I. What action is EPA taking?

EPA is proposing to determine that the Charleston, West Virginia nonattainment area for the 2006 fine particulate matter (PM$_{2.5}$) National Ambient Air Quality Standard (NAAQS) has clean data for the 24-hour 2006 PM$_{2.5}$ NAAQS. This proposed determination is based upon quality assured, quality controlled, and certified ambient air monitoring data showing that this area has monitored attainment of the 2006 PM$_{2.5}$ NAAQS based on the 2007–2009 data and data available to date for 2010 in EPA’s Air Quality System (AQS) database that show the area continues to attain. If this proposed determination is made final, the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning State Implementation Plans (SIPs) related to attainment of the standard shall be suspended for so long as the area continues to meet the 24-hour 2006 PM$_{2.5}$ NAAQS.

DATES: Written comments must be received on or before September 19, 2011.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2011–0474 by one of the following methods:


B. E-mail: fernandez.cristina@epa.gov.


D. Hand Delivery: At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket’s normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2011–0474. 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 information that you consider to be CBI or otherwise protected through http://www.regulations.gov or e-mail. 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.

III. What is EPA’s analysis of the relevant air quality data?

SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA.

The following outline is provided to aid in locating information in this preamble.

I. What is EPA taking?

EPA is proposing to determine that Charleston, West Virginia PM$_{2.5}$ nonattainment area has clean data for the 24-hour 2006 PM$_{2.5}$ NAAQS. This
determination is based upon quality assured, quality controlled, and certified ambient air monitoring data showing that these areas have monitored attainment of the 2006 PM\textsubscript{2.5} NAAQS based on the 2007–2009 data and data available to date for 2010 in EPA’s AQS database.

II. What is the effect of this action?

If this determination is made final, under the provisions of EPA’s PM\textsubscript{2.5} implementation rule (see 40 CFR section 51.1004(c)), the requirements for the Charleston nonattainment area to submit an attainment demonstration, associated reasonably available control measures (RACM) (including reasonably available control technology (RACT)), a reasonable further progress (RFP) plan, contingency measures, and any other planning SIPs related to attainment of the 2006 PM\textsubscript{2.5} NAAQS would be suspended for so long as the area continues to meet the 24-hour 2006 PM\textsubscript{2.5} NAAQS. Furthermore, as described below, a final clean data determination would not be equivalent to the redesignation of this area to attainment of the 24-hour 2006 PM\textsubscript{2.5} NAAQS.

If this rulemaking is finalized and EPA subsequently determines, after notice-and-comment rulemaking in the Federal Register, this area has violated the 24-hour 2006 PM\textsubscript{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 this area would thereafter have to address the pertinent requirements.

This clean data determination that EPA proposes with this Federal Register notice, that the air quality data shows attainment of the 24-hour 2006 PM\textsubscript{2.5} NAAQS, is not equivalent to the redesignation of this area to attainment. This proposed action, if finalized, will 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 this area as required under section 175A of the CAA, nor a determination that this area has met the other requirements for redesignation. The designation status of this area would remain nonattainment for the 2006 PM\textsubscript{2.5} NAAQS until such time as EPA determines that this area meets the CAA requirements for redesignation to attainment.

III. What is the background for this action?

The 2006 PM\textsubscript{2.5} NAAQS set forth at 40 CFR 50.13 became effective on December 18, 2006 (71 FR 61144) and promulgated a 24-hour standard of 35 micrograms per cubic meter (µg/m\textsuperscript{3}) based on a 3-year average of the 98th percentile of 24-hour concentration. On December 14, 2009, (74 FR 58688), EPA made designation determinations, as required by CAA section 107(d)(1), for the 24-hour 2006 PM\textsubscript{2.5} NAAQS. The Charleston area is designated as nonattainment for the 24-hour 2006 PM\textsubscript{2.5} NAAQS.

IV. What is EPA’s analysis of the relevant air quality data?

EPA has reviewed the ambient air monitoring data, consistent with the requirements contained in 40 CFR part 50 and recorded in EPA’s AQS database for the Charleston PM\textsubscript{2.5} nonattainment area from 2007 through the present time. On the basis of that review, EPA has concluded that this area meets the 24-hour 2006 PM\textsubscript{2.5} NAAQS based on the 2007–2009 data and data available to date for 2010 in EPA’s AQS database.

