

partners will need to demonstrate conformity to the new MVEB if the demonstration has not already been made, pursuant to 40 CFR 93.104(e). See 73 FR 4419 (January 24, 2008).

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

Dated: April 18, 2011.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

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**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-R04-OAR-2009-1010; FRL-9301-2]

**Adequacy Status of the Hickory-Morganton-Lenoir, North Carolina 1997 Annual PM<sub>2.5</sub> Maintenance Plan Motor Vehicle Emissions Budgets for Transportation Conformity Purposes**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of Adequacy.

**SUMMARY:** In this notice, EPA is notifying the public of its finding that the nitrogen oxides (NO<sub>x</sub>) motor vehicle emissions budgets (MVEBs) in the Hickory-Morganton-Lenoir, North Carolina area (hereafter referred to as the “Hickory Area”) maintenance plan for the 1997 annual PM<sub>2.5</sub> standard, submitted on December 18, 2009, and supplemented on December 22, 2010, by the North Carolina Department of Environment and Natural Resources (NCDENR) are adequate for transportation conformity purposes. EPA is also making an insignificance finding for direct fine particulate (PM<sub>2.5</sub>) through the transportation conformity adequacy process for the Hickory Area. The Hickory Area is comprised of the entire county of Catawba in North Carolina. On March 2, 1999, the District of Columbia Circuit Court ruled that submitted state implementation plans (SIPs) cannot be used for transportation conformity determinations until EPA has affirmatively found them adequate. As a result of EPA’s finding, the Hickory Area must use the NO<sub>x</sub> MVEBs from the submitted maintenance plan and supplement for the Hickory Area for future conformity determinations. Additionally, as a result of this finding, the Hickory Area is not required to perform a regional emissions analysis for direct PM<sub>2.5</sub> in future PM<sub>2.5</sub> transportation conformity determinations for the 1997 annual PM<sub>2.5</sub> standard.

**DATES:** The adequacy finding for the NO<sub>x</sub> MVEBs and the insignificance

finding for direct PM<sub>2.5</sub> are effective May 17, 2011.

**FOR FURTHER INFORMATION CONTACT:** Dianna B. Smith, Environmental Scientist, U.S. Environmental Protection Agency, Region 4, Air Planning Branch, Air Quality Modeling and Transportation Section, 61 Forsyth Street, SW., Atlanta, Georgia 30303. Ms. Smith can also be reached by telephone at (404) 562-9207, or via electronic mail at [smith.dianna@epa.gov](mailto:smith.dianna@epa.gov). The finding is available at EPA’s conformity Web site: <http://www.epa.gov/otaq/transp.htm> (once there, click on the “Transportation Conformity” text icon, then look for “Adequacy Review of SIP Submissions”).

**SUPPLEMENTARY INFORMATION:** Today’s notice is simply an announcement of findings that EPA has already made. EPA Region 4 sent a letter to NCDENR on February 3, 2011, stating that the 2011 and 2021 NO<sub>x</sub> MVEBs in the 1997 PM<sub>2.5</sub> maintenance plan for Hickory, dated December 18, 2009, and supplemented on December 22, 2010, are adequate. The letter also states that direct PM<sub>2.5</sub> is insignificant for the Hickory Area, therefore no regional emissions analysis is required. EPA posted the availability of the Hickory Area NO<sub>x</sub> MVEBs and insignificance demonstration on EPA’s Web site on November 23, 2010, as part of the adequacy process, for the purpose of soliciting comments. The comment period ran from November 23, through December 23, 2010. EPA’s findings have also been announced on EPA’s conformity Web site: <http://www.epa.gov/otaq/stateresources/index.htm>, (once there, click “Transportation Conformity” text icon, then look for “Adequacy Review of SIP Submissions”). The adequate NO<sub>x</sub> MVEBs are provided in the following table:

HICKORY AREA NO <sub>x</sub> MVEB [Kilograms/year]		
	2011	2021
Catawba County .....	3,996,601	2,236,028

