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**SUPPLEMENTARY INFORMATION:**

**Outline**

1. What is today's action?
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3. Where can I get the information?
4. What is EPA taking comment on and what supporting documentation do I need to include in my comments?
5. What should I consider as I prepare my comments for EPA?

**1. What is today's action?**

This notice of data availability (NODA) makes available to the public a human health effects review of R-744 (CO<sub>2</sub>) that EPA will consider as it moves forward to address its proposed "acceptable subject to use conditions" listing for R-744 in MVACs. In the proposed rule (71 FR 55140), EPA noted that a maximum CO<sub>2</sub> concentration never to be exceeded ("ceiling limit") in the space where people breathe ("breathing zone") may be needed in addition to the proposed CO<sub>2</sub> exposure limit of 3.0% by volume averaged over 15 minutes. A breathing zone ceiling limit may provide additional assurance regarding vehicle driver alertness. EPA subsequently hired a contractor to examine the human health effects of elevated CO<sub>2</sub> concentrations within the confined space of a vehicle passenger compartment. Today we are making available for comment the contractor-authored memo on ceiling limits for R-744 in the passenger compartment space of a motor vehicle. This memo reflects the latest information on short-term exposure to R-744 in an enclosed space.

In 2006, EPA proposed to amend the acceptability of R-744 to include the use condition that MVAC systems must be designed to avoid occupant exposure to concentrations above the CO<sub>2</sub> short-term exposure limit of 3% averaged over 15 minutes. In the proposal, EPA also suggested including a ceiling limit within the 3% average limit. Based on the analysis in the contractor-author memo made available today, EPA is considering a ceiling limit of 4% R-744, or 40,000 parts per million (ppm). This ceiling limit could not be exceeded for any duration inside the passenger compartment.

In addition, during the public comment period, one commenter suggested that the proposed use conditions should be clarified to address whether the same standard

applies or whether a requirement even applies when the motor vehicle ignition is off.

**2. What information is EPA making available for review and comment?**

EPA is making available, for review and comment, a contractor-authored memo on the toxicological impacts of short-term exposure to CO<sub>2</sub> in the confined space of a vehicle passenger compartment, "Review of Health Impacts from Short-Term Carbon Dioxide Inhalation Exposures," as well as the papers cited in the memo. This memo provides information concerning a ceiling limit for the passenger compartment of vehicles using R-744 in MVAC systems. In addition, the public comment concerning application of the proposed use conditions when the ignition is off is available in the public docket as item EPA-HQ-OAR-2004-0488-35.1.

**3. Where can I get the information?**

All of the information can be obtained through the Air Docket and at <http://www.regulations.gov> (see ADDRESSES section above for docket contact information).

**4. What is EPA taking comment on and what supporting documentation do I need to include in my comments?**

*EPA is only accepting comment on two topics:*

1. Whether EPA should include a ceiling limit of 4% R-744, or 40,000 ppm, in the final rule on the use of R-744 in new MVAC systems, in addition to the short-term exposure limit of 3% averaged over 15 minutes, and
2. Whether the proposed use conditions on R-744 in new MVAC systems should apply when the ignition is off.

Commenters may provide any published studies or supporting statements. At this time, EPA is not requesting comments of a general or editorial nature. EPA is not accepting comments more generally on the proposed listing of R-744 as acceptable with use conditions. Interested readers are directed to 71 FR 55140 for additional information regarding EPA's proposed listing of R-744 as acceptable with use conditions in the MVAC sector.

**5. What should I consider as I prepare my comments for EPA?**

*You may find the following suggestions helpful for preparing your comments:*

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide any technical information or data you used that support your views.

4. Provide specific examples to illustrate your concerns.

5. Make sure to submit your comments by the comment period deadline identified.

6. To ensure proper receipt by EPA, identify the appropriate docket identification number in the subject line on the first page of your response. It would also be helpful if you provided the name, date, and Federal Register citation related to your comments.

**List of Subjects in 40 CFR Part 82**

Environmental protection, Administrative practice and procedure, Air pollution control, Reporting and recordkeeping requirements.

Dated: August 14, 2009.

**Brian J. McLean,**

*Director, Office of Atmospheric Programs.*

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[DA 09-2026; MB Docket No. 09-162; RM-11559]

**Television Broadcasting Services; Opelika, AL**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission has before it a petition for rulemaking filed by Pappas Telecasting of Opelika, L.P. ("Pappas"), licensee of station WLGA(TV), channel 47, Opelika, Alabama. Pappas requests the substitution of channel 30 for its allotted post-transition channel 47 at Opelika and to make related changes to its technical parameters.

**DATES:** Comments must be filed on or before October 2, 2009, and reply comments on or before October 13, 2009.

**ADDRESSES:** Federal Communications Commission, Office of the Secretary, 445 12th Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for petitioner as follows: Lee G. Petro, Esq., Fletcher, Heald & Hildreth, PLC, 1300 North 17th Street, 11th Floor, Arlington, Virginia 22209.

**FOR FURTHER INFORMATION CONTACT:**

David J. Brown, *david.brown@fcc.gov*,  
Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 09-162, adopted September 2, 2009, and released September 9, 2009. The full text of this document is available for public inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 12th Street, SW., Washington, DC 20554. This document will also be available via ECFS (<http://www.fcc.gov/cgb/ecfs/>). (Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) This document may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 1-800-478-3160 or via e-mail <http://www.BCPIWEB.com>. To request this document in accessible formats (computer diskettes, large print, audio recording, and Braille), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Commission's Consumer and

Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4).

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. *See* 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, *see* 47 CFR 1.415 and 1.420.

**List of Subjects in 47 CFR Part 73**

Television, Television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

**PART 73—RADIO BROADCAST SERVICES**

1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

**§ 73.622 [Amended]**

2. Section 73.622(i), the Post-Transition Table of DTV Allotments Under Alabama, is amended by adding DTV channel 30 and removing DTV channel 47 at Opelika.

Federal Communications Commission.

**Clay C. Pendarvis,**

*Associate Chief, Video Division, Media Bureau.*

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