

as defined by 40 CFR part 75, that CEMS data shall be treated as missing data, and not used to calculate the emission average. Each required CEMS must obtain valid data for at least 90 percent of the unit operating hours, on an annual basis.

(B) The owner/operator of each unit shall comply with the quality assurance procedures for CEMS found in 40 CFR part 75. In addition to these 40 CFR part 75 requirements, relative accuracy test audits shall be calculated for both the NO<sub>x</sub> and SO<sub>2</sub> pounds per hour measurement and the heat input measurement. The CEMS monitoring data shall not be bias adjusted. The inlet SO<sub>2</sub> and diluent monitors required by this rule shall also meet the Quality Assurance/Quality Control (QA/QC) requirements of 40 CFR part 75. The testing and evaluation of the inlet monitors and the calculations of relative accuracy for lb/hr of NO<sub>x</sub>, SO<sub>2</sub> and heat input shall be performed each time the 40 CFR part 75 CEMS undergo relative accuracy testing.

(ii) *Compliance determinations for NO<sub>x</sub>*. (A) [Reserved]

(B) *Coronado Generating Station*. Compliance with the NO<sub>x</sub> emission limits for Coronado Unit 1 and Coronado Unit 2 in paragraph (f)(3)(i) of this section shall be determined on a rolling 30 boiler-operating-day basis. The 30-boiler-operating-day rolling NO<sub>x</sub> emission rate for each unit shall be calculated in accordance with the following procedure: Step one, sum the total pounds of NO<sub>x</sub> emitted from the unit during the current boiler operating day and the previous twenty-nine (29) boiler operating days; Step two, sum the total heat input to the unit in MMBtu during the current boiler operating day and the previous twenty-nine (29) boiler operating days; Step three, divide the total number of pounds of NO<sub>x</sub> emitted from that unit during the thirty (30) boiler operating days by the total heat input to the unit during the thirty (30) boiler operating days. A new 30-boiler-operating-day rolling average NO<sub>x</sub> emission rate shall be calculated for each new boiler operating day. Each 30-boiler-operating-day average NO<sub>x</sub> emission rate shall include all emissions that occur during all periods within any boiler operating day, including emissions from startup, shutdown, and malfunction.

(C) If a valid NO<sub>x</sub> pounds per hour or heat input is not available for any hour for a unit, that heat input and NO<sub>x</sub> pounds per hour shall not be used in the calculation of the 30-day rolling average.

(iii) *Compliance determinations for SO<sub>2</sub>*. (A) The 30-day rolling average SO<sub>2</sub>

emission rate for each coal-fired unit shall be calculated in accordance with the following procedure: Step one, sum the total pounds of SO<sub>2</sub> emitted from the unit during the current boiler-operating day and the previous twenty-nine (29) boiler-operating days; step two, sum the total heat input to the unit in MMBtu during the current boiler-operating day and the previous twenty-nine (29) boiler-operating days; and step three, divide the total number of pounds of SO<sub>2</sub> emitted during the thirty (30) boiler-operating days by the total heat input during the thirty (30) boiler-operating days. A new 30-day rolling average SO<sub>2</sub> emission rate shall be calculated for each new boiler-operating day. Each 30-day rolling average SO<sub>2</sub> emission rate shall include all emissions and all heat input that occur during all periods within any boiler-operating day, including emissions from startup, shutdown, and malfunction.

(B) [Reserved]

(C) If a valid SO<sub>2</sub> pounds per hour at the outlet of the FGD system or heat input is not available for any hour for a unit, that heat input and SO<sub>2</sub> pounds per hour shall not be used in the calculation of the 30-day rolling average.

(D) If both a valid inlet and outlet SO<sub>2</sub> lb/MMBtu and an outlet value of lb/hr of SO<sub>2</sub> are not available for any hour, that hour shall not be included in the efficiency calculation.

\* \* \* \* \*

(10) *Equipment operations*. (i) [Reserved]

(ii) *Coronado Generating Station*. At all times, including periods of startup, shutdown, and malfunction, the owner or operator of Coronado Generating Station Unit 1 and Unit 2 shall, to the extent practicable, maintain and operate each unit in a manner consistent with good air pollution control practices for minimizing emissions. The owner or operator shall continuously operate pollution control equipment at all times the unit it serves is in operation, and operate pollution control equipment in a manner consistent with technological limitations, manufacturer's specifications, and good engineering and good air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Regional Administrator which may include, but is not limited to, monitoring results,

review of operating and maintenance procedures, and inspection of each unit.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 151211999-6343-02]

RIN 0648-XF313

#### Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Trip Limit Increase for the Small Vessel Category of the Common Pool Fishery

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

**ACTION:** Temporary rule; inseason adjustment.

**SUMMARY:** This action increases the Gulf of Maine (GOM) cod trip limit for Northeast multispecies common pool small vessel category vessels for the remainder of the 2016 fishing year. This increase corrects a previous action that did not raise the small vessel category trip limit. Increasing the possession and trip limits is intended to provide the common pool fishery with additional fishing opportunities through the end of the fishing year.

**DATES:** The trip limit increase is effective March 22, 2017, through April 30, 2017.

**FOR FURTHER INFORMATION CONTACT:** Spencer Talmage, Fishery Management Specialist, 978-281-9232.

**SUPPLEMENTARY INFORMATION:** The regulations at § 648.86(o) authorize the Regional Administrator to adjust the possession and trip limits for common pool vessels in order to help prevent the overharvest or underharvest of the common pool quotas.

