

through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPPT Docket is (202) 566-0280. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

**FOR FURTHER INFORMATION CONTACT:** For technical information contact: Kenneth Moss, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (202) 564-9232; email address: [moss.kenneth@epa.gov](mailto:moss.kenneth@epa.gov).

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Does this action apply to me?

A list of potentially affected entities is provided in the **Federal Register** of July 8, 2014 (79 FR 38464) (FRL-9911-05) and July 9, 2014 (79 FR 39268) (FRL-9910-01). If you have questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

##### II. What rules are being withdrawn?

In the **Federal Register** of July 8, 2014 (79 FR 38464) and July 9, 2014 (79 FR 39268), EPA issued several direct final SNURs, including SNURs for the chemical substances that are the subject of this withdrawal. These direct final rules were issued pursuant to the procedures in 40 CFR part 721, subpart D. In accordance with § 721.160(c)(3)(ii), EPA is withdrawing the rules issued for chemical substances generically identified as 1,1'-methylenebis[isocyanatobenzene], polymer with polycarboxylic acids in alkane polyols; aromatic dibenzoate; propylene glycol, alpha isocyanate, omega silane; aromatic dicarboxylic acid polymer with alkanediol, alkyl alkyl-2-alkenoate, 1,4- dialkyl aromatic dicarboxylate, alkanedioic acid, alkanediol, .alpha.-hydro.-omega.-hydroxypoly[oxy(alkyl- alkanediyl)], hydroxyalkyl 2-alkyl-2- alkenoate, aromatic diisocyanate, alkyl 2-alkyl-2-alkenoate and 2-alkyl-2- alkenoic acid; alkanedioic acid, polymer with alkyl 2-alkyl-2-alkenoate, alkanedioic acid, alkanediol, .alpha.-hydro.-omega.-hydroxypoly[oxy(alkyl-1 2-alkanediyl)], hydroxyalkyl 2-alkyl-2-alkenoate, aromatic diisocyanate, alkyl 2-alkyl-2-

alkenoate and 2-alkyl-2-alkenoic acid; and alkanedioic acid, polymer with alkyl alkyl- alkenoate, alkanedioic acid, alkanediol, .alpha.-hydro.-omega.-hydroxypoly[oxy(alkyl-1,2-alkanediyl)], aromatic diisocyanate, alkyl alkyl-alkenoate and alkyl-alkenoic acid, which were the subject of PMNs P-14-60, P-13-270, P-13-563, P-13-617, P-13-618, and P-13-619 respectively, because the Agency received notices of intent to submit adverse comments. EPA intends to publish proposed SNURs for these chemical substances under separate notice and comment procedures.

For further information regarding EPA's expedited process for issuing SNURs, interested parties are directed to 40 CFR part 721, subpart D, and the **Federal Register** of July 27, 1989 (54 FR 31314). The record for the direct final SNURs for the chemical substances that are being removed were established at EPA-HQ-OPPT-2014-0277 and EPA-HQ-OPPT-2014-0166. These records include information considered by the Agency in developing these rules and the notices of intent to submit adverse comments.

##### III. Statutory and Executive Order Reviews

This final rule revokes or eliminates an existing regulatory requirement and does not contain any new or amended requirements. As such, the Agency has determined that this withdrawal will not have any adverse impacts, economic or otherwise. The statutory and executive order review requirements applicable to the direct final rule were discussed in the **Federal Register** of July 8, 2014 and July 9, 2014. Those review requirements do not apply to this action because it is a withdrawal and does not contain any new or amended requirements.

##### IV. Congressional Review Act (CRA)

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule 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**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

##### List of Subjects

###### 40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

###### 40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: August 28, 2014.

**Maria J. Doa,**

*Director, Chemical Control Division, Office of Pollution Prevention and Toxics.*

Therefore, 40 CFR chapter I is amended as follows:

##### PART 9—[AMENDED]

■ 1. The authority citation for part 9 continues to read as follows:

**Authority:** 7 U.S.C. 135 *et seq.*, 136-136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601-2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971-1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g-1, 300g-2, 300g-3, 300g-4, 300g-5, 300g-6, 300j-1, 300j-2, 300j-3, 300j-4, 300j-9, 1857 *et seq.*, 6901-6992k, 7401-7671q, 7542, 9601-9657, 11023, 11048.

##### § 9.1 [Amended]

■ 2. In § 9.1, under the undesignated center heading "Significant New Uses of Chemical Substances," remove §§ 721.10735, 721.10741, 721.10742, 721.10743, 721.10744 and 721.10762.

##### PART 721—[AMENDED]

■ 3. The authority citation for part 721 continues to read as follows:

**Authority:** -15. U.S.C. 2604, 2607, and 2625(c).

##### § 721.10735 [Removed]

■ 4. Remove § 721.10735.

##### §§ 721.10741 through 721.10744 [Removed]

■ 5. Remove §§ 721.10741 through 721.10744.

##### § 721.10762 [Removed]

■ 6. Remove § 721.10762.

