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V. Proposed Action

EPA is proposing to determine that the Hickory, North Carolina, nonattainment area for the 1997 PM_{2.5} NAAQS has attained the 1997 PM_{2.5} NAAQS based on 2006–2008 monitoring data. As provided in 40 CFR 51.1004(c), if EPA finalizes this determination, it will suspend the requirement for the State of North Carolina to submit for this area an attainment demonstration and associated RACM, RFP plan, contingency measures, and any other planning SIPs related to attainment of the 1997 PM_{2.5} NAAQS as long as the area continues to attain the 1997 PM_{2.5} NAAQS.

VI. Statutory and Executive Order Reviews

This action proposes to make a determination based on air quality data, and would, if finalized, result in the suspension of certain Federal requirements. For that reason, this proposed 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.

List of Subjects in 40 CFR Part 52

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

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2009–0561–200919; FRL–8965–8]

Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; North Carolina: Greensboro-Winston Salem-High Point; Determination of Attaining Data for the 1997 Fine Particulate Matter Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to determine that the Greensboro-Winston Salem-High Point, North Carolina, (hereafter referred to as “Greensboro, North Carolina”) nonattainment area for the 1997 fine particulate matter (PM_{2.5}) National Ambient Air Quality Standard (NAAQS) has attained the 1997 PM_{2.5} NAAQS. This proposed determination is based upon complete, quality assured, quality controlled, and certified ambient air monitoring data for the years 2006–2008 showing that this area has monitored attainment of the 1997 PM_{2.5} NAAQS. In addition, monitoring data thus far available, but not yet certified, in the EPA Air Quality System (AQS) database for 2009 show that this area

continues to meet the 1997 PM_{2.5} NAAQS. If this proposed determination is made final, the requirement for the State of North Carolina to submit an attainment demonstration and associated reasonably available control measures (RACM), a reasonable further progress (RFP) plan, contingency measures, and other planning State Implementation Plans (SIPs) related to attainment of the standard for the Greensboro, North Carolina, PM_{2.5} nonattainment area, shall be suspended. This requirement would remain suspended as long as this area continues to meet the 1997 PM_{2.5} NAAQS.

DATES: Written comments must be received on or before November 5, 2009.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2009–0561 by one of the following methods:

1. <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

2. E-mail: benjamin.lynorae@epa.gov.

3. Fax: (404) 562–9019.

4. Mail: “EPA–R04–OAR–2009–0561,” 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.

5. *Hand Delivery or Courier:* Lynora Benjamin, Chief, 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. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R04–OAR–2009–0561. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through <http://www.regulations.gov> or by e-mail information that you consider to be CBI or otherwise protected. The <http://www.regulations.gov> Web site is an “anonymous access” system, which means EPA will not know your identity or contact information unless you

provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

Docket: All documents in the electronic docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in <http://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: Joel Huey, 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. Mr. Huey may be reached by phone at (404) 562-9104 or via electronic mail at huey.joel@epa.gov.

SUPPLEMENTARY INFORMATION:

- I. What Action Is EPA Taking?
- II. What Is the Effect of This Action?
- III. What Is the Background for This Action?
- IV. What Is EPA's Analysis of the Relevant Air Quality Data?
- V. Proposed Action

VI. Statutory and Executive Order Reviews

I. What Action Is EPA Taking?

EPA is proposing to determine that the Greensboro, North Carolina, PM_{2.5} nonattainment area has attained the 1997 PM_{2.5} NAAQS. This determination is based upon complete, quality assured, quality controlled, and certified ambient air monitoring data for the years 2006–2008 showing that the area has monitored attainment of the 1997 PM_{2.5} NAAQS. In addition, monitoring data thus far available, but not yet certified, in the EPA AQS database for 2009, show that this area continues to meet the 1997 PM_{2.5} NAAQS.

