

■ 11. In § 265.7, revise the section heading and paragraphs (a)(1) and (2) to read as follows:

**§ 265.7 Procedure for submitting a FOIA request.**

(a) *Submission of requests*—(1) *Form and content of request*. To permit expeditious handling and timely response in accordance with the provisions of this part, a request to inspect or to obtain a copy of an identifiable Postal Service record must be in writing and bear the caption “Freedom of Information Act Request” or otherwise be clearly and prominently identified as a request for records pursuant to the Freedom of Information Act. A request must be clearly and prominently identified as such on the envelope or other cover. Requests for records, submitted by the public that are not labeled as Freedom of Information Act requests will be handled as FOIA requests when received by the appropriate Requester Service Center in accordance with paragraph (b) of this section, but they may be delayed in reaching the appropriate Requester Service Center. A Freedom of Information Act request must identify the record sought as completely as possible, by name, description, or subject matter, and be sufficient to permit the custodian to locate it with a reasonable amount of effort. The request may state the maximum amount of fees for which the requester is willing to accept liability without prior notice. See paragraph (f)(2) of § 265.8. If no amount is stated, the requester will be deemed willing to accept liability for fees not to exceed \$25.

(2) *To whom submitted*. A request must be submitted to the appropriate Freedom of Information Act (FOIA) Requester Service Center (RSC). If the FOIA RSC is not known, an inquiry should be directed to the FOIA Requester Service Center, Privacy and Records Office, U.S. Postal Service, 475 L’Enfant Plaza SW., Washington, DC 20260, telephone (202) 268–2608. The FOIA RSC will either process the request or refer the request to the appropriate component or records custodians. The FOIA RSC will advise the requester of any such referral. A request that is not initially submitted to the appropriate FOIA RSC will be deemed to have been received by the Postal Service for purposes of computing the time for response in accordance with paragraph (b) of this section at the time that it is actually received by the appropriate FOIA RSC or at the time the request is referred to the appropriate records custodians by a FOIA RSC, but in any case a request will

be deemed to have been received no later than 10 days after the request is first received by a FOIA RSC. If a request seeks records maintained at two or more facilities, the custodian shall be deemed to be the next senior common supervisor of the heads of the facilities, e.g., district manager, area vice president. The Records Office is deemed to be the custodian, for purposes of this part, in all instances in which a request is for a listing of postal employees. See paragraph (a)(6) of § 265.6.

\* \* \* \* \*

**Stanley F. Mires,**

*Attorney, Federal Compliance.*

[FR Doc. 2015–18557 Filed 7–28–15; 8:45 am]

**BILLING CODE 7710–12–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 81

[EPA–HQ–OAR–2015–0359; FRL–9929–97–OAR]

RIN 2060–AR95

### Air Quality Designations for the 2006 24-hour Fine Particle National Ambient Air Quality Standards (2006 24-hour PM<sub>2.5</sub> NAAQS), 1997 Annual PM<sub>2.5</sub> NAAQS, and 1987 Annual Coarse Particle (PM<sub>10</sub>) NAAQS; Technical Amendments to Inadvertent Errors

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** Pursuant to its authority under the Clean Air Act (CAA), the Environmental Protection Agency (EPA) is promulgating this final action to make technical amendments to address several minor, inadvertent and nonsubstantive errors in the regulatory text establishing the air quality designations for the 2006 24-hour fine particle (PM<sub>2.5</sub>) National Ambient Air Quality Standards (NAAQS), 1997 annual PM<sub>2.5</sub> NAAQS, and 1987 annual coarse particle (PM<sub>10</sub>) NAAQS. Consistent with the EPA’s interpretation of the good cause exemption provisions outlined in the Administrative Procedure Act, this action is being taken without notice and comment. The states to which these amendments apply are New York and West Virginia.

**DATES:** The effective date of these technical amendments is August 28, 2015.

**FOR FURTHER INFORMATION CONTACT:** For general questions concerning this action, please contact Andy Chang, U.S. EPA, Office of Air Quality Planning and

Standards, Air Quality Planning Division, C539–04, Research Triangle Park, NC 27711, telephone (919) 541–2416, email at [chang.andy@epa.gov](mailto:chang.andy@epa.gov).

#### SUPPLEMENTARY INFORMATION:

#### Table of Contents

The following is an outline of the preamble.

- I. What is the good cause exemption, and why is the EPA using it?
- II. What is the purpose of this action?
- III. What are the technical amendments to inadvertent errors in prior designations?
  - A. Technical Amendments Concerning Designations for the 2006 24-hour PM<sub>2.5</sub> NAAQS
  - B. Technical Amendments Concerning Designations for the 1997 Annual PM<sub>2.5</sub> NAAQS
  - C. Technical Amendments Concerning Designations for the 1987 Annual PM<sub>10</sub> NAAQS
- IV. Environmental Justice Considerations
- V. Statutory and Executive Order Reviews
  - A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
  - B. Paperwork Reduction Act
  - C. Regulatory Flexibility Act
  - D. Unfunded Mandates Reform Act (UMRA)
  - E. Executive Order 13132: Federalism
  - F. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments
  - G. Executive Order 13045: Protection of Children from Environmental Health and Safety Risks
  - H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use
  - I. National Technology Transfer and Advancement Act (NTTAA)
  - J. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
  - K. Congressional Review Act
  - L. Judicial Review

#### I. What is the good cause exemption, and why is the EPA using it?

Section 553(b)(3)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B), provides that, when an agency for good cause finds that public notice and comment procedures are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. The EPA has determined that there is good cause for making this rule final without prior proposal and opportunity for comment because such notice and opportunity for comment is unnecessary. In this action, we are amending 40 CFR part 81, which contains the tables of area designations and boundaries for each NAAQS. Notice

and comment is unnecessary because the corrections made in this document were already the subject of prior notice and comment rulemakings; this action merely makes corrections to the tables in order to correctly align the information in the tables with those prior rulemakings.

## II. What is the purpose of this action?

Whenever the EPA establishes a new NAAQS, section 107(d) of the CAA requires the EPA to designate all areas of the country as meeting or not meeting the new NAAQS, or as unclassifiable where available information does not support a determination whether an area is meeting the NAAQS. The area designations and boundaries for each NAAQS are set forth in tables at 40 CFR part 81.

This action makes technical amendments to minor, inadvertent and nonsubstantive errors in the 40 CFR part 81 regulatory text concerning the air quality designations for certain areas in two states for the 2006 24-hour  $PM_{2.5}$  NAAQS, 1997 annual  $PM_{2.5}$  NAAQS, and 1987 annual  $PM_{10}$  NAAQS. The states to which these technical amendments apply are New York and West Virginia.

Documents related to the affected designations are available in the following dockets: Docket ID No. EPA-HQ-OAR-2007-0562 (2006 24-hour  $PM_{2.5}$  NAAQS), Docket ID No. EPA-HQ-OAR-2003-0061 (1997 annual  $PM_{2.5}$  NAAQS), and Public Docket No. A-92-22 (1987 annual  $PM_{10}$  NAAQS). All documents in the dockets except for those for related to designations for the 1987  $PM_{10}$  NAAQS, *i.e.*, Public Docket No. A-92-22, are listed in the <http://www.regulations.gov> index. All materials for Public Docket No. A-92-22 are located at the EPA Docket Center. In addition, the EPA has established a Web site for these rulemakings at: <http://www.epa.gov/pmdesignations/> and <http://www.epa.gov/airquality/greenbook/pindex.html>. These Web sites include the EPA's final  $PM_{2.5}$  and  $PM_{10}$  designations, as well as state and tribal initial recommendation letters, the EPA's modification letters, technical support documents, responses to comments and other related technical information.

A discussion of these inadvertent errors and associated corrections follows in the next section. The revisions to the regulatory text, specifically as codified in 40 CFR part 81, are provided at the end of this preamble.

## III. What are the technical amendments to inadvertent errors in prior designations?

### A. Technical Amendments Concerning Designations for the 2006 24-hour $PM_{2.5}$ NAAQS

The EPA published its air quality designations for the 2006 24-hour  $PM_{2.5}$  NAAQS on November 13, 2009 (74 FR 58688). In that action, two areas in West Virginia were designated as nonattainment for this NAAQS: Charleston, West Virginia (consisting of Kanawha County and Putnam County) and the Steubenville-Weirton, Ohio-West Virginia area (consisting of Brooke County and Hancock County in West Virginia and Jefferson County in Ohio). The EPA finalized approval of West Virginia's request to redesignate the Charleston, West Virginia area to attainment on March 31, 2014 (79 FR 17884), and finalized approval of West Virginia's request to redesignate the state's portion of the Steubenville-Weirton area to attainment on March 18, 2014 (79 FR 15019). Both of these final actions correctly revised West Virginia's entries in 40 CFR 81.349 to reflect that the areas are in attainment for the 2006 24-hour  $PM_{2.5}$  NAAQS. However, a subsequent rulemaking finalized in the **Federal Register** on June 2, 2014, by the EPA titled, "Identification of Nonattainment Classifications and Deadlines for Submission of State Implementation Plan (SIP) Provisions for the 1997 Fine Particle ( $PM_{2.5}$ ) National Ambient Air Quality Standard (NAAQS) and 2006  $PM_{2.5}$  NAAQS" (79 FR 31566) inadvertently and erroneously recodified the Charleston, West Virginia area and the West Virginia portion of the Steubenville-Weirton, Ohio-West Virginia area as nonattainment for the 2006 24-hour  $PM_{2.5}$  NAAQS. In this rulemaking, the EPA is correcting the 40 CFR 81.349 table for West Virginia with respect to the 2006 24-hour  $PM_{2.5}$  NAAQS to reflect that both areas within West Virginia have been redesignated to attainment, consistent with our previous March 18, 2014, and March 31, 2014, final rulemakings.

### B. Technical Amendments Concerning Designations for the 1997 Annual $PM_{2.5}$ NAAQS

The EPA published its air quality designations for the 1997 annual  $PM_{2.5}$  NAAQS on January 5, 2005 (70 FR 944). In this action, two areas in West Virginia were designated as nonattainment for this NAAQS: Charleston, West Virginia (consisting of Kanawha County and Putnam County) and the Steubenville-Weirton, Ohio-

West Virginia area (consisting of Brooke County and Hancock County in West Virginia and Jefferson County in Ohio). The EPA finalized approval of West Virginia's request to redesignate the Charleston, West Virginia area to attainment on March 31, 2014 (79 FR 17884), and finalized approval of West Virginia's request to redesignate the state's portion of the Steubenville-Weirton area to attainment on March 18, 2014 (79 FR 15019). Both of these final actions correctly revised West Virginia's entries in 40 CFR 81.349 to reflect that the areas are in attainment for the 1997 annual  $PM_{2.5}$  NAAQS. However, a subsequent rulemaking finalized in the **Federal Register** on June 2, 2014, by the EPA titled, "Identification of Nonattainment Classifications and Deadlines for Submission of State Implementation Plan (SIP) Provisions for the 1997 Fine Particle ( $PM_{2.5}$ ) National Ambient Air Quality Standard (NAAQS) and 2006  $PM_{2.5}$  NAAQS" (79 FR 31566) inadvertently and erroneously recodified the Charleston, West Virginia area and the West Virginia portion of the Steubenville-Weirton, Ohio-West Virginia area as nonattainment for the 1997 annual  $PM_{2.5}$  NAAQS. In this rulemaking, the EPA is correcting the 40 CFR 81.349 table for West Virginia with respect to the 1997 annual  $PM_{2.5}$  NAAQS to reflect that both areas within West Virginia have been redesignated to attainment consistent with our previous March 18, 2014, and March 31, 2014, final rulemakings.

### C. Technical Amendments Concerning Designations for the 1987 Annual $PM_{10}$ NAAQS

The EPA redesignated New York County, New York as nonattainment for the 1987 annual  $PM_{10}$  NAAQS on January 20, 1994 (58 FR 67334).<sup>1</sup> However, the 40 CFR part 81 table for the state is unclear as to which 1987  $PM_{10}$  NAAQS the nonattainment designation applies to, specifically because at the time of the January 20, 1994, designation, there were two forms of the NAAQS. The 1987  $PM_{10}$  NAAQS included an annual standard of 50 micrograms per cubic meter (annual arithmetic mean averaged over 3 years) and a 24-hour standard of 150 micrograms per cubic meter (not to be exceeded more than once per year on average over a 3-year period). The 40 CFR part 81 table for  $PM_{10}$  does not distinguish between the two forms of the NAAQS, and therefore New York

<sup>1</sup> This area was originally designated as unclassifiable for the annual  $PM_{10}$  NAAQS by operation of law.

County is codified as nonattainment for a non-specified, *i.e.*, ambiguous form of the standard.

The EPA has confirmed that the Madison Avenue monitor in New York County (Air Quality Systems (AQS) Site ID 36-061-0077) recorded violations of the 1987 annual PM<sub>10</sub> NAAQS and was the basis for the county's nonattainment designation for this NAAQS. This monitor continued to serve as the county's design value monitor until 1998; at this time the monitor underwent modifications that made it no longer valid for comparison to the NAAQS, *i.e.*, it no longer met the siting criteria for a Federal Reference Method (FRM) monitor. As a result, decisions regarding PM<sub>10</sub> air quality since 1998 have been informed by ambient air quality data collected at other FRM monitoring sites in New York County, including the Post Office site (AQS ID 36-061-0062). None of the monitors in New York County have recorded violations of the annual PM<sub>10</sub> NAAQS since 1998, and no violations of the 24-hour PM<sub>10</sub> NAAQS have ever been recorded in the county. On December 2, 2013, the EPA finalized a clean data determination in the **Federal Register** for New York County (78 FR 72032), which determined that even though the annual form of the 1987 PM<sub>10</sub> NAAQS had been revoked on October 17, 2006 (71 FR 61144), ambient air quality data collected in New York County indicated that this NAAQS had been attained. To clarify, New York County was designated as nonattainment for the 1987 annual PM<sub>10</sub> NAAQS only; the area received a clean data determination from the EPA for the 1987 annual PM<sub>10</sub> NAAQS; and the Agency has revoked the 1987 annual PM<sub>10</sub> NAAQS. Therefore, the EPA is revising and clarifying the table for the PM<sub>10</sub> NAAQS for the state to reflect the form of the standard, *i.e.*, the annual PM<sub>10</sub> NAAQS, for which New York County was designated as nonattainment, and to reflect that that standard has been revoked.

#### IV. Environmental Justice Considerations

When the EPA establishes a new NAAQS, section 107(d) of the CAA requires the EPA to designate all areas of the country as meeting or not meeting the new NAAQS, or as unclassifiable where available information does not support a determination whether an area is meeting the NAAQS. The area designations and boundaries for each NAAQS are set forth in tables at 40 CFR part 81. This action makes technical amendments to minor, inadvertent and nonsubstantive errors in the 40 CFR part

81 regulatory text concerning the air quality designations for certain areas in two states for the 2006 24-hour PM<sub>2.5</sub> NAAQS, 1997 annual PM<sub>2.5</sub> NAAQS, and 1987 annual PM<sub>10</sub> NAAQS. The amendments apply to the states of New York and West Virginia. This action continues to protect all those residing, working, attending school or otherwise present in those areas regardless of minority and economic status.

#### V. Statutory and Executive Order Reviews

##### A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action makes technical amendments to correct minor, inadvertent and nonsubstantive errors in prior area designations. This type of action is exempt from review under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011).

##### B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* Burden is defined at 5 CFR 1320.3(b). This action corrects minor, inadvertent and nonsubstantive errors in prior area designations and does not require any party to perform an information collection.

##### C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations and small governmental jurisdictions. For purposes of assessing the impacts of this rule on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administration's regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

Because the EPA has made a good cause finding that this action is not

subject to notice and comment requirements under the Administrative Procedure Act or any other statute as indicated in the **SUPPLEMENTARY INFORMATION** section above, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act.

##### D. Unfunded Mandates Reform Act (UMRA)

This action contains no federal mandate under the provisions of Title II of the UMRA of 1995, 2 U.S.C. 1531-1538 for state, local or tribal governments or the private sector. The action does not impose an enforceable duty on any state, local or tribal governments or the private sector. Therefore, this action is not subject to the requirements of sections 202 and 205 of the UMRA.

This action is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. This action corrects minor, inadvertent and nonsubstantive errors in prior area designations.

##### E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This action makes technical amendments to correct minor, inadvertent and nonsubstantive errors in prior area designations. Thus, Executive Order 13132 does not apply to this action.

##### F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This action only makes technical amendments to correct minor, inadvertent and nonsubstantive errors in prior area designations or redesignations. None of these technical amendments has a substantial direct effect on any tribal land; thus, Executive Order 13175 does not apply to this action.

