

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 Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 13, 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 today’s **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, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Reporting and recordkeeping requirements.

Dated: September 16, 2013.

Susan Hedman,

Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

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.*

■ 2. Section 52.1870 is amended by adding paragraph (c)(159) to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

(159) On August November 15, 2010, Ohio submitted revisions to Ohio Administrative Code Chapter 3745-14, Rules 3745-14-01 and 3745-14-06. The revisions sunset NO_x Budget Trading Program rules for units subject to CAIR NO_x Ozone Season Trading Program rules.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rule 3745-14-01 “Definitions and general provisions.”, effective October 18, 2010.

(B) Ohio Administrative Code Rule 3745-14-06 “The NO_x allowance tracking system.”, effective October 18, 2010.

(C) October 8, 2010, “Director’s Final Findings and Orders”, signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

[FR Doc. 2013-27142 Filed 11-13-13; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS-R3-ES-2013-0114; 30120-1113-0000-C4]

RIN 1018-AZ90

Endangered and Threatened Wildlife and Plants; Technical Corrections for Kirtland’s Warbler

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Direct final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the revised taxonomy of *Dendroica kirtlandii* (Kirtland’s warbler) under the Endangered Species Act of 1973, as amended (Act). We are revising the List of Endangered and Threatened Wildlife to reflect the scientifically accepted taxonomy and nomenclature of this species. We revise the scientific name of the species as follows: *Setophaga kirtlandii* (= *D. kirtlandii*).

DATES: This rule is effective February 12, 2014 without further action, unless significant adverse comment is received by January 13, 2014. If significant adverse comment is received, we will publish a timely withdrawal of the rule in the **Federal Register**.

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

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments to Docket No. FWS-R3-ES-2013-0114.

- *U.S. mail or hand-delivery:* Public Comments Processing, Attn: FWS-R3-ES-2013-0114; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203. See Public Comments in **SUPPLEMENTARY INFORMATION** for more information about submitting comments.

FOR FURTHER INFORMATION CONTACT: Barbara Hosler, Endangered Species Coordinator, U.S. Fish and Wildlife Service, Ecological Services Field Office, 2651 Coolidge Road, East Lansing, Michigan 44823; telephone 517-351-6326. Individuals who are hearing impaired or speech impaired may call the Federal Relay Service at 800-877-8337 for TTY (telephone typewriter or teletypewriter) assistance.

SUPPLEMENTARY INFORMATION:

Purpose of This Rule

The purpose of our direct final rule is to notify the public that we are revising the List of Endangered and Threatened Wildlife to reflect the scientifically accepted taxonomy and nomenclature of one bird species listed under section 4 of the Act (16 U.S.C. 1531 *et seq.*). The change to the List of Endangered and Threatened Wildlife (50 CFR 17.11(h)) reflects the most recently accepted scientific name in accordance with 50 CFR 17.11(b).

We are publishing this rule without a prior proposal because this is a noncontroversial action that, in the best interest of the regulated public, should be undertaken in as timely a manner as possible. This rule will be effective, as published in this document, on the effective date specified in **DATES**, unless we receive significant adverse comments on or before the comment due date specified in **DATES**. Significant adverse comments are comments that provide strong justification as to why our rule should not be adopted or why it should be changed.

If we receive significant adverse comments, we will publish a document in the **Federal Register** withdrawing this rule before the effective date, and we will engage in the normal

rulemaking process to promulgate these changes to 50 CFR 17.11.

Public Comments

You may submit your comments and materials regarding our direct final rule by one of the methods listed in **ADDRESSES**. Please include sufficient information with your comment that allows us to verify any scientific or commercial information you include.

We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us. Before including your address, phone number, email address, or other personal information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, 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 this direct final rule, will be available for public inspection on the Internet at <http://www.regulations.gov> or by appointment, during normal business hours at the U.S. Fish and Wildlife Service location listed above in **FOR FURTHER INFORMATION CONTACT**.

Background

Section 17.11(b) of title 50 of the Code of Federal Regulations (CFR) requires us to use the most recently accepted scientific name of any species that we have determined to be an endangered or threatened species. Using the best available scientific information, our direct final rule documents a taxonomic change (scientific name) to Kirtland's warbler (50 CFR 17.11(h)). The basis for the taxonomic change is supported by published studies in peer-reviewed journals. We revise the scientific name of this species under section 4 of the Act (16 U.S.C. 1531 *et seq.*) as follows: *Setophaga kirtlandii* (= *D. kirtlandii*). We make this change to the List of Endangered and Threatened Wildlife (50 CFR 17.11(h)) to reflect the most recently accepted scientific name in accordance with 50 CFR 17.11(b).