[FR Doc. 2014-21091 Filed 9-3-14; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R07-OAR-2014-0595; FRL-9916-10-Region 7]

### Approval and Promulgation of Implementation Plans; State of Missouri, Control of Gasoline Reid Vapor Pressure

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

**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking direct final action to approve a revision to the State Implementation Plan (SIP) submitted by the State of Missouri and received by EPA on July 18, 2013, related to the Missouri rule that controls Gasoline Reid Vapor Pressure (RVP) in the Kansas City metropolitan area. This action amends the SIP by updating no longer existing references to certain sampling procedures and test procedures.

**DATES:** This direct final rule will be effective November 3, 2014, without further notice, unless EPA receives adverse comment by October 6, 2014. If EPA receives adverse comment, we will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R07-OAR-2014-0595, by one of the following methods:

1. *www.regulations.gov*. Follow the on-line instructions for submitting comments.

2. Email: [bhesania.amy@epa.gov](mailto:bhesania.amy@epa.gov).

3. Mail or Hand Delivery: Amy Bhesania, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219.

**Instructions:** Direct your comments to Docket ID No. EPA-R07-OAR-2014-0595. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *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 through *www.regulations.gov* or email information that you consider to be CBI or otherwise protected. The *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 *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 *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219. The Regional Office's official hours of business are Monday through Friday, 8:00 to 4:30 excluding legal holidays. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

**FOR FURTHER INFORMATION CONTACT:** Amy Bhesania, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551-7147, or by email at [bhesania.amy@epa.gov](mailto:bhesania.amy@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document "we," "us," or "our" refer to EPA. This section provides additional information by addressing the following:

- I. What is being addressed in this document?
- II. Have the requirements for approval of a SIP revision been met?
- III. What action is EPA taking?

**I. What is being addressed in this document?**

EPA is taking direct final action to approve a revision to the Missouri SIP received on July 18, 2013, related to Missouri rule 10-CSR 10-2.330, "Control of Gasoline Reid Vapor Pressure (RVP)." This rule limits the volatility of motor vehicle gasoline in the previous 1-hour ozone Kansas City maintenance area of Clay, Jackson and Platte counties in Missouri and Johnson and Wyandotte counties in Kansas. This action amends the SIP by updating no longer existing references to certain sampling procedures and test procedures.

Specifically, prior to this revision, the gasoline sampling procedure in section (4) of the rule references 40 CFR part 80,

appendix D, which is outdated. This reference is being replaced by the Federally approved American Society for Testing and Materials (ASTM) standard reference (ASTM D4057-06 (2011)). Similarly, prior to this revision, the gasoline testing procedures for RVP and determination of compliance reference in section (5)(A) of the rule was also outdated. This reference is being replaced by the Federally approved ASTM standard reference (ASTM D6378-10 or ASTM D5191-10b). In addition, minor administrative corrections are being made to subsections (6)(A) and (6)(D), and section (7).

**II. Have the requirements for approval of a SIP revision been met?**

The state submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

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

EPA is taking direct final action to approve this SIP revision. We are publishing this rule without a prior proposed rule because we view this as a noncontroversial action and anticipate no adverse comment. However, in the "Proposed Rules" section of this **Federal Register**, we are publishing a separate document that will serve as the proposed rule to approve this SIP revision if adverse comments are received on this direct final rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this rule, see the **ADDRESSES** section of this document.

If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect. We will address all public comments in any subsequent final rule based on the proposed rule.

*Statutory and Executive Order Reviews*

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act 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” under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 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 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, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

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 November 3, 2014. Filing a petition for reconsideration by the Administrator 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. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of

proposed rulemaking for this action published in the proposed rules section of this **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: August 20, 2014.

**Mark Hague,**

*Acting Regional Administrator, Region 7.*

For the reasons stated in the preamble, the Environmental Protection Agency amends 40 CFR part 52 as set forth below:

**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.*

**Subpart AA—Missouri**

- 2. In § 52.1320, the table in paragraph (c) is amended by revising the entry for 10–2.330 to read as follows:

**§ 52.1320 Identification of plan.**

\* \* \* \* \*  
(c) \* \* \*

**EPA-APPROVED MISSOURI REGULATIONS**

Missouri citation	Title	State effective date	EPA approval date	Explanation
<b>Missouri Department of Natural Resources</b>				
*	*	*	*	*
<b>Chapter 2—Air Quality Standards and Air Pollution Control Regulations for the Kansas City Metropolitan Area</b>				
*	*	*	*	*
10–2.330 .....	Control of Gasoline Reid Vapor Pres- sure.	07/30/2013 .....	09/04/2014 [Insert Federal Register ci- tation].	
*	*	*	*	*

\* \* \* \* \*

[FR Doc. 2014-20915 Filed 9-3-14; 8:45 am]

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**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 17**[Docket No. FWS-R4-ES-2013-0033;  
4500030113]

RIN 1018-AZ15

**Endangered and Threatened Wildlife and Plants; Endangered Species Status for *Brickellia mosieri* (Florida Brickell-bush) and *Linum carteri* var. *carteri* (Carter's Small-flowered Flax)****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Final rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), determine endangered species status under the Endangered Species Act of 1973 (Act), as amended, for *Brickellia mosieri* (Florida brickell-bush) and *Linum carteri* var. *carteri* (Carter's small-flowered flax), two plants from Miami-Dade County, Florida. The effect of this regulation will be to add these plants to the List of Endangered and Threatened Plants.

