ENVIRONMENTAL PROTECTION AGENCY

[FRL–9153–6]

Draft Transportation Conformity Guidance for Quantitative Hot-spot Analyses in $PM_{2.5}$ and PM_{10} Nonattainment and Maintenance Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability; Request for Public Comment.

SUMMARY: EPA is announcing the availability of a draft transportation conformity guidance document for public comment. Once finalized, this guidance would help state and local agencies complete quantitative $PM_{2.5}$ and PM_{10} hot-spot analyses for project-level transportation conformity determinations of certain highway and transit projects. A hot-spot analysis includes an estimation of project-level emissions, air quality modeling, and a comparison to the relevant national ambient air quality standards (NAAQS) in $PM_{2.5}$ and PM_{10} nonattainment and maintenance areas. The U.S. Department of Transportation (DOT) is EPA's federal partner in implementing the transportation conformity regulation, and EPA coordinated with DOT on the development of this draft guidance.

DATES: Comments must be received on or before July 19, 2010.

ADDRESSES: Interested persons may obtain a copy of the draft guidance from EPA's Office of Transportation and Air Quality Web site at: *http://www.epa.gov/otaq/stateresources/transconf/olicy.htm*

EPA will accept comments as follows:

E-mail: Comments can be sent electronically to the following e-mail address: *PMhotspot-comments@epa.gov*

Mail: Comments sent by mail should be addressed to Meg Patulski, State Measures and Conformity Group, Transportation and Regional Programs Division, U.S. Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105.

Fax: Comments can also be faxed to the attention of Meg Patulski at (734) 214–4052.

FOR FURTHER INFORMATION CONTACT: Meg Patulski, State Measures and Conformity Group, Transportation and Regional Programs Division, U.S. Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105, *e-mail address: patulski.meg@epa.gov, telephone number:* (734) 214–4842, *fax number:* (734) 214–4052.

SUPPLEMENTARY INFORMATION: The contents of this notice are listed in the following outline:

I. What Is Transportation Conformity?
II. Background on the Draft Guidance
III. What Is in the Draft Guidance?
IV. Request for Comments

I. What Is Transportation Conformity?

Transportation conformity is required under Clean Air Act (CAA) section 176(c) (42 U.S.C. 7506(c)) to ensure that transportation plans, transportation improvement programs (TIPs) and federally supported highway and transit projects are consistent with ("conform to") the purpose of the state air quality implementation plan (SIP). Conformity to the purpose of the SIP means that transportation activities will not cause or contribute to new air quality violations, worsen existing violations, or delay timely attainment of the relevant national ambient air quality standard(s) (NAAQS) or any interim milestones. Transportation conformity applies to areas that are designated nonattainment and those areas redesignated to attainment after 1990 ("maintenance areas") for transportation-related criteria pollutants: Carbon monoxide (CO), ozone, nitrogen dioxide (NO_2) and particulate matter ($PM_{2.5}$ and PM_{10}).[1]

EPA's transportation conformity rule (40 CFR Parts 51 and 93) establishes the criteria and procedures for determining whether transportation activities conform to the SIP. EPA first promulgated the transportation conformity rule on November 24, 1993 (58 FR 62188) and has subsequently published several amendments.

II. Background on the Draft Guidance

The conformity rule includes a specific requirement that certain transportation projects be analyzed for local air quality impacts (a "hot-spot" analysis), in addition to other conformity requirements. In its March 10, 2006 final rule (71 FR 12468), EPA stated that quantitative $PM_{2.5}$ and PM_{10} hot-spot analyses would not be required until EPA releases hot-spot modeling guidance and an appropriate motor vehicle emissions model is available to conduct such hot-spot analyses.[2] For projects where a hot-spot analysis is required, the conformity rule requires a *qualitative* PM hot-spot analysis until EPA releases guidance on how to conduct *quantitative* PM hot-spot analyses and announces in the **Federal Register** that these requirements are in effect (40 CFR 93.123(b)). In addition, today's draft PM hot-spot modeling guidance is being released for public comment to comply with EPA's obligations under a settlement agreement.[3]

In keeping with the commitment EPA made in its March 2006 final rule (71 FR 12502), this draft guidance was developed in coordination with DOT (Federal Highway Administration and Federal Transit Administration) and with several transportation conformity stakeholder groups. In addition, EPA also worked with the California Air Resources Board (CARB) and the California Department of Transportation (Caltrans) to develop the portions of the guidance relating to the use of CARB's EMFAC2007 model in California.

III. What Is in the Draft Guidance?

The draft PM hot-spot modeling guidance describes conformity requirements for quantitative PM hot-spot analyses; provides technical guidance on estimating project emissions using EPA's MOVES2010 model, California's EMFAC2007 model, and other methods; and outlines how to apply air quality dispersion models for quantitative PM hot-spot analyses. The draft guidance also discusses how to calculate design values for comparison to each PM NAAQS, as well as how to determine which air quality modeling receptors may or may not be appropriate for PM hot-spot analyses.[4] The draft guidance also describes how the interagency consultation process should be used to develop quantitative hot-spot analyses in $PM_{2.5}$ and PM_{10} nonattainment and maintenance areas. In addition, the draft guidance includes other resources and examples to assist in conducting quantitative PM hot-spot modeling analyses. However, the draft

[1] 40 CFR 93.102(b)(1) defines $PM_{2.5}$ and PM_{10} as particles with an aerodynamic diameter less than or equal to a nominal 2.5 and 10 micrometers, respectively.

