

ADDRESSES: A copy of the Notice of Proposed Rulemaking (NPRM), all comments received, this final rule, and all background material may be viewed online at www.regulations.gov using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year.

FAA Order JO 7400.11H, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at www.faa.gov/air_traffic/publications/. You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington DC 20591; telephone: (202) 267-8783.

FOR FURTHER INFORMATION CONTACT: Raul Garza Jr., Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222-5874.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes Class E airspace extending upward from 700 feet above the surface at Wash Co Air 1 Base, Brenham, TX, to support instrument flight rule operations at this airport.

History

The FAA published an NPRM for Docket No. FAA 2024-1392 in the **Federal Register** (89 FR 42826; May 16, 2024), proposing to establish the Class E airspace at Brenham, TX. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Differences From the NPRM

An FAA database review noted that the incorrect coordinates were used in the NPRM. This Final Rule replaces the incorrect coordinates with the correct coordinates : Lat 30°18'19" N, long 096°12'19" W. This action does not

change the airspace dimensions or operating requirements.

Incorporation by Reference

Class E airspace designations are published in paragraph 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11H, dated August 11, 2023, and effective September 15, 2023. FAA Order JO 7400.11H is publicly available as listed in the **ADDRESSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11.

FAA Order JO 7400.11H lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This action amends 14 CFR part 71 by establishing Class E airspace upward from 700 feet above the surface within a 6.1-mile radius of Wash Co Air 1 Base, Brenham, TX.

This action supports new public instrument procedures.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," paragraph 5-6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p.389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11H, Airspace Designations and Reporting Points, dated August 11, 2023, and effective September 15, 2023, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASW TX E5 Brenham, TX [Establish]

Wash Co Air 1 Base, TX
(Lat 30°18'19" N, long 096°12'19" W)

That airspace extending upward from 700 feet above the surface within a 6.1-mile radius of the Wash Co Air 1 Base.

* * * * *

Issued in Fort Worth, Texas, on July 17, 2024.

Steven Phillips,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2024-16103 Filed 7-23-24; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA-R08-OAR-2024-0318; FRL-12110-01-R8]

Clean Air Act Reclassification; Colorado; Reclassification of the Denver Metro/North Front Range 2015 Ozone Nonattainment Area to Serious

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Under the Clean Air Act (CAA), the Environmental Protection Agency (EPA) is granting a request by the State of Colorado to reclassify the

Denver Metro/North Front Range ozone nonattainment area (“DMNFR”) from “Moderate” to “Serious” for the 2015 8-hour ozone national ambient air quality standards (NAAQS).

DATES: This rule is effective on July 24, 2024.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R08-OAR-2024-0318. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *e.g.*, 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 through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Amrita Singh, Air and Radiation Division, US EPA, Region 8, Mail-code 8ARD-IO, 1595 Wynkoop Street, Denver, Colorado, 80202-1129, telephone number: (303) 312-6103, email address: singh.amrita@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document, “reviewing authority,” “we,” “us,” and “our” refer to the EPA.

I. Reclassification of the DMNFR Area to “Serious” Ozone Nonattainment

On October 1, 2015, the EPA strengthened the primary and secondary NAAQS for ozone to a level of 0.070 parts per million, to be assessed using the “design value” metric: the annual fourth-highest daily maximum 8-hour average concentration, averaged over 3 years.¹ Effective August 3, 2018, based on what were then the three most recent years (2014–2016) of air monitoring data, EPA designated all areas that were violating the 2015 8-hour ozone NAAQS as nonattainment.² In that action, EPA designated the DMNFR Area as nonattainment and classified the area as “Marginal” based on the area’s design

value.³ As a general matter, higher-classified ozone nonattainment areas are subject to a greater number of, and more stringent, CAA planning requirements than lower-classified areas, but are allowed more time to attain the ozone NAAQS.⁴ States with areas designated as nonattainment and classified as “Marginal” were required to attain the 2015 8-hour ozone NAAQs as expeditiously as practicable, but no later than August 3, 2021, based on 2018–2020 monitoring data.⁵ Effective November 7, 2022, EPA determined that the DMNFR Area, among other areas, had failed to attain the 2015 8-hour ozone NAAQS by the applicable “Marginal” area attainment deadline, and accordingly reclassified the area as “Moderate”.⁶