II. What Is the Effect of This Action?

If this determination is made final, under the provisions of EPA's PM_{2.5} implementation rule (*see* 40 CFR 51.1004(c)), the requirement for the State of North Carolina to submit an attainment demonstration and associated RACM, RFP plan, contingency measures, and any other planning SIPs related to attainment of the 1997 PM_{2.5} NAAQS for the Greensboro, North Carolina, PM_{2.5} nonattainment area, shall be suspended. This requirement would remain suspended as long as this area continues to meet the 1997 PM_{2.5} NAAQS.

As further discussed below, the proposed determination for the Greensboro, North Carolina, PM_{2.5} nonattainment area would: (1) Suspend the requirement to submit an attainment demonstration and associated RACM (including reasonably available control technologies), RFP plan, contingency measures, and any other planning SIPs related to attainment of the 1997 PM_{2.5} NAAQS; (2) continue until such time, if any, that EPA subsequently determines that the area has violated the 1997 PM_{2.5} NAAQS; (3) be separate from, and not influence or otherwise affect, any future designation determination or requirements for the Greensboro, North Carolina, area based on the 2006 PM_{2.5} NAAQS; and (4) remain in effect regardless of whether EPA designates this area as a nonattainment area for purposes of the 2006 PM_{2.5} NAAQS. Furthermore, as described below, any such final determination would not be equivalent to the redesignation of the area to attainment based on the 1997 PM_{2.5} NAAQS.

If this rulemaking is finalized and EPA subsequently determines, after notice-and-comment rulemaking in the **Federal Register**, that the area has violated the 1997 PM_{2.5} NAAQS, the basis for the suspension of the specific requirements, set forth at 40 CFR 51.1004(c), would no longer exist, and

the area would thereafter have to address pertinent requirements.

The determination that EPA proposes with this **Federal Register** notice is not equivalent to a redesignation of the area to attainment. This proposed action, if finalized, would not constitute a redesignation to attainment under section 107(d)(3) of the Clean Air Act (CAA) because we would not yet have an approved maintenance plan for the area as required under section 175A of the CAA nor a determination that the area has met the other requirements for redesignation. The designation status of the area would remain nonattainment for the 1997 PM_{2.5} NAAQS until such time as EPA determines that it meets the CAA requirements for redesignation to attainment.

This proposed action, if finalized, is limited to a determination that the Greensboro, North Carolina, PM_{2.5} nonattainment area has attained the 1997 PM_{2.5} NAAQS. The 1997 PM_{2.5} NAAQS became effective on July 18, 1997 (62 FR 36852), and are set forth at 40 CFR 50.7. The 2006 PM_{2.5} NAAQS, which became effective on December 18, 2006 (71 FR 61144), are set forth at 40 CFR 50.13. EPA is currently in the process of making designation determinations, as required by CAA section 107(d)(1), for the 2006 PM_{2.5} NAAQS. EPA has not made any designation determination for the Greensboro, North Carolina, area based on the 2006 PM_{2.5} NAAQS. This proposed determination, and any final determination, will have no effect on, and is not related to, any future designation determination that EPA may make based on the 2006 PM_{2.5} NAAQS for the Greensboro, North Carolina, area. Conversely, any future designation determination of the Greensboro, North Carolina, area, based on the 2006 PM_{2.5} NAAQS, will not have any effect on the determination proposed by this notice.

If this proposed determination is made final and the Greensboro, North Carolina, area continues to demonstrate attainment with the 1997 PM_{2.5} NAAQS, the requirement for the State of North Carolina to submit for the Greensboro, North Carolina, PM_{2.5} nonattainment area an attainment demonstration and associated RACM, RFP plan, contingency measures, and any other planning SIPs related to attainment of the 1997 PM_{2.5} NAAQS will remain suspended regardless of whether EPA designates this area as a nonattainment area for purposes of the 2006 PM_{2.5} NAAQS. Once the area is designated for the 2006 NAAQS, it will have to meet all applicable requirements for that designation.

