

### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 73 as follows:

#### PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 continues to read as follows:

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

#### § 73.70 Wyoming [Amended]

■ 2. § 73.70 is amended as follows:

\* \* \* \* \*

#### R-7001C Guernsey, WY [Amended]

**Boundaries:** Beginning at lat. 42°27'30" N, long. 104°52'32" W; to lat. 42°27'30" N, long. 104°42'32" W; to lat. 42°22'30" N, long. 104°42'32" W; to lat. 42°20'00" N, long. 104°52'32" W; to the point of beginning.

**Designated altitudes:** 23,501 feet MSL to 30,000 feet MSL.

**Time of designation:** Intermittent, 24 hours in advance by NOTAM.

**Controlling agency:** FAA, Denver ARTCC.

**Using agency:** Adjutant General, State of Wyoming.

#### R-7001D Guernsey, WY [New]

**Boundaries:** Beginning at lat. 42°27'30" N, long. 104°52'32" W; to lat. 42°27'30" N, long. 104°42'32" W; to lat. 42°22'30" N, long. 104°42'32" W; to lat. 42°20'00" N, long. 104°52'32" W; to the point of beginning.

**Designated Altitudes:** 30,001 feet MSL to 45,000 feet MSL.

**Time of Designation:** By NOTAM, at least 24 hours in advance.

**Controlling Agency:** FAA, Denver ARTCC.

**Using Agency:** Adjutant General, State of Wyoming.

#### R-7002A Guernsey, WY [New]

**Boundaries:** Beginning at lat. 42°27'55" N, long. 104°52'33" W; to lat. 42°27'55" N, long. 104°51'46" W; to lat. 42°28'21" N, long. 104°51'45" W; to lat. 42°28'21" N, long. 104°48'46" W; to lat. 42°27'56" N, long. 104°48'46" W; to lat. 42°27'55" N, long. 104°47'28" W; to lat. 42°27'30" N, long. 104°46'43" W; to lat. 42°27'30" N, long. 104°52'32" W; to the point of beginning.

**Designated Altitudes:** Surface to 23,500 feet MSL.

**Time of Designation:** By NOTAM, at least 24 hours in advance.

**Controlling Agency:** FAA, Denver ARTCC.

**Using Agency:** Adjutant General, State of Wyoming.

#### R-7002B Guernsey, WY [New]

**Boundaries:** Beginning at lat. 42°22'24" N, long. 104°42'54" W; to lat. 42°21'41" N, long. 104°42'52" W; to lat. 42°21'11" N, long. 104°43'17" W; to lat. 42°21'12" N, long. 104°47'16" W; to lat. 42°21'19" N, long. 104°47'16" W; to the point of beginning.

**Designated Altitudes:** Surface to 23,500 feet MSL.

**Time of Designation:** By NOTAM, at least 24 hours in advance.

**Controlling Agency:** FAA, Denver ARTCC.  
**Using Agency:** Adjutant General, State of Wyoming.

#### R-7002C Guernsey, WY [New]

**Boundaries:** Beginning at lat. 42°27'03" N; long. 104°53'54" W; to lat. 42°27'03" N; long. 104°52'32" W; to lat. 42°20'00" N; long. 104°52'32" W; to lat. 42°20'18" N; long. 104°51'19" W; to lat. 42°19'42" N; long. 104°51'17" W; to lat. 42°19'43" N; long. 104°53'03" W; to lat. 42°20'49" N; long. 104°54'38" W; to lat. 42°22'43" N; long. 104°54'38" W; to lat. 42°22'48" N; long. 104°53'22" W; to lat. 42°23'39" N; long. 104°53'23" W; to lat. 42°23'40" N; long. 104°53'58" W; to the point of beginning; excluding that airspace 500 feet AGL and below ¼ mile either side of the BNSF railroad.

**Designated Altitudes:** Surface to 23,500 feet MSL.

**Time of Designation:** By NOTAM, at least 24 hours in advance.

**Controlling Agency:** FAA, Denver ARTCC.

**Using Agency:** Adjutant General, State of Wyoming.

\* \* \* \* \*

Issued in Washington, DC, on January 11, 2021.

