ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81
[Docket No.: WA–01–001; FRL–6980–9]

Finding of Attainment for PM–10; Spokane PM–10 Nonattainment Area, Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rule.

SUMMARY: EPA is proposing to find that the Spokane nonattainment area in Washington has attained the National Ambient Air Quality Standards (NAAQS) for particulate matter with an aerodynamic diameter of less than or equal to a nominal ten micrometers (PM–10) as of December 31, 1997.

DATES: Written comments must be received on or before June 15, 2001.

ADDRESSES: Written comments should be mailed to Steven K. Body, Office of Air Quality, Mailcode OAQ–107, EPA Region 10, 1200 Sixth Avenue, Seattle, Washington, 98101. Copies of documents relevant to this action are available for public review during normal business hours (8:00 am to 4:30 pm) at this same address.

FOR FURTHER INFORMATION CONTACT: Steven K. Body, Office of Air Quality, EPA Region 10, 1200 Sixth Avenue, Seattle, Washington, 98101, (206) 553–0782.

SUPPLEMENTARY INFORMATION: Throughout this document, the words “we”, “us”, or “our” means the Environmental Protection Agency (EPA).

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I. Background
A. Designation and Classification of PM–10 Nonattainment Areas

Areas meeting the requirements of section 107(d)(4)(B) of the Clean Air Act (CAA) were designated nonattainment for PM–10 by operation of law and classified “moderate” upon enactment of the 1990 Clean Air Act Amendments. See generally 42 U.S.C. 7407(d)(4)(B). These areas included all former Group 10 planning areas identified in 52 FR 29383 (August 7, 1987), as further clarified in 55 FR 45799 (October 31,
1990), and any other areas violating the NAAQS for PM–10 prior to January 1, 1989. A Federal Register document announcing the areas designated nonattainment for PM–10 upon enactment of the 1990 Amendments, known as “initial” PM–10 nonattainment areas, was published on March 15, 1991 (56 FR 11101) and a subsequent Federal Register document correcting the description of some of these areas was published on August 8, 1991 (56 FR 37654). The Spokane PM–10 nonattainment area was one of these initial moderate PM–10 nonattainment areas.

All initial moderate PM–10 nonattainment areas had the same applicable attainment date of December 31, 1994. Section 188(f) of the CAA provides the Administrator with the authority to waive a specific date for attainment of the standard under certain circumstances based on the relative contribution of anthropogenic and nonanthropogenic sources of PM–10 to violation of the PM–10 standard in the area. See 59 FR at 41998 (April 16, 1994).

B. How Does EPA Make Attainment Determinations?

All PM–10 nonattainment areas are initially classified “moderate” by operation of law when they are designated nonattainment. See section 188(a). Pursuant to sections 179(c) and 188(b)(2) of the CAA, we have the responsibility of determining within six months of the applicable attainment date whether, based on air quality data, PM–10 nonattainment areas attained the PM–10 NAAQS by that date. Determinations under section 179(c)(1) of the Act are to be based upon the area’s “air quality as of the attainment date.” Section 188(b)(2) is consistent with this requirement.

Generally, we determine whether an area’s air quality is meeting the PM–10 NAAQS for purposes of section 179(c)(1) and 188(b)(2) based upon data gathered at established state and local air monitoring stations (SLAMS) and national air monitoring stations (NAMS) in the nonattainment areas and entered into the EPA Aerometric Information Retrieval System (AIRS). Data entered into the AIRS has been determined to meet federal monitoring requirements (see 40 CFR 50.6, 40 CFR part 50, appendix J, 40 CFR part 53, 40 CFR part 58, appendix A and B) and may be used to determine the attainment status of areas. We also consider air quality data from other air monitoring stations in the nonattainment area provided that the stations meet the federal monitoring requirements for SLAMS. All data are reviewed to determine the area’s air quality status in accordance with our guidance at 40 CFR part 50, appendix K.

Attainment of the annual PM–10 standard is achieved when the annual arithmetic mean PM–10 concentration over a three-year period (for example 1995, 1996, and 1997 for areas with a December 31, 1997, attainment date) is equal to or less than 50 micrograms per cubic meter (µg/m³). Attainment of the 24-hour standard is determined by calculating the expected number of days in a year with PM–10 concentrations greater than 150 µg/m³. The 24-hour standard is attained when the expected number of days with levels above 150 µg/m³ (averaged over a three-year period) is less than or equal to one. Three consecutive years of air quality data are generally required to show attainment of the annual and 24-hour standards for PM–10. See 40 CFR part 50 and appendix K.

