

State citation	Title/subject	State effective date	EPA approval date	Additional explanation/ § 52.2063 citation
Title 25—Environmental Protection Article III—Air Resources Chapter 121—General Provisions Section 121.1 .....	Definitions .....	12/18/10	6/2/11 [Insert page number where the document begins].	Eighteen new definitions are added.
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Chapter 129—Standards for Sources Sources of VOCs				
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Section 129.51 .....	General .....	12/18/10	6/2/11 [Insert page number where the document begins].	Paragraph 129.51(a) is amended.
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Section 129.52c .....	Control of VOC emissions from flat wood paneling surface coating processes.	12/18/10	6/2/11 [Insert page number where the document begins].	New section is added.
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Section 129.66 .....	Compliance schedules and final compliance dates.	12/18/10	6/2/11 [Insert page number where the document begins].	This section is amended.
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[FR Doc. 2011-13267 Filed 6-1-11; 8:45 am]  
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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R04-OAR-2011-0055-201136; FRL-9313-8]

**Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Georgia: Macon; Determination of Attaining Data for the 1997 Annual Fine Particulate Standard**

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

**ACTION:** Final rule.

**SUMMARY:** EPA has determined that the Macon, Georgia, fine particulate (PM<sub>2.5</sub>) nonattainment area (hereafter referred to as “the Macon Area” or “Area”) has attained the 1997 annual average PM<sub>2.5</sub> national ambient air quality standard (NAAQS). The Macon Area is comprised of Bibb County in its entirety and a portion of Monroe County. This determination of attainment is based upon complete, quality-assured and

certified ambient air monitoring data for the 2007–2009 period showing that the Area has monitored attainment of the 1997 annual PM<sub>2.5</sub> NAAQS. The requirements for the Area 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 Plan (SIP) revisions related to attainment of the standard shall be suspended so long as the Area continues to attain the 1997 annual PM<sub>2.5</sub> NAAQS.

**DATES:** *Effective Date:* This final rule is effective on July 5, 2011.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA-R04-OAR-2011-0055. All documents in the docket are listed in the <http://www.regulations.gov> Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (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 through

<http://www.regulations.gov> or in hard copy for public inspection during normal business hours 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.

**FOR FURTHER INFORMATION CONTACT:** Joel Huey or Sara Waterson, 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](mailto:huey.joel@epa.gov). Ms. Waterson may be reached by phone at (404) 562-9061 or via electronic mail at [waterson.sara@epa.gov](mailto:waterson.sara@epa.gov).

**SUPPLEMENTARY INFORMATION:**

- I. What action is EPA taking?
- II. What is the effect of this action?
- III. What is EPA’s final action?
- IV. Statutory and Executive Order Reviews

**I. What action is EPA taking?**

EPA is determining that the Macon Area (comprised of Bibb County in its entirety and a portion of Monroe

County) has attaining data for the 1997 annual PM<sub>2.5</sub> NAAQS. This determination is based upon quality assured, quality controlled and certified ambient air monitoring data that shows the Area has monitored attainment of the 1997 annual PM<sub>2.5</sub> NAAQS based on the 2007–2009 data.

Other specific requirements of the determination and the rationale for EPA's action are explained in the notice of proposed rulemaking (NPR) published on March 22, 2011 (76 FR 15892). For summary purposes, the Macon-Allied Chemical monitor (13–021–0007) did not meet 75 percent completeness for the first quarter of 2008 and the Macon SE monitor (13–021–0012) did not meet 75 percent completeness for the second and fourth quarters of 2008 and third quarter of 2009. The 3-year average annual concentrations for 2007–2009 without data substitution are 13.7 µg/m<sup>3</sup> for Macon Allied and 12.0 µg/m<sup>3</sup> for Macon SE. The 3-year average annual concentrations for 2007–2009 on this table with data substitution are 14.9 µg/m<sup>3</sup> for Macon Allied and 13.3 µg/m<sup>3</sup> for Macon SE. EPA proposed that the Macon Area is meeting the 1997 annual PM<sub>2.5</sub> NAAQS both with and without data substitution and is now meeting the 1997 annual PM<sub>2.5</sub> NAAQS. The design value without data substitution, 13.3 µg/m<sup>3</sup>, is considered to be the official design value. The comment period closed on April 21, 2011. No comments were received in response to the NPR.