**George Gonzalez,**

*Acting Manager, Rules and Regulations Group.*

[FR Doc. 2021-00748 Filed 3-3-21; 8:45 am]

**BILLING CODE 4910-13-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R04-OAR-2020-0500; FRL-10018-04—Region 4]

### Air Plan Approval; KY; Removal of Asbestos Requirements From Jefferson County Regulations

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to correct the erroneous incorporation of asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) requirements into the Jefferson County portion of the Kentucky State Implementation Plan (SIP). The continued presence of the asbestos requirements in the Jefferson County portion of the Kentucky SIP is inappropriate and potentially confusing and thus problematic for affected sources, the Commonwealth, local agencies, and EPA. EPA is proposing to remove the asbestos requirements because these requirements are not related to the attainment and maintenance of the national ambient air

quality standards (NAAQS) and are therefore unrelated to the Clean Air Act (CAA or “Act”) requirements for SIPs.

**DATES:** Comments must be received on or before April 5, 2021.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R04-OAR-2020-0500 at [www.regulations.gov](http://www.regulations.gov). Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](http://Regulations.gov). EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit [www2.epa.gov/dockets/commenting-epa-dockets](http://www2.epa.gov/dockets/commenting-epa-dockets).

**FOR FURTHER INFORMATION CONTACT:** Brad Akers, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303-8960. The telephone number is (404) 562-9089. Mr. Akers can also be reached via electronic mail at [akers.brad@epa.gov](mailto:akers.brad@epa.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Background

Section 110 of the CAA requires states to develop and submit to EPA a SIP to ensure that state air quality meets the NAAQS. These ambient air quality standards currently address six criteria pollutants: Carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide. Each federally-approved SIP protects air quality primarily by addressing air pollution at its point of origin through air pollution regulations and control strategies. EPA-approved SIP regulations and control strategies are federally enforceable.

On October 23, 2001 (66 FR 53658), EPA approved revisions to the Jefferson County portion of the Kentucky SIP,<sup>1</sup>

<sup>1</sup> In 2003, the City of Louisville and Jefferson County governments merged and the “Jefferson

which included miscellaneous rule revisions and the recodification of Air Pollution Control District (APCD) of Jefferson County regulations. These revisions were submitted to EPA on May 21, 1999, by the Commonwealth of Kentucky on behalf of Jefferson County. Among these revisions were requirements for permitting the demolition and renovation of facilities with asbestos, in accordance with 40 CFR part 61, subpart M, “*National Emission Standard for Asbestos*.” The asbestos requirements were adopted by Jefferson County in paragraphs 1.3, 5.3, and 5.6 of Regulation 2.03 “*Permit Requirements, Non-Title V Construction and Operating Permits and Demolition/Renovation Permits*,” and this regulation was part of the recodified rules included in the May 21, 1999 submittal. In the October 23, 2001, final rule, EPA inadvertently incorporated the asbestos requirements in Regulation 2.03 “*Permit Requirements, Non-Title V Construction and Operating Permits and Demolition/Renovation Permits*” into the Jefferson County portion of the Kentucky SIP. The version of the rules incorporated into the SIP were effective in Jefferson County on December 15, 1993.

Section 110(k)(6) of the CAA provides EPA with the authority to make corrections to prior SIP actions that are subsequently found to be in error in the same manner as the prior action, and to do so without requiring any further submission from the State.<sup>2</sup> While section 110(k)(6) provides EPA with the authority to correct its own “error,” nowhere does this provision or any other provision in the CAA define what qualifies as “error.” Thus, EPA believes that the term should be given its plain language, everyday meaning, which

County Air Pollution Control District” was renamed the “Louisville Metro Air Pollution Control District.” See The History of Air Pollution Control in Louisville, available at <https://louisvilleky.gov/government/air-pollution-control-district/history-air-pollution-control-louisville>. However, each of the regulations in the Jefferson County portion of the Kentucky SIP still has the subheading “Air Pollution Control District of Jefferson County.” Thus, to be consistent with the terminology used in the SIP, EPA refers throughout this notice to regulations contained in the Jefferson County portion of the Kentucky SIP as the “Jefferson County” regulations.

<sup>2</sup> Section 110(k)(6) states that “Whenever the Administrator determines that the Administrator’s action approving, disapproving, or promulgating any plan or plan revision (or part thereof), area designation, redesignation, classification, or reclassification was in error, the Administrator may in the same manner as the approval, disapproval, or promulgation revise such action as appropriate without requiring any further submission from the State. Such determination and the basis thereof shall be provided to the State and public.”

includes all unintentional, incorrect or wrong actions or mistakes.

The May 21, 1999, submission contained changes to Regulation 2.03 “*Permit Requirements, Non-Title V Construction and Operating Permits and Demolition/Renovation Permits*” that contain asbestos requirements in paragraphs 1.3, 5.3 and 5.6. EPA’s October 23, 2001, approval of these requirements into the Jefferson County portion of the Kentucky SIP was in error. These paragraphs are appropriate for state and local agencies to adopt and implement, but it is not necessary or appropriate to incorporate them into the applicable SIP because asbestos requirements are not related to the attainment and maintenance of the NAAQS. EPA is therefore proposing to remove these paragraphs from the SIP.

