

is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 4, 2017. 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. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of this **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that

EPA can withdraw this direct final rule and address the comment in the final rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

**List of Subjects**

*40 CFR Part 52*

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

*40 CFR Part 70*

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: September 25, 2017.

**Cathy Stepp,**

*Acting Regional Administrator, Region 7.*

For the reasons stated in the preamble, EPA amends 40 CFR parts 52 and 70 as set forth below:

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

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

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

**Subpart CC—Nebraska**

- 2. Amend § 52.1420(c) by revising “129–1” and “129–15” to read as follows:

**§ 52.1420 Identification of Plan.**

\* \* \* \* \*  
(c) \* \* \*

**EPA-APPROVED NEBRASKA REGULATIONS**

Nebraska citation	Title	State effective date	EPA approval date	Explanation
<b>State of Nebraska</b>				
<b>Department of Environmental Quality</b>				
<b>Title 129—Nebraska Air Quality Regulations</b>				
129–1 .....	Definitions .....	5/13/14	10/5/17, [Insert <b>Federal Register</b> citation].	The proposed definition of “solid waste” is not approved into the SIP. The second sentence beginning at “Solid waste” and ending at “discarded material”, is not approved into the SIP.
129–15 .....	Operating Permit Modifications; Reopening for Cause.	5/13/14	10/5/17, [Insert <b>Federal Register</b> citation].	

**PART 70—STATE OPERATING PERMIT PROGRAMS**

- 3. The authority citation for part 70 continues to read as follows:

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

- 4. Amend appendix A to part 70 by adding new paragraph (o) under “Nebraska; City of Omaha; Lincoln-Lancaster County Health Department” to read as follows:

**Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs**

\* \* \* \* \*

*Nebraska; City of Omaha; Lincoln-Lancaster County Health Department*

\* \* \* \* \*

(o) The Nebraska Department of Environmental Quality submitted revisions

to the Nebraska Administrative Code, title 129, chapter 1, “Definitions” and chapter 15, “Operating Permit Modifications; Reopening for Cause” on July 14, 2014. The state effective date is May 13, 2014. This revision is effective December 4, 2017.

\* \* \* \* \*  
[FR Doc. 2017–21383 Filed 10–4–17; 8:45 am]

**BILLING CODE 6560–50–P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 161020985–7181–02]

**RIN 0648–XF733**

**Fisheries of the Exclusive Economic Zone Off Alaska; Exchange of Flatfish in the Bering Sea and Aleutian Islands Management Area**

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

**ACTION:** Temporary rule; reallocation.

**SUMMARY:** NMFS is exchanging unused flathead sole and rock sole Community Development Quota (CDQ) for yellowfin

sole CDQ acceptable biological catch (ABC) reserves in the Bering Sea and Aleutian Islands management area. This action is necessary to allow the 2017 total allowable catch of yellowfin sole in the Bering Sea and Aleutian Islands management area to be harvested.

**DATES:** Effective October 5, 2017 through December 31, 2017.

**FOR FURTHER INFORMATION CONTACT:** Steve Whitney, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the Bering Sea and Aleutian Islands management area (BSAI) according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (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 2017 flathead sole, rock sole, and yellowfin sole CDQ reserves specified in the BSAI are 1,552 metric tons (mt), 5,740 mt, and 15,778 mt as established by the final 2017 and 2018 harvest specifications for groundfish in the BSAI (82 FR 11826, February 27, 2017) and revised by flatfish exchange (82 FR 24253, May 26, 2017). The 2017 flathead sole, rock sole, and yellowfin sole CDQ ABC reserves are 5,754 mt, 10,856 mt and 12,128 mt as established by the final 2017 and 2018 harvest specifications for groundfish in the BSAI (82 FR 11826, February 27, 2017) and revised by flatfish exchange (82 FR 24253, May 26, 2017).

The Coastal Villages Region Fund has requested that NMFS exchange 89 mt of flathead sole CDQ reserves and 250 mt of rock sole CDQ reserves for 339 mt of yellowfin sole CDQ ABC reserves under § 679.31(d). Therefore, in accordance with § 679.31(d), NMFS exchanges 89 mt of flathead sole CDQ reserves and 250 mt of rock sole CDQ reserves for 339 mt of yellowfin sole CDQ ABC reserves in the BSAI. This action also decreases and increases the TACs and CDQ ABC reserves by the corresponding amounts. Tables 11 and 13 of the final 2017 and 2018 harvest specifications for groundfish in the BSAI (82 FR 11826, February 27, 2017), and revised by flatfish exchange (82 FR 24253, May 26, 2017), are further revised as follows:

**TABLE 11—FINAL 2017 COMMUNITY DEVELOPMENT QUOTA (CDQ) RESERVES, INCIDENTAL CATCH AMOUNTS (ICAS), AND AMENDMENT 80 ALLOCATIONS OF THE ALEUTIAN ISLANDS PACIFIC OCEAN PERCH, AND BSAI FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE TACS**

[Amounts are in metric tons]

Sector	Pacific ocean perch			Flathead sole	Rock sole	Yellowfin sole
	Eastern Aleutian District	Central Aleutian District	Western Aleutian District	BSAI	BSAI	BSAI
TAC .....	7,900	7,000	9,000	14,411	47,550	153,639
CDQ .....	845	749	963	1,463	5,490	16,117
ICA .....	100	60	10	4,000	5,000	4,500
BSAI trawl limited access .....	695	619	161	0	0	18,151
Amendment 80 .....	6,259	5,572	7,866	8,949	37,060	114,871
Alaska Groundfish Cooperative .....	3,319	2,954	4,171	918	9,168	45,638
Alaska Seafood Cooperative .....	2,940	2,617	3,695	8,031	27,893	69,233

**Note:** Sector apportionments may not total precisely due to rounding.

**TABLE 13—FINAL 2017 AND 2018 ABC SURPLUS, COMMUNITY DEVELOPMENT QUOTA (CDQ) ABC RESERVES, AND AMENDMENT 80 ABC RESERVES IN THE BSAI FOR FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE**

[Amounts are in metric tons]

Sector	2017 Flathead sole	2017 Rock sole	2017 Yellowfin sole	2018 Flathead sole	2018 Rock sole	2018 Yellowfin sole
ABC .....	68,278	155,100	260,800	66,164	143,100	250,800
TAC .....	14,411	47,550	153,639	14,500	47,100	154,000
ABC surplus .....	53,867	107,550	107,161	51,664	96,000	96,800
ABC reserve .....	53,867	107,550	107,161	51,664	96,000	96,800
CDQ ABC reserve .....	5,843	11,106	11,789	5,528	10,272	10,358
Amendment 80 ABC reserve .....	48,024	96,444	95,372	46,136	85,728	86,442
Alaska Groundfish Cooperative for 2017 <sup>1</sup> .....	4,926	23,857	37,891	n/a	n/a	n/a
Alaska Seafood Cooperative for 2017 <sup>1</sup> ..	43,098	72,587	57,481	n/a	n/a	n/a

<sup>1</sup> The 2018 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2017.

**Classification**

This action responds to the best available information recently obtained from the fishery. The 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) 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 flatfish exchange by the Coastal Villages Regional Fund in the BSAI. Since these fisheries are currently open, it is important to immediately inform the industry as to the revised

allocations. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery, to allow the industry to plan for the fishing season, and to avoid potential disruption to the fishing fleet as well as processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of September 28, 2017.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: October 2, 2017.

**Emily H. Menashes,**

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

[FR Doc. 2017-21466 Filed 10-2-17; 4:15 pm]

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