

published on September 25, 2009, in order to correct the date of the Washington, DC, public meeting. Our earlier notice listed 2 different dates for the same meeting; the correct date is October 28, 2009.

DATES: The public meetings will be held at the following locations:

- Washington, DC, October 28, 2009, from 1 p.m. to 3:30 p.m.
- Oakland, CA, November 3, 2009, from 1 p.m. to 3:30 p.m.
- New Orleans, LA, November 19, 2009, from 4:30 p.m. to 7 p.m.

Written comments and related material may also be submitted to Coast Guard personnel specified at that meeting. The comment period for the proposed rule closes November 30, 2009. All comments and related material submitted after the meeting must either be submitted to our online docket via <http://www.regulations.gov> on or before November 30, 2009, or reach the Docket Management Facility by that date.

ADDRESSES: The public meetings will be held at the following locations:

- Washington, DC—United States Coast Guard Headquarters Building, Room 4202, 2100 Second St., SW., Washington, DC 20593.
- Oakland, CA—Ronald V. Dellums Federal Building, Auditorium, 3rd Floor North Tower, 1301 Clay Street, Oakland, CA 94612.
- New Orleans, LA—Ernest N. Morial Convention Center, Room 208, Exhibit Hall A, 900 Convention Center Blvd., New Orleans, LA 70130.

You may submit written comments identified by docket number USCG–2008–1070 before or after the meeting using any one of the following methods:

- (1) *Federal eRulemaking Portal:* <http://www.regulations.gov>.
- (2) *Fax:* 202–493–2251.
- (3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.
- (4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. Our online docket for this rulemaking is available on the Internet at <http://www.regulations.gov> under docket number USCG–2008–1070.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, contact Lieutenant Jarrod DeWitz, U.S. Coast Guard, Office of Vessel Activities, Vessel Response Plan

Review Team, telephone (202) 372–1219. You may also e-mail questions to Jarrod.M.DeWitz@uscg.mil. If you have questions on viewing or submitting material to the docket, call Ms. Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Background and Purpose

The Coast Guard is issuing this correction to an earlier notice that published on September 25, 2009, (74 FR 48891) in order to correct the date of the Washington, DC, public meeting. Our earlier notice listed 2 different dates for the same meeting; the correct date is October 28, 2009. The time/location of the Washington, DC, public meeting remains unchanged. The dates/times/locations for the Oakland, CA, and New Orleans, LA, public meetings remain unchanged.

We encourage you to participate in this rulemaking by submitting comments either orally at a meeting or in writing. If you bring written comments to a meeting, you may submit them to Coast Guard personnel specified at the meeting to receive written comments. These comments will be submitted to our online public docket. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided.

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008 issue of the **Federal Register** (73 FR 3316).

Information on Service for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the public meeting, contact Lieutenant Jarrod DeWitz at the telephone number indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Public Meeting

The Coast Guard will hold three public meetings regarding this proposed rulemaking on the following dates and at the following locations:

- Washington, DC, October 28, 2009, from 1 p.m. to 3:30 p.m., at the United States Coast Guard Headquarters Building, Room 4202, 2100 Second Street, SW., Washington, DC 20593.

Note: A government-issued photo identification (for example, a driver's license) will be required for entrance to the building.

- Oakland, CA, November 3, 2009, from 1 p.m. to 3:30 p.m., at the Ronald V. Dellums Federal Building, Auditorium, 3rd Floor North Tower, 1301 Clay Street, Oakland, CA 94612.

Note: A government-issued photo identification (for example, a driver's license) will be required for entrance to the building.

- New Orleans, LA, November 19, 2009, from 4:30 p.m. to 7 p.m., at the Ernest N. Morial Convention Center, Room 208, Exhibit Hall A, 900 Convention Center Blvd., New Orleans, LA 70130.

Members of the public may attend these meetings up to the seating capacity of the rooms. The meetings may conclude before the allotted time if all matters of concern have been addressed.

We plan to record each meeting using an audio-digital recorder and to make that audio recording available through a link in our online docket. A written summary of comments made and a list of attendees will be placed in the docket after each meeting concludes.

Dated: September 30, 2009.

Stefan G. Venckus,

Chief, Office of Regulations and Administrative Law, United States Coast Guard.

[FR Doc. E9–24008 Filed 10–5–09; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2009–0751–200920; FRL–8965–9]

Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; North Carolina: Hickory-Morganton-Lenoir; 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 Hickory-Morganton-Lenoir, North Carolina, (hereafter referred to as “Hickory, 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 three years of complete quality assured, quality controlled, and certified ambient air monitoring data showing that this area has monitored attainment of the 1997 PM_{2.5} NAAQS for the years of 2006–2008. 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 Hickory, 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–2009–0751 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–2009–0751,” 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–2009–0751. EPA’s policy is that all comments received will be included in the public docket without change and may be made available online at 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 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 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 Hickory, 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, quality controlled and quality assured 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 Hickory, 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 Hickory, 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 Hickory, 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 Hickory, 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 Hickory, 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 Hickory, North Carolina, area.

Conversely, any future designation determination of the Hickory, 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 Hickory, 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 Hickory, 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 Hickory, North Carolina, area is composed of Catawba 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 Hickory, 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 Hickory, 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 and for the same 3-year period.

TABLE 1—DESIGN VALUE FOR COUNTIES IN THE HICKORY, 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
Catawba County	37–035–0004	15.163	14.592	12.806	14.2

TABLE 2—DESIGN VALUE FOR COUNTIES IN THE HICKORY, 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
Catawba County	37–035–0004	32.9	30.7	25.2	30

EPA's review of these data indicates that the Hickory, North Carolina, nonattainment area has met and continues to meet the 1997 PM_{2.5} NAAQS. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

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.
[FR Doc. E9–24059 Filed 10–5–09; 8:45 am]
BILLING CODE 6560–50–P

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