

Dated: November 8, 2013.

Susan Hedman,

Regional Administrator, Region 5.

40 CFR part 62 is amended as follows:

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

■ 1. The authority citation for part 62 continues to read as follows:

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

■ 2. Subpart X is amended by adding new § 62.5610 and a new undesignated center heading to read as follows:

CONTROL OF AIR EMISSIONS FROM HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS

§ 62.5610 Identification of plan—negative declaration.

On August 9, 2013, the Michigan Department of Environmental Quality submitted a negative declaration letter to EPA certifying that there are no existing Hospital/Medical/Infectious Waste Incinerators (HMIWI) units in the State of Michigan subject to the emissions guidelines at 40 CFR part 60, subpart Ce.

■ 3. Subpart YY is amended by adding new § 62.12320 and a new undesignated center heading to read as follows:

CONTROL OF AIR EMISSIONS FROM HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS

§ 62.12320 Identification of plan—negative declaration.

On July 15, 2013, the Wisconsin Department of Natural Resources submitted a negative declaration letter to EPA certifying that there are no existing Hospital/Medical/Infectious Waste Incinerators (HMIWI) units in the State of Wisconsin subject to the emissions guidelines at 40 CFR part 60, subpart Ce.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 100217097–1757–02]

RIN 0648–XC981

Reef Fish Fishery of the Gulf of Mexico; 2013 Accountability Measure and Closure for Hogfish in the Gulf of Mexico

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements accountability measures (AMs) for the commercial and recreational sectors for hogfish in the exclusive economic zone (EEZ) of the Gulf of Mexico (Gulf) for the 2013 fishing year through this temporary final rule. Based on the commercial and recreational landings, NMFS determined that the stock (commercial and recreational) annual catch limit (ACL) for Gulf hogfish has been reached. Therefore, NMFS closes the commercial and recreational sectors for hogfish in the Gulf EEZ at 12:01 a.m., local time, December 2, 2013, until January 1, 2014. This closure is necessary to protect the Gulf hogfish resource.

DATES: This rule is effective 12:01 a.m., local time on December 2, 2013, until 12:01 a.m., local time on January 1, 2014, unless changed by subsequent notification in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Rich Malinowski, Southeast Regional Office, telephone 727–824–5305, email rich.malinowski@noaa.gov.

SUPPLEMENTARY INFORMATION: The reef fish fishery of the Gulf, which includes hogfish, is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (Reef Fish FMP). The Reef Fish FMP was prepared by the Gulf of Mexico Fishery Management Council (Council) and is implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

On December 29, 2011, NMFS published the final rule for the Generic Annual Catch Limits/Accountability Measures Amendment to the Red Drum, Reef Fish Resources, Shrimp, and Coral and Coral Reefs Fishery Management Plans for the Gulf of Mexico (Generic

ACL Amendment; 76 FR 82044) as prepared and submitted by the Council. This final rule, in part, implemented changes to the Reef Fish FMP, including setting a stock ACL and implementing AMs for Gulf hogfish.

The Gulf hogfish stock ACL is 208,000 lb (94,347 kg), round weight, as specified in 50 CFR 622.41(p).

In accordance with regulations at 50 CFR 622.41(p), if the sum of commercial and recreational landings exceed the stock ACL in a fishing year, then if the stock ACL is again reached or projected to be reached in the following fishing year, NMFS is required to close the commercial and recreational sectors for hogfish for the remainder of that following fishing year. NMFS determined that the stock ACL for Gulf hogfish was exceeded in the 2012 fishing year. Based on 2013 commercial and recreational landings, NMFS has determined that the stock ACL of 208,000 lb (94,347 kg), round weight, for Gulf hogfish has been reached for the 2013 fishing year. Therefore, NMFS implements the in-season AM and the commercial and recreational harvest of Gulf hogfish will close at 12:01 a.m., local time on December 2, 2013, until 12:01 a.m., local time on January 1, 2014.

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of Gulf hogfish and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.41(p) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

This action responds to the best scientific information available. Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive the requirements to provide prior notice and opportunity for public comment on this temporary rule because such procedures are unnecessary. The AMs state that NMFS will file a notification with the Office of the Federal Register to close the commercial and recreational sectors for Gulf hogfish for the remainder of the fishing year if landings reach or are projected to reach the stock ACL specified in 50 CFR 622.41(p) in the year following an overage of the hogfish stock ACL. All that remains is to notify the public of the reduced fishing season

for hogfish for the remainder of the fishing year.

Allowing prior notice and opportunity for public comment is contrary to the public interest because of the need to immediately implement this action to protect the hogfish resource. Any delay in the closure could result in the stock ACL for hogfish being exceeded further.