## II. What is the effect of this action?

This final action, in accordance with 40 CFR 51.1004(c), suspends the requirements for this Area to submit attainment demonstrations, associated RACM, RFP plans, contingency measures, and other planning SIPs related to attainment of the 1997 annual PM<sub>2.5</sub> NAAQS as long as this Area continues to meet the 1997 annual PM<sub>2.5</sub> NAAQS. Finalizing this action does not constitute a redesignation of the Macon Area to attainment for the 1997 annual PM<sub>2.5</sub> NAAQS under section 107(d)(3) of the Clean Air Act (CAA). Further, finalizing this action does not involve approving maintenance plans for the Area as required under section 175A of the CAA, nor does it involve a determination that the Area has met all requirements for a redesignation.

## III. What is EPA's final action?

EPA is determining that the Macon Area has attaining data for the 1997 annual PM<sub>2.5</sub> NAAQS. This determination is based upon quality assured, quality controlled, and certified

ambient air monitoring data showing that this Area has monitored attainment of the 1997 annual PM<sub>2.5</sub> NAAQS during the period 2007–2009. This final action, in accordance with 40 CFR 51.1004(c), will suspend the requirements for this Area to submit attainment demonstrations, associated RACM, RFP plans, contingency measures, and other planning SIPs related to attainment of the 1997 annual PM<sub>2.5</sub> NAAQS as long as the Area continues to meet the 1997 annual PM<sub>2.5</sub> NAAQS. EPA is taking this final action because it is in accordance with the CAA and EPA policy and guidance.

## IV. Statutory and Executive Order Reviews

This action makes a determination of attainment based on air quality, and will result in the suspension of certain Federal requirements, and it will not impose additional requirements beyond those imposed by state law. For that reason, this 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 1997 PM<sub>2.5</sub> clean NAAQS data determination for the Macon Area 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.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 1, 2011. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2)).

## List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter.

Dated: May 19, 2011.

**Gwendolyn Keyes Fleming,**  
Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

## PART 52—[AMENDED]

- 1. The authority citation for part 52 continues to read as follows:

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

## Subpart L—Georgia

- 2. Section 52.578 is amended by adding paragraph (c) to read as follows:

**§ 52.578 Control Strategy: Sulfur oxides and particulate matter.**

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(c) *Determination of Attaining Data.* EPA has determined, as of June 2, 2011, the Macon, Georgia, nonattainment area has attaining data for the 1997 annual PM<sub>2.5</sub> NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 1997 annual PM<sub>2.5</sub> NAAQS.

[FR Doc. 2011-13567 Filed 6-1-11; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

**49 CFR Part 572**

[Docket No. NHTSA-2010-0146]

RIN 2127-AK64

**Anthropomorphic Test Devices; Hybrid III Test Dummy, ES-2re Side Impact Crash Test Dummy**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Final rule.

**SUMMARY:** This document corrects or makes minor changes to some of the drawings incorporated by reference into NHTSA regulations by a final rule published on June 16, 2008, concerning a 50th percentile adult male side crash test dummy called the “ES-2re” test dummy. The corrections and adjustments to the drawings respond to requests from test dummy manufacturers First Technology Safety Systems (FTSS) and Denton ATD (Denton). This final rule also corrects dimensional errors in a figure which depicts the pendulum used in the neck qualification tests of several of the crash test dummies, including the Hybrid III and ES-2re test dummies.

**DATES:** The effective date of this final rule is November 29, 2011. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 29, 2011.

*Petitions for reconsideration:* Petitions for reconsideration of this final rule must be received not later than July 18, 2011.

**ADDRESSES:** Petitions for reconsideration of this final rule must refer to the docket and notice number set forth above and be submitted to the Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. (A copy of the petition will be placed in the docket.)