III. What Is the Background for This Action?

On July 18, 1997 (62 FR 36852), EPA established a health-based PM_{2.5} NAAQS at 15.0 micrograms per cubic meter (µg/m³) based on a 3-year average of annual mean PM_{2.5} concentrations, and a twenty-four hour standard of 65 µg/m³ based on a 3-year average of the 98th percentile of 24-hour concentrations. EPA established the standards based on significant evidence and numerous health studies demonstrating that serious health effects are associated with exposure to particulate matter. The process for designating areas following promulgation of a new or revised NAAQS is contained in section 107(d)(1) of the CAA. EPA and State air quality agencies initiated the monitoring process for the 1997 PM_{2.5} NAAQS in 1999 and began operating all air quality monitors by January 2001. On January 5, 2005, EPA published its air quality

designations and classifications for the 1997 PM_{2.5} NAAQS based upon air quality monitoring data from those monitors for calendar years 2001–2003 (70 FR 944). These designations became effective on April 5, 2005. The Greensboro, North Carolina, area is comprised of Davidson County and Guilford County, North Carolina, and was designated nonattainment for the 1997 PM_{2.5} NAAQS (*see* 40 CFR part 81).

IV. What Is EPA's Analysis of the Relevant Air Quality Data?

EPA has reviewed the ambient air monitoring data for PM_{2.5}, consistent with the requirements contained in 40 CFR part 50, as recorded in the EPA AQS database for the Greensboro, North Carolina, PM_{2.5} nonattainment area. On the basis of that review, EPA has concluded that this area attained the 1997 PM_{2.5} NAAQS during the 2006–2008 monitoring period. Under EPA regulations at 40 CFR 50.7:

(1) The annual primary and secondary PM_{2.5} standards are met when the annual arithmetic mean concentration, as determined in accordance with 40 CFR Part 50, Appendix N, is less than or equal to 15.0 µg/m³.

(2) The 24-hour primary and secondary PM_{2.5} standards are met when the 98th percentile 24-hour concentration, as determined in accordance with 40 CFR Part 50, Appendix N, is less than or equal to 65 µg/m³.

Table 1 shows the design values (the metrics calculated in accordance with 40 CFR part 50, appendix N, for determining compliance with the NAAQS) for the 1997 Annual PM_{2.5} NAAQS for the Greensboro, North Carolina, nonattainment area monitors for the years 2006–2008. Table 2 shows the design values for the 1997 24-hour PM_{2.5} NAAQS for these same monitors for the same 3-year period.

TABLE 1—DESIGN VALUE FOR COUNTIES IN THE GREENSBORO, NORTH CAROLINA NONATTAINMENT AREA FOR 1997 PM_{2.5} NAAQS—ANNUAL STANDARD

Location	AQS site ID	2006 average	2007 average	2008 average	2006–2008 design value
Davidson County	37–057–0002	15.126	14.636	13.611	14.5
Guilford County	37–081–0013	14.497	13.140	11.577	13.1

TABLE 2—DESIGN VALUE FOR COUNTIES IN THE GREENSBORO, NORTH CAROLINA NONATTAINMENT AREA FOR 1997 PM_{2.5} NAAQS—24-HOUR STANDARD

Location	AQS site ID	2006 98th percentile	2007 98th percentile	2008 98th percentile	2006–2008 design value
Davidson County	37–057–0002	31.0	30.9	24.7	29
Guilford County	37–081–0013	31.3	28.4	24.6	28

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planning SIPs related to attainment of the 1997 PM_{2.5} NAAQS as long as the area continues to attain the 1997 PM_{2.5} NAAQS.

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- 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);

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- 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.

List of Subjects in 40 CFR Part 52

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

Dated: September 28, 2009.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. E9-24057 Filed 10-5-09; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 86 and 600

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 531, 533, 537, and 538

[EPA-HQ-OAR-2009-0472; FRL-8966-9; NHTSA-2009-0059]

RIN 2060-AP58; 2127-AK90

Public Hearing Locations for the Proposed Rulemaking To Establish Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards

AGENCY: Environmental Protection Agency (EPA) and National Highway Traffic Safety Administration (NHTSA).

ACTION: Notice of public hearings.

