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[FR Doc. 2013-22620 Filed 9-17-13; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 52 and 81**

[EPA-R05-OAR-2012-0337 and EPA-R05-OAR-2012-0462; FRL-9900-79-Region 5]

Approval and Promulgation of Air Quality Implementation Plans; Ohio; Redesignation of the Steubenville-Weirton Area to Attainment of the 1997 Annual Standard and the 2006 24-Hour Standard for Fine Particulate Matter**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: EPA is redesignating under the Clean Air Act (CAA) the Ohio portion of the Steubenville-Weirton area (Jefferson County, OH and Brooke and Hancock Counties, WV) to attainment for the 1997 annual and 2006 24-hour national ambient air quality standards (NAAQS or standard) for fine particulate matter (PM_{2.5}). On April 16, and May 31, 2012, the Ohio Environmental Protection Agency (OEPA) submitted a request for EPA to redesignate the Steubenville-Weirton Ohio nonattainment area. EPA determined that the Steubenville-Weirton area has attained the 1997 annual and 2006 24-hour PM_{2.5} standard, and proposed to approve Ohio's request to redesignate the area on July 11, 2013. EPA's final rulemaking involves several related actions. EPA is approving, as a revision to the Ohio state implementation plan (SIP), the state's plan for maintaining the 1997 annual and 2006 24-hour PM_{2.5} NAAQS in the area through 2025. EPA is making a finding of insignificance for Ohio's motor vehicle emissions of nitrogen oxides (NO_x) and direct PM_{2.5} for the Steubenville-Weirton area for transportation conformity purposes. Therefore, as Ohio requested, EPA is redesignating the Ohio portion of the Steubenville-Weirton area to attainment for the 1997 PM_{2.5} annual and 2006 24-hour standards.

DATES: This rule will be effective September 18, 2013.**ADDRESSES:** EPA has established a docket for this action under Docket Identification EPA-R05-OAR-2012-0337 and EPA-R05-OAR-2012-0462. All documents in these dockets are listed on the www.regulations.gov Web site. Although listed in the index, some information is not publicly available,

e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at the U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Carolyn Persoon at (312) 353-8290 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

Throughout this document whenever "we," "us," or "our" is used, we mean EPA. This supplementary information section is arranged as follows:

- I. What is the background for the actions?
- II. What actions is EPA taking?
- III. What is EPA's response to comments?
- IV. Why is EPA taking these actions?
- V. Final Action
- VI. Statutory and Executive Order Reviews

I. What is the background for the actions?

On April 16, and May 31, 2012, OEPA submitted a request for EPA to redesignate the Steubenville-Weirton nonattainment area to attainment for the 1997 annual and 2006 24-hour PM_{2.5} NAAQS, and for EPA approval of the state's SIP revision containing an emissions inventory and a maintenance plan for the area. On July 11, 2013, (78 FR 41752), EPA proposed redesignation and proposed approval of Ohio's plan for maintaining the 1997 annual and 2006 24-hour PM_{2.5} NAAQS. Finally, for transportation conformity purposes EPA is approving Ohio's determination that on-road emissions of PM_{2.5} and NO_x are insignificant contributors to PM_{2.5} concentrations in the area. Additional background for today's action is set forth in EPA's July 11, 2013, proposed rulemaking.

II. What actions is EPA taking?

EPA has determined that the entire Steubenville-Weirton area is attaining the 1997 annual and 2006 24-hour PM_{2.5} standard (78 FR 41752) and that the Ohio portion of the area has met the

requirements for redesignation under section 107(d)(3)(E) of the CAA. Thus, EPA is changing the legal designation of the Ohio portion of the Steubenville-Weirton area from nonattainment to attainment for the 1997 annual and 2006 24-hour PM_{2.5} NAAQS. This action does not address the West Virginia portion of the Steubenville-Weirton area. EPA is also taking several additional actions related to Ohio's PM_{2.5} redesignation requests, as discussed below.

EPA is approving Ohio's 1997 and 2006 PM_{2.5} maintenance plans for the Steubenville-Weirton area as revisions to the Ohio SIP (such approval being one of the CAA criteria for redesignation to attainment status). The maintenance plans are designed to keep the Steubenville-Weirton area in attainment of the 1997 annual and 2006 24-hour PM_{2.5} NAAQS through 2025.

EPA is also approving the 2005 and 2008 emission inventories for primary PM_{2.5},¹ NO_x, and sulfur dioxide (SO₂),² documented in Ohio's PM_{2.5} redesignation request submittals. These emissions inventories satisfy the requirement in section 172(c)(3) of the CAA for a comprehensive, current emission inventory.

