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U.S. Environmental Protection Agency. (2008a). Lead Emissions from the Use of Leaded Aviation Gasoline in the United States. EPA420-R-08-020. Available online at: [http://www.epa.gov/ttn/chieffnet/tsd\\_avgas\\_lead\\_inventory\\_2002.pdf](http://www.epa.gov/ttn/chieffnet/tsd_avgas_lead_inventory_2002.pdf). U.S. Environmental Protection Agency. (2008b). Regulatory Impact Analysis of the Proposed Revisions to the National Ambient Air Quality Standards for Lead. EPA-HQ-OAR-2006-0735.

#### List of Subjects in 40 CFR Part 58

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

Dated: December 23, 2009.

**Lisa P. Jackson,**  
Administrator.

For the reasons stated in the preamble, title 40, chapter I, part 58 of the Code of Federal Regulations is proposed to be amended as follows:

#### PART 58—[AMENDED]

1. The authority citation for part 58 continues to read as follows:

**Authority:** 42 U.S.C. 7403, 7410, 7601(a), 7611, and 7619.

#### Subpart B—[Amended]

2. Section 58.10 is amended by revising paragraph (a)(4) to read as follows:

##### § 58.10 Annual monitoring network plan and periodic network assessment.

(a) \* \* \*

(4) A plan for establishing source-oriented lead monitoring sites in accordance with the requirements of appendix D to this part for lead sources emitting 1.0 tpy or greater shall be submitted to the EPA Regional Administrator no later than July 1, 2009, as part of the annual network plan required in paragraph (a)(1) of this section. The plan shall provide for the required source-oriented lead monitoring sites for lead sources emitting 1.0 tpy or greater to be operational by January 1, 2010. A plan for establishing source-oriented lead monitoring sites in accordance with the requirements of appendix D to this part for lead sources emitting greater than 0.50 tpy but less than 1.0 tpy shall be submitted to the EPA Regional Administrator no later than June 30, 2010. The plan shall provide for the required source-oriented lead monitoring sites for lead sources emitting greater than 0.50 tpy but less

than 1.0 tpy to be operational by December 30, 2010.

\* \* \* \* \*

3. Appendix D to Part 58 is amended as follows:

- a. By revising paragraph 3.(b),
- b. By removing and reserving paragraph 3.(c),
- c. By revising 4.5.(a), and
- d. By revising paragraph 4.5.(b).

#### Appendix D to Part 58—Network Design Criteria for Ambient Air Quality Monitoring

\* \* \* \* \*

3. \* \* \*

(b) The NCore sites must measure, at a minimum, PM<sub>2.5</sub> particle mass using continuous and integrated/filter-based samplers, speciated PM<sub>2.5</sub>, PM<sub>10-2.5</sub> particle mass, speciated PM<sub>10-2.5</sub>, O<sub>3</sub>, SO<sub>2</sub>, CO, NO/NO<sub>y</sub>, lead, wind speed, wind direction, relative humidity, and ambient temperature.

(c) [Reserved.]

\* \* \* \* \*

4.5 \* \* \* (a) State and, where appropriate, local agencies are required to conduct ambient air lead monitoring near lead sources which are expected to or have been shown to contribute to a maximum lead concentration in ambient air in excess of the NAAQS, taking into account the logistics and potential for population exposure. At a minimum, there must be one source-oriented SLAMS site located to measure the maximum lead concentration in ambient air resulting from each lead source which emits 0.50 or more tons per year based on either the most recent National Emission Inventory (<http://www.epa.gov/ttn/chieff/eiinformation.html>) or other scientifically justifiable methods and data (such as improved emissions factors or site-specific data) taking into account logistics and the potential for population exposure.

(i) One monitor may be used to meet the requirement in paragraph 4.5(a) for all sources involved when the location of the maximum lead concentration due to one lead source is expected to also be impacted by lead emissions from a nearby source (or multiple sources). This monitor must be sited, taking into account logistics and the potential for population exposure, where the lead concentration from all sources combined is expected to be at its maximum.