On June 8, 2024, the State of Colorado requested that EPA reclassify the DMNFR Area from “Moderate” to “Serious”. We are approving Colorado’s reclassification request under the Act’s “voluntary reclassification” provisions: “The Administrator shall grant the request of any State to reclassify a nonattainment area in that State . . . to a higher classification.”⁷ Similarly, by regulation EPA has provided that a state “may request, and the Administrator must approve, a higher classification for any reason in accordance with CAA section 181(b)(3).”⁸ Because the plain language of the statute and regulation mandates that we approve this request, EPA is granting Colorado’s request for voluntary reclassification for the DMNFR Area for the 2015 ozone NAAQS, and accordingly is reclassifying the area from “Moderate” to “Serious”. As a result of this action, Colorado must now attain the 2015 ozone standard as expeditiously as practicable but no later than August 3, 2027, which is nine years from the area’s date of designation as nonattainment.

The EPA has determined that this action falls under section 553(b)(B) of the Administrative Procedure Act (APA), which authorizes agencies, upon finding “good cause,” to take rulemaking actions without public

notice and comment when these procedures are “impracticable, unnecessary or contrary to the public interest.” We have determined that public notice and comment procedures are unnecessary here because EPA’s action to approve voluntary reclassification requests under CAA section 181(b)(3) is nondiscretionary both in its issuance and in its content. Therefore, notice and comment rulemaking procedures would serve no useful purpose in connection with this action.

The EPA also finds that there is good cause under APA section 553(d)(3) for this reclassification to become effective on the date of publication. That section allows an effective date of less than 30 days after publication “as otherwise provided by the agency for good cause found and published with the rule.”⁹ The purpose of the 30-day waiting period generally 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. This rule, however, does not create any new regulatory requirements that would cause affected parties to need time to prepare before the rule takes effect. Applicable SIP requirements and deadlines associated with the reclassification will be addressed in a separate notice, which will include an opportunity for public comment. For this reason, EPA finds good cause under APA section 553(d)(3) for this reclassification to become effective on the date of publication.

II. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993) this final action is not a “significant regulatory action” and therefore is not subject to a requirement for Executive Order 12866 review. With respect to lands under state jurisdiction, voluntary reclassifications under CAA section 181(b)(3) of the CAA are based solely upon requests by the state, and the EPA is required under the CAA to grant them. These actions do not, in and of themselves, impose any new requirements on any sectors of the economy. In addition, because the statutory requirements are clearly defined with respect to the differently classified areas, and because those requirements are automatically triggered by reclassification, reclassification does not impose a materially adverse impact under Executive Order 12866. For those reasons, this final action is also not subject to Executive Order 13211.

¹ Final rule, National Ambient Air Quality Standards for Ozone, 80 FR 65292 (Oct. 26, 2015).

² Final rule, Additional Air Quality Designations for the 2015 Ozone National Ambient Air Quality Standards, 83 FR 25776 (June 4, 2018).

³ 40 CFR 50.19. EPA subsequently expanded the boundary of the Metro/North Front Range 2015 ozone NAAQS nonattainment area to include all of Weld County. Final rule, Additional Revised Air Quality Designations for the 2015 Ozone National Ambient Air Quality Standards, 86 FR 67864 (Nov. 30, 2021).

⁴ See generally CAA title I, part D, subpart 2.

⁵ See 40 CFR 51.1303 (defining Marginal attainment date as three years after the effective date of designation for the area).

⁶ Final rule, Determinations of Attainment by the Attainment Date, 87 FR 60897 (Oct. 7, 2022).

⁷ CAA section 181(b)(3), 42 U.S.C. 7511(b)(3).

⁸ 40 CFR 51.1103(b).

⁹ 5 U.S.C. 553(d)(3).

“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2021).

In addition, I certify that this final 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.*), and this final rule 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), because the EPA is required to grant requests by states for voluntary reclassifications and such reclassifications in and of themselves do not impose any Federal intergovernmental mandate.

This rule also does not have any tribal implications under Executive Order 13175 (65 FR 67249, November 9, 2000), 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. In addition, tribes are not subject to implementation plan submittal deadlines that apply to states as result of reclassifications.

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes Federal executive policy on environmental justice. It 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 on their programs, policies, and activities on minority populations and low-income populations in the United States. This reclassification action relates to ozone, a pollutant that is regional in nature, and is not the type of action that could result in the types of local impacts addressed in Executive Order 12898.

This final action 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, nor 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 final action does not alter the relationship or the distribution of power and responsibilities established in the CAA.

