

Dated: June 18, 2010.

**Jared Blumenfeld,**

*Regional Administrator, Region IX.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 87

[EPA-HQ-OAR-2007-0294; FRL-9167-4]

RIN 2060-AP79

#### Advance Notice of Proposed Rulemaking on Lead Emissions From Piston-Engine Aircraft Using Leaded Aviation Gasoline; Extension of Comment Period

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

**ACTION:** Advance notice of proposed rulemaking; extension of comment period.

**SUMMARY:** EPA is announcing a 60-day extension of the public comment period for the Advance Notice of Proposed Rulemaking on Lead Emissions From Piston-Engine Aircraft Using Leaded Aviation Gasoline (hereinafter referred to as the ANPR). EPA published this ANPR, which included a request for comment, in the **Federal Register** on April 28, 2010. The public comment period was to end on June 28, 2010 (60 days after its publication in the **Federal Register**). This document extends the comment period an additional 60 days until August 27, 2010. This extension of the comment period is provided to allow the public additional time to provide comment on the ANPR.

**DATES:** The comment period for the ANPR published April 28, 2010 (75 FR 22440) is extended. Written comments must be received on or before August 27, 2010.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2007-0294, by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

- *E-mail:* [a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov).

- *Fax:* (202) 566-9744.

- *Mail:* Environmental Protection Agency, Mail Code: 6102T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Please include two copies.

- *Hand Delivery:* EPA Docket Center (Air Docket), U.S. Environmental Protection Agency, EPA West Building, 1301 Constitution Avenue, NW., Room: 3334 Mail Code: 2822T, Washington,

DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID No. EPA-HQ-OAR-2007-0294. EPA's policy is that all comments received 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 information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. 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>. For additional instructions on submitting comments, please refer to the **SUPPLEMENTARY INFORMATION** section of the advance notice of proposed rulemaking document.

**Docket:** All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at the EPA Docket Center, EPA/DC, EPA West, Room 3334, 1301 Constitution

Avenue, NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air Docket is (202) 566-1742.

#### How can I get copies of this document, the advance notice of proposed rulemaking, and other related information?

The EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2007-0294. The EPA has also developed a Web site for aviation, including the ANPR, at: <http://www.epa.gov/otaq/aviation.htm>. Please refer to the ANPR for detailed information on accessing information related to this notice.

**FOR FURTHER INFORMATION CONTACT:** Marion Hoyer, Assessment and Standards Division, Office of Transportation and Air Quality, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: (734) 214-4513; fax number: (734) 214-4821; e-mail address: [hoyer.marion@epa.gov](mailto:hoyer.marion@epa.gov).

#### SUPPLEMENTARY INFORMATION:

**Background:** In the ANPR, EPA described and invited comment from all interested parties on the data available for evaluating lead emissions, ambient concentrations and potential exposure to lead from the use of leaded aviation gasoline (avgas) in piston-engine powered aircraft. The ANPR is one of the steps EPA has taken in response to a petition submitted by Friends of the Earth (FOE) requesting that EPA find endangerment from and regulate lead emitted by piston-engine aircraft, or if insufficient information exists, to commence a study. In addition to describing and inviting comment on the current data, the ANPR also describes considerations regarding emission engine standards and requests comment on approaches for transitioning the piston-engine fleet to unleaded avgas.

**Extension of Comment Period:** EPA received requests for an extension of the ANPR comment period that are available in the docket for this rule (EPA-HQ-OAR-2007-0294). After considering the requests, EPA has determined that a 60-day extension of the comment period would provide the public adequate time to provide meaningful comment on the ANPR. Accordingly, the public comment period for the ANPR is extended until August 27, 2010. EPA does not anticipate any further extension of the comment period at this time.

Dated: June 18, 2010.

**Gina McCarthy,**

*Assistant Administrator, Office of Air and Radiation.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[Docket No. FWS-R4-ES-2010-0027]

[MO 92210-0-0008-B2]

RIN 1018-AV85

#### Endangered and Threatened Wildlife and Plants; Listing the Cumberland Darter, Rush Darter, Yellowcheek Darter, Chucky Madtom, and Laurel Dace as Endangered Throughout Their Ranges

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; request for public comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), propose to list the Cumberland darter (*Etheostoma susanae*), rush darter (*Etheostoma phytophilum*), yellowcheek darter (*Etheostoma moorei*), chucky madtom (*Noturus crypticus*), and laurel dace (*Phoxinus phoxinus*) as endangered under the Endangered Species Act of 1973, as amended (Act). If we finalize this rule as proposed, it would extend the Act's protections to these species throughout their ranges, including, Cumberland darter in Kentucky and Tennessee, rush darter in Alabama, yellowcheek darter in Arkansas, and chucky madtom and laurel dace in Tennessee. We have determined that critical habitat for these species is prudent, but not determinable at this time.

