

V. 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 approves 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 Orders 12866 (58 FR 51735, October 4, 1993) 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).

This rulemaking action proposing to approve NO_x RACT for cement kilns for the 2008 ozone NAAQS; to remove Maryland's NO_x Reduction and Trading Program regulations under the NO_x SIP Call; and to include revised and recodified provisions for natural gas compression stations and Portland

cement manufacturing plants in Maryland regulations COMAR 26.11.29 and COMAR 26.11.30 respectively, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This is due to the fact that this SIP does not apply to Indian country, and therefore will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements.

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

Dated: October 25, 2017.

Cosmo Servidio,

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-2016-0078; 4500030113]

RIN 1018-BB64

Endangered and Threatened Wildlife and Plants; Threatened Species Status for *Chorizanthe parryi* var. *fernandina* (San Fernando Valley Spineflower)

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 that a Candidate Conservation Agreement (CCA) has been prepared for *Chorizanthe parryi* var. *fernandina* (San Fernando Valley spineflower). The CCA was developed as a collaborative effort between the Newhall Land and Farming Company (Newhall Land), a California limited partnership, and the Service to implement conservation measures for the species. With the release of the CCA, we are reopening for an additional 30 days the comment period on the proposed rule to list *C. parryi* var. *fernandina* as a threatened species. We will submit a final listing determination to the **Federal Register** on or before March 15, 2018.

DATES: The comment period for the proposed rule that published September 15, 2016, at 81 FR 63454 is reopened. We will accept comments received or

postmarked on or before December 13, 2017. 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) *Federal eRulemaking Portal:* <http://www.regulations.gov>. In the Search box, enter the docket number for this proposed rule, which is FWS-R8-ES-2016-0078. Then click on the Search button. You may submit a comment by clicking on "Comment Now!" Please ensure that you have found the correct rulemaking before submitting your comment.

(2) *U.S. mail or hand delivery:* Public Comments Processing, Attn: Docket No. FWS-R8-ES-2016-0078; U.S. Fish and Wildlife Service, MS: BPHC; 5275 Leesburg Pike, Falls Church, VA 22041-3803.

FOR FURTHER INFORMATION CONTACT:

Stephen P. Henry, Field Supervisor, U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, 2493 Portola Road, Ventura, CA 93003; telephone 805-644-5763; facsimile 805-644-3958. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 800-877-8339.

SUPPLEMENTARY INFORMATION:

Background

On September 15, 2016, we published a proposed rule (81 FR 63454) to add *Chorizanthe parryi* var. *fernandina* as a threatened species to the List of Endangered and Threatened Plants under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). That proposal had a 60-day comment period, ending November 16, 2016. For a description of previous Federal actions concerning *C. parryi* var. *fernandina*, please refer to the September 15, 2016, proposed listing rule (81 FR 63454). On July 19, 2017, the Service announced a 6-month extension of the final determination of whether to list the species as a result of scientific disagreement and uncertainty (82 FR 33036), and reopened an additional 30-day comment period.

Newhall Land and the Service have developed a CCA to provide additional conservation measures for *Chorizanthe parryi* var. *fernandina*. The CCA provides for Newhall Land to voluntarily implement additional conservation measures described in the San Fernando Valley Spineflower Enhancement and Introduction Plan (Introduction Plan) with the goal of enhancing the status of the species. The Introduction Plan provides for Newhall

Land to voluntarily establish new, protected *C. parryi* var. *fernandina* occurrences within the species' historical range that will increase the resiliency of the existing populations and expand the redundancy and representation of the species. Newhall Land will voluntarily conserve an additional 1,498 acres of its property for the benefit of the *C. parryi* var. *fernandina* and carry out additional conservation activities within portions of these 1,498 acres and within a portion of the Petersen Ranch Mitigation Bank. Spineflower introduction will occur on a total of at least 10 acres within the Additional Conservation Areas. These actions, collectively known as the Additional Conservation Measures, would contribute to reducing and eliminating current and potential future threats to the persistence of the species by expanding the area of protected conservation land for the plant, increasing the number and extent of protected *C. parryi* var. *fernandina* occurrence locations with outplanting, and providing protection for the introduction sites from development-related stressors with conservation easements and management actions. The Additional Conservation Measures would result in at least two new, self-sustaining, and persistent *C. parryi* var. *fernandina* occurrences and would increase the number of ecoregions in which the species is represented. All documents are posted to <http://www.regulations.gov> in Docket No. FWS-R8-ES-2016-0078.

Information Requested

We will accept written comments and information during this reopened

comment period on our proposed listing for *Chorizanthe parryi* var. *fernandina* that was published in the **Federal Register** on September 15, 2016 (81 FR 63454) and the CCA. We will consider information and recommendations from all interested parties. We intend that any final action resulting from the proposal will be as accurate as possible and based on the best available scientific and commercial data.

In consideration of the CCA, we are particularly interested in new information and comments regarding:

(1) The efficacy of seed introduction for long-term establishment into suitable, unoccupied habitat of *Chorizanthe* or related taxa.

(2) Whether the new areas proposed for seeding under the CCA will be appropriate to support populations of *Chorizanthe parryi* var. *fernandina*.

(3) Whether the Additional Conservation Areas and Measures established under the Introduction Plan will afford sufficient resiliency, redundancy, and representation for the conservation of the species.

If you previously submitted comments or information on the September 15, 2016, proposed rule (81 FR 63454) and/or the July 19, 2017, reopening of the comment period on the proposed rule (82 FR 33036), please do not resubmit them. We have incorporated previously submitted comments into the public record, and we will fully consider them in the preparation of our final determination. Our final determination concerning the proposed listing 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 information via <http://www.regulations.gov>, your entire submission—including any personal identifying information—will be posted on the Web site. If your submission is made via a hardcopy 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. We will post all hardcopy submissions on <http://www.regulations.gov>.

Comments and materials we receive, as well as supporting documentation we used in preparing the proposed rule, will be available for public inspection on <http://www.regulations.gov>, 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 at <http://www.regulations.gov> at Docket No. FWS-R8-ES-2016-0078. Copies of the proposed rule are also available at <http://www.fws.gov/cno/es/>.

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

Dated: October 4, 2017.

Gregory Sheehan,

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

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