The designation status of the area remains nonattainment for the $PM_{10}$ NAAQS until such time as EPA determines that the area, and/or a State portion thereof, meets the CAA requirements for redesignation to attainment.

EPA is determining that the New York County $PM_{10}$ nonattainment area has attained both the 24-hour $PM_{10}$ NAAQS and the revoked annual $PM_{10}$ NAAQS. This determination is based upon certified, quality-assured ambient air monitoring data that show that the area has monitored attainment of the $PM_{10}$ NAAQS for the 2010–2012 monitoring period. Preliminary air monitoring data available for 2013 are consistent with the determination that the New York County area $PM_{10}$ nonattainment area is continuing to meet the $PM_{10}$ NAAQS. This final action, in accordance with the Clean Data Policy, suspends the requirements for the State of New York to submit, for the New York County $PM_{10}$ nonattainment area, an attainment demonstration, associated reasonably available control measures, reasonable further progress plans, and contingency measures in the area for so long as the area continues to attain the $PM_{10}$ NAAQS. If EPA subsequently determines, after notice-and-comment rulemaking in the **Federal Register**, that the New York County $PM_{10}$ nonattainment area has violated the $PM_{10}$ NAAQS, the basis for the suspension of the specific requirements would no longer exist for the area, and New York would thereafter have to address the applicable requirements for the $PM_{10}$ NAAQS.

## IV. Statutory and Executive Order Reviews

This action makes an attainment determination based on air quality and results in the suspension of certain Federal requirements, and it does not impose additional requirements beyond those imposed by state law. For these reasons, 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.

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 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 January 31, 2014. 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 in 40 CFR Part 52

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

Dated: November 8, 2013.

**Judith A. Enck,**

*Regional Administrator, Region 2.*

Part 52, chapter I, title 40 of the Code of Federal Regulations is 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 HH—New York

■ 2. Section 52.1678 is amended by adding paragraph (g) to read as follows:

**§ 52.1678 Control strategy and regulations: Particulate matter.**

* * * * *

(g) *Determination of Attainment.* EPA has determined, as of December 2 2013, that the New York County fine particle ($PM_{10}$) nonattainment area has attained the $PM_{10}$ National Ambient Air Quality Standard. This determination suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, reasonable further progress plans, and contingency measures for as long as the area continues to attain the $PM_{10}$ NAAQS.

[FR Doc. 2013–28655 Filed 11–29–13; 8:45 am]

BILLING CODE 6560–50–P

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R04–OAR–2012–0385; FRL–9903–23-Region 4]

## Approval and Promulgation of Implementation Plans; Florida: General Requirements and Gasoline Vapor Control; Correcting Amendment

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

**ACTION:** Final rule; correcting amendments.

**SUMMARY:** On June 1, 2009, EPA published a final rule in the **Federal Register** approving a Florida State Implementation Plan (SIP) revision, submitted through the Florida

Department of Environmental Protection (FDEP), related to the State's gasoline vapor recovery program. This correcting amendment corrects errors in the regulatory language in paragraph (c) of EPA's June 1, 2009, final rule.

**DATES:** Effective on December 2, 2013.

**FOR FURTHER INFORMATION CONTACT:** Kelly Sheckler, Air Quality Modeling and Transportation Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9222. Ms. Sheckler can be reached via electronic mail at *sheckler.kelly@epa.gov.*

**SUPPLEMENTARY INFORMATION:** This action corrects inadvertent errors in a rulemaking related to Florida's gasoline vapor recovery program SIP provision. In summary, this action corrects the effective date for the Florida rules included in the regulatory text section of EPA's June 1, 2009, final rulemaking (74 FR 26103). Specifically, EPA is correcting the June 1, 2009, final rule to provide the correct effective date for Florida Code Annotated Sections 62–210.300, 62–210.310, 62–210.920, 62–252.200, 62–252.300, 62–252.400, 62–252.500 and 62–296.418 related to the State's gasoline vapor recovery program. In its May 31, 2007, SIP revision, FDEP erroneously listed September 4, 2006, as the effective date for the gasoline vapor recovery program rules. The correct effective date of Florida's rules related to the gasoline vapor recovery program, as provided by FDEP in a November 29, 2012, letter, is May 9, 2007. This action corrects the regulatory text section of EPA's June 1, 2009 final rule approving the Florida ''Gasoline Vapor Recovery'' SIP revision to reflect a State effective date of May 9, 2007. *See* 74 FR 26103. Today's action also serves to update the State effective dates of the relevant rules in the Table of EPA-Approved Florida Regulations at 40 CFR 52.520.

