

*B. Has Indiana submitted an approvable ozone maintenance plan and approvable motor vehicle emission budget?*

To be approvable, an ozone maintenance plan, in part, must demonstrate that the ozone standard will be maintained in the ozone nonattainment area for at least 10 years after EPA approves the state's ozone redesignation request. A critical component of ozone maintenance plans is an ozone attainment emissions inventory documenting the VOC and NO<sub>x</sub> emissions inventory for the period in which the area has attained the ozone standard. The ozone maintenance demonstration usually involves the demonstration that future (during the 10 years after redesignation) VOC and NO<sub>x</sub> emissions will be at or below the attainment emissions. Indiana's ozone redesignation request contains such an ozone maintenance demonstration.

Since the Chicago ozone nonattainment area continues to violate the 2008 eight-hour ozone standard, we cannot conclude that Indiana has developed an acceptable attainment year emissions inventory. This means that the ozone maintenance demonstration portion of the ozone maintenance plan is unacceptable.

Since the estimation of the VOC and NO<sub>x</sub> MVEBs depends on the determination of mobile source emissions that, along with other emissions in the nonattainment area, provide for attainment of the ozone standard, and since the Chicago nonattainment area continues to violate the 2008 eight-hour ozone standard, we conclude that Indiana's estimates of the VOC and NO<sub>x</sub> MVEBs are also not acceptable.

We are not proposing action on Indiana's ozone maintenance demonstration and plan and MVEBs at this time. However, we note that, if we were to propose actions on these ozone redesignation request elements, we would find it necessary to propose disapproval.

## VI. Statutory and Executive Order Reviews

### *Executive Order 12866: Regulatory Planning and Review*

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and, therefore, is not subject to review by the Office of Management and Budget.

### *Paperwork Reduction Act*

This rule does not impose an information collection burden under the

provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

### *Regulatory Flexibility Act*

This action merely disapproves state law as not meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

### *Unfunded Mandates Reform Act*

Because this rule disapproves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandate Reform Act of 1995 (Pub. L. 104-4).

### *Executive Order 13132: Federalism*

This action also does not have Federalism implications because it does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely disapproves a state rule, and does not alter the relationship or the distribution of power and responsibilities established in the CAA.

### *Executive Order 13175: Consultation and Coordination With Indian Tribal Governments*

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (59 FR 22951, November 9, 2000).

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

This rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it disapproves a state rule.

### *Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, Or Use*

Because it is not a "significant regulatory action under Executive Order 12866 or a "significant energy action," this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001).

### *National Technology Transfer Advancement Act*

In reviewing state submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the state to use voluntary consensus standards (VCS), EPA has no authority to disapprove a state submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a state submission, to use VCS in place of a state submission that otherwise satisfies the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply.

## List of Subjects

### *40 CFR Part 52*

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Ozone, Volatile organic compounds.

### *40 CFR Part 81*

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

Dated: June 18, 2014.

**Susan Hedman,**

*Regional Administrator, Region 5.*

[FR Doc. 2014-15287 Filed 6-27-14; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[EPA-HQ-SFUND-1989-0007; FRL-9912-80-Region 5]

**National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the Naval Industrial Reserve Ordnance Plant (NIROP) Superfund Site**

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

**ACTION:** Proposed rule; notice of intent.

**SUMMARY:** EPA Region 5 is issuing a Notice of Intent to Delete Operable Unit 2 (OU2) of the Naval Industrial Reserve Ordnance Plant (NIROP) Superfund Site (Site), located in Fridley, Minnesota, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). EPA with the concurrence of the State of Minnesota, through the Minnesota Pollution Control Agency (MPCA), has determined that all appropriate response actions under CERCLA at the OU, identified herein, other than operation, maintenance, and five-year reviews, have been completed. However, this partial deletion does not preclude future actions under Superfund.

EPA divided the NIROP Site into three portions, known as OUs, for ease of addressing its contaminant issues. This partial deletion pertains to the OU2 portion of NIROP, which includes all the unsaturated soils within the legal boundaries of the NIROP Superfund Site exclusive of unsaturated soils underlying the former Plating Shop Area (see Site Map in the SEMS ID 446572 document listed in the Deletion Docket for OU2). The following areas will remain on the NPL and are not being considered for deletion as part of this action: OU1 and OU3. OU1 includes the contaminated groundwater within and originating from the NIROP Superfund Site. OU3 includes all the unsaturated soils underlying the former Plating Shop Area.

