

action is being taken pursuant to section 179(c)(1) of the CAA, and is consistent with the CAA and its implementing regulations.

VI. Statutory and Executive Order Reviews

This action proposes to make a determination of attainment based on air quality, and would not impose additional requirements beyond those imposed by state law. 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 proposed determination that the Rome Area attained the 1997 annual average PM_{2.5} NAAQS does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIPs are not approved to apply in Indian country located in the states, 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, Particulate matter, Reporting and recordkeeping requirements.

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

Dated: May 23, 2011.

Gwendolyn Keyes Fleming,

Regional Administrator, Region 4.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R04-OAR-2011-0408-201132; FRL-9314-1]

Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Alabama, Georgia, and Tennessee: Chattanooga and Macon; Determination of Attainment by Applicable Attainment Date for the 1997 Annual Fine Particulate Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to determine pursuant to Clean Air Act (CAA), that the Chattanooga, Tennessee-Georgia, fine particulate (PM_{2.5}) nonattainment area (hereafter referred to as “the Chattanooga Area”) and the Macon, Georgia PM_{2.5} nonattainment area (hereafter referred to as “the Macon Area”) attained the 1997 annual PM_{2.5} national ambient air quality standards (NAAQS) by the applicable attainment date of April 5, 2010. The determinations of attainment were previously proposed by EPA on March 22, 2011, and were based on quality-assured and certified monitoring data for the 2007–2009 monitoring period. The Chattanooga Area is comprised of Hamilton County in Tennessee, Catoosa and Walker Counties in Georgia, and a portion of Jackson County in Alabama. The Macon Area is comprised of Bibb County in its entirety and a portion of Monroe County in Georgia. EPA is now proposing to find that both of the above-identified areas attained the 1997 annual PM_{2.5} NAAQS by their applicable attainment dates. EPA is proposing these actions because they are consistent with the CAA and its implementing regulations.

DATES: Comments must be received on or before July 5, 2011.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R04-OAR-2011-0408, by one of the following methods:

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

2. *E-mail:* benjamin.lynora@epa.gov.

3. *Fax:* (404) 562-9019.

4. *Mail:* EPA-R04-OAR-2011-0408, 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:* Ms. 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-2011-0408. 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 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: Sara Waterson or Joel Huey 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. Sara Waterson may be reached by phone at (404) 562-9061, or via electronic mail at waterson.sara@epa.gov. Joel Huey may be reached by phone at (404) 562-9104, or via electronic mail at huey.joel@epa.gov.

SUPPLEMENTARY INFORMATION:

- I. What are the actions EPA is taking?
- II. What is the background for these actions?
- III. What is the air quality for the 1997 annual PM_{2.5} NAAQS for the 2007–2009 monitoring period?
 - A. Chattanooga
 - B. Macon
- IV. What is the effect of these actions?

V. What are the proposed actions?

VI. Statutory and Executive Order Reviews

I. What are the actions is EPA taking?

Based on EPA's review of the quality-assured and certified monitoring data for 2007–2009, and in accordance with section 179(c)(1) of the CAA and EPA's regulations, EPA proposes to determine that the Chattanooga and Macon Areas attained the 1997 annual PM_{2.5} NAAQS by the applicable attainment date of April 5, 2010.

On March 22, 2011, EPA published two proposed rulemakings to make determinations of attainment to suspend the requirements for the Chattanooga and Macon Areas to submit attainment demonstrations and associated reasonably available control measures (RACM), reasonable further progress (RFP) plans, contingency measures, and other planning State Implementation Plan (SIP) revisions related to attainment of the 1997 annual PM_{2.5} NAAQS so long as the Areas continue to attain the 1997 annual PM_{2.5} NAAQS. *See* 76 FR 15895 for the proposed rulemaking related to the Chattanooga Area; *see* 76 FR 15892 for the proposed rulemaking related to the Macon Area. Those proposed rulemakings also include useful background information on the PM_{2.5} NAAQS relevant to the Chattanooga and Macon Areas. EPA is moving forward with final action on the proposals to find that the Chattanooga and Macon Areas are attaining the PM_{2.5} NAAQS. Today's proposed actions, however, make determinations that the Chattanooga and Macon Areas attained the 1997 annual PM_{2.5} NAAQS by the applicable attainment date of April 5, 2010. These actions are not a re-proposal of the March 22, 2011, attainment determinations to suspend the requirements for the Chattanooga and Macon Areas to submit an attainment demonstration and associated RACM, a RFP plan, contingency measures, and other planning SIP revisions related to attainment of the standard. Rather, today's actions are simply focused on the date by which the areas had attaining data.

