

EPA APPROVED GEORGIA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
391–3–1–.02(2)(nnn) .....	NO <sub>x</sub> Emissions from Large Stationary Gas Turbines.	4/20/2003	5/28/2019, [insert <b>Federal Register</b> citation].	
391–3–1–.02(5) .....	Open Burning .....	7/13/2006	5/28/2019, [insert <b>Federal Register</b> citation].	Except subparagraph 391–3–1–.02(5)(c), which was approved on July 10, 2001, with a state-effective date of August 16, 2000.

\* \* \* \* \*  
 [FR Doc. 2019–10969 Filed 5–24–19; 8:45 am]  
 BILLING CODE 6560–50–P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52 and 81**

[EPA–R05–OAR–2018–0842; FRL–9994–11–Region 5]

**Air Plan Approval; Illinois; Redesignation of the Illinois Portion of the St. Louis, MO-IL Area to Attainment of the 1997 Annual Standard for Fine Particulate Matter**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is redesignating the Illinois portion of the St. Louis, MO-IL, nonattainment area (hereafter, “the St. Louis area”) to attainment for the 1997 fine particulate matter (PM<sub>2.5</sub>) annual national ambient air quality standard (NAAQS or standard). The Illinois portion of the St. Louis area includes Madison, Monroe, and St. Clair counties, and Baldwin Township in Randolph county. EPA is taking this action because it has determined that the St. Louis area is attaining the annual 1997 PM<sub>2.5</sub> standard based on the most recent three years of certified air quality data. EPA is also approving a revision to the Illinois state implementation plan (SIP) for maintaining the 1997 annual PM<sub>2.5</sub> NAAQS through 2030. Illinois’ maintenance plan submission includes an updated emissions inventory, which includes emissions inventories for PM<sub>2.5</sub>, nitrogen oxides (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>) volatile organic compounds (VOCs) and ammonia. The maintenance plan submission also includes motor vehicle emission budgets (MVEBs) for the mobile source

contribution of PM<sub>2.5</sub> and NO<sub>x</sub> to the St. Louis PM<sub>2.5</sub> area for transportation conformity purposes. EPA is approving and updating both the emissions inventory and MVEBs. EPA is taking these actions in accordance with the Clean Air Act (CAA) and EPA’s implementation rule regarding the 1997 PM<sub>2.5</sub> NAAQS.

**DATES:** This final rule is effective on May 28, 2019.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2018–0842. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) website. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through [www.regulations.gov](http://www.regulations.gov) or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Michelle Becker, Life Scientist, at (312) 886–3901 before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:** Michelle Becker, Life Scientist, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18)), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–3901, [becker.michelle@epa.gov](mailto:becker.michelle@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA. This supplementary information section is arranged as follows:

- I. Background
- II. What action is EPA taking?
- III. Statutory and Executive Order Reviews

**I. Background**

On December 6, 2018, Illinois submitted a request to EPA to redesignate the St. Louis area to attainment for the 1997 PM<sub>2.5</sub> annual standard, and to approve the maintenance plan, MVEBs, and 2008 emissions inventory for the area. In an action published on March 21, 2019 (84 FR 10461), EPA proposed to redesignate the area and approve several actions related to the redesignation. Additional background and details regarding this final action can be found in the March 21, 2019, proposed rule. The comment period for this proposed rulemaking closed on April 22, 2019. No comments were received for this proposed rule.

**II. What action is EPA taking?**

EPA is approving a change to the official designation of the St. Louis area for the 1997 annual PM<sub>2.5</sub> NAAQS, found at 40 CFR part 81, from nonattainment to attainment. EPA is approving a determination that the St. Louis area has attained the 1997 annual PM<sub>2.5</sub> standard, based on the most recent three years of certified air quality data. This action also approves the maintenance plan for the 1997 annual PM<sub>2.5</sub> NAAQS as revision to the Illinois SIP for the St. Louis area. EPA is also approving an emissions inventory which includes primary PM<sub>2.5</sub>, NO<sub>x</sub>, SO<sub>2</sub>, VOCs, and ammonia from 2008 and MVEBs for the St. Louis area. These MVEBs will be used in future transportation conformity analyses for the area.

