

Management processes as described under paragraph (b)(2)(v) of this section; and

(iv) Status of a certificate holder's schedule for implementing the Airport Safety Management System as described under paragraph (b)(2) of this section.

(d) *Safety Promotion.* Safety Promotion processes and procedures to foster an airport operating environment that encourages safety. Those processes and procedures must, at a minimum:

(1) Provide formal safety training to each employee and tenant with access to airport areas regulated under this part that is appropriate to the individual's role.

(2) Maintain a record of all training by each individual under this section that includes, at a minimum, a description and date of training received. Such records must be retained for 24 consecutive calendar months after completion of training.

(3) Develop and maintain formal means for communicating important safety information that, at a minimum:

(i) Ensures that all personnel are aware of the SMS and their safety roles and responsibilities;

(ii) Conveys critical safety information;

(iii) Provides feedback to reporters using the airport's hazard reporting system required under § paragraph (c)(2) of this section; and

(iv) Disseminates safety lessons learned to relevant personnel or other stakeholders.

(4) Maintain records of communications required under this section for 12 consecutive calendar months.

#### **§ 139.403 Airport Safety Management System implementation.**

(a) Each certificate holder required to develop and maintain an Airport Safety Management System under this subpart must submit an implementation plan on or before:

(1) [6 months after effective date of final rule] for Class I airports.

(2) [9 months after effective date of final rule] for Class II, III, and IV airports.

(b) An implementation plan must provide:

(1) A proposal on how the certificate holder will meet the requirements prescribed in this subpart; and

(2) A schedule for implementing SMS components and elements prescribed in § 139.402.

(d) Each certificate holder must submit its amended Airport Certification Manual and Airport Safety Management System Manual, if applicable, to the FAA for approval in

accordance with its implementation plan but not later than:

(1) [18 months after effective date of final rule] for Class I airports.

(2) [24 months after effective date of final rule] for Class II, III, and IV airports.

Issued in Washington, DC, on September 30, 2010.

**Michael J. O'Donnell,**

*Director, Office of Airport Safety and Standards.*

[FR Doc. 2010-25338 Filed 10-6-10; 8:45 am]

**BILLING CODE 4910-13-P**

## **DEPARTMENT OF ENERGY**

### **Federal Energy Regulatory Commission**

#### **18 CFR Part 35**

**[Docket No. RM10-23-000]**

#### **Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities**

September 29, 2010.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Notice of proposed rulemaking; request for reply comments.

**SUMMARY:** On June 17, 2010, the Commission issued a Notice of proposed rulemaking (75 FR 37884) proposing to amend the transmission planning and cost allocation requirements established in Order No. 890 to ensure that Commission-jurisdictional services are provided on a basis that is just, reasonable and not unduly discriminatory or preferential. With respect to transmission planning, the proposed rule would provide that local and regional transmission planning processes account for transmission needs driven by public policy requirements established by state or federal laws or regulations; improve coordination between neighboring transmission planning regions with respect to interregional facilities; and remove from Commission-approved tariffs or agreements a right of first refusal created by those documents that provides an incumbent transmission provider with an undue advantage over a nonincumbent transmission developer. Neither incumbent nor nonincumbent transmission facility developers should, as a result of a Commission-approved tariff or agreement, receive different treatment in a regional transmission planning process. Further, both should share similar benefits and obligations

commensurate with that participation, including the right, consistent with state or local laws or regulations, to construct and own a facility that it sponsors in a regional transmission planning process and that is selected for inclusion in the regional transmission plan. With respect to cost allocation, the proposed rule would establish a closer link between transmission planning processes and cost allocation and would require cost allocation methods for intraregional and interregional transmission facilities to satisfy newly established cost allocation principles. The Commission is providing interested persons an opportunity to file reply comments on the proposed rule.

**DATES:** Reply comments to the proposed rule published June 30, 2010 (75 FR 37884) are due November 12, 2010.

**ADDRESSES:** You may submit reply comments, identified by Docket No. RM10-23-000, by any of the following methods:

- *Agency Web Site:* <http://www.ferc.gov>. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format.

- *Mail/Hand Delivery:* Commenters unable to file comments electronically must mail or hand deliver an original and 14 copies of their comments to: Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street, NE., Washington, DC 20426.

**FOR FURTHER INFORMATION CONTACT:**

Russell Profozich (Technical Information), Office of Energy Policy and Innovation, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Telephone: (202) 502-6478, E-mail: [russell.profozich@ferc.gov](mailto:russell.profozich@ferc.gov).

John Cohen (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Telephone: (202) 502-8705, E-mail: [john.cohen@ferc.gov](mailto:john.cohen@ferc.gov).

**SUPPLEMENTARY INFORMATION:**

#### **Notice Establishing Reply Comment Period**

On September 28, 2010, Western Independent Transmission Group filed a motion to establish a period for filing reply comments to the Commission's Notice of Proposed Rulemaking issued June 17, 2010, in the above-docketed proceeding.<sup>1</sup>

The period for filing initial comments in this proceeding ran through September 29, 2010. Upon

<sup>1</sup> 131 FERC ¶ 61,253 (2010).

consideration, the Commission establishes a period for filing reply comments in this proceeding, which will run to and including November 12, 2010.

