

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. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United 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. 804(2).

C. Petitions for Judicial Review

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 August 9, 2013. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action 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, which approves Allegheny County's 8-hour ozone RACT demonstration, 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, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: May 16, 2013.

W.C. Early,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

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 NN—Pennsylvania

■ 2. In § 52.2020, the table in paragraph (e)(1) is amended by adding an entry for RACT under the 8-hour ozone NAAQS for Allegheny County at the end of the table. The added text reads as follows:

§ 52.2020 Identification of plan.

* * * * *

(e) * * *

(1) * * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
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RACT under the 8-hour ozone NAAQS.	Allegheny County	5/5/09	6/10/13	[Insert page number where the document begins].

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 130212129-3474-02]

RIN 0648-XC715

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Adjusted Closure of the 2013 Gulf of Mexico Recreational Sector for Red Snapper

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS announces an adjusted closure of the recreational sector for red snapper in the exclusive economic zone (EEZ) of the Gulf of Mexico (Gulf) for the 2013 fishing season through this temporary rule. On May 31, 2013, the

U.S. District Court for the southern district of Texas, Brownsville Division, set aside a March 25, 2013, emergency rule that gave the NMFS Regional Administrator the authority to close the recreational sector for red snapper in the EEZ off individual Gulf states. Therefore, NMFS adjusts the closure of the recreational sector for red snapper by closing the entire Gulf EEZ on June 29, 2013, instead of closing the EEZ on different days off individual Gulf states. This Gulf-wide EEZ closure is based on the Court decision and is necessary to prevent the recreational sector from exceeding its quota for the fishing year and prevent overfishing of the Gulf red snapper resource.

DATES: The closure is effective 12:01 a.m., local time, June 29, 2013, until 12:01 a.m., local time, January 1, 2014.

FOR FURTHER INFORMATION CONTACT: Susan Gerhart, telephone 727-824-5305, email Susan.Gerhart@noaa.gov.

SUPPLEMENTARY INFORMATION: The Gulf reef fish fishery, which includes red snapper, is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council

(Council) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Background

On March 25, 2013, NMFS implemented an emergency rule to authorize the NMFS Regional Administrator to set the closure date of the red snapper recreational fishing season in the exclusive economic zone (EEZ) off individual states (78 FR 17882). This was intended to compensate for the additional harvest of red snapper by the recreational sector during less restrictive state-water seasons off certain states. On May 31, 2013, the U.S. District Court for the southern district of Texas, Brownsville Division, set aside this emergency rule. Therefore, the closure of the recreational sector for red snapper for the 2013 fishing year is adjusted so that the Federal recreational red snapper season is consistent across all Gulf states. Taking into account the catches expected later in 2013 during the extended state-water seasons off Texas, Louisiana, and Florida, and the increased quota published in a final rule

on May 29, 2013 (78 FR 32179), NMFS projects the recreational red snapper quota of 4.145 million lb (1.880 million kg), round weight (50 CFR 622.39(a)(2)(i)), to be harvested in 28 days. Therefore, NMFS closes the recreational sector for red snapper in the entire Gulf EEZ at 12:01 a.m., local time, June 29, 2013. The closure dates off individual Gulf states that published in the final rule on May 29, 2013 (78 FR 32179) are therefore no longer in effect.

During the Gulf-wide EEZ closure, the bag and possession limit for red snapper in or from the Gulf EEZ is zero. In addition, a person aboard a vessel for which a Federal charter vessel/headboat permit for Gulf reef fish has been issued must also abide by these closure provisions in state waters. NMFS has determined this action is necessary to prevent the recreational sector for red snapper from exceeding its quota for the fishing year.

Classification

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

This action is taken under 50 CFR 622.39(a)(2)(i) 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.