EPA has determined that today's actions fall under the ''good cause'' exemption in section 553(b)(3)(B) of the Administrative Procedure Act (APA) which, upon finding ''good cause,'' authorizes agencies to dispense with public participation where public notice and comment procedures are impracticable, unnecessary, or contrary to the public interest. Public notice and comment for this action is unnecessary because today's action to correct inadvertent regulatory text errors included in EPA's June 1, 2009, final rule is consistent with the substantive revision to the Florida SIP described therein related to the gasoline vapor recovery program for the Florida SIP. In addition, EPA can identify no particular reason why the public would be interested in having the opportunity to comment on the correction prior to this action being finalized, since this correction action does not change EPA's analysis or overall action related to the approval of the State's gasoline vapor recovery program into the Florida SIP.

EPA also finds that there is good cause under APA section 553(d)(3) for this correction to become effective on the date of publication of this action. Section 553(d)(3) of the APA 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.'' 5 U.S.C. 553(d)(3). The purpose of the 30-day waiting period prescribed in APA section 553(d)(3) 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 action merely corrects inadvertent errors for the regulatory text of EPA's prior rulemaking for the Florida SIP. For these reasons, EPA finds good cause under APA section 553(d)(3) for this correction to become effective on the date of publication of this action.

## Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely corrects an inadvertent error in the regulatory text of EPA's June 1, 2009, final rule addressing the gasoline vapor recovery program in the Florida SIP, and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule merely corrects an inadvertent error for the regulatory text of EPA's June 1, 2009, final rule addressing the gasoline vapor recovery program in the Florida SIP, and does not impose any additional enforceable duty beyond that required by state law, it 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).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This rule also does not have Federalism implications because it does 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 (64 FR 43255, August 10, 1999). This rule merely corrects inadvertent errors in the regulatory text of EPA's June 1, 2009, final rule addressing the gasoline vapor recovery program in the Florida SIP, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant. In addition, this rule does not involve technical standards, thus the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule also does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. section 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 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).

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

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: November 12, 2013.

**Beverly H. Banister,**

*Acting Regional Administrator, Region 4.*

40 CFR part 52 is 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 K—Florida

■ 2. Section 52.520(c) is amended:

■ a. Under Chapter 62–210, by revising the entries for ''62–210.300,'' ''62–210.310,'' and ''62–210.920;''

■ b. Under Chapter 62–252, by revising the entries for ''62–252.200,'' ''62–252.300,'' ''62–252.400,'' and ''62–252.500;'' and

■ c. Under Chapter 62–296, by revising the entry for ''62–296.418'' to read as follows:

### § 52.520 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED FLORIDA REGULATIONS

| State citation | Title/subject | State effective date | EPA approval date | Explanation |
| --- | --- | --- | --- | --- |
| * * * | * | * | * * | * |
| **Chapter 62–210 Stationary Sources-General Requirements** | | | | |
| * * * | * | * | * * | * |
| 62–210.300 | Permits Required | 5/9/2007 | 6/1/2009 63 FR 26103 | |
| 62–210.310 | Air General Permits | 5/9/2007 | 6/1/2009 63 FR 26103 | |
| * * * | * | * | * * | * |
| 62–210.920 | Air General Permit Forms | 5/9/2007 | 6/1/2009 63 FR 26103 | |
| * * * | * | * | * * | * |
| **Chapter 62–252 Gasoline Vapor Control** | | | | |
| * * * | * | * | * * | * |
| 62–252.200 | Definitions | 5/9/2007 | 6/1/2009 63 FR 26103 | |
| 62–252.300 | Gasoline Dispensing Facilities-Stage I Vapor Recovery. | 5/9/2007 | 6/1/2009 63 FR 26103 | |
| 62–252.400 | Gasoline Dispensing Facilities Stage II Vapor Recovery. | 5/9/2007 | 6/1/2009 63 FR 26103 | |
| 62–252.500 | Gasoline Tanker Trucks | 5/9/2007 | 6/1/2009 63 FR 26103 | |
| * * * | * | * | * * | * |
| **Chapter 62–296 Stationary Sources-Emission Standards** | | | | |
| * * * | * | * | * * | * |
| 62–296.418 | Bulk Gasoline Plants | 5/9/2007 | 6/1/2009 63 FR 26103 | |
| * * * | * | * | * * | * |