For the aforementioned reasons, the Assistant Administrator, NMFS, also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: November 27, 2013.

Emily H. Menashes,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 120306154-2241-02]

RIN 0648-XD009

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

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

ACTION: Temporary rule; inseason General category retention limit adjustment.

SUMMARY: NMFS is adjusting the Atlantic tunas General category daily Atlantic bluefin tuna (BFT) retention limit from three large medium or giant BFT per vessel per day/trip to five large medium or giant BFT per vessel per day/trip for the remainder of the October–November time period and the December time period of the 2013 fishing year, based on consideration of the regulatory determination criteria regarding inseason adjustments. This action applies to Atlantic tunas General category permitted vessels and to Highly Migratory Species Charter/Headboat category permitted vessels when fishing commercially for BFT.

DATES: Effective November 27, 2013 through December 31, 2013.

FOR FURTHER INFORMATION CONTACT: Tom Warren or Brad McHale, 978–281–9260.

SUPPLEMENTARY INFORMATION: Regulations implemented under the

authority of the Atlantic Tunas Convention Act (ATCA; 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 subdivides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) among the various domestic fishing categories, per the allocations established in the 2006 Consolidated Highly Migratory Species Fishery Management Plan (2006 Consolidated HMS FMP) (71 FR 58058, October 2, 2006) and in accordance with implementing regulations.

The 2013 BFT fishing year, which is managed on a calendar-year basis and subject to an annual calendar-year quota, began January 1, 2013. The General category season, which was open January 1 through February 15, 2013, resumed on June 1, 2013, and continues through December 31, 2013. The General category daily retention limit is currently three large medium or giant BFT (measuring 73 inches (185 cm) curved fork length (CFL) or greater) per vessel per day/trip (78 FR 50346, August 19, 2013). This retention limit applies to General category permitted vessels and to HMS Charter/Headboat category permitted vessels when fishing commercially for BFT. Each of the General category time periods (January, June–August, September, October–November, and December) is allocated a portion of the annual General category quota.

For the 2013 fishing year, NMFS first adjusted the General category limit from the default level of one large medium or giant BFT for the 2013 January subquota period to two large medium or giant BFT (77 FR 74612, December 17, 2012). That retention limit was effective from January 1, 2013, until February 15, 2013, when NMFS closed the fishery because the January subquota had been met (78 FR 11788, February 20, 2013). NMFS then adjusted the General category limit from the default level of one large medium or giant for the June through December period to three large medium or giant BFT (78 FR 26709, May 8, 2013; and 78 FR 50346, August 19, 2013).

The 2012 ICCAT recommendation regarding western BFT management resulted in baseline U.S. quota for 2013 of 923.7 mt (not including the 25 mt ICCAT allocated to the United States to account for bycatch of BFT in pelagic longline fisheries in the Northeast Distant Gear Restricted Area).

Consistent with the allocation scheme established in the Consolidated HMS FMP and implementing regulations, the 2013 General category share is 435.1 mt (baseline and adjusted), and the October through November, and December General category subquotas are 56.6 mt and 22.6 mt, respectively (78 FR 36685; June 19, 2013). NMFS is required under the Atlantic Tunas Convention Act and the Magnuson-Stevens Act to provide U.S. fishing vessels with a reasonable opportunity to harvest the ICCAT-recommended quota.

Adjustment of General Category Daily Retention Limit

Under § 635.23(a)(4), NMFS may increase or decrease the daily retention limit of large medium and giant BFT over a range of zero to a maximum of five per vessel based on consideration of the relevant criteria provided under § 635.27(a)(8), which include: the usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock; effects of the adjustment on BFT rebuilding and overfishing; effects of the adjustment on accomplishing the objectives of the fishery management plan; variations in seasonal BFT distribution, abundance, or migration patterns; effects of catch rates in one area precluding vessels in another area from having a reasonable opportunity to harvest a portion of the category's quota; and review of dealer reports, daily landing trends, and the availability of the BFT on the fishing grounds.

NMFS has considered these criteria and their applicability to the General category BFT retention limit for the remainder of October–November, and December 2013 General category fishery. These considerations include, but are not limited to, the following: NMFS continues to obtain valuable parts and data for ongoing scientific studies of BFT age and growth, migration, and reproductive status from the catches of the General category to date; the projected ability of the vessels fishing under the General category quota to harvest the quota before the end of the fishing year; and biological samples collected from BFT landed by General category fishermen and provided by BFT dealers. As this action would be taken consistent with the quotas previously established and analyzed in the 2013 BFT quotas final rule (78 FR 36685, June 19, 2013), and consistent with objectives of the Consolidated HMS FMP, it is not expected to negatively impact stock health. A principal consideration is the objective of providing opportunities to harvest the