

*G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks*

The EPA interprets E.O. 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the E.O. has the potential to influence the regulation. This action is not subject to E.O. 13045 because it does not establish an environmental standard intended to mitigate health or safety risks. This proposal is designed to help implement the already-established ozone and PM<sub>2.5</sub> NAAQS, which were both promulgated in 1997 to protect the health and welfare of individuals, including children, who are susceptible to the adverse effects of exposure to unhealthy levels of ozone and PM<sub>2.5</sub>.

*H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*

This action is not a “significant energy action” as defined in Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy because it does not establish requirements that directly affect the general public and the public and private sectors, but, rather interprets the statutory requirements that apply to states in preparing their SIPs. The SIPs themselves will likely establish requirements that directly affect the general public, and the public and private sectors.

*I. National Technology Transfer and Advancement Act*

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (“NTTAA”), Public Law 104–113, section 12(d), (15 U.S.C. 272 note) directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs the EPA to provide Congress, through OMB, explanations when the agency decides not to use available and applicable voluntary consensus standards. This rulemaking does not involve technical standards. Therefore, the EPA is not considering the use of any voluntary consensus standards.

*J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*

Executive Order 12898 (59 FR 7629, Feb. 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

The EPA has determined that this proposed rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because if it has any effect on the level of protection provided to human health or the environment, the effect will be to increase the level of protection by resulting in more stringent emission controls on EGUs in affected nonattainment areas.

**Statutory Authority**

The statutory authority for this action is provided by 42 U.S.C. 7501, 7502, 7511a, 7513a, 7513b and 7601.

**List of Subjects in 40 CFR Part 51**

Environmental protection, Administrative practice and procedure, Air pollution control, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: May 29, 2014.

**Gina McCarthy,**  
*Administrator.*

For reasons set forth in the preamble, part 51 of chapter I of title 40 of the Code of Federal Regulations is proposed to be amended as follows:

**PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS.**

- 1. The authority citation for part 51 continues to read as follows:

**Authority:** 23 U.S.C. 101; 42 U.S.C. 7401–7671q.

- 2. Section 51.912 is amended by adding paragraph (a)(4) to read as follows:

**§ 51.912 What requirements apply for reasonably available control technology (RACT) and reasonably available control measures (RACM) under the 8-hour NAAQS?**

(a) \* \* \*

(4) An individual RACT determination must be made for each major source or major source category meeting the applicable major source size within a nonattainment area.

\* \* \* \* \*

[FR Doc. 2014–13415 Filed 6–6–14; 8:45 am]

**BILLING CODE 6560–50–P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

[Docket Nos. FWS–HQ–ES–2014–0012; FWS–HQ–ES–2014–0013; FWS–HQ–ES–2014–0014; 450 003 0115]

**Endangered and Threatened Wildlife and Plants; 90-Day Finding on Petitions To List Two Tortoises as Endangered or Threatened and a Sloth as Endangered**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of petition findings and initiation of status reviews.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce 90-day findings on two petitions to list two species (Flat-tailed tortoise (*Pyxis planicauda*) and Spider tortoise (*Pyxis arachnoides*)) as endangered or threatened and one petition to list one species (Pygmy three-toed sloth (*Bradypus pygmaeus*)) as endangered under the Endangered Species Act of 1973, as amended (Act). Based on our review, we find that these petitions present substantial scientific or commercial information indicating that the petitioned actions may be warranted. Therefore, with the publication of this document, we are initiating a review of the status of these species to determine if the petitioned actions are warranted. To assure that the best scientific and commercial data informs the status review and, if warranted, the subsequent listing determinations, and to provide an opportunity for all interested parties to provide information for consideration for the status assessment, we are requesting information regarding these species (see Request for Information, below). Based on the status reviews, we will issue 12-month findings on the petitions, which will address whether

the petitioned action is warranted, as provided in section 4(b)(3)(B) of the Act.

**DATES:** To allow us adequate time to conduct these status reviews, we request that we receive information no later than September 8, 2014. Information submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. Eastern Time on the closing date.

**ADDRESSES:** You may submit information by one of the following methods:

(1) Electronically: Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. In the Search box, enter the appropriate docket number (see table, below). You may submit information by clicking on “Comment Now!” If your information will fit in the provided comment box, please use this feature of <http://www.regulations.gov>, as it is most compatible with our information review procedures. If you attach your information as a separate document, our preferred file format is Microsoft Word. If you attach multiple comments (such as form letters), our preferred format is a spreadsheet in Microsoft Excel.

(2) By hard copy: Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: [Insert appropriate docket number; see table below]; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042-PDM; Arlington, VA 22203.