Finally, EPA is approving Ohio's determination for transportation conformity purposes that on-road emissions of PM_{2.5} and NO_x are insignificant contributors to PM_{2.5} concentrations in the area.

Further discussion of the basis for these actions was provided in the proposal on July 11, 2013 (78 FR 41752).

III. What is EPA's response to comments?

EPA received no comments on its proposed rulemaking.

IV. Why is EPA taking these actions?

EPA has determined that the Steubenville-Weirton area has continued to attain the 1997 annual and 2006 24-hour PM_{2.5} NAAQS. EPA has also determined that all other criteria have been met for the redesignation of the Ohio portion of the Steubenville-Weirton area from nonattainment to attainment of the 1997 annual and 2006 24-hour PM_{2.5} NAAQS and for approval of Ohio's maintenance plan for the area. See CAA sections 107(d)(3)(E) and 175A. The detailed rationale for EPA's findings and actions is set forth in the proposed rulemaking of July 11, 2013,

¹ Fine particulates directly emitted by sources and not formed in a secondary manner through chemical reactions or other processes in the atmosphere.

² NO_x and SO₂ are precursors for fine particulates through chemical reactions and other related processes in the atmosphere.

(78 FR 41752), and in this final rulemaking.

V. Final Action

EPA has previously made the determination that the Steubenville-Weirton area has attained the 1997 annual and 2006 24-hour PM_{2.5} standard (76 FR 56641; 77 FR 28264, respectively). EPA is determining that the area continues to attain the standards and that the Ohio portion of the area meets the requirements for redesignation to attainment of the standards under sections 107(d)(3)(E) and 175A of the CAA. Thus, EPA is changing the legal designation of the Ohio portion of the Steubenville-Weirton area from nonattainment to attainment for the 1997 annual and 2006 24-hour PM_{2.5} NAAQS. EPA is also approving Ohio's 1997 annual and 2006 24-hour PM_{2.5} maintenance plans for the Steubenville-Weirton area as a revision to the SIP because the plan meets the requirements of section 175A of the CAA. EPA is approving the 2005 and 2008 emissions inventories for primary PM_{2.5}, NO_x, and SO₂, documented in Ohio's April 16, and May 31, 2012, submittals as satisfying the requirement in section 172(c)(3) of the CAA for a comprehensive, current emission inventory.

Finally, EPA is approving Ohio's determination for transportation conformity purposes that on-road emissions of PM_{2.5} and NO_x are insignificant contributors to PM_{2.5} concentrations in the area.

In accordance with 5 U.S.C. 553(d), EPA finds there is good cause for this action to become effective immediately upon publication. This is because a delayed effective date is unnecessary due to the nature of a redesignation to attainment, which relieves the area from certain CAA requirements that would otherwise apply to it. The immediate effective date for this action is authorized under both 5 U.S.C. 553(d)(1), which provides that rulemaking actions may become effective less than 30 days after publication if the rule—grants or recognizes an exemption or relieves a restriction, and section 553(d)(3), which allows an effective date less than 30 days after publication—as otherwise provided by the agency for good cause found and published with the rule. The purpose of the 30-day waiting period prescribed in section 553(d) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. Today's rule, however, does not create any new regulatory requirements such that affected parties would need time to

prepare before the rule takes effect. Rather, today's rule relieves the Ohio of various requirements for the Ohio portion of the Steubenville-Weirton area. For these reasons, EPA finds good cause under 5 U.S.C. 553(d)(3) for this action to become effective on the date of publication of this action.

VI. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the accompanying approval of the maintenance plan under CAA section 107(d)(3)(E) are actions that affect the status of geographical area and do not impose any additional regulatory requirements on sources beyond those required by state law. A redesignation to attainment does not in and of itself impose any new requirements, but rather results in the application of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, 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 these reasons, these actions:

- Are 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);
- Do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Are 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.*);
- Do 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);
- Do not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Are not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Are not significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Are 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,

- Do 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 final 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 Commonwealth, 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 November 18, 2013. 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

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: August 27, 2013.

Susan Hedman,

Regional Administrator, Region 5.

40 CFR Parts 52 and 81 are 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 52.1880 is amended by adding paragraphs (p)(5), (q)(5), (s), and (t) to read as follows:

§ 52.1880 Control strategy: Particulate matter.

* * * * *
(p) * * *

(5) The Ohio portion of the Steubenville-Weirton nonattainment area (Jefferson County). The maintenance plan establishes a determination of insignificance for both NO_x and primary PM_{2.5} for conformity purposes.

(q) * * *
(5) Ohio's 2005 and 2008 NO_x, directly emitted PM_{2.5}, SO₂, VOC, and ammonia emissions inventory satisfies the emission inventory requirements of section 172(c)(3) for the Steubenville-Weirton area.

