

the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and determined that this rule does not have implications for federalism.

#### 6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

#### 7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### 8. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

#### 9. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

#### 10. Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

#### 11. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and

responsibilities between the Federal Government and Indian tribes.

#### 12. Energy Effects

This action is not a “significant energy action” under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

#### 13. Technical Standards

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

#### 14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of a security zone and, therefore it is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

- 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 46 U.S.C. Chapters 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

- 2. Add § 165.T09–0916 to read as follows:

#### § 165.T09–0916 Security Zone; Cruise Ship HAMBURG, Lake Michigan, Milwaukee, WI and Chicago, IL.

(a) *Location.* All waters of Lake Michigan within a 500-yard radius of the Cruise Ship HAMBURG.

(b) *Effective and enforcement period.* This rule is effective from 5 p.m. on October 1, 2014 until 12:01 a.m. on October 31, 2014. This rule will be enforced intermittently with actual notice between October 1, 2014 and October 4, 2014 and between October 11, 2014 and October 27, 2014.

(c) *Regulations.*

(1) In accordance with the general regulations in § 165.33 of this part, entry into this zone is prohibited, unless authorized by the U.S. Coast Guard Captain of the Port Lake Michigan or an on-scene representative. Other general requirements in § 165.33 also apply.

(2) The “on-scene representative” of the Captain of the Port Lake Michigan is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Lake Michigan to act on her behalf.

(3) Vessel operators desiring to enter or operate within the security zone shall contact the Captain of the Port Lake Michigan or an on-scene representative to obtain permission to do so. The Captain of the Port Lake Michigan or her on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the security zone must comply with all directions given to them by the Captain of the Port Lake Michigan, or an on-scene representative.

Dated: October 1, 2014.

**A.B. Cocanour,**

*Captain, U.S. Coast Guard, Captain of the Port, Lake Michigan.*

[FR Doc. 2014–24917 Filed 10–17–14; 8:45 am]

**BILLING CODE 9110–04–P**

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA–R07–OAR–2014–0448; FRL–9918–18–Region–7]

#### Air Quality State Implementation Plans; Approval and Promulgation: Missouri; 2013 State Implementation Plan for the 2008 Lead Standard

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to approve a revision to the State

Implementation Plan (SIP) for the State of Missouri. This final action will approve Missouri's SIP for the lead National Ambient Air Quality Standard (NAAQS) nonattainment area of Herculaneum, Missouri. EPA proposed approval of this plan on July 24, 2014. The applicable standard addressed in this action is the lead NAAQS promulgated by EPA in 2008. EPA believes Missouri's SIP satisfies the applicable requirements of the Clean Air Act (CAA) identified in EPA's 2008 Final Rule and will bring the area into attainment of the 0.15 micrograms per cubic meter (ug/m<sup>3</sup>) lead NAAQS in the Herculaneum, Missouri area.

In this action, EPA is also finalizing its approval of a revision to the Missouri SIP related to the 2007 Consent Judgment which was previously approved into the Missouri SIP for the 1978 lead NAAQS.

**DATES:** This final rule is effective on November 19, 2014.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-R07-OAR-2014-0448. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. 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, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through [www.regulations.gov](http://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 Federal 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:** Stephanie Doolan, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at 913-551-7719, or by email at [doolan.stephanie@epa.gov](mailto:doolan.stephanie@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. EPA's Response to Comments
- IV. What action is EPA taking?

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

In this document, EPA is granting final approval of Missouri's SIP for the lead NAAQS nonattainment area of Herculaneum, Missouri. The applicable standard addressed in this action is the lead NAAQS promulgated by EPA in 2008 (73 FR 66964). EPA is also granting final approval to a revision to the Missouri SIP related to the 2007 Consent Judgment which was previously approved in the Missouri SIP as for the 1978 lead NAAQS (77 FR 9529, February 17, 2012). EPA's proposal containing the background information for this action can be found at 79 FR 42991, July 24, 2014.

### 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, as explained above and in more detail in the technical support document which is part of this document, the revision meets the substantive SIP requirements of the CAA, including Section 110 and implementing regulations.

### III. EPA's Response to Comments

The public comment period on EPA's proposed rule opened July 24, 2014, the date of its publication in the **Federal Register**, and closed on August 25, 2014. During this period, EPA received one comment.

*Comment 1:* The commenter notes that the modeling shows that Missouri's SIP will bring the area into attainment. The commenter states that should lead concentration measurements show that the SIP is not producing the modeled reductions in lead (or better) that the commenter would no longer support the strategy and suggests that at that time a revised plan be created and implemented.

*Response 1:* EPA agrees that the modeling shows that Missouri's SIP will bring the area into attainment. EPA notes that if the measures in the SIP are not maintaining attainment of the lead NAAQS that the SIP includes contingency measures that will be implemented to ensure additional reductions are achieved and that the area maintains the NAAQS. The contingency measures are described in detail in the proposal to this action 79 FR 42991. If implementation of the contingency measures does not bring the area back into attainment, section 110 of the CAA authorizes EPA to take

appropriate action to ensure the area will attain and maintain the 2008 lead NAAQS.

### IV. What action is EPA taking?

EPA is taking final action to amend the Missouri SIP to approve Missouri's SIP for the lead NAAQS nonattainment area of Herculaneum, Missouri. The applicable standard addressed in this action is the lead NAAQS promulgated by EPA in 2008 (73 FR 66964). EPA is also granting final approval to a revision to the Missouri SIP related to the 2007 Consent Judgment which was previously approved in the Missouri SIP for the 1978 lead NAAQS (77 FR 9529, February 17, 2012).