We request that you send information only by the methods described above. We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see Request for Information).

Species	Docket No.
Flat-tailed tortoise ( <i>Pyxis planicauda</i> ).	FWS-HQ-ES-2014-0012
Spider tortoise ( <i>Pyxis arachnoides</i> ).	FWS-HQ-ES-2014-0013
Pygmy three-toed sloth ( <i>Bradypus pygmaeus</i> ).	FWS-HQ-ES-2014-0014

**FOR FURTHER INFORMATION CONTACT:**

Janine Van Norman, Chief, Branch of Foreign Species, Ecological Services Program, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 420, Arlington, VA 22203; telephone 703-358-2171; facsimile 703-358-1735. If you use a telecommunications device for the deaf (TDD), please call the

Federal Information Relay Service (FIRS) at 800-877-8339.

**SUPPLEMENTARY INFORMATION:**

**Request for Information**

When we make a finding that a petition presents substantial information indicating that listing a species may be warranted, we are required to promptly review the status of the species (status review). For the status review to be complete and based on the best available scientific and commercial information, we request information on these species from range countries, governmental agencies, the scientific community, industry, and any other interested parties. We seek information on:

- (1) Each species’ biology, range, and population trends, including:
  - (a) Habitat requirements;
  - (b) Genetics and taxonomy;
  - (c) Historical and current range, including distribution patterns;
  - (d) Historical and current population levels, and current and projected trends; and
  - (e) Past and ongoing conservation measures for the species, its habitat, or both.

(2) The factors that are the basis for making a listing determination for a species under section 4(a)(1) of the Act (16 U.S.C. 1531 et seq.), which are:

- (a) The present or threatened destruction, modification, or curtailment of its habitat or range (“Factor A”);
- (b) Overutilization for commercial, recreational, scientific, or educational purposes (“Factor B”);
- (c) Disease or predation (“Factor C”);
- (d) The inadequacy of existing regulatory mechanisms (“Factor D”); or
- (e) Other natural or manmade factors affecting its continued existence (“Factor E”).

Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include.

Submissions merely stating support for or opposition to the actions under consideration without providing supporting information, although noted, will not be considered in making a determination. Section 4(b)(1)(A) of the Act directs that determinations as to whether any species is an endangered or threatened species must be made “solely on the basis of the best scientific and commercial data available.”

You may submit your information concerning these status reviews by one of the methods listed in the **ADDRESSES** section. If you submit information via <http://www.regulations.gov>, your entire

submission—including any personal identifying information—will be posted on the Web site. If you submit a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this personal identifying information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on <http://www.regulations.gov>.

Information and supporting documentation that we received and used in preparing this finding will be available for you to review at <http://www.regulations.gov>, or you may make an appointment during normal business hours at the U.S. Fish and Wildlife Service’s Branch of Foreign Species (see **FOR FURTHER INFORMATION CONTACT**).

**Background**

Section 4(b)(3)(A) of the Act requires that we make a finding on whether a petition to list a species presents substantial scientific or commercial information indicating that the petitioned action may be warranted. We are to base this finding on information provided in the petition and supporting information submitted with the petition. To the maximum extent practicable, we are to make this finding within 90 days of our receipt of the petition and publish our notice of the finding in the **Federal Register**.

Our standard for substantial scientific or commercial information within the Code of Federal Regulations (CFR) with regard to a 90-day petition finding is “that amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted” (50 CFR 424.14(b)). If we find that substantial scientific or commercial information was presented, we are required to commence a review of the status of the species, which will be subsequently summarized in our 12-month finding.

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations at 50 CFR Part 424 set forth the procedures for adding a species to, or removing a species from, the Federal Lists of Endangered and Threatened Wildlife and Plants. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1) of the Act (see Request for Information).

In considering what factors might constitute threats, we must look beyond the exposure of the species to a factor to evaluate whether the species may respond to the factor in a way that causes actual impacts to the species. If

there is exposure to a factor and the species responds negatively, the factor may be a threat and, during the status review, we attempt to determine how significant a threat it is. The threat is significant if it drives, or contributes to, the risk of extinction of the species such that the species may warrant listing as endangered or threatened as those terms are defined in the Act. However, the identification of factors that could impact a species negatively may not be sufficient to compel a finding that the information in the petition and our files is substantial. The information must include evidence sufficient to suggest that these factors may be operative threats that act on the species to the point that the species may meet the definition of endangered or threatened under the Act.

#### **Review of Petition To List the Flat-Tailed Tortoise as Endangered or Threatened Under the Act**

Additional information regarding our review of this petition can be found at <http://www.regulations.gov> under Docket No. FWS-HQ-ES-2014-0012 in the document labeled Appendix for the flat-tailed tortoise.