**DATES:** This rule becomes effective October 6, 2014.

**ADDRESSES:** This final rule is available on the internet at <http://www.regulations.gov> and at <http://www.fws.gov/verobeach/>. Comments and materials we received, as well as supporting documentation we used in preparing this rule, are available for public inspection at <http://www.regulations.gov>. All of the comments, materials, and documentation that we considered in this rulemaking are available by appointment, during normal business hours at: U.S. Fish and Wildlife Service, South Florida Ecological Services Office, 1339 20th Street, Vero Beach, FL 32960; telephone 772-562-3909; facsimile 772-562-4288.

**FOR FURTHER INFORMATION CONTACT:** Craig Aubrey, Field Supervisor, U.S. Fish and Wildlife Service, South Florida Ecological Services Office, 1339 20th Street, Vero Beach, FL 32960, by telephone 772-562-3909, or by facsimile 772-562-4288. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800-877-8339.

**SUPPLEMENTARY INFORMATION:****Executive Summary**

*Why we need to publish a rule.* Under the Act, a species may warrant protection through listing if we find that it is an endangered or threatened species throughout all or a significant portion of its range. Listing a species as endangered or threatened can only be completed by issuing a rule. We will also be finalizing the designation of critical habitat for *Brickellia mosieri* and *Linum carteri* var. *carteri* under the Act in the near future.

This rule will finalize the listing of *Brickellia mosieri* and *Linum carteri* var. *carteri* as endangered species.

*The basis for our action.* Under the Act, we may determine that a species is an endangered or threatened species based on any of five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. We have determined that *Brickellia mosieri* and *Linum carteri* var. *carteri* meet the definition of an endangered species based on Factors A, D, and E.

*Peer review and public comment.* We sought comments from six independent specialists to ensure that our action is based on scientifically sound data, assumptions, and analyses. We invited these peer reviewers to comment on our listing proposal. We also considered all other comments and information received during the comment period.

**Previous Federal Action**

Please refer to the proposed listing rule for *Brickellia mosieri* and *Linum carteri* var. *carteri* (78 FR 61273; October 3, 2013) for a detailed description of previous Federal actions concerning these plants.

**Summary of Comments and Recommendations**

In the proposed rule published on October 2, 2013 (78 FR 61273), we requested that all interested parties submit written comments on the proposal by December 2, 2013. We also contacted appropriate Federal and State agencies, scientific experts and organizations, and other interested parties and invited them to comment on the proposal. Newspaper notices inviting general public comment were published in the Miami Herald.

*Peer Reviewer Comments*

In accordance with our peer review policy published on July 1, 1994 (59 FR

34270), we solicited expert opinion from six knowledgeable individuals with scientific expertise that included familiarity with *Brickellia mosieri* and *Linum carteri* var. *carteri* and/or their habitat, biological needs, and threats; the geographical region of South Florida in which these plants occur; and conservation biology principles. We received responses from all six of the peer reviewers we contacted.

We reviewed all comments received from the peer reviewers for substantive issues and new information regarding the listing of *Brickellia mosieri* and *Linum carteri* var. *carteri*. The peer reviewers generally concurred with our methods and conclusions, and provided additional information, clarifications, and suggestions to improve the final listing rule. Peer reviewer comments are addressed in the following summary and incorporated into the final rule as appropriate.

*(1) Comment:* One peer reviewer commented on the lack of discussion related to the threat of herbivory from invertebrates, both native and nonnative, and noted that *Brickellia cordifolia*, a north Florida species, experiences considerable damage on an annual basis from a not-yet-identified, leaf-boring-type arthropod. The reviewer also noted the possible threat of unnaturally high herbivory from deer, rabbits, and other vertebrates, as well as threats associated with feral hogs, both of which he stated are threats throughout most of Florida.

*Our Response:* We appreciate the information provided; however, biologists monitoring *Brickellia mosieri* in Miami-Dade County have not observed any significant damage to the species from invertebrates or vertebrates, native or nonnative. In addition, another peer reviewer noted that deer no longer occur in the areas where these plants exist, and rabbits occur only sparingly, and not in all areas. Based on the information available at this time, the Service does believe that predation poses a threat to *Brickellia mosieri*.

*(2) Comment:* One peer reviewer noted that two specimens of *Brickellia mosieri* (filed as *B. eupatorioides* and annotated by K.A. Bradley as *B. eupatorioides* var. *floridana*) in the collection at the Fairchild Tropical Botanic Garden Herbarium indicate that the historical range of this species probably extended north of South Miami. Based on these specimens, the reviewer stated that the historical range is better characterized as extending from approximately Coconut Grove to Florida City, while allowing that these observations may have been included