**DATES:** Comments must be received by July 30, 2014.

**ADDRESSES:** Submit your comments, identified by Docket ID no. EPA-HQ-SFUND-1989-0007, by one of the following methods:

- <http://www.regulations.gov>: Follow online instructions for submitting comments.

- *Email:* Sheila Desai, Remedial Project Manager, at [desai.sheila@epa.gov](mailto:desai.sheila@epa.gov) or Theresa Jones, Community Involvement Coordinator, at [jones.theresa@epa.gov](mailto:jones.theresa@epa.gov).

- *Fax:* Gladys Beard at (312) 697-2077.

- *Mail:* Sheila Desai, Remedial Project Manager, U.S. Environmental Protection Agency (SR-6J), 77 West Jackson Boulevard, Chicago, IL 60604, (312) 353-4150 or Teresa Jones, Community

Involvement Coordinator, U.S. Environmental Protection Agency (SI-7J), 77 West Jackson Boulevard, Chicago, IL 60604, (312) 886-0725 or toll free at 1-(800) 621-8431.

- *Hand delivery:* Teresa Jones, Community Involvement Coordinator, U.S. Environmental Protection Agency (SI-7J), 77 West Jackson Boulevard, Chicago, IL 60604. Such deliveries are only accepted during the docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information. The normal business hours are Monday through Friday, 8:30 a.m. to 4:30 p.m. CST, excluding federal holidays.

*Instructions:* Direct your comments to Docket ID no. EPA-HQ-SFUND-1989-0007. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or email. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through <http://www.regulations.gov>, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket:* All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in the hard copy. Publicly available docket materials are available either

electronically at <http://www.regulations.gov> or in hard copy at:

- U.S. Environmental Protection Agency Region 5, 77 West Jackson Boulevard, Chicago, IL 60604, Phone: (312) 353-1063, Hours: Monday through Friday, 8:30 a.m. to 4:30 p.m. CST, excluding federal holidays.

- The Navy has set up an online repository for the NIROP Superfund Site at the link below. Please click on the Administrative Record File link to see all the documents. <http://go.usa.gov/DyNY>

- The Minnesota Pollution Control Agency also has an information repository for the NIROP Superfund Site at their offices: 520 Lafayette Road, St. Paul, MN 55155. Call 651-296-6300 or toll-free at 800-657-3864 to schedule an appointment.

**FOR FURTHER INFORMATION CONTACT:** Sheila Desai, Remedial Project Manager, Environmental Protection Agency (SR-6J), 77 West Jackson Boulevard, Chicago, IL 60604, (312) 353-4150, [desai.sheila@epa.gov](mailto:desai.sheila@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the "Rules and Regulations" section of today's **Federal Register**, we are publishing a direct final Notice of Partial Deletion for OU2 of the NIROP Superfund Site without prior Notice of Intent for Partial Deletion because EPA views this as a noncontroversial revision and anticipates no adverse comment. We have explained our reasons for this deletion in the preamble to the direct final Notice of Partial Deletion, and those reasons are incorporated herein. If we receive no adverse comment(s) on this partial deletion action, we will not take further action on this Notice of Intent for Partial Deletion. If we receive adverse comment(s), we will withdraw the direct final Notice of Partial Deletion, and it will not take effect. We will, as appropriate, address all public comments in a subsequent final Notice of Partial Deletion based on this Notice of Intent for Partial Deletion. We will not institute a second comment period on this Notice of Intent for Partial Deletion. Any parties interested in commenting must do so at this time.

For additional information, see the direct final Notice of Partial Deletion which is located in the "Rules and Regulations" section of this **Federal Register**.

#### List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping

requirements, Superfund, Water pollution control, Water supply.

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Dated: June 10, 2014.