Taxonomic Classification

Setophaga kirtlandii

The scientific name change of *Setophaga kirtlandii* (Kirtland's warbler) from *Dendroica kirtlandii* is supported by phylogenetic analyses of sequences of mitochondrial and nuclear DNA (Lovette et al. 2010), which indicated that all species formerly placed in *Dendroica*, as well as the hooded warbler (*Wilsonia citrine*), the northern parula (*Parula Americana*), and the tropical parula (*Parula pitiayumi*), form a clade with the American redstart (*Setophaga ruticilla*). The American Ornithologists Union Committee on Classification and Nomenclature—North and Middle America recognized that the generic name, *Setophaga*, had priority for this clade, renamed the Kirtland's warbler as *Setophaga kirtlandii*, and placed the species between the American redstart and the Cape May warbler (*Setophaga tigrina*) (Chesser et al. 2011). This taxonomic change is included in our most recent 5-year review for the species (USFWS 2012, p. 15). This species will continue to be listed as endangered, and no other aspect of the entry for this species in 50 CFR 17.11(h) will change as a result of this rule.

Required Determinations

Paperwork Reduction Act of 1995

This rule does not contain any new collections of information that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This rule will not impose recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act

We have determined that we do not need to prepare environmental assessments or environmental impact statements, as defined under the authority of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), in connection with regulations adopted under section 4(a) of the Endangered Species Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (43 FR 49244).

Clarity of the Rule

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

- (a) Be logically organized;
- (b) Use the active voice to address readers directly;
- (c) Use clear language rather than jargon;
- (d) Be divided into short sections and sentences; and
- (e) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To help us to revise this rule, your comments should be as specific as possible. For example, you should tell us the paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

References Cited

A complete list of the referenced materials is available upon request at <http://www.regulations.gov> at Docket No. FWS-R3-ES-2013-0114 or from the U.S. Fish and Wildlife Service (see **FOR FURTHER INFORMATION CONTACT**).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

For the reasons given in the preamble, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

- 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; 4201–4245; unless otherwise noted.

- 2. Amend § 17.11(h), the List of Endangered and Threatened Wildlife, by revising the entry for “Warbler (wood), Kirtland's” under Birds to read as set forth below:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
* Warbler (wood), Kirtland's.	* <i>Setophaga kirtlandii</i> (= <i>Dendroica kirtlandii</i>).	* U.S.A. (principally MI), Canada, West Indies—Bahama Islands.	* Entire	* E	* 1, 3	* NA	* NA
*	*	*	*	*	*	*	*

* * * * *

Dated: November 1, 2013.
Rowan W. Gould,
Acting Director, U.S. Fish and Wildlife Service.
 [FR Doc. 2013-27297 Filed 11-13-13; 8:45 am]
BILLING CODE 4310-55-P

DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

50 CFR Part 622
[Docket No. 100812345-2142-03]
RIN 0648-XC871

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2013 Commercial Accountability Measure and Closure for South Atlantic Blue Runner

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements accountability measures (AMs) for the commercial sector for blue runner in the exclusive economic zone (EEZ) of the South Atlantic. Commercial landings for blue runner, as estimated by the Science and Research Director, are projected to reach the commercial annual catch limit (ACL) on November 14, 2013. Therefore, NMFS closes the commercial sector for blue runner on November 14, 2013, at 12:01 a.m., local time, for the remainder of the 2013 fishing year, through December 31, 2013. This action is necessary to protect the blue runner resource in the South Atlantic.

DATES: This rule is effective 12:01 a.m., local time, November 14, 2013, until 12:01 a.m., local time, January 1, 2014.

FOR FURTHER INFORMATION CONTACT: Catherine Hayslip, telephone: 727-824-5305, email: *Catherine.Hayslip@noaa.gov*.

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic includes blue runner and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The commercial ACL for blue runner in the South Atlantic is 177,506 lb (80,515 kg), round weight, as specified in 50 CFR 622.193(s)(1)(i).

In accordance with regulations at 50 CFR 622.193(s)(1)(i), NMFS is required to close the commercial sector for blue runner when the commercial ACL for blue runner has been reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. NMFS has determined that the commercial ACL for South Atlantic blue runner is projected to be reached on November 14, 2013. Accordingly, the commercial sector for South Atlantic blue runner is closed effective 12:01 a.m., local time, November 14, 2013, until 12:01 a.m., local time, January 1, 2014.

The operator of a vessel with a valid commercial vessel permit for South Atlantic snapper-grouper having blue runner onboard must have landed and bartered, traded, or sold such blue runner prior to 12:01 a.m., local time, November 14, 2013. During this commercial closure, the sale or purchase and harvest or possession of blue runner taken from the EEZ is prohibited. In accordance with regulations at 50 CFR 622.193(s)(1)(i), for a person on board a vessel for which a Federal commercial or charter vessel/headboat permit for the South Atlantic snapper-grouper fishery has been issued, the bag and possession limit for blue runner would apply regardless of where the fish are harvested, *i.e.*, in state or Federal waters.

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of South Atlantic blue runner and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.193(s)(1)(i) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds that the need to immediately implement this action to close the commercial sector for blue runner constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such procedures would be unnecessary and contrary to the public interest. Such procedures would be unnecessary because the rule itself has been subject to notice and comment, and all that remains is to notify the public of the closure. Allowing prior notice and opportunity for public comment is contrary to the public interest because of the need to immediately implement this action to protect the blue runner resource. The capacity of the fishing fleet allows for rapid harvest of the ACL and prior notice and opportunity for public comment would result in a harvest well in excess of the established commercial ACL.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

Authority: 16 U.S.C. 1801 *et seq.*