**DATES:** We will consider comments we receive on or before August 23, 2010. We must receive requests for public hearings, in writing, at the address shown in the **ADDRESSES** section by August 9, 2010.

**ADDRESSES:** You may submit comments by one of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

*U.S. mail or hand-delivery:* Public Comments Processing, Attn: [Docket No. FWS-R4-ES-2010-0027]; Division of Policy and Directives Management, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Suite 222, Arlington, VA 22203.

We will not accept e-mail or faxes. We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see the **Request for Public Comments** section below for more information).

**FOR FURTHER INFORMATION CONTACT:** For information regarding the Cumberland darter, contact Lee Andrews, Field Supervisor, U.S. Fish and Wildlife Service, Kentucky Ecological Services Field Office, J.C. Watts Federal Building, 330 W. Broadway Rm. 265, Frankfort, KY 40601; telephone 502-695-0468; facsimile 502-695-1024. For information regarding the rush darter, contact Stephen Ricks, Field Supervisor, U.S. Fish and Wildlife Service, Mississippi Ecological Services Field Office, 6578 Dogwood View Parkway, Suite A, Jackson, MI 39213; telephone 601-965-4900; facsimile 601-965-4340 or Bill Pearson, Field Supervisor, U.S. Fish and Wildlife Service, Alabama Ecological Services Field Office, 1208-B Main Street, Daphne AL 36526; telephone 251-441-5181; fax 251-441-6222. For information regarding the yellowcheek darter, contact Mark Sattelberg, Field Supervisor, U.S. Fish and Wildlife Service, Arkansas Ecological Services Field Office, 110 South Amity Road, Suite 300, Conway, AR 72032; telephone 501-513-4470; facsimile 501-513-4480. For information regarding the chucky madtom or laurel dace, contact Mary Jennings, Field Supervisor, U.S. Fish and Wildlife Service, Tennessee Ecological Services Field Office, 446 Neal Street, Cookeville, TN 38501; telephone 931-528-6481; facsimile 931-528-7075. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800-877-8339.

#### SUPPLEMENTARY INFORMATION:

##### Request for Public Comments

We intend that any final action resulting from this proposed rule will be based on the best scientific and commercial data available and as accurate and effective as possible. Therefore, we request comments or information from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule. We particularly seek comments concerning:

(1) Biological, commercial trade, or other relevant data concerning any threats (or lack thereof) to these species and regulations that may be addressing those threats;

(2) Additional information concerning the ranges, distribution, and population

size of these species, including the locations of any additional populations of the species;

(3) Any additional information on the biological or ecological requirements of the species;

(4) Current or planned activities in the areas occupied by the species and possible impacts of these activities on the species and their habitat;

(5) Potential effects of climate change on the species and their habitats;

(6) The reasons why areas should or should not be designated as critical habitat as provided by section 4 of the Act (16 U.S.C. 1531, *et seq.*), including whether the benefits of designation would outweigh threats to the species that designation could cause (e.g., exacerbation of existing threats, such as overcollection), such that the designation of critical habitat is prudent; and

(7) Specific information on:

- What areas contain physical and biological features essential for the conservation of the species;
- What areas are essential to the conservation of the species; and
- Special management considerations or protection that proposed critical habitat may require.

Please note that submissions merely stating support for or opposition to the action under consideration without providing supporting information, although noted, will not be considered in making a determination, as section 4(b)(1)(A) of the Act directs that determinations as to whether any species is a threatened or endangered species must be made "solely on the basis of the best scientific and commercial data available."

You may submit your comments and materials concerning this proposed rule by one of the methods listed in the **ADDRESSES** section. We will not accept comments sent by e-mail or fax or to an address not listed in the **ADDRESSES** section.

We will post your entire comment, including your personal identifying information, on <http://www.regulations.gov>. If you provide personal identifying information in your hard copy comments, such as your street address, phone number, or e-mail address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on <http://www.regulations.gov>. Please include sufficient information with your comments to allow us to verify any scientific or commercial information you include.