SUMMARY: EPA and NHTSA are announcing the location addresses for the joint public hearings to be held for the “Proposed Rulemaking to Establish Light-Duty Vehicle Greenhouse Gas

Emission Standards and Corporate Average Fuel Economy Standards,” published in the **Federal Register** on September 28, 2009. This joint proposed rulemaking is consistent with the National Fuel Efficiency Policy announced by President Obama on May 19, 2009, responding to the country’s critical need to address global climate change and to reduce oil consumption. As described in the joint proposed rule, EPA is proposing greenhouse gas emissions standards under the Clean Air Act, and NHTSA is proposing Corporate Average Fuel Economy standards under the Energy Policy and Conservation Act, as amended. These standards apply to passenger cars, light-duty trucks, and medium-duty passenger vehicles, covering model years 2012 through 2016, and represent a harmonized and consistent National Program. The joint proposed rule provides the dates, times, cities, instructions and other information for the public hearings and these details have not changed.

DATES: NHTSA and EPA will jointly hold three public hearings on the following dates: October 21, 2009, in Detroit, Michigan, October 23, 2009 in New York, New York, and October 27, 2009 in Los Angeles, California. The hearings will start at 9 a.m. local time and continue until everyone has had a chance to speak. If you would like to present testimony at the public hearings, we ask that you notify the EPA and NHTSA contact persons listed under **FOR FURTHER INFORMATION CONTACT** at least ten days before the hearing.

ADDRESSES: NHTSA and EPA will jointly hold three public hearings at the following locations: Detroit Metro Airport Marriott, 30559 Flynn Drive, Romulus, Michigan 48174 on October 21, 2009; New York LaGuardia Airport Marriott, 102-05 Ditmars Boulevard, East Elmhurst, New York 11369 on October 23, 2009; and Renaissance Los Angeles Airport Hotel, 9620 Airport Boulevard, Los Angeles, California 90045 on October 27, 2009. Please see the proposed rule for addresses and detailed instructions for submitting comments.

FOR FURTHER INFORMATION CONTACT:

EPA: Tad Wysor, Office of Transportation and Air Quality, Assessment and Standards Division, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: 734-214-

4332; fax number: 734-214-4816; e-mail address: wysor.tad@epa.gov, or Assessment and Standards Division Hotline; telephone number (734) 214-4636; e-mail address asinfo@epa.gov. NHTSA: Rebecca Yoon, Office of Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. Telephone: (202) 366-2992.

SUPPLEMENTARY INFORMATION: The proposal for which NHTSA and EPA are jointly holding the public hearings was published in the **Federal Register** on September 28, 2009.¹ The proposed rule provides the dates, times, cities, instructions for how to participate and other information on the public hearings and these details have not changed. If you would like to present testimony at the public hearings, we ask that you notify the EPA and NHTSA contact persons listed under **FOR FURTHER INFORMATION CONTACT** at least ten days before the hearing. See the **SUPPLEMENTARY INFORMATION** section on “Public Participation” in the proposed rule for more information about the public hearings.² Also, please refer to the proposed rule for addresses and detailed instructions for submitting comments.

This notice of public hearings further provides the location addresses for the hearings, shown below:

October 21, 2009: Detroit Metro Airport Marriott, 30559 Flynn Drive, Romulus, Michigan 48174, 734-214-7555.

October 23, 2009: New York LaGuardia Airport Marriott, 102-05 Ditmars Boulevard, East Elmhurst, New York 11369, 718-565-8900.

October 27, 2009: Renaissance Los Angeles Airport Hotel, 9620 Airport Boulevard, Los Angeles, California 90045, 310-337-2800.

Dated: October 1, 2009.

Paul N. Argyropoulos,

Acting Director, Office of Transportation and Air Quality, Environmental Protection Agency.

Dated: October 1, 2009.

Stephen R. Kratzke,

Associate Administrator for Rulemaking, National Highway Traffic Safety Administration.

[FR Doc. E9-24159 Filed 10-5-09; 8:45 am]

BILLING CODE 6560-50-P

¹ 74 FR 49454, September 28, 2009.

² 74 FR 49455, September 28, 2009.