

Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 to modify Class E airspace at Cochise County Airport, Willcox, AZ. Controlled airspace extending upward from 700 feet above the surface is necessary to accommodate aircraft using the new RNAV (GPS) SIAPs at Cochise County Airport. This action would enhance the safety and management of aircraft operations at the airport.

Class E airspace designations are published in paragraph 6005, of FAA Order 7400.9T, signed August 27, 2009, and effective September 15, 2009, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in this Order.

The FAA has determined this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation; (1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified this proposed rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, section 106 describes the authority for the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency’s authority. This rulemaking is promulgated under the authority described in subtitle VII, part A, subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes additional controlled airspace at Cochise County Airport, Willcox, AZ.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the FAA Order 7400.9T, Airspace Designations and Reporting Points, signed August 27, 2009, and effective September 15, 2009 is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AWP AZ E5 Willcox, AZ [Modified]

Cochise County Airport, AZ
(Lat. 32°14′44″ N., long. 109°53′41″ W.)

That airspace extending upward from 700 feet above the surface within 6.5-mile radius of the Cochise County Airport and within 5 miles each side of the 225° bearing from the Cochise County Airport extending from the 6.5-mile radius to 14.5 miles southwest of the Cochise County Airport, and within 5.5 miles southeast and 4.5 miles northwest of the 055° bearing from the Cochise County Airport extending from the 6.5-mile radius to 14.5 miles northeast of the Cochise County Airport; that airspace extending upward from 1,200 feet above the surface bounded on the north by lat. 32°22′40″ N., long. 109°25′00″ W.; to lat. 32°14′30″ N., long. 109°28′00″ W.; to lat. 32°21′20″ N., long. 109°58′00″ W.; to lat. 32°30′00″ N., long. 109°54′00″ W.; thence to point of beginning.

Issued in Seattle, Washington, on May 26, 2010.

Kevin Nolan,

*Acting Manager, Operations Support Group,
Western Service Center.*

[FR Doc. 2010–14210 Filed 6–11–10; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2010–0203–201020; FRL–9161–4]

Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Alabama: Birmingham; Determination of Attaining Data for the 2006 24-Hour Fine Particulate Matter Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to determine that the Birmingham, Alabama, nonattainment area for the 2006 24-hour fine particulate matter (PM_{2.5}) National Ambient Air Quality Standard (NAAQS) has attained the 2006 24-hour PM_{2.5} NAAQS. This proposed determination is based upon complete, quality assured, quality controlled, and certified ambient air monitoring data for the years 2007–2009 showing that this area has monitored attainment of the 2006 24-hour PM_{2.5} NAAQS. If this proposed determination is made final, the requirement for the State of Alabama to submit an attainment demonstration and associated reasonably available control measures (RACM), reasonable further progress (RFP) plan, contingency measures, and other planning State Implementation Plans (SIPs) related to attainment of the 2006 24-hour PM_{2.5} standard for the Birmingham, Alabama, PM_{2.5} nonattainment area, shall be suspended for as long as this area continues to meet the 2006 24-hour PM_{2.5} NAAQS.

DATES: Written comments must be received on or before July 14, 2010.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2010–0203 by one of the following methods:

1. <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.
2. E-mail: benjamin.lynorae@epa.gov.
3. Fax: (404) 562–9019.
4. Mail: “EPA–R04–OAR–2010–0203,”

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.

5. *Hand Delivery or Courier:* Lynorae Benjamin, Chief, 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. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R04–OAR–2010–0203. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at www.regulations.gov, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through <http://www.regulations.gov> or by e-mail information that you consider to be CBI or otherwise protected. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. 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. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

Docket: All documents in the electronic docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, *i.e.*, 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 in www.regulations.gov or in hard copy 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. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Joel Huey, 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.

SUPPLEMENTARY INFORMATION:

- I. What action is EPA taking?
- II. What is the effect of this action?
- III. What is the background for this action?
- IV. What is EPA's analysis of the relevant air quality data?
- V. Proposed Action
- VI. Statutory and Executive Order Reviews

I. What action is EPA taking?

EPA is proposing to determine that the Birmingham, Alabama, PM_{2.5} nonattainment area has attained the 2006 24-hour PM_{2.5} NAAQS. This proposed determination is based upon complete, quality assured, quality controlled, and certified ambient air monitoring data for the years 2007–2009 showing that the area has monitored attainment of the 2006 24-hour PM_{2.5} NAAQS.

