

• 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.

#### 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.

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

Dated: January 15, 2014.

#### H. Curtis Spalding,

*Regional Administrator, EPA New England.*

[FR Doc. 2014-01502 Filed 1-24-14; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 70

[EPA-R07-OAR-2013-0765; FRL-9905-65-Region-7]

#### Approval and Promulgation of Implementation Plans; State of Kansas; Annual Emissions Fee

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve the State Implementation Plan (SIP) and Operating Permits Program revisions submitted by the state of Kansas which align the state's rules entitled "Annual Emissions Fee" with the Federal Air Emissions Reporting Requirements Rule (AERR).

**DATES:** Comments on this proposed action must be received in writing by February 26, 2014.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R07-OAR-2013-0765, by mail to Lachala Kemp, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219. Comments may

also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Lachala Kemp at (913) 551-7214, or by email at [kemp.lachala@epa.gov](mailto:kemp.lachala@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the final rules section of the **Federal Register**, EPA is approving the state's SIP and Operating Permits Program revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no relevant adverse comments to this action. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated in relation to this action. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed action. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the rules section of this **Federal Register**.

Dated: January 8, 2014.

#### Karl Brooks,

*Regional Administrator, Region 7.*

[FR Doc. 2014-01210 Filed 1-24-14; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 224

[Docket No. 130321272-4020-01; 0648-XC589]

#### Listing Endangered or Threatened Species: Proposed Amendment to the Endangered Species Act Listing of the Southern Resident Killer Whale Distinct Population Segment

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

**ACTION:** Proposed rule; 12-month finding; request for comments.

**SUMMARY:** In response to a petition submitted by the People for the Ethical Treatment of Animals Foundation to include the killer whale "Lolita" as a protected member of the endangered Southern Resident killer whale Distinct Population Segment (DPS), we, the National Marine Fisheries Service (NMFS), have completed a status review and propose to amend the regulatory language of the Endangered Species Act (ESA) listing of the DPS by removing the exclusion for captive members of the population. The current regulatory language excluded Lolita, the sole member of the Southern Resident killer whale DPS held in captivity, from the endangered listing. With removal of the exclusion, Lolita, a female killer whale captured from the Southern Resident population in 1970 who resides at the Miami Seaquarium in Miami, Florida, would be included in the Southern Resident killer whale DPS. The Southern Resident killer whale DPS was listed as endangered under the ESA in 2005. We accepted the petition to include Lolita in the Southern Resident killer whale DPS on April 29, 2013, initiating a public comment period and a status review. Based on our review of the petition, public comments, and the best available scientific information, we find that amending the regulatory language to remove the exclusion for captive whales from the Southern Resident Killer whale DPS is warranted. We are soliciting scientific and commercial information pertaining to the proposed rule.

**DATES:** Scientific and commercial information pertinent to the proposed action and comments must be received by March 28, 2014.

**ADDRESSES:** You may submit comments on this document, identified by NOAA-NMFS-2013-0056, by any of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0056>, click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit written comments to Protected Resources Division, NMFS, Northwest Region, Protected Resources Division, 7600 Sand Point Way NE., Attention Lynne Barre, Branch Chief.

**Instructions:** Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments