

policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this final 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 final rule does not change any applicable emission limit for FCPP nor does it extend the compliance deadline under BART or the Alternative to BART. This final rule merely extends the date, by six months, by which the operator of FCPP must notify EPA of its elected compliance strategy.

*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. Section 804 exempts from section 801 the following types of rules (1) rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding today's final action under section 801 because this is a rule of particular applicability and only applies to one facility, the Four Corner Power Plant.

*L. 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 December 2, 2013. Filing a petition for reconsideration by the administrator of this final rule does not affect the finality of this rule 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 CAA section 307(b)(2)).

**List of Subjects in 40 CFR Part 49**

Environmental protection, Air pollution control, Indians, Intergovernmental relations, Nitrogen Dioxide.

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

Dated: September 24, 2013.

**Gina McCarthy,**  
*Administrator.*

For the reasons stated in the preamble, Title 40, chapter I of the Code of Federal Regulations is amended as follows:

**PART 49—[AMENDED]**

■ 1. The authority citation for part 49 continues to read as follows:

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

■ 2. Section 49.5512 is amended by revising paragraph (i)(4) to read as follows:

**§ 49.5512 Federal Implementation Plan Provisions for Four Corners Power Plant, Navajo Nation.**

\* \* \* \* \*

(i) \* \* \* \* \*  
(4) By January 1, 2013, the owner or operator shall submit a letter to the Regional Administrator updating EPA of the status of lease negotiations and regulatory approvals required to comply with paragraph (i)(3) of this section. By December 31, 2013, the owner or operator shall notify the Regional Administrator by letter whether it will comply with paragraph (i)(2) of this section or whether it will comply with paragraph (i)(3) of this section and shall submit a plan and time table for compliance with either paragraph (i)(2) or (3) of this section. The owner or operator shall amend and submit this amended plan to the Regional Administrator as changes occur.

\* \* \* \* \*

[FR Doc. 2013-24112 Filed 10-1-13; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 52 and 81**

**[EPA-R05-OAR-2010-0899; FRL-9901-44-Region 5]**

**Approval and Promulgation of Air Quality Implementation Plan; Illinois; Redesignation of the Chicago Area to Attainment of the 1997 Annual Fine Particulate Matter Standard**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is taking several related actions under the Clean Air Act (CAA) affecting the Chicago area and the state of Illinois for the 1997 annual fine particulate matter (PM<sub>2.5</sub>) National Ambient Air Quality Standard (NAAQS or standard). EPA is determining that

the Chicago-Gary-Lake County, Illinois-Indiana (IL-IN) area is attaining the 1997 annual PM<sub>2.5</sub> standard based on quality assured, state-certified monitoring data for all PM<sub>2.5</sub> monitoring sites in this area from 2007–2012. EPA is granting a request from the state of Illinois to redesignate the Chicago area to attainment of the 1997 annual PM<sub>2.5</sub> standard. EPA is approving, as a revision of the Illinois State Implementation Plan (SIP), the state's plan for maintaining the 1997 annual PM<sub>2.5</sub> standard in the Chicago-Gary-Lake County, IL-IN area through 2025. EPA is approving Illinois' comprehensive 2002 Nitrogen Oxides (NO<sub>x</sub>), Sulfur Dioxide (SO<sub>2</sub>), Volatile Organic Compound (VOC), ammonia, and primary PM<sub>2.5</sub> emission inventories for the Chicago area. Finally, EPA is approving Illinois' 2008 and 2025 NO<sub>x</sub> and primary PM<sub>2.5</sub> Motor Vehicle Emission Budgets (MVEBs) for the Chicago area and finding these MVEBs as adequate for use in transportation conformity determinations. The Chicago area includes: Cook, DuPage, Kane, Lake, McHenry, and Will Counties, Aux Sable and Goose Lake Townships in Grundy County, and Oswego Township in Kendall County. The Chicago-Gary-Lake County, IL-IN area also includes Lake and Porter Counties in Indiana, which have been previously redesignated to attainment of the 1997 annual PM<sub>2.5</sub> standard.

**DATES:** This final rule is effective October 2, 2013.

**ADDRESSES:** EPA has established a docket for this action: Docket ID No. EPA-R05-OAR-2010-0899. 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., 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 hardcopy form. Publicly available docket materials are available either electronically in [www.regulations.gov](http://www.regulations.gov) or in hardcopy at the 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 Edward Doty, Environmental Scientist, at (312) 886-6057, before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:** Edward Doty, Environmental Scientist,

Attainment Planning and Maintenance Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6057, [Doty.Edward@epa.gov](mailto:Doty.Edward@epa.gov).

#### **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 is EPA’s response to comments on EPA’s proposed actions?
- III. Why is EPA taking these actions?
- IV. What actions is EPA taking?
- V. Statutory and Executive Order Reviews

#### **I. What is the background for the actions?**

On November 27, 2009 (76 FR 62243), EPA made a final determination that the Chicago-Gary-Lake County, IL-IN area had attained the 1997 annual PM<sub>2.5</sub> standard based on PM<sub>2.5</sub> monitoring data for the period of 2006–2008.

On October 15, 2010, the Illinois Environmental Protection Agency (IEPA) submitted a request to EPA for the redesignation of the Chicago area to attainment of the 1997 annual PM<sub>2.5</sub> standard and for EPA approval of a SIP revision containing PM<sub>2.5</sub>-related emission inventories and a PM<sub>2.5</sub> maintenance plan for the Chicago area. The maintenance plan includes 2008 and 2025 MVEBs for the Chicago area. In a supplemental submission to the EPA on September 16, 2011, the IEPA revised the on-road mobile source emissions and MVEBs for the Chicago area to reflect the use of EPA’s MOVES model to calculate mobile source emissions. In a supplemental submission to the EPA on May 6, 2013, the IEPA submitted VOC and ammonia emission inventories to supplement the emission inventories that had previously been submitted to support the redesignation request for the 1997 annual PM<sub>2.5</sub> standard in the Chicago-Gary-Lake County, IL-IN area and to demonstrate future maintenance of the PM<sub>2.5</sub> standard in this area.

On August 7, 2013 (78 FR 48103), EPA issued a notice of rulemaking proposing to grant Illinois’ request to redesignate the Chicago area to attainment of the 1997 annual PM<sub>2.5</sub> standard. This notice of rulemaking also proposed to: Determine that the Chicago-Gary-Lake County, IL-IN area has attained the 1997 annual PM<sub>2.5</sub> standard based on PM<sub>2.5</sub> monitoring data for the period of 2007 through 2012; approve Illinois’ PM<sub>2.5</sub> maintenance plan for the Chicago area; approve 2002 primary PM<sub>2.5</sub>, NO<sub>x</sub>, SO<sub>2</sub>, VOC, and ammonia emission

inventories for the Chicago area; and approve 2008 and 2025 primary PM<sub>2.5</sub> and NO<sub>x</sub> MVEBs for the Chicago area.

#### **II. What is EPA’s response to comments on EPA’s proposed actions?**

EPA received three sets of comments on the proposed rule, all of which supported EPA’s proposed actions. One of these commenters requested a clarification of information provided in the proposed rule at 78 FR 48115.

A commenter representing the ExxonMobil Oil Corporation supports EPA’s proposed actions, but notes that at 78 FR 48115, EPA provides estimates of the NO<sub>x</sub> and SO<sub>2</sub> emission reductions expected to result from the implementation of a consent decree at the ExxonMobil Joliet Refinery in units of tons per year, whereas the consent decree specifies emission limits for the Joliet refinery as concentration-based limits. The commenter summarizes the NO<sub>x</sub> and SO<sub>2</sub> emission limits in the consent decree for this facility in units of parts per million units volume of dry air (ppmvd), and requests that EPA clarify that the August 7, 2013, proposed rule is not proposing new emission limits for this facility. The commenter does not refute EPA’s estimates of the NO<sub>x</sub> and SO<sub>2</sub> emission reductions resulting from the consent decree.

In response to the commenter from ExxonMobil Oil Corporation, we want to clarify that it was not the intent of the proposed rule to specify existing emission limits or to propose new emission limits for this facility, and this final rule does not set new emission limits for this facility. The proposed rule simply estimated initial and final emission levels in tons per year for the purposes of estimating the changes in annual emissions that may be expected to result for this facility through the implementation of the consent decree. It was EPA’s intent to document the emission reductions in the Chicago area that contributed to the attainment of the 1997 annual PM<sub>2.5</sub> standard in the Chicago-Gary-Lake County, IL-IN area. EPA makes no findings in this rulemaking regarding the applicable emission limits for the ExxonMobil Joliet Refinery.

None of the comments received with regard to the August 7, 2013, proposed rule object to any of the proposed actions in that proposed rule. Therefore, we conclude that there are no adverse comments for this proposed rule.

#### **III. Why is EPA taking these actions?**

EPA has determined that the Chicago-Gary-Lake County, IL-IN area continues to attain the 1997 annual PM<sub>2.5</sub>

standard. EPA has also determined that all other criteria have been met for the redesignation of the Chicago area from nonattainment to attainment of the 1997 annual PM<sub>2.5</sub> standard and for approval of Illinois’ maintenance plan for this 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 rule of August 7, 2013 (78 FR 48103).

#### **IV. What actions is EPA taking?**

EPA is making a determination that the Chicago-Gary-Lake County, IL-IN area continues to attain the 1997 annual PM<sub>2.5</sub> standard based on 2007–2012 PM<sub>2.5</sub> monitoring data. EPA is determining that the Chicago area has met the requirements for redesignation to attainment for the 1997 annual PM<sub>2.5</sub> standard under sections 107(d)(3)(E) and 175A of the CAA. EPA is, thus, granting the request from Illinois to change the legal designation of the Chicago area from nonattainment to attainment for the 1997 annual PM<sub>2.5</sub> NAAQS. EPA is also approving Illinois’ PM<sub>2.5</sub> maintenance plan for the Chicago area as a revision to the Illinois SIP because the plan meets the requirements of section 175A of the CAA. EPA is approving 2002 emission inventories for primary PM<sub>2.5</sub>, NO<sub>x</sub>, SO<sub>2</sub>, ammonia, and VOC for the Chicago area as satisfying the requirement in section 172(c)(3) of the CAA for a comprehensive, current emission inventory. Finally, EPA finds adequate and is approving 2008 and 2025 primary PM<sub>2.5</sub> and NO<sub>x</sub> MVEBs for the Chicago area. These MVEBs will be used in future transportation conformity analyses for the Chicago.

In accordance with 5 U.S.C. 553(d), EPA finds there is good cause for these actions 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 “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 state of planning requirements for this PM<sub>2.5</sub> nonattainment area. For these reasons, EPA finds good cause under 5 U.S.C. 553(d)(3) for these actions to become effective on the date of publication of these actions.

**V. Statutory and Executive Order Reviews**

Under the CAA, redesignation of an area to attainment and the accompanying approval of a maintenance plan under section 107(d)(3)(E) are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those imposed by State law. A redesignation to attainment does not in and of itself create any new requirements, but rather results in the applicability 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 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, these actions merely approve state law as meeting Federal requirements and do not impose additional requirements beyond those imposed by State law and the CAA. For that reason, these actions:

- Are not "significant regulatory actions" 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 a 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 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 2, 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, Nitrogen oxides, Particulate matter,

Sulfur dioxide, Ammonia, Volatile organic compounds.

*40 CFR Part 81*

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

Dated: September 18, 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 52.725 is amended by adding paragraphs (l) and (m) to read as follows:

**§ 52.725 Control strategy: Particulates.**

\* \* \* \* \*

(l) Approval—The 1997 annual PM<sub>2.5</sub> maintenance plan for the Illinois portion of the Chicago-Gary-Lake County, IL-IN nonattainment area (including Cook, DuPage, Kane, Lake, McHenry and Will Counties, Aux Sable and Goose Lake Townships in Grundy County, and Oswego Township in Kendall County) has been approved as submitted on October 15, 2010, and supplemented on September 16, 2011, and May 6, 2013. The maintenance plan establishes 2008 and 2025 motor vehicle emissions budgets for this area of 127,951 tons per year for NO<sub>x</sub> and 5,100 tons per year for primary PM<sub>2.5</sub> in 2008 and 44,224 tons per year for NO<sub>x</sub> and 2,377 tons per year for primary PM<sub>2.5</sub> in 2025.

(m) Illinois' 2002 NO<sub>x</sub>, primary PM<sub>2.5</sub>, SO<sub>2</sub>, ammonia, and VOC emission inventories, as submitted on October 15, 2010, and supplemented on May 6, 2013, satisfy the emission inventory requirements of section 172(c)(3) of the Clean Air Act for the Chicago 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 81.314 is amended by revising the entry for Chicago-Gary-Lake County, IL-IN in the table entitled "Illinois-PM<sub>2.5</sub> (Annual NAAQS)" to read as follows:

**§ 81.314 Illinois.**

\* \* \* \* \*

ILLINOIS—PM<sub>2.5</sub>  
[Annual NAAQS]

Designated area	Designation <sup>a</sup>	
	Date <sup>1</sup>	Type
Chicago-Gary-Lake County, IL-IN .....	10-2-13	Attainment.
Cook County		
DuPage County		
Grundy County (part)		
Goose Lake and Aux Sable Townships		
Kane County		
Kendall County (part)		
Oswego Township		
Lake County		
McHenry County		
Will County		
* * * * *		

<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.

\* \* \* \* \*  
[FR Doc. 2013-23952 Filed 10-1-13; 8:45 am]  
BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 180**

[EPA-HQ-OPP-2011-0307; FRL-9396-6]

**Glyphosate; Pesticide Tolerances**

**AGENCY:** Environmental Protection Agency (EPA).  
**ACTION:** Final rule.

**SUMMARY:** This regulation amends the established tolerance for residues of the herbicide glyphosate in or on canola, seed at 20 parts per million (ppm) by changing the tolerance expression from the combined residues of glyphosate only, to the combined residues of glyphosate and N-acetyl-glyphosate (expressed as glyphosate equivalents). E.I. du Pont de Nemours and Company requested this change under the Federal Food, Drug, and Cosmetic Act (FFDCA).

**DATES:** This regulation is effective October 2, 2013. Objections and requests for hearings must be received on or before December 2, 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-2011-0307, 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: [RDFRNotices@epa.gov](mailto:RDFRNotices@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-2011-0307 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 December 2, 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