II. What is the effect of this action?

As further discussed below, under the provisions of EPA's PM_{2.5} implementation rule (see 40 CFR 51.1004(c)), a final determination for the Birmingham, Alabama, PM_{2.5} nonattainment area would: (1) Suspend the requirement for the State of Alabama to submit an attainment demonstration and associated RACM (including reasonably available control technologies), RFP plan, contingency measures, and any other planning SIPs related to attainment of the 2006 24-hour PM_{2.5} NAAQS; and (2) continue until such time, if any, that EPA subsequently determines that the area has violated the 2006 24-hour PM_{2.5} NAAQS. Such a determination would also be separate from, and not influence or otherwise affect, any future designation determination or requirements for the Birmingham, Alabama, area. Furthermore, as described below, any such final

determination would not be equivalent to the redesignation of the area to attainment for the 2006 24-hour PM_{2.5} NAAQS.

If this rulemaking is finalized and EPA subsequently determines, after notice-and-comment rulemaking in the **Federal Register**, that the area has violated the 2006 24-hour PM_{2.5} NAAQS, the basis for the suspension of the specific requirements, set forth at 40 CFR 51.1004(c), would no longer exist and the area would thereafter have to address pertinent requirements.

The determination that EPA proposes with this **Federal Register** notice, if finalized, would not constitute a redesignation to attainment under section 107(d)(3) of the Clean Air Act (CAA). This is because EPA would not yet have an approved maintenance plan for the area as required under section 175A of the CAA, nor would EPA have determined that the area has met the other requirements for redesignation. The designation status of the area would remain nonattainment for the 2006 24-hour PM_{2.5} NAAQS until such time as EPA determines that the area meets the CAA requirements for redesignation to attainment.

This proposed action, if finalized, is limited to a determination that the Birmingham, Alabama, PM_{2.5} nonattainment area has attained the 2006 24-hour PM_{2.5} NAAQS. The 2006 24-hour PM_{2.5} NAAQS, which became effective on December 18, 2006 (71 FR 61144), is set forth at 40 CFR 50.13. This proposed determination, and any final determination, will have no effect on any designation determination that EPA may make for the Birmingham, Alabama, area based on any future PM_{2.5} NAAQS. Conversely, any future designation determination of the Birmingham, Alabama, area will not have any effect on the determination proposed by this notice. In addition, this proposed determination, and any final determination, will have no effect on the status of the Birmingham, Alabama, nonattainment area for the 1997 annual PM_{2.5} standard.

If this proposed determination is made final and the Birmingham, Alabama, area continues to monitor attainment with the 2006 24-hour PM_{2.5} NAAQS, the requirement for the State of Alabama to submit for the Birmingham, Alabama, PM_{2.5} nonattainment area an attainment demonstration and associated RACM, RFP plan, contingency measures, and any other planning SIPs related to attainment of the 2006 24-hour PM_{2.5} NAAQS will remain suspended regardless of whether EPA designates this area as a

nonattainment area for purposes of any future PM_{2.5} NAAQS.

III. What is the background for this action?

On October 17, 2006 (71 FR 61144), EPA revised the level of the health-based 24-hour PM_{2.5} NAAQS to 35 micrograms per cubic meter (µg/m³) based on a 3-year average of the 98th percentile of 24-hour concentrations. EPA also retained the 1997 annual PM_{2.5} standard at 15 µg/m³ based on a 3-year average of annual mean PM_{2.5} concentrations, but with tighter constraints on the spatial averaging criteria. EPA established the standards based on significant evidence and numerous health studies demonstrating that serious health effects are associated with exposure to particulate matter. The process for designating areas following promulgation of a new or revised NAAQS is contained in section 107(d)(1) of the CAA. EPA and state air quality agencies initiated the monitoring process for the PM_{2.5} NAAQS in 1999 and began operating all air quality

monitors by January 2001. On November 13, 2009, EPA published its air quality designations and classifications for the 2006 24-hour PM_{2.5} NAAQS based upon air quality monitoring data from those monitors for calendar years 2006–2008 (74 FR 58688). Those designations became effective on December 14, 2009. The Birmingham, Alabama, area, comprising Jefferson County, Shelby County, and a portion of Walker County, was designated nonattainment for the 2006 24-hour PM_{2.5} NAAQS (see 40 CFR part 81). On February 24, 2010, the State of Alabama submitted a letter to EPA requesting that the Agency make a determination that the Birmingham, Alabama, PM_{2.5} nonattainment area has attained the 2006 24-hour PM_{2.5} NAAQS based on data for the period 2007 through 2009.