##### *Species and Range*

The flat-tailed tortoise (*Pyxis planicauda*) is endemic to Madagascar.

##### *Petition History*

On September 27, 2013, we received a petition from Friends of Animals and WildEarth Guardians, requesting that the flat-tailed tortoise be listed as endangered or threatened under the Act. The petition clearly identified itself as such and included the identification information for the petitioner required at 50 CFR 424.14(a). On October 25, 2013, we sent a response letter to the Petitioner acknowledging receipt of the petition. This finding addresses the petition.

##### *Finding*

Based on our review of the information provided in the petition and in the sources cited in the petition, we find that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted for the flat-tailed tortoise based on factors A and E (see Appendix for the flat-tailed tortoise). Thus, for the flat-tailed tortoise, the Service requests information on the five listing factors under section 4(a)(1) of the Act (see Request for Information).

#### **Review of Petition To List the Spider Tortoise as Endangered or Threatened Under the Act**

Additional information regarding our review of this petition can be found at <http://www.regulations.gov> under Docket No. FWS-HQ-ES-2014-0013 in the document labeled Appendix for the spider tortoise.

##### *Species and Range*

The spider tortoise (*Pyxis arachnoides*) is endemic to Madagascar.

##### *Petition History*

On September 27, 2013, we received a petition from Friends of Animals and WildEarth Guardians, requesting that the spider tortoise be listed as endangered or threatened under the Act. The petition clearly identified itself as such and included the identification information for the petitioner required at 50 CFR 424.14(a). On October 25, 2013, we sent a response letter to the Petitioner acknowledging receipt of the petition. This finding addresses the petition.

##### *Finding*

Based on our review of the information provided in the petition and in the sources cited in the petition, we find that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted for the spider tortoise based on factors A, B, D, and E (see Appendix for the spider tortoise). Thus, for the spider tortoise, the Service requests information on the five listing factors under section 4(a)(1) of the Act (see Request for Information).

#### **Review of Petition To List the Pygmy Three-Toed Sloth as Endangered Under the Act**

Additional information regarding our review of this petition can be found at <http://www.regulations.gov> under Docket No. FWS-HQ-ES-2014-0014 in the document labeled Appendix for the pygmy three-toed sloth.

##### *Species and Range*

The pygmy three-toed sloth (*Bradypus pygmaeus*) is endemic to Panama on the island of Isla Escudo de Veraguas (Isla Escudo).

##### *Petition History*

On November 15, 2013, we received a petition from the Animal Welfare Institute requesting that we emergency-list the pygmy three-toed sloth as endangered under the Act. The petition clearly identified itself as such and included the identification information for the petitioner required by 50 CFR

424.14(a). In a December 4, 2013, letter to the petitioner, we responded that we reviewed the information presented in the petition and did not find that the species warranted an emergency listing. This finding addresses the petition.

##### **Finding**

Based on our review of the information provided in the petition and in the sources cited in the petition, we find that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted for the pygmy three-toed sloth based on factors A, B, C, and E (see Appendix for the pygmy three-toed sloth). Thus, for the pygmy three-toed sloth, the Service requests information on the five listing factors under section 4(a)(1) of the Act (see Request for Information).

##### **Conclusion**

On the basis of our evaluation of the information presented under section 4(b)(3)(A) of the Act, we have determined that the three petitions summarized above present substantial scientific or commercial information indicating that the requested actions may be warranted, and we are initiating status reviews to determine whether these actions are warranted under the Act. At the conclusion of the status reviews, we will issue 12-month findings in accordance with section 4(b)(3)(B) of the Act, as to whether or not listing is warranted.

It is important to note that the “substantial information” standard for a 90-day finding differs from the Act’s “best scientific and commercial data” standard that applies to a status review to determine whether a petitioned action is warranted. A 90-day finding does not constitute a status review under the Act. In a 12-month finding, we will determine whether a petitioned action is warranted after we have completed a thorough review of the species. Because the Act’s standards for 90-day and 12-month findings are different, as described above, a substantial 90-day finding does not mean that the 12-month finding will result in a warranted finding.

##### **References Cited**

On <http://www.regulations.gov>, the docket for each species (see table under **ADDRESSES**) contains the relevant appendix and petition mentioned above. Each appendix contains a list of references cited. Each appendix is also available upon request from the Branch of Foreign Species (see **FOR FURTHER INFORMATION CONTACT**).

**Author**

The primary author of this document is Amy Brisendine, Branch of Foreign Species, Ecological Services Program, U.S. Fish and Wildlife Service (see **FOR FURTHER INFORMATION CONTACT**).

