

containing this rule 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 November 12, 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. 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 CAA section 307(b)(2).)

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

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

Dated: August 26, 2013.

**Shaun L. McGrath,**  
Regional Administrator, Region 8.

40 CFR part 52 is amended to read as follows:

#### PART 52—[AMENDED]

- 1. The authority citation for part 52 continues to read as follows:

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

#### Subpart G—Colorado

- 2. Section 52.349 is amended by adding paragraph (q) to read as follows:

##### **§ 52.349 Control strategy: Carbon monoxide.**

\* \* \* \* \*

(q) Revisions to the Colorado State Implementation Plan, revised Carbon

Monoxide Maintenance Plan for Fort Collins, as adopted by the Colorado Air Quality Control Commission on December 16, 2010 and submitted by the Governor's designee on May 25, 2011.

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#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Parts 52 and 81

[EPA-R03-OAR-2012-0386; FRL-9900-71-Region 3]

##### **Approval and Promulgation of Air Quality Implementation Plans; West Virginia; West Virginia's Redesignation for the Parkersburg-Marietta, WV-OH 1997 Annual Fine Particulate Matter Nonattainment Area to Attainment and Approval of the Associated Maintenance Plan**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a redesignation request and State Implementation Plan (SIP) revision submitted by the State of West Virginia. The West Virginia Department of Environmental Protection (WVDEP) requested that the West Virginia portion of the Parkersburg-Marietta, WV-OH fine particulate matter (PM<sub>2.5</sub>) nonattainment area ("Parkersburg-Marietta Area" or "Area") be redesignated as attainment for the 1997 annual PM<sub>2.5</sub> national ambient air quality standard (NAAQS). In this rulemaking action, EPA is approving the 1997 annual PM<sub>2.5</sub> redesignation request for the West Virginia portion of the Area. EPA is also approving the maintenance plan SIP revision that the State submitted in conjunction with its redesignation request. The maintenance plan provides for continued attainment of the 1997 annual PM<sub>2.5</sub> NAAQS for 10 years after redesignation of the West Virginia portion of the Area. The maintenance plan includes an insignificance determination for the onroad motor vehicle contribution of PM<sub>2.5</sub>, nitrogen oxides (NO<sub>x</sub>), and sulfur dioxide (SO<sub>2</sub>) for the West Virginia portion of the Area for purposes of transportation conformity. EPA is also approving West Virginia's insignificance determination for transportation conformity. In addition, EPA is also finding that the Area continues to attain the standard. This rulemaking action approving the 1997 annual PM<sub>2.5</sub> NAAQS redesignation request,

maintenance plan, and insignificance determination for transportation conformity for the West Virginia portion of the Area is based on EPA's determination that the Area has met the criteria for redesignation to attainment specified in the Clean Air Act (CAA).

**DATES:** This final rule is effective on September 12, 2013.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2012-0386. All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (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 for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street SE., Charleston, West Virginia 25304.

**FOR FURTHER INFORMATION CONTACT:** Rose Quinto, (215) 814-2182, or by email at [quinto.rose@epa.gov](mailto:quinto.rose@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Parkersburg-Marietta Area is composed of Wood County and a portion of Pleasants County in West Virginia (West Virginia portion of the Area) and Washington County in Ohio. On December 11, 2012 (77 FR 73560), EPA published a notice of proposed rulemaking (NPR) for the State of West Virginia. Pursuant to sections 107(d)(3)(E) and 175A of the CAA, EPA proposed approval of West Virginia's redesignation request, a SIP revision that establishes a maintenance plan for the West Virginia portion of the Area that provides for continued attainment of the 1997 annual PM<sub>2.5</sub> NAAQS for at least 10 years after redesignation, and the insignificance determination for transportation conformity for the West Virginia portion of the Area. The formal SIP revision was submitted by WVDEP on March 5, 2012. In a separate action, EPA approved the base year emissions inventory on December 12, 2012 (77 FR

73924) meeting the requirements of section 172(c)(3) of the CAA.