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[FR Doc. 2013–28654 Filed 11–29–13; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Parts 52 and 81

**[EPA–R04–OAR–2013–0129; FRL–9903–37–Region–4]**

## Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; North Carolina; Redesignation of the Charlotte; 1997 8-Hour Ozone Moderate Nonattainment Area to Attainment

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

**ACTION:** Final rule.

**SUMMARY:** EPA is taking final action to redesignate the portion of North Carolina that is within the bi-state Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina 8-hour ozone nonattainment area (hereafter referred to as the ''Area,'' ''North Carolina portion of the bi-state Charlotte Area,'' ''North Carolina portion of the Area,'' or ''Metrolina nonattainment area'') to attainment for the 1997 8-hour ozone national ambient air quality standards (NAAQS), and to approve the maintenance plan for the Area. The State of North Carolina, through the North Carolina Department of Environment and Natural Resources, Department of Air Quality (NC DAQ), submitted the redesignation request and maintenance plan on November 2, 2011. The State supplemented the redesignation request and maintenance plan on March 28, 2013, extending the maintenance plan to the year 2025 and updating the sub-area motor vehicle emission budgets (MVEBs) for nitrogen oxides ($NO_X$) and volatile organic compounds (VOC) for the years 2013 and 2025 for the North Carolina portion of the Area. EPA's approval of NC DAQ's redesignation request is based on the determination that North Carolina has met the criteria for redesignation to attainment set forth in the Clean Air Act (CAA or Act). EPA finalized action to redesignate the South Carolina portion of the Area, including approval of South Carolina's maintenance plan for the 1997 8-hour ozone NAAQS, in a separate action.

**DATES:** This rule will be effective on January 2, 2014.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2013–0129. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information 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* or in hard copy at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Jane Spann or Sara Waterson of the Regulatory Development Section, in the Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Ms. Spann may be reached by phone at (404) 562–9029, or via electronic mail at *spann.jane@epa.gov.* Ms. Waterson may be reached by phone at (404) 562–9061, or via electronic mail at *waterson.sara@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

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I. What is the background for the actions?
II. What are the actions EPA is taking?
III. Why is EPA taking these actions?
IV. What are the effects of these actions?
V. Final Action
VI. Statutory and Executive Order Reviews

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

On November 2, 2011, North Carolina requested redesignation of the North Carolina portion of the bi-state Charlotte Area to attainment for the 1997 8-hour ozone NAAQS. The bi-state Charlotte Area consists of Cabarrus, Gaston, Lincoln, Mecklenburg, Rowan, Union, and a portion of Iredell County (Davidson and Coddle Creek Townships), North Carolina; and a portion of York County, South Carolina. The redesignation request included three years of complete, quality-assured ambient air quality data for the 1997 8-hour ozone NAAQS for 2008–2010, indicating that the 1997 8-hour ozone NAAQS had been achieved for the Area. Under the CAA, nonattainment areas may be redesignated to attainment if sufficient, complete, quality-assured data is available for the Administrator to determine that the area has attained the standard and the area meets the other CAA redesignation requirements in section 107(d)(3)(E).

Subsequently, on November 15, 2011 (76 FR 70656), EPA determined that the bi-state Charlotte Area attained the 1997 8-hour ozone NAAQS. The determination of attaining data was based upon complete, quality-assured and certified ambient air monitoring data for the 2008–2010 period, showing that the Area had monitored attainment of the 1997 8-hour ozone NAAQS.

On March 28, 2013, North Carolina submitted a supplemental SIP revision to the redesignation request and maintenance plan that extends the final year of the maintenance plan to 2025. Specifically, this revision updates emissions data, emissions projections, MVEBs, and safety margins to 2025. Additionally, it provides updated ozone design values for the bi-state Charlotte Area.

EPA reviewed quality-assured ozone monitoring data from ambient ozone monitoring stations in the Charlotte Area, as recorded in Air Quality System (AQS), and summarized the 3-year average of the annual fourth highest daily maximum 8-hour average (i.e., design value) for each monitor for 2008–2010, 2009–2011, and 2010–2012 in Tables 1, 2, and 3 below. The 2008–2010 design values demonstrate that the Area attained by its attainment date, and the 2009–2011 and 2010–2012 design values demonstrate that the bi-state Charlotte Area continues to meet the 1997 8-hour ozone NAAQS. Preliminary data indicate that the Area continues to attain with 2011–2013 data.