**Susan Hedman,**

*Regional Administrator, Region 5.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[Docket No. FWS–R5–ES–2011–0024;  
4500030113]

RIN 1018–AY98

#### Endangered and Threatened Wildlife and Plants; 6-Month Extension of Final Determination on the Proposed Endangered Status for the Northern Long-Eared Bat

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

**ACTION:** Proposed rule; reopening of the comment period.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce a 6-month extension of the final determination of whether to list the northern long-eared bat (*Myotis septentrionalis*) as endangered. We also reopen the comment period on the proposed rule to list the species. We are taking this action based on substantial disagreement regarding the sufficiency or accuracy of the available data relevant to our determination regarding the proposed listing, making it necessary to solicit additional information by reopening the comment period for 60 days. Comments previously submitted need not be resubmitted as they are already incorporated into the public record and will be fully considered in the final rule. We will publish a listing determination on or before April 2, 2015.

**DATES:** The comment period end date is August 29, 2014. If you comment using the Federal eRulemaking Portal (see **ADDRESSES**), you must submit your comments by 11:59 p.m. Eastern Time on the closing date.

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

(1) *Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. In the Search box, enter Docket No. FWS–R5–ES–2011–

0024, which is the docket number for this rulemaking. Then, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rules link to locate this document. 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 to: Public Comments Processing, Attn: FWS–R5–ES–2011–0024; 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 comments **only** by the methods described above. We will post all information received on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see the **Information Requested** section, below, for more details).

**FOR FURTHER INFORMATION CONTACT:** Lisa Mandell, Deputy Field Supervisor, U.S. Fish and Wildlife Service, Twin Cities Ecological Services Office, 4101 American Blvd. East, Bloomington, MN 55425; telephone (612) 725–3548, ext. 2201; or facsimile (612) 725–3609. If you use a telecommunications device for the deaf (TDD), please call the Federal Information Relay Service (FIRS) at 800–877–8339.

#### SUPPLEMENTARY INFORMATION:

##### Background

On October 2, 2013, we published a proposed rule to list the northern long-eared bat as an endangered species (78 FR 61046) under the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 *et seq.*). That proposal had a 60-day comment period, ending December 2, 2013. On December 2, 2013, we extended the proposal’s comment period for an additional 30 days, ending January 2, 2014 (78 FR 72058). For a description of previous Federal actions concerning the northern long-eared bat, please refer to the October 2, 2013, proposed listing rule. We also solicited and received independent scientific review of the information contained in the proposed rule from peer reviewers with expertise in the northern long-eared bat or similar species biology, in accordance with our

July 1, 1994, peer review policy (59 FR 34270).

Section 4(b)(6) of the Act and its implementing regulations at 50 CFR 424.17(a) require that we take one of three actions within 1 year of a proposed listing and concurrent proposed designation of critical habitat: (1) Finalize the proposed rule; (2) withdraw the proposed rule; or (3) extend the final determination by not more than 6 months, if there is substantial disagreement regarding the sufficiency or accuracy of the available data relevant to the determination.

Since the publication of the October 2, 2013, proposed listing rule, there has been substantial disagreement regarding the best available science as it relates to the northern long-eared bat’s current and predicted population trends and threats. Differing interpretations of the accuracy and sufficiency of the existing information on white-nose syndrome, which has been identified as the primary threat to the species, have led to disagreement regarding the current status of the species. In particular, some commenters raised questions regarding the certainty of scientific information used in the proposed listing rule. For example, some raised questions about: The probability and likely rate of white-nose syndrome spreading to currently unaffected areas; how or whether the disease will impact the northern long-eared bat in currently unaffected or recently affected areas within its range; or how existing scientific models predict such factors. Some commenters stated that some portions of the species’ range where white-nose syndrome has been present in hibernacula for several years have yet to see declines in the species’ numbers similar to what was observed in the Northeast.

There is substantial scientific uncertainty and disagreement about the Service’s analysis or interpretation of the data, specifically in how and to what extent white-nose syndrome will spread and affect the northern-long eared bat across its range, which has a bearing on our listing determination. As a result of these comments, we find that there is substantial disagreement regarding the sufficiency or accuracy of the available data relevant to our listing determination. Therefore, in consideration of these disagreements, we have determined that a 6-month extension of the final determination for this rulemaking is necessary, and we are hereby extending the final determination for 6 months in order to solicit and consider information that will help to clarify these issues and to fully analyze information regarding available data that are relevant to our