#### *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 December 19, 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. 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: September 29, 2014.

**Becky Weber,**

*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:
  - a. Amend the table in paragraph (d) by adding two entries at the end of the table in numerical order; and
  - b. Amend the table in paragraph (e) by adding an entry at the end of the table in numerical order.

The amendments read as follows:

**§ 52.1320 Identification of plan.**

\* \* \* \* \*  
(d) \* \* \*

**EPA-APPROVED MISSOURI SOURCE-SPECIFIC PERMITS AND ORDERS**

Name of source	Order/permit number	State effective date	EPA approval date	Explanation
* * * * *				
(27) Doe Run Herculaneum, MO ..	Consent Judgment Modification 07JE-CC00552;	10/19/11	10/20/14 and [Insert <b>Federal Register</b> citation].	Modification to section 2.B.1. of the 2007 Consent Judgment.
(28) Doe Run Herculaneum, MO ..	Consent Judgment CC00557.	6/19/13	10/20/14 and [Insert <b>Federal Register</b> citation].	

\* \* \* \* \* (e) \* \* \*

**EPA-APPROVED MISSOURI NONREGULATORY SIP PROVISIONS**

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
* * * * *				
(62) Implementation Plan for the 2008 Lead NAAQS.	City of Herculaneum, MO .....	4/18/13	10/20/14 and [Insert <b>Federal Register</b> citation].	

[FR Doc. 2014-24759 Filed 10-17-14; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 100120037-1626-02]

RIN 0648-XD549

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2014 Accountability Measures and Closure for Commercial Wrasses in the U.S. Caribbean Off Puerto Rico

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

**ACTION:** Temporary rule; accountability measure.

**SUMMARY:** NMFS implements accountability measures (AMs) for commercial wrasses in the exclusive economic zone of the U.S. Caribbean (EEZ) off Puerto Rico for the 2014 fishing year through this temporary rule. NMFS has determined that the commercial annual catch limit (ACL) for wrasses off Puerto Rico, as estimated by the Science and Research Director (SRD), was exceeded based on average landings during the 2011-2012 fishing years. This temporary rule reduces the length of the 2014 commercial fishing season for wrasses off Puerto Rico by the amount necessary to ensure that landings do not exceed the commercial ACL in 2014. NMFS implements AMs and closes the commercial sector for wrasses off Puerto Rico at 12:01 a.m., local time, on October 20, 2014, through the end of the fishing year, December 31, 2014. These AMs are necessary to protect the Caribbean wrasses resource.

**DATES:** The AMs for commercial wrasses in the EEZ off Puerto Rico are effective 12:01 a.m., local time, October 20, 2014, until 12:01 a.m., local time, January 1, 2015.

**FOR FURTHER INFORMATION CONTACT:** William S. Arnold, telephone: 727-824-5305, email: [Bill.Arnold@noaa.gov](mailto:Bill.Arnold@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The reef fish fishery of the Caribbean, which

includes wrasses (*i.e.*, hogfish (*Lachnolaimus maximus*), puddingwife (*Halichoeres radiatus*), and Spanish hogfish (*Bodianus rufus*)), is managed under the Fishery Management Plan for the Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands (FMP). The FMP was prepared by the Caribbean 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 ACLs specified in this temporary rule are given in round weight.

The commercial ACL for wrasses in the Puerto Rico management area is 54,147 lb (24,561 kg), as specified at 50 CFR 622.12(a)(1)(i)(L).

In accordance with regulations at 50 CFR 622.12(a), if landings from a Caribbean island management area, as specified in Appendix E to part 622, are estimated by the SRD to have exceeded the applicable ACL, the Assistant Administrator for Fisheries, NOAA, (AA), will file a notification with the Office of the Federal Register to reduce the length of the fishing season for the applicable species or species groups that year by the amount necessary to ensure landings do not exceed the applicable ACL, as specified at 50 CFR 622.12(a)(1) for Puerto Rico management area species or species groups. Landings will be evaluated relative to the applicable ACL based on a moving multi-year average of landings, as described in the FMP. The most recent data is from the 2011 and 2012 fishing years. Data from 2013 are not available at this time. Therefore, NMFS has determined the commercial ACL for wrasses based on 2011-2012 data has been exceeded. This temporary rule implements AMs for the commercial sector for wrasses to reduce the 2014 fishing season to ensure landings do not exceed the commercial ACL for wrasses in the 2014 fishing year. The 2014 fishing season for the commercial sector for wrasses in or from the Puerto Rico management area of the EEZ ends at 12:01 a.m., local time, on October 20, 2014. The 2015 fishing season begins 12:01 a.m., local time, January 1, 2015.

#### Classification

The Regional Administrator, Southeast Region, NMFS, has

determined this temporary rule is necessary for the conservation and management of wrasses in the U.S. Caribbean off Puerto Rico and is consistent with the Magnuson-Stevens Act, the FMP, and other applicable laws.

This action is taken under 50 CFR 622.12(a) 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 scientific information available. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such prior notice and opportunity for public comment is unnecessary and contrary to the public interest. Such procedures are unnecessary because the rules implementing the ACLs and AMs for these species and species groups have been subject to notice and comment, and all that remains is to notify the public that the ACLs were exceeded and that the AMs for wrasses are being implemented for the 2014 fishing year. 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 wrasses 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.*

Dated: October 15, 2014.

**Alan D. Risenhoover,**

*Director, Office of Sustainable Fisheries,  
National Marine Fisheries Service.*

[FR Doc. 2014-24924 Filed 10-16-14; 11:15 am]

BILLING CODE 3510-22-P