

change the designation of Harrisburg and York Areas from nonattainment to attainment for the 1997 annual PM<sub>2.5</sub> NAAQS, and the Harrisburg-York Area from nonattainment to attainment for the 2006 24-hour PM<sub>2.5</sub> NAAQS. EPA is also proposing to approve the associated maintenance plans for the Areas as revisions to the Pennsylvania SIP because they meet the requirements of section 175A of the CAA as described previously in this proposed rulemaking notice. In addition, EPA is proposing to approve the 2007 base year emissions inventory as meeting the requirement of section 172(a)(3) of the CAA. Furthermore, EPA is proposing to approve the 2017 and 2025 PM<sub>2.5</sub> and NO<sub>x</sub> MVEBs submitted by Pennsylvania for Cumberland, Dauphin, Lebanon, and York Counties for transportation conformity purposes. EPA is also initiating the process for determining whether the MVEBs are adequate for transportation conformity purposes. EPA's proposed approval of Pennsylvania's redesignation requests, maintenance plans, and MVEBs in today's rulemaking action are contingent upon the lifting of the CSAPR stay. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

#### VII. Statutory and Executive Order Reviews

Under the CAA, 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 proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- 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 proposing to approve Pennsylvania's redesignation requests, maintenance plans, 2007 base year emissions inventory, and MVEBs for transportation conformity purposes for the Harrisburg and York Areas for the 1997 annual PM<sub>2.5</sub> NAAQS and the Harrisburg-York Area for the 2006 24-hour PM<sub>2.5</sub> NAAQS, 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.

#### List of Subjects

##### 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen oxides, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

##### 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

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

Dated: September 30, 2014.

**Shawn M. Garvin,**

*Regional Administrator, Region III.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[Docket No. FWS-R8-ES-2014-0007; FXES1113090000-156-FF09E42000]

RIN 1018-AY82

#### Endangered and Threatened Wildlife and Plants; 12-Month Finding on a Petition To Downlist the Arroyo Toad, and a Proposed Rule To Reclassify the Arroyo Toad as Threatened

**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 the reopening of the public comment period on our March 27, 2014, proposed rule to reclassify the arroyo toad (*Anaxyrus californicus*) as threatened under the Endangered Species Act of 1973, as amended (Act). We are taking this action to solicit feedback on new information we received. Comments previously submitted need not be resubmitted, as they will be fully considered in preparation of the final listing determination. We anticipate publishing a final determination on or before March 27, 2015.

**DATES:** We will consider comments received or postmarked on or before November 17, 2014. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES** section, below) must be received by 11:59 p.m. Eastern Time on the closing date. Any comments that we receive after the closing date may not be considered in the final decision on this action.

**ADDRESSES:** *Document availability:* You may obtain copies of the proposed rule and associated documents, including the new information discussed in this document, on the Internet at <http://www.regulations.gov> at Docket No. FWS-R8-ES-2014-0007, or by contacting the U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

*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>. In the Search box, enter FWS-R8-ES-2014-0007, which is the docket number for the 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 the document. You may submit a comment by clicking on "Comment Now!"

(2) *By hard copy*: Submit by U.S. mail to: Public Comments Processing, Attn: FWS-R8-ES-2014-0007; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; MS: BPHC; 5275 Leesburg Pike; Falls Church, VA 22041-3803.

We request that you send comments only by one of 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 the Information Requested section, below, for more information).

**FOR FURTHER INFORMATION CONTACT:** Stephen P. Henry, Field Supervisor, U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, CA 93003; telephone 805-644-1766; facsimile 805-644-3958. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800-877-8339.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

In December 2011, we received a petition to reclassify the arroyo toad from endangered to threatened, based on analysis and recommendations contained in our August 2009 5-year status review of the species. On June 4, 2012, we published a 90-day finding that the petition presented substantial information indicating that reclassifying the arroyo toad may be warranted (77 FR 32922) and initiated a status review. After review of all available scientific and commercial information, we found that the petitioned action was warranted, and we proposed to reclassify the arroyo toad from an endangered species to a threatened species on the Federal List of Endangered and Threatened Wildlife on March 27, 2014 (79 FR 17106).

##### **New Information**

Since publication of the March 27, 2014, proposed rule, we have received new information that we are making available to the public prior to making a final determination on the proposed action. In accordance with the Service's July 1, 1994, peer review policy (59 FR 34270) and the Office of Management and Budget's December 16, 2004, Final Information Quality Bulletin for Peer Review, the Service requested independent expert peer review of the proposed rule and supporting scientific analyses. The purpose of seeking

independent peer review is to ensure use of the best scientific and commercial information available and to ensure and maximize the quality, objectivity, utility, and integrity of the information upon which the proposal is based, as well as to ensure that reviews by qualified experts are incorporated into the rulemaking process. One peer review was inadvertently not posted in the docket on <http://www.regulations.gov> prior to May 27, 2014 (the closing date of the March 27, 2014, proposed rule's comment period). We are making that peer review available now on <http://www.regulations.gov> at Docket No. FWS-R8-ES-2014-0007. Additionally, reopening the comment period for the proposed rule will allow for submittal of additional peer reviews requested by the Service but not received during the previous comment period, as well as other public comments. Any additional peer reviews, as well as any other comments we receive, will be made available on <http://www.regulations.gov> at Docket No. FWS-R8-ES-2014-0007.

##### **Information Requested**

We will accept written comments and information during this reopened comment period on our proposed downlisting for the arroyo toad that published in the **Federal Register** on March 27, 2014 (79 FR 17106). We will consider information and recommendations from all interested parties. We intend that any final action resulting from the proposal be as accurate as possible and based on the best available scientific and commercial data.

We are particularly interested in new information and comments regarding:

- (1) Reasons why we should or should not reclassify the arroyo toad under the Act (16 U.S.C. 1531 *et seq.*).
- (2) New biological or other relevant data concerning any threat (or lack thereof) to this species.
- (3) New information concerning the distribution and population size or trends of this species.

(4) New information on the current or planned activities within the range of the arroyo toad that may adversely affect or benefit the species.

(5) New information and data on the projected and reasonably likely impacts to the arroyo toad or its habitat associated with climate change.

(6) New information on threats or impacts to the arroyo toad in the Mexico portion of its range.

If you submitted comments or information on the proposed rule (79 FR 17106) during the initial comment period from March 27, 2014, to May 27,

2014, please do not resubmit them. We have incorporated them into the public record, and we will consider them in the preparation of our final determination. Our final determination concerning the proposed downlisting will take into consideration all written comments and any additional information we receive.

You may submit your comments and materials concerning the proposed rule by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

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

Comments and materials we receive, as well as supporting documentation we used in preparing the proposed downlisting rule will be available for public inspection on <http://www.regulations.gov> at Docket No. FWS-R8-ES-2014-0007, or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**). You may obtain copies of the proposed rule on the Internet at <http://www.regulations.gov> at Docket No. FWS-R8-ES-2014-0007, or at the U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

##### **Authority**

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

Dated: October 6, 2014.

##### **Stephen Guertin,**

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

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