IV. What is EPA's analysis of the relevant air quality data?

EPA has reviewed the ambient air monitoring data for PM_{2.5}, consistent with the requirements contained in 40

CFR part 50, as recorded in the EPA Air Quality System (AQS) database for the Birmingham, Alabama, 2006 24-hour PM_{2.5} nonattainment area. All data considered have been recorded in the AQS data base, certified as meeting quality assurance requirements, and determined to have met data completeness requirements. On the basis of that review, EPA has concluded that this area attained the 2006 24-hour PM_{2.5} NAAQS during the 2007–2009 monitoring period. Under EPA regulations at 40 CFR 50.7:

The 24-hour primary and secondary PM_{2.5} standards are met when the 98th percentile 24-hour concentration, as determined in accordance with appendix N of this part, is less than or equal to 35 µg/m³.

The following table shows the design values (the metrics calculated in accordance with 40 CFR part 50, appendix N, for determining compliance with the NAAQS) for the 2006 24-hour PM_{2.5} NAAQS for the Birmingham, Alabama, nonattainment area monitors for the years 2007–2009.

24-HOUR PM_{2.5} DESIGN VALUES FOR MONITORS IN THE BIRMINGHAM, ALABAMA, NONATTAINMENT AREA

Location	AQS site ID	2007 98th percentile	2008 98th percentile	2009 98th percentile	2007–2009 design value
North Birmingham	01-073-0023	42.8	33.5	24.4	34
McAdory	01-073-1005	30.9	25.8	21.3	26
Bruce Shaw Road	01-073-1009	31.4	27.3	22.1	27
Asheville Road	01-073-1010	33.0	24.6	19.1	26
Wylam	01-073-2003	37.7	33.5	25.2	32
Hoover	01-073-2006	29.8	25.9	20.4	25
Pinson High School	01-073-5002	34.2	26.4	21.3	27
Corner School Road	01-073-5003	32.5	30.0	21.3	28
Pelham High School	01-117-0006	30.9	24.8	21.2	26
Highland Avenue	01-127-0002	30.9	24.3	22.1	26

Because the 2007–2009 design value at each monitor in the Birmingham 2006 24-hour PM_{2.5} nonattainment area is less than the 2006 24-hour PM_{2.5} NAAQS of 35 µg/m³, EPA is proposing to determine that the area has monitored attainment for this NAAQS. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

V. Proposed Action

EPA is proposing to determine that the Birmingham, Alabama, nonattainment area for the 2006 24-hour PM_{2.5} NAAQS has attained the 2006 24-hour PM_{2.5} NAAQS based on 2007–2009 monitoring data. As provided in 40 CFR 51.1004(c), if EPA finalizes this determination, it will suspend the requirements for the State of Alabama to submit for this area an attainment

demonstration and associated RACM, RFP plan, contingency measures, and any other planning SIPs related to attainment of the 2006 24-hour PM_{2.5} NAAQS as long as the area continues to attain the 2006 24-hour PM_{2.5} NAAQS.

VI. Statutory and Executive Order Reviews

This action proposes to make a determination based on air quality data, and would, if finalized, result in the suspension of certain Federal requirements. 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, 2006);

- 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 proposed 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 in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

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

Dated: June 2, 2010.

