

(5) Are not married or joined in a civil union to anyone else;

(6) Are not the domestic partner of anyone else;

(7) Are not related in a way that, if they were of opposite sex, would prohibit legal marriage in the U.S. jurisdiction in which the domestic partnership was formed;

(8) Are willing to certify, if required by the agency, that they understand that willful falsification of any documentation required to establish that an individual is in a domestic partnership may lead to disciplinary action and the recovery of the cost of benefits received related to such falsification, as well as constitute a criminal violation under 18 U.S.C. 1001, and that the method for securing such certification, if required, will be determined by the agency; and

(9) Are willing promptly to disclose, if required by the agency, any dissolution or material change in the status of the domestic partnership.

*Employee* means an employee as defined in section 2105 of title 5, United States Code.

*Executive agency* means an Executive agency as defined in 5 U.S.C. 105 but does not include the Government Accountability Office.

*Federally-sponsored child care center* means a child care center located in a building or space that is owned or leased by the Federal Government.

*OPM* means the U.S. Office of Personnel Management.

#### **§ 792.203 Child care subsidy programs; eligibility.**

(a)(1) An Executive agency may establish a child care subsidy program in which the agency uses appropriated funds, in accordance with this subpart, to assist lower-income employees of the agency with their child care costs. The assistance may be provided for both full-time and part-time child care, and may include before-and-after-school programs and daytime summer programs.

(2) Two or more agencies may pool their funds to establish a child care subsidy program for the benefit of employees who are served by a Federally-sponsored child care center in a multi-tenant facility.

(3)(i) Except as provided under paragraph (a)(3)(ii) of this section, an agency may impose restrictions on the use of appropriated funds for its child care subsidy program based on consideration of employees' needs, its own staffing needs, the local availability of child care, and other factors as determined by the agency. For example,

an agency may decide to restrict eligibility for subsidies to—

(I) Full-time permanent employees;

(II) Employees using an agency on-site child care center;

(III) Employees using full-time child care; or

(IV) Employees using child care in specific locations.

(ii) An agency may not limit the payment of subsidies to only accredited child care providers.

(b) Subject to any restrictions applicable under paragraph (a)(3)(i) of this section, an employee who qualifies as a lower-income employee under the agency's child care subsidy program is eligible to receive a child care subsidy for the care of each child under age 13 or, in the case of a disabled child, under age 18.

#### **§ 792.204 Agency responsibilities; reporting requirement.**

(a) Before funds may be obligated as provided in this subpart, an agency intending to initiate a child care subsidy program must provide notice to the Subcommittees on Financial Services and General Government of the House and Senate Appropriations Committees, as well as to OPM.

(b) Agencies must notify the committees referred to in paragraph (a) of this section and OPM annually of their intention to provide child care subsidies. Funds may be obligated immediately after the notifications have been made.

(c) Agencies are responsible for tracking the utilization of their funds and reporting the results to OPM in a manner prescribed by OPM.

(d) OPM will produce a biannual report on agencies' use of the authority to pay child care subsidies; however, OPM will collect annual data from the agencies.

#### **§ 792.205 Administration of child care subsidy programs.**

(a) An agency may administer its child care subsidy program directly or by contract with another entity, using procedures prescribed under the Federal Acquisition Regulations. Regardless of what entity administers the program, the Federal agency is responsible for establishing how eligibility and subsidy amounts will be determined.

(b) An agency contract must specify that any unexpended funds will be returned to the agency after the contract is completed.

#### **§ 792.206 Payment of subsidies.**

(a) Payment of child care subsidies must be made directly to child care providers, unless one of the following exceptions applies:

(1) In overseas locations, the agency may pay the employee if the provider deals only in foreign currency.

(2) In unique circumstances, an agency may obtain written permission from OPM to pay the employee directly.

(b) An agency may make advance payments to a child care provider in certain circumstances, such as when the provider requires payment up to one month in advance of rendering services. An agency may not make advance payments for more than one month before the employee receives child care services except where an agency has contracted with another entity to administer the child care subsidy program, in which case the agency may advance payments to the entity administering the program as long as the requirements in § 792.205(b) are met.

[FR Doc. 2011-18976 Filed 7-27-11; 8:45 am]

BILLING CODE 6325-39-P

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

[Docket No. FAA-2009-0555; Directorate Identifier 2009-NE-18-AD]

#### **Airworthiness Directives; Honeywell International Inc. TPE331-10 and TPE331-11 Series Turboprop Engines**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** This action withdraws a notice of proposed rulemaking (NPRM) that proposed an airworthiness directive (AD) superseding, applicable to Honeywell International Inc. TPE331-10 and TPE331-11 series turboprop engines. That action would have required adding 360 first stage turbine disk serial numbers (S/Ns) to the applicability. Since we issued that NPRM, we decided not to supersede AD 2009-17-05, but instead to issue a new NPRM for those additional 360 parts. Accordingly, we withdraw the proposed rule.