Any interested person may file a reply to initial comments made by other interested persons in this proceeding. Reply comments should not raise new arguments that are not directly responsive to arguments presented in initial comments, nor should a reply be repetitive of arguments that an interested person made in its initial comments.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2010-24976 Filed 10-6-10; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### 30 CFR Parts 56 and 57

**RIN 1219-AB70**

#### Metal and Nonmetal Dams

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Extension of comment period.

**SUMMARY:** The Mine Safety and Health Administration (MSHA) is extending the comment period for its Advance Notice of Proposed Rulemaking (ANPRM) published on August 13, 2010. This extension gives commenters additional time to develop responses to questions the Agency asked in the ANPRM concerning the design, construction, operation, and maintenance of safe dams which can assure miners are protected from the hazards of dam failures.

**DATES:** The comment period will close midnight, Eastern Standard Time, December 13, 2010.

**ADDRESSES:** Comments must be clearly identified and may be submitted by any of the following methods:

(1) *Federal Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

(2) *Electronic mail:* [zzMSHA-Comments@dol.gov](mailto:zzMSHA-Comments@dol.gov). Include "RIN 1219-AB56" in the subject line of the message.

(3) *Telefax:* (202) 693-9441. Include "RIN 1219-AB56" in the subject.

(4) *Regular Mail:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Blvd., Room 2350, Arlington, Virginia, 22209-3939.

(5) *Hand Delivery or Courier:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Blvd., Room

2350, Arlington, Virginia 22209-3939. Sign in at the receptionist's desk on the 21st floor.

(6) *Docket:* Comments can be accessed electronically at <http://www.msha.gov/regsinfo.htm>. MSHA will post all comments on the Internet without change, including any personal information provided. Comments may also be reviewed at the Office of Standards, Regulations, and Variances, 1100 Wilson Blvd., Room 2350, Arlington, Virginia. Sign in at the receptionist's desk on the 21st floor.

MSHA maintains a list that enables subscribers to receive e-mail notification when the Agency publishes rulemaking documents in the **Federal Register**. To subscribe, go to <http://www.msha.gov/subscriptions/subscribe.aspx>.

#### FOR FURTHER INFORMATION CONTACT:

Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, MSHA, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209-3939. Ms. Silvey can be reached at [Silvey.Patricia@dol.gov](mailto:Silvey.Patricia@dol.gov) (Internet E-mail), (202) 693-9440 (voice), or (202) 693-9441 (facsimile). This notice is available on the Internet at <http://www.msha.gov/REGSINFO.HTM>.

**SUPPLEMENTARY INFORMATION:** On August 13, 2010, MSHA published an Advance Notice of Proposed Rulemaking (75 FR 49429) asking interested parties to comment on measures to assure that metal and nonmetal mine operators design, construct, operate and maintain dams in a safe manner to protect miners against the hazards of a dam failure.

In response to requests, MSHA is extending the comment period from October 12, 2010 to December 13, 2010. This allows commenters additional time to review the questions and submit responses. All comments and other appropriate data must be submitted by midnight, Eastern Standard Time, December 13, 2010.

Dated: October 1, 2010.

**Joseph A. Main,**

*Assistant Secretary for Mine Safety and Health.*

[FR Doc. 2010-25248 Filed 10-6-10; 8:45 am]

**BILLING CODE 4510-43-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R04-OAR-2009-0041-200902; FRL-9211-4]

#### Approval and Promulgation of Implementation Plans; State of Mississippi: Prevention of Significant Deterioration Rules: Nitrogen Oxide as a Precursor to Ozone

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve a portion of a revision to the Mississippi State Implementation Plan (SIP), submitted by the Mississippi Department of Environmental Quality (MDEQ), to EPA on November 28, 2007. The revision modifies Mississippi's prevention of significant deterioration (PSD) permitting regulations in the SIP to address permit requirements promulgated in the 1997 8-Hour Ozone National Ambient Air Quality Standards (NAAQS) Implementation Rule-Phase II (hereafter referred to as the "Ozone Implementation New Source Review (NSR) Update"). The Ozone Implementation NSR Update revised permit requirements relating to the implementation of the 1997 8-hour ozone NAAQS specifically incorporating nitrogen oxides (NO<sub>x</sub>) as a precursor to ozone. Specifically, this SIP revision incorporates by reference the Ozone Implementation NSR Update federal regulations into the Mississippi SIP through Air Pollution Control Section 5 (APC-S-5) "Regulations for the Prevention of Significant Deterioration of Air Quality." EPA's approval of Mississippi's incorporation by reference of the Ozone Implementation NSR Update federal regulations, including provisions to recognize NO<sub>x</sub> as an ozone precursor, into the Mississippi SIP, is based on EPA's determination that Mississippi's revision related to these provisions complies with current Federal requirements and section 110 of the Clean Air Act (CAA).

EPA is not taking action on two portions of Mississippi's November 28, 2007 submittal. The first is regarding Mississippi's incorporation by reference of provisions promulgated by EPA on May 1, 2007, which exclude from the NSR major source permitting requirements "chemical process plants" that produce ethanol through a natural fermentation process (hereafter referred to as the "Ethanol Rule"). See 72 FR 24060. EPA may consider further action