(ii) The Regional Administrator may waive the requirement in paragraph 4.5(a) for monitoring near lead sources if the state or, where appropriate, local agency can demonstrate the lead source will not contribute to a maximum lead concentration in ambient air in excess of 50 percent of the NAAQS (based on historical monitoring data, modeling, or other means). The waiver must be renewed once every 5 years as part of the network assessment required under § 58.10(d).

(b) State and, where appropriate, local agencies are required to conduct non-source-

oriented lead monitoring at each NCore site required under paragraph 3 of this appendix.

\* \* \* \* \*

[FR Doc. E9-31049 Filed 12-29-09; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 09-2605; MB Docket No. 09-230; RM-11586]

### Television Broadcasting Services; Seaford, DE

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission proposes the allotment of channel 5 to Seaford, Delaware. The Commission is waiving the freeze on the filing of new DTV allotments to initiate this proceeding and to advance the policy, as set forth in Section 331(a) of the Communications Act of 1934, as amended, to allocate not less than one very high frequency (“VHF”) commercial television channel to each State, if technically feasible.

**DATES:** Comments must be filed on or before January 29, 2010, and reply comments on or before February 16, 2010.

**ADDRESSES:** Federal Communications Commission, Office of the Secretary, 445 12th Street, SW., Washington, DC 20554.

#### FOR FURTHER INFORMATION CONTACT:

Adrienne Y. Denysyk,  
[adrienne.denysyk@fcc.gov](mailto:adrienne.denysyk@fcc.gov), Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission’s Notice of Proposed Rule Making, MB Docket No. 09-230, adopted December 17, 2009, and released December 18, 2009. The full text of this document is available for public inspection and copying during normal business hours in the FCC’s Reference Information Center at Portals II, CY-A257, 445 12th Street, SW., Washington, DC, 20554. This document will also be available via ECFS (<http://www.fcc.gov/cgb/ecfs/>). (Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) This document may be purchased from the Commission’s duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 1-800-478-3160 or via e-mail <http://www.BCPIWEB.com>. To request this

document in accessible formats (computer diskettes, large print, audio recording, and Braille), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4).

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 (other than *ex parte* presentations exempt under 47 CFR 1.1204(a)) are prohibited in Commission proceedings, such as this one, which involve channel allotments. *See* 47 CFR 1.1208 for rules governing restricted proceedings.

For information regarding proper filing procedures for comments, *see* 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Television, Television 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:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

##### § 73.622(i) [Amended]

2. Section 73.622(i), the Post-Transition Table of DTV Allotments under Delaware, is amended by adding channel 5 at Seaford.

#### Barbara A. Kreisman,

Chief, Video Division, Media Bureau, Federal Communications Commission.

[FR Doc. E9-31011 Filed 12-29-09; 8:45 am]

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#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[DA 09-2606; MB Docket No. 09-231; RM-11587]

#### Television Broadcasting Services; Atlantic City, NJ

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission proposes the allotment of channel 4 to Atlantic City, New Jersey. The Commission is waiving the freeze on the filing of new DTV allotments to initiate this proceeding and to advance the policy, as set forth in Section 331(a) of the Communications Act of 1934, as amended, to allocate not less than one very high frequency ("VHF") commercial television channel to each State, if technically feasible.

**DATES:** Comments must be filed on or before January 29, 2010, and reply comments on or before February 16, 2010.

**ADDRESSES:** Federal Communications Commission, Office of the Secretary, 445 12th Street, SW., Washington, DC 20554.

#### FOR FURTHER INFORMATION CONTACT:

Adrienne Y. Denysyk, [adrienne.denysyk@fcc.gov](mailto:adrienne.denysyk@fcc.gov), Media Bureau, (202) 418-1600.

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(computer diskettes, large print, audio recording, and Braille), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4).

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 (other than *ex parte* presentations exempt under 47 CFR 1.1204(a)) are prohibited in Commission proceedings, such as this one, which involve channel allotments. *See* 47 CFR 1.1208 for rules governing restricted proceedings.

For information regarding proper filing procedures for comments, *see* 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Television, Television 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:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

##### § 73.622(i) [Amended]

2. Section 73.622(i), the Post-Transition Table of DTV Allotments under New Jersey, is amended by adding channel 4 at Atlantic City.

Federal Communications Commission.

#### Barbara A. Kreisman,

Chief, Video Division, Media Bureau.

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