##### G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

The EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory

actions that concern health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. This action is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

*H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution or Use*

This action is not subject to Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is not a significant regulatory action under Executive Order 12866.

*I. National Technology Transfer and Advancement Act (NTTAA)*

Section 12(d) of the NTTAA of 1995, Public Law 104–113, section 12(d) (15 U.S.C. 272 note) directs the EPA to use voluntary consensus standards (VCS) in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impracticable. VCS are technical standards (e.g., materials specifications, test methods, sampling procedures and business practices) that are developed or adopted by VCS bodies. The NTTAA directs the EPA to provide Congress, through the Office of Management and Budget, explanations when the agency decides not to use available and applicable VCS. This action does not involve technical standards. Therefore, the EPA did not consider the use of any VCS.

*J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*

Executive Order 12898 (59 FR 7629 (Feb. 16, 1994)) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or

environmental effects of their programs, policies and activities on minority populations and low-income populations in the U.S.

The EPA has determined that this rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. This action makes technical amendments to correct minor, inadvertent, nonsubstantive errors in the designations for certain areas. The results are also contained in section IV titled, “Environmental Justice Considerations” of this preamble.

*K. Congressional Review Act*

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. The EPA will submit a report 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**. However, section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, the EPA had made such a good cause finding, including the reasons therefore, and established an effective date of August 28, 2015. These technical amendments to inadvertent errors do not constitute a “major rule” as defined by 5 U.S.C. 804(2).

*L. Judicial Review*

In the final actions designating areas for the PM<sub>10</sub> NAAQS, the EPA determined that the actions were “nationally applicable” within the meaning of CAA section 307(b)(1). Likewise, the EPA also determined that the final action identifying nonattainment classifications and deadlines for SIP provisions for the 1997 annual PM<sub>2.5</sub> NAAQS and 2006 24-hour PM<sub>2.5</sub> NAAQS was nationally applicable. Because this action is making corrections to those nationally applicable rules, we are determining that this action is also nationally applicable within the meaning of section 307(b)(1). Thus, petitions for review of this final action must be filed in the Court of Appeals for the District of Columbia Circuit. Section 307(b)(1) requires such petitions to be filed within 60 days from the date the final action is published in the **Federal Register**.

**List of Subjects in 40 CFR Part 81**

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

Dated: July 21, 2015.

**Gina McCarthy,**  
*Administrator.*

For the reasons set forth in the preamble, 40 CFR part 81 is amended as follows:

**PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES**

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

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

**Subpart C—Section 107 Attainment Status Designations**

■ 2. Section 81.333 is amended by revising the table titled “New York—PM–10” to read as follows:

**§ 81.333 New York.**

\* \* \* \* \*

**NEW YORK—PM–10**

Designated area	Designation		Classification	
	Date	Type	Date	Type
New York County .....	1/20/94	Nonattainment <sup>1</sup> ..	1/20/94	Moderate.

<sup>1</sup>This designation applied only to the annual form of the PM<sub>10</sub> NAAQS. The annual PM<sub>10</sub> NAAQS was revoked for all areas of the state on October 17, 2006.

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■ 3. Section 81.349 is amended by revising the tables titled “West

Virginia—1997 Annual PM<sub>2.5</sub> NAAQS”

and “West Virginia—2006 24-Hour PM<sub>2.5</sub> NAAQS” to read as follows:

