingly, these actions merely propose to approve a State plan and redesignation request as meeting Federal requirements and do not impose additional requirements beyond those imposed by State law. For these reasons, these actions:

- Are not "significant regulatory actions" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Are 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.*);

- Do 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);
- Do not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Are not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Are not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Are 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 Clean Air Act; and
- Do 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).

In addition, this proposed rule does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on Tribal governments or preempt Tribal law. Nonetheless, EPA has discussed the proposed action with the one Tribe, the Las Vegas Paiute Tribe, located within Las Vegas Valley.

### List of Subjects

#### 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Reporting and recordkeeping requirements.

#### 40 CFR Part 81

Environmental protection, Air pollution control, Carbon monoxide, National parks, Wilderness areas.

Dated: July 21, 2010.

**Keith Takata,**

*Acting Regional Administrator, Region IX.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

#### RIN 0648-AY10

### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery off the Southern Atlantic States; Amendment 17A

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

**ACTION:** Notice of Availability of Amendment 17A to South Atlantic Snapper-Grouper Fishery Management Plan; request for comments.

**SUMMARY:** The South Atlantic Fishery Management Council (Council) has submitted Amendment 17A to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP) for review, approval, and implementation by NMFS. The amendment proposes to establish a rebuilding plan for red snapper, specify a proxy for the fishing mortality rate that will produce the maximum sustainable yield (MSY), specify the optimum yield (OY), specify the value for the minimum stock size threshold (MSST), and specify an annual catch limit (ACL) and accountability measures (AMs) for red snapper. Amendment 17A would also prohibit harvest and possession of red snapper in or from Federal waters of the South Atlantic and in or from state waters for vessels holding a Federal snapper-grouper permit, and implement an area closure that extends from southern Georgia to northern Florida where all harvest and possession of snapper-grouper would be prohibited (except when fishing with black sea bass pots or spearfishing gear for species other than red snapper). Additionally, Amendment 17A would require the use of non-stainless steel circle hooks north of 28° N. lat. and require a monitoring program for South Atlantic red snapper. The actions contained in Amendment 17A are intended to end overfishing of South Atlantic red snapper and rebuild the fishery.

**DATES:** Comments must be received no later than 5 p.m., eastern time, on September 27, 2010.

**ADDRESSES:** You may submit comments, identified by "0648-AY10", by any one of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the

Federal e-Rulemaking Portal <http://www.regulations.gov>.

- Fax: 727-824-5308, Attn: Kate Michie.

- Mail: Kate Michie, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

**Instructions:** No comments will be posted for public viewing until after the comment period is over. All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

To submit comments through the Federal e-Rulemaking Portal: <http://www.regulations.gov>, enter "NOAA-NMFS-2010-0035" in the keyword search, then check the box labeled "Select to find documents accepting comments or submissions", then select "Send a Comment or Submission." NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

Copies of Amendment 17A may be obtained from the South Atlantic Fishery Management Council, 4055 Faber Place, Suite 201, North Charleston, SC 29405; phone: 843-571-4366 or 866-SAFMC-10 (toll free); fax: 843-769-4520; e-mail: [safmc@safmc.net](mailto:safmc@safmc.net). Amendment 17A includes an Environmental Assessment, an Initial Regulatory Flexibility Analysis, a Regulatory Impact Review, and a Social Impact Assessment/Fishery Impact Statement.

**FOR FURTHER INFORMATION CONTACT:** Kate Michie, telephone: 727-824-5305; fax: 727-824-5308; e-mail: [Kate.Michie@noaa.gov](mailto:Kate.Michie@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The South Atlantic snapper-grouper fishery is managed under the FMP. The FMP was prepared by the Council and implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

## Background

Amendment 17A would specify a proxy for the fishing mortality rate that will produce the maximum sustainable yield ( $F_{MSY}$ ). The Council recommended that the status quo  $F_{MSY}$  proxy ( $F_{30\%SPR}$ ) be maintained until the Southeast Fisheries Science Center is able to conduct a comprehensive review of how  $F_{MSY}$  proxies should be applied across all southeastern fisheries. The Council also suggested that the decision to apply a specific  $F_{MSY}$  proxy should try to be made comprehensively, rather than on a species-by-species basis. Therefore, the Council determined it would be advantageous to first determine what methodology would be most appropriate for assigning  $F_{MSY}$  proxies to species/stocks across all southeast fisheries before proceeding with a change to the current  $F_{MSY}$  proxy for red snapper.