* * * * *

(s) Approval—The 2006 24-hour PM_{2.5} maintenance plans for the following areas have been approved:

(1) The Ohio portion of the Steubenville-Weirton nonattainment area (Jefferson County). The maintenance plan establishes a determination of insignificance for both NO_x and primary PM_{2.5} for conformity purposes.

(t) Approval—The 2006 24-hour PM_{2.5} comprehensive emissions inventories

for the following areas have been approved:

(1) Ohio's 2005 and 2008 NO_x, directly emitted PM_{2.5}, SO₂, VOC, and ammonia emissions inventory satisfies the emission inventory requirements of section 172(c)(3) for the Steubenville-Weirton area.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 3. The authority citation for part 81 continues to read as follows:

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

■ 4. Section 81.336 is amended by revising the entry for Steubenville-Weirton, OH-WV in the tables entitled "Ohio—PM_{2.5} (Annual NAAQS)" and "Ohio—PM_{2.5} (24-Hour NAAQS)" to read as follows:

§ 81.336 Ohio.

* * * * *

OHIO—PM_{2.5}
[Annual NAAQS]

Designated area	Designation ^a	
	Date ¹	Type
Steubenville-Weirton, OH-WV: Jefferson County	9/18/2013	Attainment.

^a Includes Indian Country located in each county or area, except as otherwise specified.
¹ This date is 90 days after January 5, 2005, unless otherwise noted.

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OHIO—PM_{2.5}
[24-Hour NAAQS]

Designated area	Designation for the 1997 NAAQS ^a		Designation for the 2006 NAAQS ^a	
	Date ¹	Type	Date ²	Type
Steubenville-Weirton, OH-WV: Jefferson County		Unclassifiable/Attainment ...	9/18/2013	Attainment.

^a Includes Indian Country located in each county or area, except as otherwise specified.
¹ This date is 90 days after January 5, 2005, unless otherwise noted.
² This date is 30 days after November 13, 2009, unless otherwise noted.

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[FR Doc. 2013-22623 Filed 9-17-13; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 180**

[EPA-HQ-OPP-2012-0911; FRL-9398-9]

Quinoxifen; Pesticide Tolerances**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: This regulation establishes tolerances for residues of quinoxifen in or on multiple commodities which are identified and discussed later in this document. This regulation also deletes the established tolerances in or on grape; pepper, bell; pepper, nonbell; and strawberry as they will be superseded by crop group/subgroup tolerances established by this tolerance rule. The Interregional Research Project Number 4 (IR-4) Project Headquarters requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective September 18, 2013. Objections and requests for hearings must be received on or before November 18, 2013, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2012-0911, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPP Docket is (703) 305-5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Lois Rossi, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (703) 305-7090; email address: RDfRNNotices@epa.gov.

SUPPLEMENTARY INFORMATION:**I. General Information****A. Does this action apply to me?**

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at http://www.ecfr.gov/cgi-bin/text-id?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2012-0911 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before November 18, 2013. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA-HQ-OPP-2012-0911, by one of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the online

instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

- **Mail:** OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001.

- **Hand Delivery:** To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <http://www.epa.gov/dockets/contacts.html>.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <http://www.epa.gov/dockets>.

II. Summary of Petitioned-for Tolerance

In the **Federal Register** of Wednesday, January 16, 2013 (78 FR 3377) (FRL-9375-4), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 2E8117) by IR-4 Project Headquarters, 500 College Road East, Suite 201W, Princeton, NJ 08540. The petition requested that 40 CFR 180.588 be amended by establishing tolerances for residues of the fungicide quinoxifen, 5,7-dichloro-4-(4-fluorophenoxy)quinoline, in or on berry, low growing, subgroup 13-07G at 0.90 parts per million (ppm); fruiting, small, vine climbing, except fuzzy kiwifruit, subgroup 13-07F at 0.60 ppm and vegetable, fruiting, group 8-10 at 1.7 ppm. In addition, the petition requested removal of established tolerances in or on grape at 0.60 ppm; strawberry at 0.90 ppm; pepper, bell at 0.35 ppm; and pepper, nonbell at 1.7 ppm, as these will be superseded upon approval of the proposed tolerances. That document referenced a summary of the petition prepared by Dow AgroSciences LLC, the registrant, which is available in the docket, <http://www.regulations.gov>. There were no comments received in response to the notice of filing.

EPA has revised proposed tolerance levels for several commodities and revised the quinoxifen tolerance expression for all established commodities. The reasons for these changes are explained in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) of FFDCA defines "safe" to mean that "there is a