Transportation conformity is required by section 176(c) of the Clean Air Act, as amended in 1990. EPA’s conformity rule, 40 Code of Federal Regulations (CFR) Part 93, requires that transportation plans, programs and projects conform to state air quality implementation plans and establishes the criteria and procedures for determining whether or not they do. Conformity to a SIP means that transportation activities will not

produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards (NAAQS). The criteria by which EPA determines whether a SIP’s MVEB is adequate for transportation conformity purposes are outlined in 40 CFR 93.118(e)(4). Additionally, the criteria by which EPA determines whether a particular pollutant/precursor is an insignificant contributor to the air quality problem in an area can be found at 40 CFR 93.109(m). Insignificance findings are based on a number of factors, including the percentage of motor vehicle emissions in context of the total SIP inventory, the current state of air quality as determined by monitoring data for that NAAQS, the absence of SIP motor vehicle control measures, and historical trends and future projections of the growth of motor vehicle emissions. EPA’s rationale for the allowance of insignificance findings can be found in the July 1, 2004, revision to the transportation conformity rule at 69 FR 40004. Specifically, the rationale is explained on page 40061 under the subsection entitled “B. Areas With Insignificant Motor Vehicle Emissions.” Please note that an adequacy review is separate from EPA’s completeness review, and it also should not be used to prejudice EPA’s ultimate approval of the SIP. Even if EPA finds the MVEB adequate or makes an insignificance finding through the adequacy process, the Agency may later disapprove the SIP.

Transportation partners should note this insignificance finding in future transportation conformity determinations. While this insignificance finding waives the requirements for regional emissions analyses for direct PM<sub>2.5</sub> for the Hickory Area for the 1997 PM<sub>2.5</sub> NAAQS, as mentioned above, it does not waive other conformity requirements for the 1997 PM<sub>2.5</sub> NAAQS for the Hickory Area, nor does it waive transportation conformity requirements for other pollutants/precursors for which the Area may be designated nonattainment or redesignated to attainment with a maintenance plan.

EPA has described the process for determining the adequacy of submitted SIP MVEBs in a May 14, 1999, memorandum entitled “Conformity Guidance on Implementation of March 2, 1999 Conformity Court Decision.” EPA has followed this guidance in making this adequacy determination. This guidance is incorporated into EPA’s July 1, 2004, final rulemaking entitled “Transportation Conformity Rule Amendments for the New 8-hour

Ozone and PM<sub>2.5</sub> National Ambient Air Quality Standards and Miscellaneous Revisions for Existing Areas; Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes” (69 FR 40004).

Within 24 months from the effective date of this notice, the transportation partners will need to demonstrate conformity to the new NO<sub>x</sub> MVEBs if the demonstration has not already been made, pursuant to 40 CFR 93.104(e). See 73 FR 4419 (January 24, 2008).

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

Dated: April 18, 2011.

**A. Stanley Meiburg,**

Acting Regional Administrator, Region 4.

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2006-0971; FRL-9200-7]

### Agency Information Collection Activities; Proposed Collection; Comment Request; National Volatile Organic Compound Emission Standards for Aerosol Coatings

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a request to renew an existing approved Information Collection Request (ICR) to the Office of Management and Budget (OMB). This ICR is scheduled to expire on September 30, 2011. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

**DATES:** Comments may be submitted on or before July 1, 2011.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2006-0971 by one of the following methods:

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

- *E-mail:* [a-and-r-Docket@epa.gov](mailto:a-and-r-Docket@epa.gov).

- *Fax:* (202) 566-9744.

- *Mail:* U.S. Environmental

Protection Agency, EPA Docket Center (EPA/DC), Air and Radiation Docket Information Center, 1200 Pennsylvania Avenue, NW.; *Mail Code:* 28221T, Washington, DC 20460.

- *Hand Delivery:* To send comments or documents through a courier service, the address to use is: EPA Docket Center, Public Reading Room, EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20004. Such deliveries are accepted only during the Docket's normal hours of operation—8:30 am to 4:30 pm, Monday through Friday. Special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID No. EPA-HQ-OAR-2006-0971. 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 to be protected through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means we 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 us 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 or any form of encryption and be free of any defects or viruses. For additional information about EPA public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

#### FOR FURTHER INFORMATION CONTACT:

J. Kaye Whitfield, Office of Air and Radiation, Office of Air Quality Planning and Standards, Mail Code E143-03, Research Triangle Park, North Carolina 27711; *telephone number:* (919) 541-2509; *fax number:* (919) 541-3470; *e-mail address:* [whitfield.kaye@epa.gov](mailto:whitfield.kaye@epa.gov).

#### SUPPLEMENTARY INFORMATION:

#### How can I access the docket and/or submit comments?

The EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OAR-2006-0971 which is available either electronically at <http://www.regulations.gov>, or in-person viewing at the Air Docket in the EPA Docket Center (EPA/DC), Public Reading Room, EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20004. The EPA/DC Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone for the Reading Room is 202-566-1744, and the telephone for the Air Docket is 202-566-1742.

Use <http://www.regulations.gov> to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified in this document.

#### What information particularly interests EPA?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.