This rule is not subject to Executive Order 13045, “Protection of the Children from Environmental Health Risks and Safety Risks” (62 FR 19885, April 23, 1997), because EPA interprets Executive Order 13045 as applying only to those regulatory actions considered significant under section 3(f)(1) of Executive Order 12866 and that also concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children per the definition of “covered regulatory action” in section 2–202 of Executive Order 13045.

Reclassification actions do not involve technical standards, and 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 does not impose an informative collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act (CRA), 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 CRA 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 comment rulemaking procedures are impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 808(2)). The EPA has made a good cause finding for this rule as discussed in section I. of the preamble, including the basis for the finding. 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 circuits by September 23, 2024. 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 81

Environmental protection, Air pollution control, Carbon monoxide, Greenhouse gases, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: July 17, 2024

KC Becker,

Regional Administrator, Region 8.

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. In § 81.306, the table entitled “Colorado—2015 8-hour Ozone NAAQS [Primary and Secondary]” is amended by revising the entry “Denver Metro/ North Front Range, CO” to read as follows:

§ 81.306 Colorado.

* * * * *

COLORADO—2015 8-HOUR OZONE NAAQS
[Primary and Secondary]

Designated area ¹	Designation		Classification	
	Date ²	Type	Date ²	Type
Denver Metro/North Front Range, CO Adams County. Arapahoe County. Boulder County. Broomfield County.		Nonattainment	July 24, 2024	Serious.

COLORADO—2015 8-HOUR OZONE NAAQS—Continued
[Primary and Secondary]

Designated area ¹	Designation		Classification	
	Date ²	Type	Date ²	Type
Denver County. Douglas County. Jefferson County. Larimer County (part). Including the portion of Rocky Mountain National Park therein and that portion of the county that lies south of a line described as follows: Beginning at a point on Larimer County's eastern boundary and Weld County's western boundary intersected by 40 degrees, 42 minutes, and 47.1 seconds north latitude, proceed west to a point defined by the intersection of 40 degrees, 42 minutes, 47.1 seconds north latitude and 105 degrees, 29 minutes, and 40.0 seconds west longitude, thence proceed south on 105 degrees, 29 minutes, 40.0 seconds west longitude to the intersection with 40 degrees, 33 minutes and 17.4 seconds north latitude, thence proceed west on 40 degrees, 33 minutes, 17.4 seconds north latitude until this line intersects Larimer County's western boundary and Grand County's eastern boundary.				
Weld County	12/30/ 2021			
* * * * *				

¹ Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.

² This date is August 3, 2018, unless otherwise noted.

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[FR Doc. 2024-16123 Filed 7-23-24; 8:45 am]
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2024-0103; FRL-12080-01-OCSPP]

Poly(oxy-1,2-ethanediyl), a-hydro-ω-hydroxy-, Ether With N-[4-[bis(2-hydroxyethyl)amino]phenyl]methylene]-2,5-cyclohexadien-1-ylidene]-2-hydroxy-N-(2-hydroxyethyl)ethanaminium, benzenesulfonate (6:1:1); Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of poly(oxy-1,2-ethanediyl), a-hydro-ω-hydroxy-, ether with N-[4-[bis(2-hydroxyethyl)amino]phenyl]methylene]-2,5-cyclohexadien-1-ylidene]-2-hydroxy-N-(2-hydroxyethyl)ethanaminium, benzenesulfonate (6:1:1) when used as an inert ingredient in a pesticide chemical formulation. Spring Regulatory Sciences, on behalf of Heubach Colorants USA LLC., submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act

(FFDCA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of poly(oxy-1,2-ethanediyl), a-hydro-ω-hydroxy-, ether with N-[4-[bis(2-hydroxyethyl)amino]phenyl]methylene]-2,5-cyclohexadien-1-ylidene]-2-hydroxy-N-(2-hydroxyethyl)ethanaminium, benzenesulfonate (6:1:1) on food or feed commodities when used in accordance with these exemptions.

DATES: This regulation is effective July 24, 2024. Objections and requests for hearings must be received on or before September 23, 2024 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-2024-0103, is available at <https://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 and the OPP Docket is (202) 566-1744. Please review the visitor instructions and additional

information about the docket available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Daniel Rosenblatt, Registration Division (7505T), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; main telephone number: (202) 566-1030; email address: 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 40 CFR part 180 through the Office of the Federal