Under EPA regulations in 40 CFR part 50, section 50.13 and in accordance with Appendix N, the 24-hour primary and secondary PM\textsubscript{2.5} standards are met when the 98th percentile 24-hour concentration is less than or equal to 35 µg/m\textsuperscript{3}. Table 1 shows the design values for the 2006 24-hour PM\textsubscript{2.5} NAAQS until 2009 and Table 2 shows the preliminary design values for the 2006 24-hour PM\textsubscript{2.5} NAAQS for the year 2010. EPA’s review of the data indicates that the Charleston, West Virginia PM\textsubscript{2.5} nonattainment area meets the 2006 PM\textsubscript{2.5} NAAQS.

V. What’s EPA’s proposed action?

EPA is proposing to determine that the Charleston nonattainment area has clean data for the 24-hour 2006 PM\textsubscript{2.5} NAAQS. As provided in 40 CFR 51.1004(c), if EPA finalizes this determination, it will suspend the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and any other planning SIPs related to the attainment of the 2006 PM\textsubscript{2.5} NAAQS, so long as these areas continue to meet the standard. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

VI. What are the statutory and executive order reviews?

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a).

Thus, in reviewing SIP submissions, EPA’s role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

### Table 1—2007–2009 Daily Average Concentrations in the Charleston Area

<table>
<thead>
<tr>
<th>Site name</th>
<th>County</th>
<th>Site No.</th>
<th>Design value (µg/m\textsuperscript{3})</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charleston</td>
<td>Kanawha</td>
<td>54–039–0010</td>
<td>29</td>
</tr>
<tr>
<td>South Charleston</td>
<td>Kanawha</td>
<td>54–039–1005</td>
<td>32</td>
</tr>
</tbody>
</table>

\*The publicly available PM\textsubscript{2.5} AQS data and information is available as part of EPA’s AirTrends Site at: [http://www.epa.gov/airtrends/values.html](http://www.epa.gov/airtrends/values.html).

### Table 2—2010 Daily Average Concentrations in the Charleston Area

<table>
<thead>
<tr>
<th>Site name</th>
<th>County</th>
<th>Site No.</th>
<th>Preliminary design value (µg/m\textsuperscript{3})</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charleston</td>
<td>Kanawha</td>
<td>54–039–0010</td>
<td>25</td>
</tr>
<tr>
<td>South Charleston</td>
<td>Kanawha</td>
<td>54–039–1005</td>
<td>28</td>
</tr>
</tbody>
</table>
DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service

50 CFR Part 17


Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition To Delist the Valley Elderberry Longhorn Beetle

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding and initiation of status review.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce this 90-day finding on a petition to delist the valley elderberry longhorn beetle (Desmocerus californicus dimorphus) 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 delisting the valley elderberry longhorn beetle may be warranted. Therefore, with the publication of this notice, we are initiating a status review of the species to determine if delisting is warranted. To ensure that this status review is comprehensive, we are requesting scientific and commercial data and other information regarding the valley elderberry longhorn beetle. Based on this status review, we will issue a 12-month finding on the petition, which will address whether the petitioned action is warranted under 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 October 18, 2011. Please note that if you are using the Federal eRulemaking Portal (see ADDRESSES, below), the deadline for submitting an electronic comment is Eastern Standard Time on this date.

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

(1) Electronically: Go to the Federal eRulemaking Portal: http://www.regulations.gov. In the Keyword box, enter Docket No. FWS–R8–ES–2011–0063, which is the docket number for this rulemaking. Then, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rules link to locate this document. You may submit a comment by clicking on “Send a Comment or Submission.”

(2) By hard copy: Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R8–ES–2011–0063; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042–PDM; Arlington, VA 22203.

We will not accept e-mail or faxes. We will post all information we receive on http://www.regulations.gov. This generally means that we will post any personal information you provide us (see Request for Information below for more details).


SUPPLEMENTARY INFORMATION: Request for Information

When we make a finding that a petition presents substantial information indicating that delisting 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 valley elderberry longhorn beetle from governmental agencies, Native American Tribes, the scientific community, industry, and any other interested parties. We seek information on:

(1) The species’ biology, range, and population trends, including:

(a) Habitat requirements for feeding, breeding, and sheltering;
(b) Genetics and taxonomy;
(c) Historical and current range, including distribution patterns;
(d) Historical and current population levels, and current and projected trends; and
(e) Past and ongoing conservation measures for the species, its habitat, or both.

(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.

List of Subjects in 40 CFR Part 52

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

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

Dated: August 8, 2011.

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

[FR Doc. 2011–21224 Filed 8–18–11; 8:45 am]
BILLING CODE 6560–50–P