State NO_X and VOC State MVEBs for 2006, 2009, 2017 and 2021. EPA is proposing to approve the 2006, 2009, 2017 and 2021 NO_X and VOC State MVEBs for Shelby County because the maintenance plan demonstrates that in light of expected emissions for all source categories, the area will continue to maintain the 1997 8-hour ozone standard.

Further as part of today's action, EPA is describing the status of its adequacy determination for the 2006, 2009, 2017 and 2021 State NO_X and VOC State MVEBs, in accordance with 40 CFR 93.118(f)(1). Within 24 months from the effective date of EPA's adequacy finding for the MVEBs, or the effective date for the final rule for this action, whichever is earlier, the transportation partners will need to demonstrate conformity to the new NO_X and VOC MVEBs pursuant to 40 CFR 93.104(e).

X. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act 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 proposed action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. 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

40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Incorporation by reference, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, and Volatile organic compounds.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

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

Dated: November 6, 2009.

Beverly H. Banister,

Acting Regional Administrator, Region 4.

[FR Doc. E9–27815 Filed 11–18–09; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[FWS–R1–ES–2009–0036; MO 92210 50083 B2]

RIN 1018–AV47

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for Flying Earwig Hawaiian Damselfly (Megalagrion nesiotes) and Pacific Hawaiian Damselfly (M. pacificum) Throughout Their Ranges

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the reopening of the public comment period on our July 8, 2009, proposal to list two species of Hawaiian damselflies, the flying earwig Hawaiian damselfly (*Megalagrion nesiotes*) and the Pacific Hawaiian damselfly (*M. pacificum*), as endangered under the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*).

DATES: The comment period for the proposed rule published July 8, 2009 (74 FR 32490) is reopened. To allow us adequate time to consider and incorporate submitted information into our review, we request that we receive information on or before December 21, 2009.

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

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *U.S. mail or hand-delivery:* Public Comments Processing, Attn: FWS–R1–ES–2009–0036, Division of Policy and Directives Management, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Suite 222, Arlington, VA 22203.

We will post all comments on *http://www.regulations.gov*. This generally means that we will post any personal information you provide us (see the Public Comments section below for more information).

FOR FURTHER INFORMATION CONTACT: Loyal Mehrhoff, Field Supervisor, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Box 50088, Honolulu, HI 96850; telephone 808–792–9400; facsimile 808–792–9581. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Public Comments

We reopen the public comment period on our July 8, 2009, proposal (74 FR 32490) to list two species of Hawaiian damselflies: the flying earwig Hawaiian damselfly and the Pacific Hawaiian damselfly, as endangered under the Act (16 U.S.C. 1531 *et seq.*). Some peer review comments have already been received during the initial comment period on the proposal and may be found at *http://www.regulations.gov*. In order to allow for additional peer review, we are reopening the comment period for an additional 30 days. Comments previously received on this proposal need not be resubmitted, as they are already incorporated in the public record and will be fully considered in

the final determination. We request information from the public, other concerned governmental agencies, the scientific community, industry, or any other interested parties concerning the status of these species. We are seeking information regarding:

(1) Biological, commercial trade, or other relevant data concerning threats (or lack thereof) to these species and regulations that may be addressing those threats;

(2) Additional information concerning the range, distribution, and population sizes of these species, including the locations of any additional populations of these species;

(3) Any information on the biological or ecological requirements of these species;

(4) Current or planned activities in the areas occupied by these species and their possible impacts on these species;

(5) Which physical and biological factors are essential to the conservation of each species and whether those features may require special management considerations or protections;

(6) Which specific areas are essential to the conservation of each species; and

(7) The reasons why any areas should or should not be designated as critical habitat as provided by section 4 of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*), including whether the benefits of designation would outweigh the threats to the species that designation could cause, such that the designation of critical habitat is prudent.

Please note that submissions merely stating support for or opposition to the action under consideration without providing supporting information, although noted, will not be considered in making a determination, as section 4(b)(1)(A) of the Act directs that determinations as to whether any species is a threatened or endangered species must be made ''solely on the basis of the best scientific and commercial data available.'' Information previously submitted need not be resubmitted as it has already been incorporated into the public record and will be fully considered.

You may submit your comments and materials by one of the methods listed in the **ADDRESSES** section.

If you submit a comment via *http://www.regulations.gov*, your entire submission—including any personal identifying information—will be posted on the Web site. If your submission is made via a hard copy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee we will be able to do so. We will post all hard copy comments on *http://www.regulations.gov*. Please include sufficient information with your comments to allow us to verify any scientific or commercial information you include.

Comments and materials we receive, as well as supporting documentation used to prepare this notice, will be available for public inspection at *http://www.regulations.gov*, or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office (see the **FOR FURTHER INFORMATION CONTACT** section).

Background

On July 8, 2009, we published a proposed rule to list two species of Hawaiian damselflies: the flying earwig Hawaiian damselfly and the Pacific Hawaiian damselfly, as endangered under the Act (74 FR 32490). We determined that critical habitat for these two Hawaiian damselflies is prudent but not determinable at this time.

We are reopening the public comment period on this proposed rule in response to a request from the public to provide time for the compilation and submission of additional information relevant to the threat factors affecting these two Hawaiian damselflies. This proposal, if made final, would extend the Act's protection to these species. The Service seeks data and comments from the public on our proposed rule. In order to allow for the public to review these comments and have an opportunity to comment, we are reopening the public comment period for 30 days.

The flying earwig Hawaiian damselfly and the Pacific Hawaiian damselfly are unique insects found only in Hawaii and nowhere else in the world. Historically found on the islands of Hawai'i and Maui, the flying earwig Hawaiian damselfly has not been seen on the island of Hawai'i for over 80 years. Currently, the species is known only from one location on Maui. The primary threats to the flying earwig Hawaiian damselfly are: habitat loss and degradation due to agriculture and urban development, stream modifications, feral pigs, and nonnative plants; natural catastrophes such as hurricanes and landslides; predation by nonnative insects and bullfrogs; and the demographic and genetic consequences of small population size.

The Pacific Hawaiian damselfly was historically found on all of the main Hawaiian Islands except Kaho'olawe and Ni'ihau. This species is found at lower elevations and breeds predominantly in standing water such as marshes, ponds, and pools along stream channels. Currently, the Pacific Hawaiian damselfly is known only from the islands of Hawai'i, Maui and Moloka'i. The primary threats to the Pacific Hawaiian damselfly are: habitat loss and modification by agriculture and urban development, stream modifications, and nonnative plants; natural catastrophes such as hurricanes, drought, and landslides; and predation by nonnative fish, insects, and bullfrogs.

We are seeking public comment on our proposal to list the flying earwig Hawaiian damselfly and the Pacific Hawaiian damselfly as endangered. If we finalize this rule as proposed, it would extend the Act's protections to these species.

References Cited

A complete list of all references cited in the proposed rule is available on the Internet at *http://www.regulations.gov* or by contacting the Pacific Islands Fish and Wildlife Office (see the **FOR FURTHER INFORMATION CONTACT** section).

Authors

The primary authors of this notice are the staff members of the Pacific Islands Fish and Wildlife Office.

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: November 10, 2009.

Gary Frazer,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. E9–27797 Filed 11–18–09; 8:45 am]

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