**§ 81.349 West Virginia.**  
\* \* \* \* \*

**WEST VIRGINIA—1997 ANNUAL PM<sub>2.5</sub> NAAQS**  
[Primary and secondary]

Designated area <sup>a</sup>	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>2</sup>	Type
Charleston, WV:				
Kanawha County .....	3/31/14	Attainment.		
Putnam County .....	3/31/14	Attainment.		
Huntington-Ashland, WV-KY-OH:				
Cabell County .....	12/28/12	Attainment.		
Mason County (part) .....	12/28/12	Attainment.		
Graham Tax District.				
Wayne County .....	12/28/12	Attainment.		
Martinsburg, WV-Hagerstown, MD:				
Berkeley County .....	11/25/14	Attainment.		
Parkersburg-Marietta, WV-OH:				
Pleasants County (part) .....	9/12/13	Attainment.		
Tax District of Grant.				
Wood County .....	9/12/13	Attainment.		
Steubenville-Weirton, OH-WV:				
Brooke County .....	3/18/14	Attainment.		
Hancock County .....	3/18/14	Attainment.		
Wheeling, WV-OH:				
Marshall County .....	9/30/13	Attainment.		
Ohio County .....	9/30/13	Attainment.		
Rest of State:				
Barbour County .....		Unclassifiable/Attainment.		
Boone County .....		Unclassifiable/Attainment.		
Braxton County .....		Unclassifiable/Attainment.		
Calhoun County .....		Unclassifiable/Attainment.		
Clay County .....		Unclassifiable/Attainment.		
Doddridge County .....		Unclassifiable/Attainment.		
Fayette County .....		Unclassifiable/Attainment.		
Gilmer County .....		Unclassifiable/Attainment.		
Grant County .....		Unclassifiable/Attainment.		
Greenbrier County .....		Unclassifiable/Attainment.		
Hampshire County .....		Unclassifiable/Attainment.		
Hardy County .....		Unclassifiable/Attainment.		
Harrison County .....		Unclassifiable/Attainment.		
Jackson County .....		Unclassifiable/Attainment.		
Jefferson County .....		Unclassifiable/Attainment.		
Lewis County .....		Unclassifiable/Attainment.		
Lincoln County .....		Unclassifiable/Attainment.		
Logan County .....		Unclassifiable/Attainment.		
McDowell County .....		Unclassifiable/Attainment.		
Marion County .....		Unclassifiable/Attainment.		
Mason County (remainder) .....		Unclassifiable/Attainment.		
Mercer County .....		Unclassifiable/Attainment.		
Mineral County .....		Unclassifiable/Attainment.		
Mingo County .....		Unclassifiable/Attainment.		
Monongalia County .....		Unclassifiable/Attainment.		
Monroe County .....		Unclassifiable/Attainment.		
Morgan County .....		Unclassifiable/Attainment.		
Nicholas County .....		Unclassifiable/Attainment.		
Pendleton County .....		Unclassifiable/Attainment.		
Pleasants County (remainder) .....		Unclassifiable/Attainment.		
Pocahontas County .....		Unclassifiable/Attainment.		
Preston County .....		Unclassifiable/Attainment.		
Raleigh County .....		Unclassifiable/Attainment.		
Randolph County .....		Unclassifiable/Attainment.		
Ritchie County .....		Unclassifiable/Attainment.		
Roane County .....		Unclassifiable/Attainment.		
Summers County .....		Unclassifiable/Attainment.		
Taylor County .....		Unclassifiable/Attainment.		
Tucker County .....		Unclassifiable/Attainment.		
Tyler County .....		Unclassifiable/Attainment.		
Upshur County .....		Unclassifiable/Attainment.		
Webster County .....		Unclassifiable/Attainment.		
Wetzel County .....		Unclassifiable/Attainment.		
Wirt County .....		Unclassifiable/Attainment.		

WEST VIRGINIA—1997 ANNUAL PM<sub>2.5</sub> NAAQS—Continued  
 [Primary and secondary]

Designated area <sup>a</sup>	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>2</sup>	Type
Wyoming County .....	.....	Unclassifiable/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.

<sup>2</sup> This date is July 2, 2014, unless otherwise noted.

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WEST VIRGINIA—2006 24-HOUR PM<sub>2.5</sub> NAAQS  
 [Primary and secondary]