In *The Fine Particulate Matter National Ambient Air Quality Standards: State Implementation Plan Requirements* final rule (final PM<sub>2.5</sub> SIP requirements rule), EPA revoked the 1997 primary annual PM<sub>2.5</sub> NAAQS in areas that had always been attainment

for that NAAQS, and in areas that had been designated as nonattainment but that were redesignated to attainment before October 24, 2016, the rule's effective date. See 81 FR 58010, August 24, 2016. EPA also finalized a provision that revokes the 1997 primary annual PM<sub>2.5</sub> NAAQS in areas that are redesignated to attainment for that NAAQS after October 24, 2016, effective on the effective date of the redesignation of the area to attainment for that NAAQS. See 40 CFR 50.13(d).

EPA is redesignating the Illinois portion of the St. Louis area to attainment for the 1997 annual PM<sub>2.5</sub> NAAQS and approving the CAA section 175A maintenance plan for the 1997 primary annual PM<sub>2.5</sub> NAAQS for the reasons described in the March 21, 2019, proposed action.<sup>1</sup> The 1997 primary annual PM<sub>2.5</sub> NAAQS will be revoked in the area on the effective date of this redesignation. Beginning on that date, the area will no longer be subject to transportation or general conformity requirements for the 1997 annual PM<sub>2.5</sub> NAAQS due to the revocation of the primary NAAQS. See 81 FR 58125, August 24, 2016. The area will be required to implement the CAA section 175A maintenance plan for the 1997 primary annual PM<sub>2.5</sub> NAAQS and the Prevention of Significant Deterioration (PSD) program for the 1997 annual PM<sub>2.5</sub> NAAQS. Once approved, the maintenance plan could only be revised if the revision meets the requirements of CAA section 110(l) and, if applicable, CAA section 193. The area would not be required to submit a second 10-year maintenance plan for the 1997 primary annual PM<sub>2.5</sub> NAAQS. See 81 FR 58144, August 24, 2016.

In accordance with 5 U.S.C. 553(d), EPA finds there is good cause for these actions to become effective immediately upon publication. This is because a delayed effective date is unnecessary due to the nature of a redesignation to attainment, which relieves the area from certain CAA requirements that would otherwise apply to it. The immediate effective date for this action is authorized under both 5 U.S.C. 553(d)(1), which provides that rulemaking actions may become effective less than 30 days after publication if the rule "grants or

recognizes an exemption or relieves a restriction," and section 553(d)(3), which allows an effective date less than 30 days after publication "as otherwise provided by the agency for good cause found and published with the rule." The purpose of the 30-day waiting period prescribed in section 553(d) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. This rulemaking, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. Rather, today's rule relieves the state of planning requirements for this PM<sub>2.5</sub> nonattainment area. For these reasons, EPA finds good cause under 5 U.S.C. 553(d)(3) for these actions to become effective on the date of publication of these actions.

### III. 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 CAA 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 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 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);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- 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 CAA; and
- Does 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, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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).

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 July 29, 2019. Filing a petition for reconsideration by the Administrator

<sup>1</sup> CAA section 175A(a) establishes the requirements that must be fulfilled by nonattainment areas in order to be redesignated to attainment. That section only requires that nonattainment areas for the *primary* standard submit a plan addressing maintenance of the *primary* NAAQS in order to be redesignated to attainment; it does not require nonattainment areas for secondary NAAQS to submit maintenance plans in order to be redesignated to attainment. See 42 U.S.C. 7505a(a).

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 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, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

*40 CFR Part 81*

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

Dated: May 14, 2019.