The Magnuson-Stevens Act requires that a rebuilding plan be specified for any federally-managed species determined to be overfished. Rebuilding plans consist of a rebuilding schedule and a rebuilding strategy. Amendment 17A would define a rebuilding schedule of 35 years for red snapper. The rebuilding time period would end in 2044.

The Council chose a rebuilding strategy equal to 98 percent of  $F_{MSY}$  (98 percent of  $F_{30\%SPR}$ ) based a constant  $F_{REBUILD}$  of 0.145, and the ACL would be zero. Under this rebuilding strategy, an initial 76 percent reduction in total mortality would be required, and the optimum yield value would be 2,425,000 lbs (1,083,632 kg) whole weight with a 53 percent probability of rebuilding by 2044. The Council chose an ACL of zero and an AM for red snapper that would include monitoring the catch per unit effort that uses data from fishery-independent and fishery-dependent data sources to track changes in biomass.

In order to reach the rebuilding goal within the specified timeframe, the Council chose to prohibit all harvest and possession of red snapper in or from the South Atlantic exclusive economic zone (EEZ), and in or from state waters for vessels holding Federal snapper-grouper permits. To address the issue of red snapper bycatch in the snapper-grouper fishery, NMFS proposes to implement a snapper-grouper closed area that extends from southern Georgia to northern Florida

between the depths of 98 ft (30 m) to 240 ft (73 m). Within the closed area all harvest and possession of snapper-grouper would be prohibited except when fishing with black sea bass pots or spearfishing gear for species other than red snapper. Transit through the proposed closed area for vessels with species other than red snapper onboard would be permitted with gear appropriately stowed.

To further reduce bycatch mortality of red snapper while targeting other snapper-grouper species, Amendment 17A would require the use of non-stainless steel circle hooks when fishing with hook-and-line gear north of 28° N. lat. Amendment 17A also requires a red snapper monitoring program that would utilize, but not be limited to, fishery-independent data collection methods. The program would be designed to monitor rebuilding progress of the stock, and data would be employed in red snapper assessments. Stock assessments would be used to determine if the stock is rebuilding, or if additional regulatory modifications are needed to end overfishing.

The Council has submitted Amendment 17A for Secretarial review, approval, and implementation. NMFS' decision to approve, partially approve, or disapprove Amendment 17A will be based, in part, on consideration of comments, recommendations, and information received during the comment period on this notice of availability. After consideration of these factors, and consistency with the Magnuson-Stevens Act and other applicable laws, NMFS will publish a notice of agency action in the **Federal Register** announcing the Agency's decision to approve, partially approve, or disapprove Amendment 17A, and the associated rationale.

## Proposed Rule for Amendment 17A

A proposed rule that would implement measures outlined in Amendment 17A has been received from the Council. In accordance with the Magnuson-Stevens Act, NMFS is evaluating Amendment 17A to determine whether it is consistent with the FMP, the Magnuson-Stevens Act, and other applicable law. If an affirmative determination is made, NMFS will publish the proposed rule in the **Federal Register** for public review and comment.

**Consideration of Public Comments**

Comments received by September 27, 2010, whether specifically directed to the amendment or the proposed rule, will be considered by NMFS in its decision to approve, disapprove, or partially approve the amendment.

Comments received after that date will not be considered by NMFS in this decision. All comments received by NMFS on the amendment or the proposed rule during their respective comment periods will be addressed in the final rule.

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

Dated: July 26, 2010.

**Carrie Selberg,**

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

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