C. What Is the Attainment Date for the Spokane PM–10 Nonattainment Area?

As stated above, the Spokane PM–10 nonattainment area was designated nonattainment for PM–10 and classified as moderate under sections 107(d)(4)(B) and 188(a) of the Clean Air Act upon enactment of the Clean Air Act Amendments of 1990. See 40 CFR 81.348 (PM–10 Initial Nonattainment Areas); see also 56 FR 56694 (November 6, 1991). Under subsections 188(a) and (c)(1) of the Act, the original attainment date for the Spokane PM–10 nonattainment area, as well as for all other initial moderate PM–10 nonattainment areas, was December 31, 1994.

The Washington Department of Ecology (Ecology) submitted a SIP revision for the Spokane area on November 15, 1991 followed by addendums on January 31, 1992, December 9, 1994, and May 18, 1995. The December 1994 addendum included a more detailed technical analysis indicating that nonanthropogenic sources may be significant in the Spokane PM–10 nonattainment area during windblown dust events. Based on our review of the State’s submissions, we deferred action on several elements in the Spokane SIP, approved the control measures in the SIP as meeting RACM/RACT for all sources except for windblown dust, and, under section 188(f) of the CAA, granted a temporary waiver to extend the attainment date for the Spokane area to December 31, 1997. See 61 FR 35998 (July 9, 1996) (proposed action); 62 FR 3800 (January 27, 1997) (final action). The temporary waiver was intended to provide Ecology time to evaluate further
decision of an area discounted or excluded entirely from unusually high winds, may be.

As discussed above, the State of Washington flagged the August 30, 1996, exceedence in the AIRS data base as an exceedence caused by high winds under EPA's Natural Events Policy. EPA has concurred with that determination. Therefore, EPA has excluded this exceedence from consideration in determining whether the Spokane PM-10 nonattainment area attained the 24-hour PM-10 standard as of the extended attainment date.

Even if the August 30, 1996, exceedence was not excluded in determining the attainment status of the Spokane area, the data would still show attainment of the 24-hour PM-10 standard. Accounting for the sampling schedule and missing data, the expected number of days over the standard for 1996 would be 1.0 for the three-year period from 1995 through 1997.

We are soliciting public comments on EPA's proposal to find that the Spokane PM-10 nonattainment area has attained the PM-10 NAAQS as of the December 31, 1997, attainment date. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking process by submitting written comments to the EPA Regional office listed in the ADDRESSES section of this document.

III. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a “significant regulatory action” and therefore is not subject to review by the Office of Management and Budget. This proposed action merely makes a determination based on air quality data and does not impose any requirements. Accordingly, the Administrator certifies that this proposed 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 proposed rule does not impose any enforceable duty, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This proposed rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or 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), nor will it 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), because it merely makes a determination based on air quality data and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This proposed rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

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. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this proposed rule, EPA has taken the necessary steps to eliminate drafting errors and exclusions of potential litigation, and provide a clear legal standard for affected conduct. EPA
has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General’s Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This proposed rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.


Charles E. Findley,
Acting Regional Administrator, Region 10.

ADDRESSES: Written comments should be addressed to David Arnold, Chief, Air Quality Planning and Information Services Branch Name, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

FURTHER INFORMATION CONTACT: Ruth E. Knapp, (215) 814–2191, at the EPA Region III address above or by e-mail at knapp.ruth@epa.gov.

SUPPLEMENTARY INFORMATION: For further information on the determination that Weirton, West Virginia has attained the PM–10 NAAQS, please see the information provided in the direct final action, with the same title, that is located in the “Rules and Regulations” section of this Federal Register publication.

Dated: May 1, 2001.

William C. Early,
Acting Regional Administrator, Region III.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[Docket No. 01–12357 Filed 5–15–01; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–1152, MM Docket No. 01–107, RM–10057]

Radio Broadcasting Services; Hemlock and Mount Pleasant, MI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Wilks Broadcasting LLC requesting the reallocation of Channel 233C1 from Mount Pleasant, Michigan, to Hemlock, Michigan, and modification of the license for Station WCEN–FM to specify Hemlock, Michigan, as the community of license. The coordinates for Channel 233C1 at Hemlock are 43–43–36 and 84–36–16. In accordance with section 1.420(j) of the Commission’s Rules, we shall not accept competing expressions of interest in the use of Channel 233C1 at Hemlock.

DATES: Comments must be filed on or before June 25, 2001, and reply comments on or before July 10, 2001.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner’s counsel, as follows: Richard R. Zaragoza, Veronica D. McLaughlin, Shaw Pittman, 2300 N Street, NW., Washington, DC 20037–1128.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission’s Notice of Proposed Rule Making, MM Docket No. 01–107, adopted April 25, 2001 and released May 4, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission’s Reference Center, Washington, DC. The complete text of this decision may also be purchased from the Commission’s copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800, facsimile (202) 857–3805. Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible ex parte contact. For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:


§73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Michigan, is amended