

the criteria of the CAA. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this proposed action:

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- Is 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.*);

- Does 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);

- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is 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

- Will not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994), as discussed in section VI of this proposal.

The EPA has identified Tribal areas within the Yuma area covered by this rulemaking that would be potentially affected by this proposed action. Specifically, the Cocopah Tribe of Arizona and the Quechan Tribe of the Fort Yuma Indian Reservation are located within the boundaries of the Yuma area.

The EPA has concluded that the final rule may have Tribal implications for these tribes for the purposes of transportation conformity only, as this document sets motor vehicle emissions budgets for ozone precursors for the Yuma area, which includes some Tribal roads. The EPA has communicated with

the potentially affected tribes located within the boundaries of the Yuma nonattainment area.⁸²

Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, Feb. 16, 1994) directs Federal agencies to identify and address “disproportionately high and adverse human health or environmental effects” of their actions on communities with environmental justice (EJ) concerns to the greatest extent practicable and permitted by law. EPA defines EJ as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” EPA further defines the term fair treatment to mean that “no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.”

The air agency did not evaluate environmental justice considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. EPA did not perform an EJ analysis and did not consider EJ in this action. Due to the nature of the action being taken here, this action is expected to have a neutral to positive impact on the air quality of the affected area. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of E.O. 12898 of achieving environmental justice for communities with EJ concerns.

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Reporting and recordkeeping requirements, Sulfur Dioxide, Volatile organic compounds.

⁸² Letter dated June 4, 2024, from Matthew Lakin, Director, EPA Region IX to Sherry Cordova, Chairwoman, Cocopah Tribe of Arizona, Subject: “Invitation to Consult on a Redesignation Request and Maintenance Plan from the State of Arizona for the 2015 Ozone National Ambient Air Quality Standards (NAAQS),” and letter dated June 4, 2024 from Matt Lakin, Director, EPA Region IX to Jordan Joaquin, President, Quechan Tribe of the Fort Yuma Indian Reservation, Subject: “Invitation to Consult on a Redesignation Request and Maintenance Plan from the State of Arizona for the 2015 Ozone National Ambient Air Quality Standards (NAAQS).”

40 CFR Part 81

Environmental Protection, Air pollution control.

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

Dated: October 29, 2024.

Martha Guzman Aceves,

Regional Administrator, Region IX.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 240220-0053240]

RIN 0648-BM01

Pacific Island Fisheries; Withdrawal of Proposed Rule; Catch and Retention Limits for Striped Marlin in the Western and Central Pacific Ocean North of the Equator

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

ACTION: Proposed rule; withdrawal.

SUMMARY: NMFS withdraws the proposed rule for “Catch and Retention Limits for Striped Marlin in the Western and Central North Pacific Ocean North of the Equator” that published in the **Federal Register** on February 26, 2024. This proposed rule was intended to satisfy Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) obligations to address U.S. fishing vessels’ relative impact on this internationally managed stock that, based on a prior stock assessment and domestic status determination criteria, NMFS determined was overfished. NMFS is now withdrawing the proposed rule because NMFS has determined the stock is no longer overfished, not approaching an overfished condition, and is rebuilding, based on a more recent assessment. Thus, the factual and legal bases for the proposed rule no longer apply.

DATES: The proposed rule published February 26, 2024 (89 FR 14036) is withdrawn as of November 5, 2024.

ADDRESSES: Copies of the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific (Pelagic FEP) are available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel. 808-522-8220, fax 808-

522–8226, or <https://www.wpcouncil.org>.

Copies of other supporting documents for this action are available from <https://www.regulations.gov/docket/NOAA-NMFS-2022-0148>, or from Sarah Malloy, Acting Regional Administrator, NMFS Pacific Islands Regional Office (PIRO), 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818.

FOR FURTHER INFORMATION CONTACT:

David O'Brien, PIRO Sustainable Fisheries, 808–725–5038.