**Cathy Stepp,**

*Regional Administrator, Region 5.*

Title 40 CFR parts 52 and 81 are 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.*

■ 2. In § 52.720, the table in paragraph (e) is amended by:

■ a. Adding an entry under “Attainment and Maintenance Plans” for “PM<sub>2.5</sub> (1997)-maintenance plan and motor vehicle emissions budgets” before the entry “Sulfur dioxide (2010) nonattainment plans”.

■ b. Adding an entry under “Emissions inventories” for “Emissions inventories—2008 (NO<sub>x</sub>, primary PM<sub>2.5</sub>, SO<sub>2</sub>, ammonia, and VOC)” before the entry “Emission inventory—2011 (2008 8-hour ozone).”

The additions read as follows:

**§ 52.720 Identification of plan.**

\* \* \* \* \*

(e) \* \* \*

**EPA-APPROVED ILLINOIS NONREGULATORY AND QUASI-REGULATORY PROVISIONS**

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Comments
* * *	* * *	* * *	* * *	* * *
<b>Attainment and Maintenance Plans</b>				
PM <sub>2.5</sub> (1997)—maintenance plan and motor vehicle emissions budgets.	St. Louis area .....	12/6/2018	5/28/2019, [Insert <b>Federal Register</b> citation].	
* * *	* * *	* * *	* * *	* * *
<b>Emissions Inventories</b>				
Emissions inventories—2008 (NO <sub>x</sub> , primary PM <sub>2.5</sub> , SO <sub>2</sub> , ammonia, and VOC).	St. Louis area .....	12/6/2018	5/28/2019, [Insert <b>Federal Register</b> citation].	
* * *	* * *	* * *	* * *	* * *

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**PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES**

■ 3. The authority citation for part 81 continues to read as follows:

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

■ 4. Section 81.314 is amended by revising the entries for St. Louis, MO-IL in the table entitled “Illinois—1997 Annual PM<sub>2.5</sub> NAAQS” to read as follows:

**§ 81.314 Illinois.**

\* \* \* \* \*

**ILLINOIS—1997 ANNUAL PM<sub>2.5</sub> NAAQS**  
[Primary and secondary]

Designated area	Designation <sup>a</sup>		Classification	
	Date <sup>1</sup>	Type	Date <sup>2</sup>	Type
* * *	* * *	* * *	* * *	* * *
St. Louis, MO-IL:				
Madison County .....	5/28/2019	Attainment .....	.....	.....
Monroe County .....	5/28/2019	Attainment .....	.....	.....
Randolph County (part): Baldwin Village .....	5/28/2019	Attainment .....	.....	.....
St. Clair County .....	5/28/2019	Attainment .....	.....	.....

ILLINOIS—1997 ANNUAL PM<sub>2.5</sub> NAAQS—Continued  
 [Primary and secondary]

Designated area	Designation <sup>a</sup>		Classification	
	Date <sup>1</sup>	Type	Date <sup>2</sup>	Type
* * * * *				

<sup>a</sup> Includes Indian Country located in each county or area, except as otherwise specified.

<sup>1</sup> This date is 90 days after January 5, 2005, unless otherwise noted.

<sup>2</sup> This date is July 2, 2014, unless otherwise noted.

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 [FR Doc. 2019–10970 Filed 5–24–19; 8:45 am]  
 BILLING CODE 6560–50–P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 660**

[Docket No. 031125294–4091–02]

RIN 0648–WCR–A002

**Fisheries Off West Coast States; the Highly Migratory Species Fishery; Closure**

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting fishing with large-mesh drift gillnet (DGN) gear (≥14 inches mesh) off the coast of southern California east of 120° W meridian from June 1, 2019, through August 31, 2019. This prohibition is based on the Assistant Administrator for Fisheries' (AA's) determination that El Niño conditions are occurring off the coast of southern California. This action protects Endangered Species Act-listed loggerhead sea turtles (*Caretta caretta*), specifically the endangered North Pacific Ocean Distinct Population Segment.