On July 8, 2013 (78 FR 40655), EPA published a supplemental NPR that revised and expanded the basis for proposing approval of West Virginia's request in light of developments since EPA issued its initial proposal on December 11, 2012. Principally, the supplemental NPR addressed the effects of the United States Court of Appeals for the District of Columbia's January 4, 2013 decision to remand to EPA two final rules implementing the PM<sub>2.5</sub> NAAQS.

Other specific details of West Virginia's redesignation request, the associated maintenance plan SIP revision and insignificance determination, and the rationales for EPA's proposed actions are explained in both the NPR and the supplemental NPR and will not be restated here. No public comments were received on either of the NPRs.

## II. Final Action

EPA is approving the redesignation request, maintenance plan, and insignificance determination for transportation conformity for the West Virginia portion of the Area that was submitted by WVDEP on March 5, 2012 because the requirements for approval have been satisfied. EPA has evaluated West Virginia's redesignation request, and determined that it meets the redesignation criteria set forth in section 107(d)(3)(E) of the CAA. Approval of this redesignation request will change the designation of the West Virginia portion of the Area from nonattainment to attainment for the 1997 annual PM<sub>2.5</sub> NAAQS. EPA is also approving the associated maintenance plan for the West Virginia portion of the Area, submitted on March 5, 2012, as a revision to the West Virginia SIP, because it meets the requirements of section 175A of the CAA. In addition, EPA is also approving the transportation conformity insignificance determination submitted by West Virginia for this Area in conjunction with its redesignation request.

In accordance with 5 U.S.C. 553(d), EPA finds there is good cause for this action to become effective immediately upon publication. A delayed effective date is unnecessary due to the nature of a redesignation to attainment, which eliminates CAA obligations that would otherwise apply. 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 West Virginia of the obligation to comply with nonattainment-related planning requirements for this PM<sub>2.5</sub> Area pursuant to Part D of the CAA. For these reasons, EPA finds good cause under 5 U.S.C. 553(d) for this action to become effective on the date of publication of this notice.

## III. Statutory and Executive Order Reviews

### A. General Requirements

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA 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" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- 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.

### B. Submission to Congress and the Comptroller General

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).

### C. Petitions for Judicial Review

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 12, 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 approving the redesignation request, maintenance plan, and transportation conformity insignificance determination for the

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<sub>2.5</sub> Maintenance Plan for Parkersburg-Marietta, WV-OH Area at the end of the table to read as follows:

#### § 52.2520 Identification of plan.

\* \* \* \* \*

(e) \* \* \*

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

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

#### § 52.2526 Control strategy: Particular matter.

\* \* \* \* \*

(h) EPA approves the maintenance plan for the West Virginia portion of the Parkersburg-Marietta, WV-OH 1997 PM<sub>2.5</sub> Nonattainment Area (Wood County and a portion of Pleasants

County). The maintenance plan establishes a determination of insignificance for PM<sub>2.5</sub>, NO<sub>x</sub> and SO<sub>2</sub> 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<sub>2.5</sub>  
[Annual NAAQS]

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

■ 5. In § 81.349 the table for West Virginia—PM<sub>2.5</sub> (Annual NAAQS) is amended by revising the entry for the Parkersburg-Marietta, WV-OH Area to read as follows:

#### § 81.349 West Virginia.

\* \* \* \* \*

Designated area	Designation <sup>a</sup>	
	Date <sup>1</sup>	Type
* * *	* * *	* * *
Parkersburg-Marietta, WV-OH:		
Pleasants County (part)Tax District of Grant .....	9/12/13	Attainment.
Wood County .....	9/12/13	Attainment.
* * *	* * *	* * *

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

<sup>1</sup> This date is 90 days after January 5, 2005, unless otherwise noted.

\* \* \* \* \*

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#### 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,