Designated area <sup>a</sup>	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>2</sup>	Type
Charleston, WV:				
Kanawha County .....	3/31/14	Attainment.		
Putnam County .....	3/31/14	Attainment.		
Steubenville-Weirton, OH-WV:				
Brooke County .....	3/18/14	Attainment.		
Hancock County .....	3/18/14	Attainment.		
Rest of State:				
Barbour County .....	.....	Unclassifiable/Attainment.		
Berkeley County .....	.....	Unclassifiable/Attainment.		
Boone County .....	.....	Unclassifiable/Attainment.		
Braxton County .....	.....	Unclassifiable/Attainment.		
Cabell County .....	.....	Unclassifiable/Attainment.		
Calhoun County .....	.....	Unclassifiable/Attainment.		
Clay County .....	.....	Unclassifiable/Attainment.		
Doddridge County .....	.....	Unclassifiable/Attainment.		
Fayette County .....	.....	Unclassifiable/Attainment.		
Gilmer County .....	.....	Unclassifiable/Attainment.		
Grant County .....	.....	Unclassifiable/Attainment.		
Greenbrier County .....	.....	Unclassifiable/Attainment.		
Hampshire County .....	.....	Unclassifiable/Attainment.		
Hardy County .....	.....	Unclassifiable/Attainment.		
Harrison County .....	.....	Unclassifiable/Attainment.		
Jackson County .....	.....	Unclassifiable/Attainment.		
Jefferson County .....	.....	Unclassifiable/Attainment.		
Lewis County .....	.....	Unclassifiable/Attainment.		
Lincoln County .....	.....	Unclassifiable/Attainment.		
Logan County .....	.....	Unclassifiable/Attainment.		
McDowell County .....	.....	Unclassifiable/Attainment.		
Marion County .....	.....	Unclassifiable/Attainment.		
Marshall County .....	.....	Unclassifiable/Attainment.		
Mason County .....	.....	Unclassifiable/Attainment.		
Mercer County .....	.....	Unclassifiable/Attainment.		
Mineral County .....	.....	Unclassifiable/Attainment.		
Mingo County .....	.....	Unclassifiable/Attainment.		
Monongalia County .....	.....	Unclassifiable/Attainment.		
Monroe County .....	.....	Unclassifiable/Attainment.		
Morgan County .....	.....	Unclassifiable/Attainment.		
Nicholas County .....	.....	Unclassifiable/Attainment.		
Ohio County .....	.....	Unclassifiable/Attainment.		
Pendleton County .....	.....	Unclassifiable/Attainment.		
Pleasants County .....	.....	Unclassifiable/Attainment.		
Pocahontas County .....	.....	Unclassifiable/Attainment.		
Preston County .....	.....	Unclassifiable/Attainment.		
Raleigh County .....	.....	Unclassifiable/Attainment.		
Randolph County .....	.....	Unclassifiable/Attainment.		
Ritchie County .....	.....	Unclassifiable/Attainment.		
Roane County .....	.....	Unclassifiable/Attainment.		
Summers County .....	.....	Unclassifiable/Attainment.		
Taylor County .....	.....	Unclassifiable/Attainment.		
Tucker County .....	.....	Unclassifiable/Attainment.		
Tyler County .....	.....	Unclassifiable/Attainment.		
Upshur County .....	.....	Unclassifiable/Attainment.		
Wayne County .....	.....	Unclassifiable/Attainment.		

WEST VIRGINIA—2006 24-HOUR PM<sub>2.5</sub> NAAQS—Continued  
[Primary and secondary]

Designated area <sup>a</sup>	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>2</sup>	Type
Webster County .....	.....	Unclassifiable/Attainment.		
Wetzel County .....	.....	Unclassifiable/Attainment.		
Wirt County .....	.....	Unclassifiable/Attainment.		
Wood County .....	.....	Unclassifiable/Attainment.		
Wyoming County .....	.....	Unclassifiable/Attainment.		

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

<sup>1</sup> This date is 30 days after November 13, 2009, unless otherwise noted.

<sup>2</sup> This date is July 2, 2014, unless otherwise noted.

\* \* \* \* \*

[FR Doc. 2015-18532 Filed 7-28-15; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[EPA-HQ-OPP-2012-0638; FRL-9930-73]

#### Fluxapyroxad; Pesticide Tolerances

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

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes tolerances for residues of fluxapyroxad in or on cotton, gin byproducts and cotton, undelinted seed. BASF Corporation requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

**DATES:** This regulation is effective July 29, 2015. Objections and requests for hearings must be received on or before September 28, 2015, 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-2012-0638, 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), West William Jefferson Clinton 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:

Susan Lewis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; main telephone number: (703) 305-7090; email address: [RDfRNNotices@epa.gov](mailto: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-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl). To access the OCSPP test guidelines referenced in this document electronically, please go to <http://www.epa.gov/ocspp> and select "Test Methods and Guidelines."

###### 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-2012-0638 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 September 28, 2015. 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-2012-0638, 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 December 17, 2014 (79 FR 75107) (FRL-9918-90),