West Virginia portion of the Area 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, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

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

Dated: August 22, 2013.

W.C. Early,
Acting, Regional Administrator, Region III.

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.

Subpart XX—West Virginia

2. In § 52.2520, the table in paragraph (e) is amended by adding an entry for the 1997 Annual PM$_{2.5}$ Maintenance Plan for Parkersburg-Marietta, WV-OH Area at the end of the table to read as follows:

<table>
<thead>
<tr>
<th>Name of non-regulatory SIP revision</th>
<th>Applicable geographic area</th>
<th>State submittal date</th>
<th>EPA approval date</th>
<th>Additional explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1997 Annual PM$_{2.5}$ Maintenance Plan for Parkersburg-Marietta WV-OH Area.</td>
<td>Wood County and a portion of Pleasants County.</td>
<td>3/5/12</td>
<td>9/12/13</td>
<td>[Insert page number where the document begins]. See § 52.2526(h).</td>
</tr>
</tbody>
</table>

3. Section 52.2526 is amended by adding paragraph (h) to read as follows:

§ 52.2526 Control strategy: Particulate matter.

(h) EPA approves the maintenance plan for the West Virginia portion of the Parkersburg-Marietta, WV-OH 1997 PM$_{2.5}$ Nonattainment Area (Wood County and a portion of Pleasants County). The maintenance plan establishes a determination of insignificance for PM$_{2.5}$, NO$_X$ and SO$_2$ for transportation conformity purposes.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

4. The authority citation for Part 81 continues to read as follows:

WEST VIRGINIA—PM$_{2.5}$

[Annual NAAQS]

<table>
<thead>
<tr>
<th>Designated area</th>
<th>Designation a</th>
</tr>
</thead>
</table>

a Includes Indian Country located in each county or area, except as otherwise specified.

† This date is 90 days after January 5, 2005, unless otherwise noted.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 02–199; RM–10514; FCC 13–114]

Radio Broadcasting Services; Magnolia, Arkansas; and Oil City, Louisiana

AGENCY: Federal Communications Commission.

ACTION: Final rule; denial of application for review.

SUMMARY: In this document, the Federal Communications Commission (“Commission”) denies an Application for Review filed by Access.1 Louisiana Holding Company, LLC (“Access.1”) of a Memorandum Opinion and Order of the Media Bureau (“Bureau”) in this proceeding, which denied Access.1’s Petition for Reconsideration of an earlier Bureau action, granting the reallocation,
class downgrade, and change of community of license of Station KQHN(FM) from Magnolia, Arkansas, to Oil City, Louisiana. The document finds that the Bureau did not err in approving the relocation of this FM station.

FOR FURTHER INFORMATION CONTACT:
Andrew J. Rhodes, Media Bureau, (202) 418–2700.


In the Report and Order in this proceeding, the Bureau granted a Petition for Rule Making filed by Cumulus Licensing, LLC’s predecessor in interest ("Cumulus") as licensee of Station KQHN(FM) for a downgrade in class of channel, and change of community of license for the station from Channel 300C1 at Magnolia, Arkansas, to Channel 300C2 at Oil City, Louisiana, See 70 FR 19337, April 13, 2005. In the Memorandum Opinion and Order, the Bureau affirmed the grant and concluded that the relocation of the station to Oil City did not constitute a "move-in" to the Shreveport, Louisiana, Urbanized Area because Cumulus had demonstrated that Oil City is sufficiently independent of the Shreveport Urbanized Area to warrant a first local service preference under the then-existing Tuck test. See 69 FR 8333, February 24, 2004.

On review, the Commission finds that the Bureau did not err in (1) determining that Oil City was independent of Shreveport; (2) declining to adopt Access.1’s proposed processing policy of requiring a certification by a community of license modification proponent that it will not select a site that would provide substantial service to an urbanized area; and (3) finding that the proposed reallocation would serve the public interest. The Commission upholds those decisions for the reasons stated in the Memorandum Opinion and Order.

However, the Commission states that some additional discussion is warranted regarding the remaining issues raised by Access.1. Most importantly, the Commission finds that Cumulus had not engaged in misrepresentation and/or had not shown a lack of candor as to whether its proposal would be a "move-in" to the Shreveport Urbanized Area. The Commission explains that under the then-existing procedures, Cumulus was permitted to specify at the rule making stage reference coordinates of a theoretically fully spaced site and later in the implementing application to specify a different site. Absent any extrinsic evidence to the contrary, which Access.1 did not produce, the Commission concludes that a misrepresentation or lack of candor allegation based on the specification of a different application site is speculative.

This document is not subject to the Congressional Review Act. (The Commission, is, therefore, not required to submit a copy of the Memorandum Opinion and Order to GAO, pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A) because the Application for Review was denied.)

Federal Communications Commission.

Marlene H. Dortch,
Secretary.

[FR Doc. 2013–22211 Filed 9–11–13; 8:45 am]
BILLING CODE 6712–01–P

ENVIRONMENTAL PROTECTION AGENCY

DEPARTMENT OF COMMERCE

50 CFR Part 622

[Federal Register Vol. 78, No. 177 / Thursday, September 12, 2013 / Rules and Regulations]

56171

§ 1037.104 Exhaust emission standards for CO\textsubscript{2}, CH\textsubscript{4}, and N\textsubscript{2}O for heavy-duty vehicles at or below 14,000 pounds GVWR
[Corrected]

\begin{equation}
\text{Force} = (\text{mass} \times \text{acceleration}) = F_0 + F_1 \\
\cdot (\text{velocity}) + F_2 \cdot (\text{velocity})^2
\end{equation}

[FR Doc. C1–2013–19880 Filed 9–11–13; 8:45 am]
BILLING CODE 1505–01–D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Federal Register Vol. 78, No. 177 / Thursday, September 12, 2013 / Rules and Regulations]

56171

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Queen Conch Fishery of Puerto Rico and the U.S. Virgin Islands; Regulatory Amendment 2

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement Regulatory Amendment 2 to the Fishery Management Plan (FMP) for the Queen Conch Resources of Puerto Rico and the U.S. Virgin Islands (USVI) (Regulatory Amendment 2), as prepared by the Caribbean Fishery Management Council (Council). This final rule revises the commercial trip limit for queen conch in the Caribbean exclusive economic zone (EEZ) to be compatible with the trip limit in USVI territorial waters. The purpose of this provision is to improve the compatibility of Federal and USVI territorial regulations for queen conch in order to facilitate enforcement efforts while ensuring the long-term health of the queen conch resource. This final rule also changes the regulations specifying the queen conch fishing season to correct an inadvertent change to the text that occurred in a prior rulemaking. The revision better reflects the original and current intent of the Council.

DATES: This rule is effective October 15, 2013.

ADDRESSES: Electronic copies of Regulatory Amendment 2, which includes an environmental assessment, a Regulatory Flexibility Act analysis, and a regulatory impact review (RIR), may be obtained from the Southeast Regional Office Web site at: http://sero.nmfs.noaa.gov/index.html.

FOR FURTHER INFORMATION CONTACT:
Maria del Mar Lopez, Southeast Regional Office, National Marine Fisheries Service, U.S. Department of Commerce, Building 120, 10200 Coles Point Parkway, Room 1318-A20, Annandale, Virginia 22003–3814; telephone 703–365–1855, ext. 213; e-mail: maria.delmar.lopez@noaa.gov.

CONTINUED...