II. What is the background for these actions?

As nonattainment areas for the 1997 annual PM_{2.5} NAAQS, the Chattanooga and Macon Areas had an applicable attainment date of April 5, 2010 (based on 2007–2009 monitoring data). Pursuant to section 179(c) of the CAA, EPA is required to make a determination on whether the Areas attained the standard by their applicable attainment date. Specifically, section 179(c)(1) of the CAA reads as follows: "As expeditiously as practicable after the applicable attainment date for any nonattainment area, but not later than 6 months after such date, the Administrator shall determine, based on the area's air quality as of the attainment date, whether the area attained the standard by that date." Today's action is EPA's proposal that the Chattanooga and Macon areas attained the annual PM_{2.5} NAAQS by the applicable attainment date of April 5, 2010.

III. What is the air quality for the 1997 annual PM_{2.5} NAAQS for the 2007–2009 monitoring period?

Under EPA regulations at 40 CFR 50.7, the 1997 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 at all relevant monitoring sites in the subject area.

EPA reviewed the ambient air monitoring data for the Chattanooga and Macon Areas in accordance with the provisions of 40 CFR part 50, Appendix N. All data considered have been quality-assured, certified, and recorded in EPA's Air Quality System database. This review addresses air quality data collected in the 3-year period from 2007–2009. The 3-year period from 2007–2009 is the period EPA must consider for areas that had an applicable attainment date of April 5, 2010.

A. Chattanooga

TABLE 1—ANNUAL AVERAGE CONCENTRATIONS IN THE CHATTANOOGA AREA (2007–2009)

Site name	Site No.	Annual average concentration (µg/m ³)
Tombras Avenue	47-065-0031	12.6
Soddy Daisy High School	47-065-1011	11.7
Siskin Drive	47-065-4002	12.7
Rossville	13-295-0002	¹ 12.3

As shown above in Table 1, during the 2007–2009 design period, the Chattanooga Area met the 1997 annual PM_{2.5} NAAQS. The official annual design value for the Chattanooga Area

for the 2007–2009 period is 12.7 µg/m³. More detailed information on the monitoring data for the Chattanooga Area during the 2007–2009 design period is provided in EPA's March 22,

2011, proposed rulemaking to approve the clean data determination for the Chattanooga Area for the 1997 annual PM_{2.5} NAAQS. See 76 FR 15895.

B. Macon

TABLE 2—ANNUAL AVERAGE CONCENTRATIONS IN THE MACON AREA (2007–2009)

Site name	Site No.	Annual average concentration (µg/m ³) without data substitution	Annual average concentration (µg/m ³) with data substitution
Macon Allied	13-021-0007	² 13.7	³ 14.9
Macon SE	13-021-0012	12.0	⁴ 13.3

As shown above in Table 2, during the 2007–2009 design period, the Macon Area met the 1997 annual PM_{2.5} NAAQS both with and without data substitution. The official annual design value for the Macon Area for the 2007–2009 period is 13.7 µg/m³. More detailed information on the monitoring data for the Macon Area during the 2007–2009 design period is provided in EPA's March 22, 2011, proposed rulemaking to approve the clean data determination for the Macon Area for the 1997 annual PM_{2.5} NAAQS. See 76 FR 15892.

IV. What is the effect of these actions?

Today's actions are only proposed determinations that the Chattanooga and Macon Areas attained the 1997 annual PM_{2.5} NAAQS by their applicable attainment date of April 5, 2010, consistent with CAA section 179(c)(1). Finalizing these proposed actions would not constitute a redesignation of either the Chattanooga or Macon Areas to attainment of 1997 annual PM_{2.5} NAAQS under section 107(d)(3) of the CAA. Further, finalizing these proposed actions do not involve approving maintenance plans for either the Chattanooga or Macon Areas as required under section 175A of the CAA, nor would it find that the Chattanooga or Macon Areas have met all other requirements for redesignation. Even if

EPA finalizes today's proposed actions, the designation status of the Chattanooga and Macon Areas would remain nonattainment for the 1997 annual PM_{2.5} NAAQS until such time as EPA determines that the individual area meets the CAA requirements for redesignation to attainment and takes action to redesignate the individual area.

V. What are the proposed actions?

EPA is proposing to determine, based on quality-assured and certified monitoring data for the 2007–2009 monitoring period, that the Chattanooga and the Macon Areas attained the 1997 annual PM_{2.5} NAAQS by the applicable attainment date of April 5, 2010. These proposed actions are being taken pursuant to section 179(c)(1) of the CAA, and are consistent with the CAA and its implementing regulations.

VI. Statutory and Executive Order Reviews

These actions propose to make determinations of attainment based on air quality, and would not impose additional requirements beyond those imposed by state law. For that reason, these proposed actions:

- Are not "significant regulatory action" 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 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

¹ The Rossville site did not meet 75 percent data completeness for the 2007–2009 time period due to roof replacement and subsequent relocation of the monitor. Because the site passed data substitution analysis, the design value for the Area is the highest reading monitor, which is Tombras Avenue.