SUPPLEMENTARY INFORMATION:

I. How are striped marlin managed?

NMFS and the Council manage U.S. commercial fishing for Pelagic Management Unit Species (PMUS), such as striped marlin (*Kajikia audax*), under the Pelagic FEP and implementing Federal regulations. Although the Pelagic FEP indicates that PMUS have statutory exemptions from annual catch limits (ACLs), the Magnuson-Stevens Act authorizes the Council to determine ACLs or other catch limits for PMUS if such actions are deemed appropriate and consistent with the Magnuson-Stevens Act and other statutory mandates.

Striped marlin are an internationally managed species often caught incidentally in fisheries primarily targeting tuna, but are retained due to their economic value. Magnuson-Stevens Act section 304(i) mandates that when the Secretary of Commerce (Secretary) determines a fishery is overfished or approaching a condition of being overfished due to excessive international fishing pressure, and if there are no management measures to end overfishing under an international agreement to which the U.S. is a party, the Council shall recommend domestic regulations to address the relative impact of U.S. fishing vessels on the stock.

As described in the proposed rule, the Secretary determined the stock was overfished in 2020 and informed the Council of its requirements under Magnuson-Stevens Act section 304(i).

The Council recommended NMFS implement an annual catch limit of 457 metric tons (t) for Western and Central North Pacific Ocean (WCNPO) striped marlin caught in all U.S. fisheries and a retention limit of 443 t for vessels with Hawaii limited entry longline permits. If the retention limit were projected to be reached, retention of striped marlin by Hawaii longline vessels would be prohibited for the remainder of the calendar year. Additional background information on this action is in the proposed rule published in the **Federal Register** on February 26, 2024 (89 FR 14036); we do not repeat it here.

II. Why is NMFS withdrawing the proposed rule?

Results of a 2023 stock assessment for WCNPO striped marlin, considered relative to domestic status determination criteria in the FEP, indicate the stock is experiencing overfishing but is no longer overfished. In addition, the 2023 assessment estimated spawning stock biomass (SSB) in the terminal year of the assessment (SSB2020 = 1,696 t) had increased by nearly 73 percent from the estimate from the terminal year in the 2019 assessment (SSB2017 = 981 t) indicating the stock is not approaching a condition of being overfished.

On May 20, 2024, the NMFS Pacific Islands Fisheries Science Center and the NMFS Southwest Fisheries Science Center concluded that the results of the 2023 stock assessment were the best available scientific information for judging the status of the stock and for use in management, thus superseding the prior 2019 assessment.

On September 5, 2024, considering the 2023 assessment and status determination criteria defined in the Pelagic FEP, the Secretary determined that the status of WCNPO striped marlin had changed from overfished to not overfished-rebuilding. The stock remains subject to overfishing.

We published the proposed rule for catch and retention limits to address the relative impact of U.S. fishing vessels on

the WCNPO striped marlin stock requirement in Magnuson-Stevens Act section 304(i) when the stock had been determined to be overfished. The stock status no longer meets the statutory criteria of overfished or approaching an overfished condition; therefore, the action cannot proceed. For this reason, NMFS is withdrawing the proposed rule.

III. What are the next steps?

As described in the proposed rule, this action on its own would not have ended overfishing on the stock, which must be addressed at the international level. International negotiations at the WCPFC have resulted in adoption of a rebuilding plan for this stock that requires rebuilding to 20 percent of unfished biomass with at least 60 percent probability by 2034. The rebuilding plan currently does not include catch limits, although it acknowledges that catch reductions by all member nations are required to achieve the rebuilding target.

The U.S. delegation has brought recommendations to the WCPFC and continues to pursue revised international measures for WCNPO striped marlin. We anticipate the WCPFC at its upcoming November 2024 meeting or a subsequent meeting will update international management for the stock, including updated catch limits for U.S. fisheries. If the WCPFC takes such action in November 2024, we intend to implement consistent domestic measures and/or catch limits. If the WCPFC does not act in November 2024, we intend to implement the 457 t domestic catch limit for WCNPO striped marlin as prescribed under the prior WCPFC Conservation and Management Measure 2010–01.

Dated: October 29, 2024.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

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