#### **FOR FURTHER INFORMATION CONTACT:**

Joseph Costa, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712-4137; phone: 562-627-5246; fax: 562-627-5210; e-mail: joseph.costa@faa.gov.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add a new airworthiness directive (AD),

applicable to Honeywell International Inc. TPE331-10 and TPE331-11 series turboprop engines, was published in the **Federal Register** on June 22, 2010 (75 FR 35354). The proposed rule would have added 360 S/Ns to the applicability of AD 2009-17-05. The proposed actions were intended to prevent uncontained failure of the first stage turbine disk and damage to the airplane.

Since we issued that NPRM, we decided not to supersede AD 2009-17-05, as doing so would require us to bring forward the effectivity dates for removal or inspection of the suspect turbine disks listed in the AD. Instead, we are planning to issue a new NPRM that will address the additional 360 turbine disk S/Ns requiring inspection or removal.

Since this action only withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rule and therefore, is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Withdrawal

Accordingly, the notice of proposed rulemaking, Docket No. FAA-2009-0555, published in the **Federal Register** on June 22, 2010 (75 FR 35354), is withdrawn.

Issued in Burlington, Massachusetts, on July 22, 2011.

**Peter A. White,**

*Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 2011-19048 Filed 7-27-11; 8:45 am]

BILLING CODE 4910-13-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R09-OAR-2011-0571; FRL-9444-6]

#### Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District

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

**ACTION:** Proposed rule.

**SUMMARY:** In this action, we are proposing to approve San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) Rule 3170,

“Federally Mandated Ozone Nonattainment Fee,” as a revision to SJVUAPCD’s portion of the California State Implementation Plan (SIP). Rule 3170 is a local fee rule submitted to address section 185 of the Clean Air Act (CAA or Act). EPA is also proposing to approve SJVUAPCD’s fee-equivalent program, which includes Rule 3170 and state law authorities that authorize SJVUAPCD to impose supplemental fees on motor vehicles, as an alternative to the program required by section 185 of the Act. We are proposing that SJVUAPCD’s alternative fee-equivalent program is not less stringent than the program required by section 185, and, therefore, is approvable, consistent with the principles of section 172(e) of the Act. As part of this action, we are inviting public comment on whether it is appropriate for EPA to consider alternative programs and, if so, what would constitute an approvable alternative program. We are taking comments on these proposals and plan to follow with a final action.

**DATES:** Any comments must arrive by August 29, 2011.

**ADDRESSES:** Submit comments, identified by docket number EPA-R09-OAR-2011-0571, by one of the following methods:

1. *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). Follow the on-line instructions.

2. *E-mail:* [steckel.andrew@epa.gov](mailto:steckel.andrew@epa.gov).

3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

**Instructions:** All comments 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 Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through <http://www.regulations.gov> or e-mail. <http://www.regulations.gov> is an “anonymous access” system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. 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.

**Docket:** Generally, documents in the docket for this action are available electronically at <http://www.regulations.gov> and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed at <http://www.regulations.gov>, some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Lily Wong, EPA Region IX, (415) 947-4114, [wong.lily@epa.gov](mailto:wong.lily@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document, “we,” “us” and “our” refer to EPA.

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#### I. What did the State submit?

On May 19, 2011, SJVUAPCD adopted Rule 3170 as part of SJVUAPCD’s alternative fee-equivalent program. On June 14, 2011, the California Air Resources Board (CARB) submitted SJVUAPCD’s alternative fee-equivalent program, including Rule 3170 and various state law authorities, to EPA. On June 23, 2011, EPA determined that the submittal met the completeness criteria in 40 CFR Part 51 Appendix V, which must be met before formal EPA review.

#### II. What action is EPA taking?

EPA is proposing to approve SJVUAPCD Rule 3170 as a revision to SJVUAPCD’s portion of the California SIP. Rule 3170 is a local rule that applies to all major stationary sources emitting VOCs and/or NO<sub>x</sub>. Rule 3170 requires certain major stationary sources to pay a fee for each ton of VOCs or NO<sub>x</sub> emitted in excess of 80% of baseline emissions. Rule 3170 includes an exemption for “clean units” and a different calculation of baseline emissions than specified by CAA section 185. Therefore, Rule 3170 also requires SJVUAPCD to track actual NO<sub>x</sub> and VOC emissions from all major stationary sources of NO<sub>x</sub> and VOCs and demonstrate that it received revenues, pursuant to an alternative mechanism described below, equivalent