On March 16, 2017, the common pool Gulf of Maine (GOM) cod and haddock trip limits were increased (82 FR 14478, March 21, 2017). In this action, we incorrectly stated that the small vessel category trip limit of GOM cod was unchanged. However, this trip limit should have increased from 25 lb (11.34 kg) per trip to 100 lb (45.36 kg) per trip. To correct this error and allow the common pool fishery to catch more of its quota for GOM cod, effective March 22, 2017, the trip limit of GOM cod for

the small vessel category is increased to 100 lb (45.36 kg) per trip. Vessels in the small vessel category are still held to the combined 300-lb (136.1 kg) trip limit for cod, haddock, and yellowtail flounder. Common pool groundfish vessels that have declared their trip through the vessel monitoring system (VMS) or interactive voice response system, and crossed the VMS demarcation line prior to March 22, 2017, may land the new trip limit for that trip.

Weekly quota monitoring reports for the common pool fishery can be found on our Web site at: <http://www.greateratlantic.fisheries.noaa.gov/ro/fso/MultiMonReports.htm>. We will continue to monitor common pool catch through vessel trip reports, dealer-reported landings, VMS catch reports, and other available information and, if necessary, we will make additional adjustments to common pool management measures.

#### Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA, finds good cause pursuant to 5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d)(3) to waive prior notice and the opportunity for public comment and the 30-day delayed effectiveness period because it would be impracticable and contrary to the public interest.

The regulations at § 648.86(o) authorize the Regional Administrator to adjust the Northeast multispecies possession and trip limits for common pool vessels in order to help prevent the overharvest or underharvest of the pertinent common pool quotas. The error in a recent inseason action to increase the GOM cod and haddock trip limits was only recently discovered. As a result, the time necessary to provide for prior notice and comment, and a 30-day delay in effectiveness, would prevent NMFS from implementing the necessary trip limit correction in a timely manner, which could prevent the fishery from achieving the OY, and cause negative economic impacts to the common pool fishery.

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

Dated: March 22, 2017.

**Karen H. Abrams,**

*Acting 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 648

[Docket No.: 161118999-7280-02]

RIN 0648-BG46

#### Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Framework Adjustment 28

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

**ACTION:** Final rule.

**SUMMARY:** NMFS approves and implements through regulations the measures included in Framework Adjustment 28 to the Atlantic Sea Scallop Fishery Management Plan, which the New England Fishery Management Council adopted and submitted to NMFS for approval. The purpose of Framework 28 is to prevent overfishing, improve yield-per-recruit, and improve the overall management of the Atlantic sea scallop fishery. Framework 28: Sets specifications for the scallop fishery for fishing year 2017; revises the way we allocate catch to the limited access general category individual fishing quota fleet to reflect the spatial management of the scallop fishery; and implements a 50-bushel shell stock possession limit for limited access vessels inshore of the days-at-sea demarcation line north of 42° 20' N. lat.

**DATES:** Effective March 23, 2017.

**ADDRESSES:** The Council developed an environmental assessment (EA) for this action that describes the action and other considered alternatives and provides a thorough analysis of the impacts of these measures. Copies of the Framework, the EA, and the Initial Regulatory Flexibility Analysis (IRFA), are available upon request from Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950. The EA/IRFA is also accessible via the Internet at: <http://www.nefmc.org/scallops/index.html>.

Copies of the small entity compliance guide are available from John K. Bullard, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930-2298, or available on the internet at: <http://www.greateratlantic.fisheries.noaa.gov/sustainable/species/scallop/>.

**FOR FURTHER INFORMATION CONTACT:** Travis Ford, Fishery Policy Analyst, 978-281-9233.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Council adopted Framework 28 on November 17, 2016, and submitted a draft of the framework to NMFS on December 21, 2016, that presented Council recommended measures, rationale, impacts for review, and a draft EA. NMFS published a proposed rule, including a reference on how to obtain the framework and the draft final EA, for approving and implementing Framework 28 on January 19, 2017 (82 FR 6472). The proposed rule included a 15-day public comment period that closed on February 7, 2017. The Council submitted a final EA to NMFS on March 10, 2017, for approval. This annual action includes catch, effort, and quota allocations and adjustments to the rotational area management program for fishing year 2017. Framework 28 specifies measures for fishing year 2017, and includes fishing year 2018 measures that will go into place as a default should the next specifications-setting framework be delayed beyond the start of fishing year 2018. NMFS has approved all of the measures recommended by the Council and described below. The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) permits NMFS to approve, partially approve, or disapprove measures proposed by the Council based only on whether the measures are consistent with the fishery management plan, the Magnuson-Stevens Act and its National Standards, and other applicable law. We must defer to the Council's policy choices unless there is a clear inconsistency with the law or the FMP. Details concerning the development of these measures were contained in the preamble of the proposed rule and are not repeated here.

*Specification of Scallop Overfishing Limit (OFL), Acceptable Biological Catch (ABC), Annual Catch Limits (ACLs), Annual Catch Targets (ACTs), Annual Projected Landings (APLs) and Set-Asides for the 2017 Fishing Year and Default Specifications for Fishing Year 2018*

Table 1 outlines the scallop fishery catch limits derived from the ABC values and the projected landings of the fleet.