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. Such procedures are unnecessary because the rule implementing the recreational red snapper quota and the rule implementing the requirement to close the recreational sector when the quota is reached or projected to be reached have already been subject to notice and comment, and NMFS must now notify the public of the adjusted closure. Such procedures are contrary to the public interest because the recreational fishing season opened 1 day after the Court set aside the emergency rule authorizing state specific EEZ closures, and the quota is projected to be reached quickly. Providing prior notice and opportunity for public comment on this action would also be contrary to the public interest because many of those affected by the length of the recreational fishing season, particularly charter vessel and headboat operations, book trips for clients in advance and, therefore need as much

time as possible to adjust business plans to account for the adjusted recreational fishing season.

For the aforementioned reasons, the AA 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: June 5, 2013.

Kara Meckley,

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

[FR Doc. 2013-13680 Filed 6-5-13; 4:15 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 120814336-3495-03]

RIN 0648-BC27

Magnuson-Stevens Act Provisions, Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Framework Adjustment 48; Final Rule; Correction

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

ACTION: Final rule; stay and correction.

SUMMARY: This action corrects the “Dates” section in the interim final rule for Northeast (NE) Multispecies Framework Adjustment 48, published on May 3, 2013. It also stays a provision that inadvertently was made effective on May 1, 2013.

DATES: Section 648.83(a)(1) is stayed effective from June 10, 2013 to July 1, 2013. The effective date of the addition of § 648.84(e) published May 3, 2013 (78 FR 26158) is corrected to June 10, 2013.

FOR FURTHER INFORMATION CONTACT: Liz Sullivan, *Liz.Sullivan@noaa.gov*, phone: 978-282-8493, fax: 978-281-9135.

SUPPLEMENTARY INFORMATION:

Background

This action corrects the “Dates” section referenced in the final rule for Framework Adjustment 48, published on May 3, 2013 (78 FR 26118). The Framework Adjustment 48 final rule states: “**DATES:** Effective May 1, 2013, except for the amendment to § 648.84, which is effective July 1, 2013.” This is incorrect. The correct language should have read: “**DATES:** Effective May 1, 2013, except for the amendment to § 648.83, which is effective July 1, 2013.”

Framework Adjustment 48 reduced the NE multispecies minimum fish sizes for several groundfish stocks. The regulations retaining to minimum fish sizes are found in § 648.83. Measure 13 of the final rule implementing Framework Adjustment 48 explains the need to address discrepancies between state and Federal minimum fish sizes, stating that different fish sizes could complicate compliance and enforcement of this measure. Because of this concern, NMFS intended to delay the effective date of the measure to reduce minimum sizes until July 1, 2013, to allow state agencies additional time to consider and make corresponding adjustments to their minimum sizes. However, the “Dates” section of the Framework Adjustment 48 final rule inadvertently stated that measures in § 648.84 were being delayed instead. Section 648.84 relates to gear-marking requirements and gear restrictions. The text of Framework Adjustment 48 did not specify an alternative effective date for revisions to § 648.84, and the intention was to have those revisions become effective with the remainder of the amendments to part 648 on May 1, 2013.

This action corrects this inadvertent error by staying § 648.83(a)(1) from June 10, 2013 to July 1, 2013, and making § 648.84(e) effective on June 10, 2013.

Classification

Pursuant to 5 U.S.C. 533(d), the Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the 30-day delay in effective date because it is contrary to the public interest to retain effective dates that merely reflect a typographical error. The correction to the effective date of the revisions to § 648.84 needs to be effective immediately in order to properly implement the rule as intended, and as described in the preamble to the published final rule (May 3, 2013, 78 FR 26118). A delay would be contrary to the public’s interest because it would leave in place the improperly delayed July 1, 2013, effective date for gear-marking requirements and gear restrictions (§ 648.84), and an incorrect May 1, 2013, effective date for new reductions in the multispecies minimum fish sizes (§ 648.83). Therefore, pursuant to 5 U.S.C. 553(d), the AA finds good cause to waive the 30-day delay in effective date.

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