*Privacy Act:* Anyone is able to search the electronic form of all submissions 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.). A copy of the petition will be placed in the docket. You may review DOT’s complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

**FOR FURTHER INFORMATION CONTACT:** For non-legal issues, you may call Peter Martin, NHTSA Office of Crashworthiness Standards (telephone 202-366-5668) (fax 202-493-2990). For legal issues, you may call Deirdre Fujita, NHTSA Office of Chief Counsel (telephone 202-366-2992) (fax 202-366-3820). The mailing address for these officials is the National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

NHTSA published a final rule on June 16, 2008 (73 FR 33903, Docket No. NHTSA-08-0111) that responded to various petitions for reconsideration of a previous final rule<sup>1</sup> incorporating a mid-size adult male crash test dummy, called the “ES-2re” test dummy, into 49 CFR part 572, Subpart U. The ES-2re is used in an upgraded Federal Motor Vehicle Safety Standard No. 214, “Side impact protection,” and in the agency’s New Car Assessment Program. The June 16, 2008 final rule incorporated by reference a drawing package, parts list, and user’s manual, all dated February 2008.

After publication of the June 16, 2008 final rule, NHTSA received requests from dummy manufacturers FTSS and Denton to correct errors in or make minor changes to the ES-2re drawing package. Many of these requested changes were wholly corrective, while others, although minor, were more substantive and notice of such changes appeared beneficial. Rather than respond to the requested changes

piecemeal, the agency decided to address all the requested changes in a rulemaking proceeding that commenced with a notice of proposed rulemaking (NPRM) published February 5, 2010 (75 FR 5931; Docket No. NHTSA-2009-0194).

The February 5, 2010 NPRM provided a detailed discussion of the proposed changes to the ES-2re drawing package and parts list. In addition, the NPRM proposed to clarify the inclusion of load sensors and to correct dimensional errors in Figure 22 of 49 CFR part 572, which is a figure illustrating the pendulum used in the neck qualification test for the ES-2re and other adult crash test dummies (e.g., the Hybrid III 50th percentile adult male).

NHTSA received no comments on the NPRM. We are adopting the changes proposed in the NPRM for the reasons discussed in that document.

**II. Changes in Response to FTSS**

NHTSA is making the following changes to the drawing package and parts list for the ES-2re dummy in response to FTSS. In the NPRM, NHTSA provided a detailed discussion of the changes requested by FTSS and our rationale underlying our tentative decision to grant or deny each request. In this final rule, the agency is adopting these amendments for the reasons discussed in the NPRM.

1. Drawing 175-1011, Top Plate UNLC Blank. NHTSA is removing the Ø symbol from the dimensions MØ5.0, MØ6.0, MØ6, and MØ2.5.

2. Drawing 175-3502, Pivot Stop Plate, Left. Note #4 is fixed by replacing RH with LH.

3. Drawing 175-6006, Pubic Symphysis Structural Replacement. The Part Mark located at the center of the part is removed from the drawing.

4. Drawing 175-6012, Hip Pivot Pin. Dimension “16.994 +0.000/– 0.011” is changed to “16.990 +0.000/– 0.011.”

5. Drawing 175-6010, Iliac Wing Assembly, Left. Drawing dimension “17.0556” is changed to (17), a reference dimension. Dimension “R0.5” is added. Dimension “Ø20.03 ± 0.05” is changed to “Ø20.05 ± 0.05.” The material reference block is amended to specify the material to be “PU Resin” (polyurethane).

6. Drawing 175-6063, Femur Bearing Plate, Left. The “48.3000 ± 0.0001” dimension is changed to “48.3.” The 17.5000 dimension for hole depth in zone C-2 is changed to (17.5) to indicate a reference. Zone D-1 is amended by eliminating an extra “R” in the R23.5 dimension.

7. Drawing 175-6068, Femur Bearing Plate, Right. We are removing the

<sup>1</sup> That final rule adopting the ES-2re into 49 CFR part 572 was published December 14, 2006 (71 FR 75303, Docket No. NHTSA-04-25441).