**DATES:** Effective 12:01 a.m. Pacific Daylight Time (PDT), June 1, 2019, through 11:59 p.m. PDT, August 31, 2019.

**FOR FURTHER INFORMATION CONTACT:** Chris Fanning, West Coast Region (WCR), NMFS, (562) 980–4198, [chris.fanning@noaa.gov](mailto:chris.fanning@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The DGN fishery is managed under the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (50 CFR part 660, subpart K) and occurs off the coast of California. NMFS regulations provide that, “No person may fish with, set, or haul back drift

gillnet gear in U.S. waters of the Pacific Ocean east of the 120° W meridian from June 1 through August 31 during a forecasted, or occurring, El Niño event off the coast of southern California” (50 CFR 660.713(c)(2)). This area, which falls within the Southern California Bight (SCB), is referred to in the regulations as the “Pacific loggerhead conservation area.”

Under 50 CFR 660.713(c)(2)(ii), the AA is to rely on information developed by NOAA offices (the Climate Prediction Center (CPC) and the West Coast Office of the Coast Watch program) to make the determination that an El Niño event is forecasted or occurring off southern California. The AA is to use monthly sea surface temperature (SST) charts to determine whether there are warmer-than-normal SSTs off southern California “during the months prior to the closure months for years in which an El Niño event has been declared” by the CPC. Specifically, the AA is to use SST data from the third and second months prior to the month of closure.

NMFS published these regulations to protect loggerhead sea turtles, which are listed under the Endangered Species Act. The regulations addressed a reasonable and prudent alternative (RPA) included in NMFS' 2000 biological opinion on issuance of an incidental take permit under the Marine Mammal Protection Act. The biological opinion concluded that bycatch in the DGN fishery was likely to jeopardize the continued existence of loggerhead sea turtles and, as an RPA, recommended the fishery be closed during the summer months when El Niño conditions are present to avoid the likelihood of jeopardy. The regulations implemented in 2003 addressed this RPA.

On February 14, 2019, the CPC issued an *El Niño Advisory*, declaring that El Niño conditions formed during January 2019, based on the presence of above-average SSTs across most of the equatorial Pacific Ocean. Since that initial advisory, all monthly CPC updates have stated that El Niño conditions remain in these waters. The

May 9, 2019, update reaffirmed El Niño conditions are currently present.

On May 7, 2019, NMFS staff reviewed the SST anomalies in the SCB during March and April of 2019, relying on SST maps available through NOAA's Coast Watch program (for details see <http://coastwatch.pfeg.noaa.gov/erddap/index.html>). These maps indicated that SSTs were above normal in the SCB. NMFS concluded that a determination of El Niño conditions off southern California is warranted based on SSTs that are warmer than normal during the third and second months prior to the month of the closure, consistent with regulations at 50 CFR 660.713(c)(2)(ii).

If SSTs return to normal or below normal during a closure period, regulations at 50 CFR 660.713(c)(2)(iii) state that the AA may re-open the fishery after publishing a **Federal Register** notice announcing that El Niño conditions are no longer present in the SCB.

**Classification**

This action is required by regulations at 50 CFR 660.713 and is exempt from Office of Management and Budget review under Executive Order 12866.

NMFS 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) for the time-area closure of the DGN fishery. Notice and comment procedures are impracticable and contrary to the public interest. The most recent El Niño determination occurred on May 9, 2019, and regulations require that the closure period begin on June 1; therefore, there is insufficient time for notice and comment procedures. For the same reasons, NMFS also finds good cause under 5 U.S.C. 553(d)(3) to waive the general requirement for a 30-day delay in effectiveness for this action. This measure is based upon the best available information and is necessary for the conservation of loggerhead sea turtles. The closure period anticipated by the regulation ends, at the latest, on August 31, 2019. A delay in effectiveness may