Beverly H. Banister,
Acting Regional Administrator, Region 4.
[FR Doc. 2010-14215 Filed 6-11-10; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 535

[Docket No. NHTSA-2010-0079]

Notice of Intent To Prepare an Environmental Impact Statement for New Medium- and Heavy-Duty Fuel Efficiency Improvement Program

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

ACTION: Notice of intent; request for scoping comments.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA), NHTSA plans to prepare an Environmental Impact Statement (EIS) to analyze the potential environmental impacts of the agency's new fuel efficiency improvement program for commercial medium- and heavy-duty on-highway vehicles and work trucks (referred to hereinafter as MD/HD vehicles). The EIS will consider the potential environmental impacts of new

standards starting with model year (MY) 2016 MD/HD vehicles, and voluntary compliance standards for MY 2014–2015 MD/HD vehicles, that NHTSA will be proposing pursuant to the Energy Independence and Security Act of 2007.

This notice initiates the NEPA scoping process by inviting comments from Federal, State, and local agencies, Indian tribes, and the public to help identify the environmental issues and reasonable alternatives to be examined in the EIS. This notice also provides guidance for participating in the scoping process and additional information about the alternatives NHTSA expects to consider in its NEPA analysis.

DATES: The scoping process will culminate in the preparation and issuance of a Draft EIS, which will be made available for public comment. To ensure that NHTSA has an opportunity to fully consider scoping comments and to facilitate NHTSA's prompt preparation of the Draft EIS, scoping comments should be received on or before July 14, 2010. NHTSA will try to consider comments received after that date to the extent the rulemaking schedule allows.

ADDRESSES: You may submit comments to the docket number identified in the heading of this document by any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments by clicking on "Help" or "FAQs."

- **Mail:** Docket Management Facility, M-30, U.S. Department of Transportation, West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- **Hand Delivery or Courier:** U.S. Department of Transportation, West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m. Eastern time, Monday through Friday, except Federal holidays.

- **Fax:** 202-493-2251.

Regardless of how you submit your comments, you should mention the docket number of this document.

You may call the Docket at 202-366-9826.

Note that all comments received, including any personal information provided, will be posted without change to <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: For technical issues, contact Angel Jackson, Fuel Economy Division, Office of International Policy, Fuel Economy and Consumer Standards, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC

20590. Telephone: 202-366-5206. For legal issues, contact Carrie Gage, Legislation & General Law Division, Office of the Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. Telephone: 202-366-1834.

SUPPLEMENTARY INFORMATION: In a forthcoming notice of proposed rulemaking (NPRM), NHTSA intends to propose fuel efficiency standards starting with model year (MY) 2016 commercial medium- and heavy-duty on-highway vehicles and work trucks (hereinafter referred to collectively as MD/HD vehicles), and voluntary compliance standards for MYs 2014–2015 MD/HD vehicles, pursuant to the Energy Independence and Security Act of 2007 (EISA).¹ In connection with this action, NHTSA intends to prepare an EIS to analyze the potential environmental impacts of the proposed MD/HD vehicle fuel efficiency standards and reasonable alternative standards pursuant to the NEPA and implementing regulations issued by the Council on Environmental Quality (CEQ) and NHTSA.² NEPA instructs Federal agencies to consider the potential environmental impacts of their proposed actions and possible alternatives in their decisionmaking. To inform decisionmakers and the public, the EIS will compare the potential environmental impacts of the agency's preferred alternative and reasonable alternatives, including a "no action" alternative. As required by NEPA, the EIS will consider direct, indirect, and cumulative impacts and discuss impacts in proportion to their significance.

Background. The Energy Policy and Conservation Act of 1975 (EPCA) mandated that NHTSA establish and implement a regulatory program for motor vehicle fuel economy to meet the various facets of the need to conserve energy. As codified in Chapter 329 of Title 49 of the U.S. Code, and as amended by EISA, EPCA sets forth extensive requirements concerning the establishment of fuel economy standards for passenger automobiles (hereinafter referred to as "passenger cars") and non-passenger automobiles (hereinafter referred to as "light trucks"). Pursuant to this statutory authority, NHTSA sets Corporate Average Fuel Economy (CAFE) standards for

¹ Public Law No. 110-140, 121 Stat. 1492 (Dec. 19, 2007) (codified at 49 U.S.C. 32901 *et seq.*).

² NEPA is codified at 42 U.S.C. 4321-4347. CEQ's NEPA implementing regulations are codified at 40 CFR 1500-1508, and NHTSA's NEPA implementing regulations are codified at 49 CFR part 520.