² Macon Allied design value considers co-located data where primary data are not available.

³ Macon Allied design value considers data substitution of 58.1 µg/m³ for all missing data in 1st quarter of 2008.

⁴ Macon SE Annual Mean considers data substitution for second and fourth quarters of 2008 and 3rd quarter of 2009.

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, these proposed determinations that the Chattanooga and Macon Areas attained the 1997 annual average PM_{2.5} NAAQS by its applicable attainment date do not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIPs are not approved to apply in Indian country located in the states, 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, Particulate matter, Reporting and recordkeeping requirements.

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

Dated: May 23, 2011.

Gwendolyn Keyes Fleming,
Regional Administrator, Region 4.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[FWS-R9-ES-2011-0003; MO 92210-1113F120-B6]

Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition to Reclassify the Straight-Horned Markhor (*Capra falconeri jerdoni*) of Torghar Hills as Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition finding and initiation of status review.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce a 90-day finding on a petition to reclassify the Torghar Hills population of straight-horned markhor, or Suleiman markhor, (*Capra falconeri jerdoni* or *C. f. megaceros*) from endangered to threatened under the Endangered Species Act of 1973, as amended (Act). Based on our review, we find that the petition presents substantial scientific or commercial information indicating that reclassifying this subspecies of markhor in the Torghar Hills of Pakistan may be warranted. Therefore, with the publication of this notice, we are initiating a review of the status of the

entire subspecies to determine if the petitioned action is warranted. To ensure that this status review is comprehensive, we are requesting scientific and commercial data and other information regarding the straight-horned markhor or the Torghar Hills population. Based on the status review, we will issue a 12-month finding on the petition, which will address whether the petitioned action is warranted, as provided in section 4(b)(3)(B) of the Act.

DATES: To allow us adequate time to conduct this review, we request that we receive information on or before August 1, 2011.

ADDRESSES: You may submit information by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Search for docket FWS-R9-ES-2011-0003 and then follow the instructions for submitting comments.

- *U.S. mail or hand-delivery:* Public Comments Processing, Attn: FWS-FWS-R9-ES-2011-0003; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042-PDM; Arlington, VA 22203.

We will post all information received on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see the Information Solicited section below for more details).

FOR FURTHER INFORMATION CONTACT:

Janine Van Norman, Chief, Branch of Foreign Species, Endangered Species Program, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 420, Arlington, VA 22203; telephone 703-358-2171; facsimile 703-358-1735. If you use a telecommunications device for the deaf (TDD), please call the Federal Information Relay Service (FIRS) at 800-877-8339.

SUPPLEMENTARY INFORMATION:

Information Solicited

When we make a finding that a petition presents substantial information indicating that reclassifying a species may be warranted, we are required to promptly review the status of the species (status review). For the status review to be complete and based on the best available scientific and commercial information, we request information on the straight-horned markhor from the public, governmental agencies, Tribal communities, the scientific community, industry, and any other interested parties. We seek information on:

(1) The straight-horned markhor's biology, range, and population trends, including:

(a) Habitat requirements for feeding, breeding, and sheltering;

(b) Genetics and taxonomy on *Capra falconeri jerdoni* and *C. f. megaceros* to determine if these two subspecies constitute a single subspecies;

(c) Historical and current range including distribution patterns;

(d) Intermountain movement;

(e) Historical and current population levels, and current and projected trends; and

(f) Past and ongoing conservation measures for the subspecies, its habitat, or both.

(g) Information on the straight-horned markhor subspecies for the purpose of determining if the markhor in the Torghar Hills constitutes a distinct vertebrate population segment (DPS; see Evaluation of Listable Entities).

(2) The factors that are the basis for making a listing/delisting/downlisting determination for a species under section 4(a) of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*), which are:

(a) The present or threatened destruction, modification, or curtailment of its habitat or range;

(b) Overutilization for commercial, recreational, scientific, or educational purposes;

(c) Disease or predation;

(d) The inadequacy of existing regulatory mechanisms; or

(e) Other natural or manmade factors affecting its continued existence.

(3) Information on whether changing climatic conditions are affecting the subspecies or its habitat.

Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include.

We will base our status review on the best scientific and commercial information available, including all information we receive during the public comment period. Please note that comments merely stating support for or opposition to the action under consideration without providing supporting information, although noted, will not be considered in making a determination, as section 4(b)(1)(A) of the Act directs that determinations as to whether any species is an endangered or threatened species must be made "solely on the basis of the best scientific and commercial data available." At the conclusion of the status review, we will issue the 12-month finding on the petition, as provided in section 4(b)(3)(B) of the Act.