**Authority**

The authority for these actions is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.).

Dated: May 27, 2014.

**Stephen Guertin,**

*Acting Director, U.S. Fish and Wildlife Service.*

[FR Doc. 2014-13288 Filed 6-6-14; 8:45 am]

**BILLING CODE 4310-55-P**

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 29**

[Docket No. FWS-HQ-NWRS-2012-0086; FXRS12610900000-134-FF09R200000]

RIN 1018-AX36

**Non-Federal Oil and Gas Development Within the National Wildlife Refuge System**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Advance notice of proposed rulemaking; notice of intent to prepare an environmental impact statement; reopening and extension of the comment period.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) is reopening and extending the comment period for the advance notice of proposed rulemaking and notice of intent to prepare an environmental impact statement for non-Federal oil and gas development within the National Wildlife Refuge System published in the **Federal Register** on February 24, 2014. We are taking this action in response to public comments.

**DATES:** The comment period for the advance notice of proposed rulemaking and notice of intent to prepare an environmental impact statement that published February 24, 2014 (79 FR 10080), is reopened. We will consider comments received or postmarked on or before July 9, 2014.

**ADDRESSES:** *Document availability:* You may obtain a copy of the advance notice of proposed rulemaking and notice of intent to prepare an environmental impact statement on the Internet at <http://www.regulations.gov> at Docket No. FWS-HQ-NWRS-2012-0086.

*Written comments:* You may submit written comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. Search for FWS-HQ-NWRS-2012-0086, which is the docket number for this rulemaking. You may submit a comment by clicking on "Comment Now!" If your comments will fit in the provided comment box, please use this feature of <http://www.regulations.gov>, as it is most compatible with our comment review procedures. If you attach your comments as a separate document, our preferred file format is Microsoft Word. If you attach multiple comments (such as form letters), our preferred format is a spreadsheet in Microsoft Excel.

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS-HQ-NWRS-2012-0086; Division of Policy and Directives Management, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, MS 2042-PDM, Arlington, VA 22203.

We will not accept email or faxes. We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see **SUPPLEMENTARY INFORMATION** for more information).

**FOR FURTHER INFORMATION CONTACT:** Scott Covington, (703) 358-2427.

**SUPPLEMENTARY INFORMATION:** On February 24, 2014 (79 FR 10080), we published an advance notice of proposed rulemaking (ANPR) and notice of intent (NOI) to prepare an environmental impact statement (EIS) seeking public comments to assist us in developing a proposed rule and programmatic EIS on managing activities associated with non-Federal oil and gas development on lands and waters of the National Wildlife Refuge System (Refuge System). Non-Federal oil and gas development refers to oil and gas activities associated with any private, state, or tribally owned mineral interest where the surface estate is administered by the Service as part of the Refuge System. The proposed rule will clarify and expand existing regulations at 50 CFR 29.32.

The Service solicited public comment and provided a 60-day public comment period ending April 25, 2014. The Service has received requests for an extension of the public comment period. In response to those requests, we are reopening and extending the public comment period for 30 days. All comments received between April 25, 2014, and the date specified above in **DATES** will be considered.

If you submitted comments or information on the ANPR/NOI during the initial comment period from February 24 to April 25, 2014, please do not resubmit them. We have incorporated them into the public record, and will fully consider them in determining the scope of the proposed rule and EIS.

Dated: May 21, 2014.

**Rachel Jacobson,**

*Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 2014-13303 Filed 6-6-14; 8:45 am]

**BILLING CODE 4310-55-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 300**

[Docket No. 130722645-4453-01]

RIN 0648-BD53

**International Fisheries; Pacific Tuna Fisheries; Fishing Restrictions in the Eastern Pacific Ocean, Whale Shark Conservation Measures**

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes under the Tuna Conventions Act to implement a resolution of the Inter-American Tropical Tuna Commission (IATTC) intended to conserve whale sharks (*Rhincodon typhus*) in the Eastern Pacific Ocean (EPO). This proposed rule, if adopted, would prohibit setting a purse seine net on a whale shark, and would require certain measures to protect whale sharks in the event that a whale shark is encircled in a purse seine net. This proposed rulemaking is necessary for the United States to satisfy its obligations as a member of the IATTC.

**DATES:** Comments must be submitted in writing by June 30, 2014. A public hearing will be held from 1 p.m. to 4 p.m. PST, June 11, 2014 in Long Beach, CA.

**ADDRESSES:** You may submit comments on this document, identified by NOAA-NMFS-2013-0118, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to [www.regulations.gov](http://www.regulations.gov)