[2] EPA's new motor vehicle emissions model, MOVES2010, was released in December 2009 and is capable of performing project-level emissions analyses from on-road sources. MOVES2010 will be approved for use in quantitative PM hot-spot analyses in areas outside of California when this draft guidance is finalized.

[3] In May 2006, the Environmental Defense Fund, Natural Resources Defense Council, and Sierra Club challenged the March 2006 final rule (*Environmental Defense et al.* v. *Environmental Protection Agency,* No. 06–1164 (DC Cir.)). On May 19, 2007, petitioners and EPA entered into a settlement agreement in which EPA agreed to publish a **Federal Register** notice announcing the availability of the draft guidance for public comment for a period of at least 30 days.

[4] EPA stated in the March 2006 final rule that the PM hot-spot modeling guidance would "consider how projects of air quality concern are predicted to impact air quality at existing and potential $PM_{2.5}$ monitor locations which are appropriate to allow the comparison of predicted $PM_{2.5}$ concentrations to the current $PM_{2.5}$ standards, based on $PM_{2.5}$ monitor siting requirements (40 CFR Part 58)." (71 FR 12471)

guidance does not change transportation conformity rule requirements for hot-spot analyses, such as what types of projects are subject to hot-spot analyses. EPA notes that the guidance, once finalized, would help implement existing requirements in the CAA and conformity rule and is not a regulation.

IV. Request for Comments

EPA is seeking comment on all aspects of the draft PM hot-spot modeling guidance. In particular, EPA is seeking comments on the following:

(1) Does the draft guidance provide sufficient information on how to configure and run MOVES2010 and EMFAC2007 at the project level?

(2) Do the air quality modeling sections of the draft guidance and references to other existing documents provide sufficient detail for air quality modelers to conduct PM hot-spot analyses using AERMOD or CAL3QHCR?

(3) Is there sufficient information in the draft guidance to calculate design values and determine appropriate receptors? If not, what additional information is necessary?

(4) Are there issues that the draft guidance does not address that should be addressed in the final guidance or in other EPA efforts?

(5) What types of outreach, training, and other technical assistance would be helpful in implementing the final guidance?

EPA encourages those submitting comments to provide specific details and/or examples wherever possible.

Dated: May 17, 2010.

Margo Tsirigotis Oge,

Director, Office of Transportation and Air Quality.

[FR Doc. 2010–12607 Filed 5–25–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2010–0001; FRL–8825–1]

SFIREG Full Committee; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Association of American Pesticide Control Officials (AAPCO)/ State FIFRA Issues Research and Evaluation Group (SFIREG) Full Committee will hold a 2–day meeting, beginning on June 21, 2010 and ending June 22, 2010. This notice announces the location and times for the meeting and sets forth the tentative agenda topics.

DATES: The meeting will be held on Monday, June 21, 2010 from 8:30 a.m. to 5 p.m. and 8:30 a.m to 12 noon on Tuesday, June 22, 2010.

To request accommodation of a disability, please contact the person listed under **FOR FURTHER INFORMATON CONTACT**, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

ADDRESSES: The meeting will be held at EPA. One Potomac Yard (South Bldg.) 2777 Crystal Dr., Arlington VA. 1st Floor South Conference Room.

FOR FURTHER INFORMATION CONTACT: Ron Kendall, Field and External Affairs Division (7506P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–5561 fax number: (703) 308–1850; e-mail address: *kendall.ron@epa.gov*, or Grier Stayton, SFIREG Executive Secretary, P.O. Box 466, Milford DE 19963; telephone number: (302) 422–8152; fax (302) 422–2435; e-mail address: *aapco-sfireg@comcast.net.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are interested in SFIREG information exchange relationship with EPA regarding important issues related to human health, environmental exposure to pesticides, and insight into EPA's decision-making process. You are invited and encouraged to attend the meetings and participate as appropriate. Potentially affected entities may include, but are not limited to:

Those persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug and Cosmetics Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket.* EPA has established a docket for this action under docket ID number EPA–HQ–OPP–2010–0001. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at *http://www.epa.gov/fedrgstr.*

II. Background

1. Regional Report Questions and Discussion - Issue Paper Introduction.
2. EQI and POM WC Reports.
3. ASPCRO Issues Update.
4. AAPSE Issues Update.
5. TPPC Issues Update.
6. PPDC Update.
7. Drift PR Notice.
8. Lab Directors PREP Report.
9. NPDES Status/Update.
10. Soil Fumigant Update/Label Review.
11. DfE Criteria/Survey for success.
12. Label Directions - Applicator Interpretation.
13. OECA/OPP Updates.
14. EPA Product Label Quality Assurance Update.
15. Issue Papers - Reg 10 Communication - Case Referrals and Product Quality Issues, status updates.

III. How Can I Request to Participate in this Meeting?

This meeting is open for the public to attend. You may attend the meeting without further notification.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: May 10, 2010.

William R. Diamond,

Director, Field and External Affairs Division, Office of Pesticide Programs.

[FR Doc. 2010–12270 Filed 5–25–10; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2010–0178; FRL–8828–2]

Spirotetramat; Receipt of Application for Emergency Exemption and Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a specific exemption request from the Nevada Department of Agriculture to use the pesticide spirotetramat (CAS No.