## II. Incorporation by Reference

In this document, EPA is proposing to amend regulatory text that includes incorporation by reference. Specifically, EPA is proposing to remove sections 1.3, 5.3, and 5.6 (asbestos requirements) of Regulation 2.03 “*Permit Requirements, Non-Title V Construction and Operating Permits and Demolition/Renovation Permits*” from the Jefferson County portion of the Kentucky SIP, which is incorporated by reference in accordance with requirements of 1 CFR 51.5. The remainder of Regulation 2.03 “*Permit Requirements, Non-Title V Construction and Operating Permits and Demolition/Renovation Permits*” will remain incorporated in the Jefferson County portion of the Kentucky SIP. EPA has made, and will continue to make, these materials generally available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region 4 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

## III. Proposed Action

EPA is proposing to remove paragraphs 1.3, 5.3, and 5.6 of APCD Regulation 2.03 “*Permit Requirements, Non-Title V Construction and Operating Permits and Demolition/Renovation Permits*” from the Jefferson County portion of the SIP because they are not related to the attainment and maintenance of the NAAQS.

## IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. See 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA’s role is to approve state choices,

provided that they meet the criteria of the CAA. This proposed action merely corrects errors in a previous rulemaking approving a SIP submission and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
  - 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).
- The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it 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, Ozone, Particulate matter, Reporting

and recordkeeping requirements and Volatile organic compounds.

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

Dated: February 23, 2021.

**John Blevins,**

*Acting Regional Administrator, Region 4.*

[FR Doc. 2021-04060 Filed 3-3-21; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 1 and 73

[AU Docket No. 21-39; DA 21-131; FR ID 17492]

#### Auction of AM and FM Broadcast Construction Permits Scheduled for July 27, 2021; Comment Sought on Competitive Bidding Procedures for Auction 109

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; proposed auction procedures.

**SUMMARY:** The Office of Economics and Analytics (OEA), in conjunction with the Media Bureau (MB), announces an auction of certain AM and FM broadcast construction permits. This document seeks comment on minimum opening bid amounts and the procedures to be used in Auction 109.

**DATES:** Comments are due on or before March 15, 2021, and reply comments are due on or before March 22, 2021. Bidding in this auction is scheduled to begin July 27, 2021.

**ADDRESSES:** Interested parties may file comments or reply comments in AU Docket No. 21-39. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. All filings in response to the *Auction 109 Comment Public Notice* must refer to AU Docket No. 21-39. The Commission strongly encourages interested parties to file comments electronically.

- **Electronic Filers:** Comments may be filed electronically using the internet by accessing the ECFS at <https://www.fcc.gov/ecfs/>. Follow the instructions for submitting comments.

- **Paper Filers:** Parties who choose to file by paper must file an original and one copy of each filing.

- Filings in response to the Auction 109 Comment Public Notice can be sent by commercial courier or by the U.S. Postal Service. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Commercial deliveries (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Dr., Annapolis Junction, MD 20701.

- U.S. Postal Service first-class, Express, or Priority mail must be addressed to 45 L Street NE, Washington, DC 20554.

- Until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals and to mitigate the transmission of COVID-19.

- **Email:** OMB and MB also request that a copy of all comments and reply comments be submitted electronically to the following address: [auction109@fcc.gov](mailto:auction109@fcc.gov).

#### FOR FURTHER INFORMATION CONTACT:

*Auction legal questions:* Lynne Milne or Lyndsey Grunewald at 202-418-0660.

*General auction questions:* Auctions Hotline at 717-338-2868.

*AM/FM service questions:* James Bradshaw or Lisa Scanlan or Tom Nessinger at (202) 418-2700.

**SUPPLEMENTARY INFORMATION:** This is a summary of the *Auction 109 Comment Public Notice*, AU Docket No. 21-39, DA 21-131, released on February 8, 2021. The complete text of the *Auction 109 Comment Public Notice*, including its attachment, is available on the Commission's website at [www.fcc.gov/auction/109](http://www.fcc.gov/auction/109) or by using the search function for AU Docket No. 21-39 on the Commission's ECFS web page at [www.fcc.gov/ecfs](http://www.fcc.gov/ecfs). Alternative formats are available to persons with disabilities by sending an email to [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or by calling the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

#### I. Introduction

1. By the *Auction 109 Comment Public Notice*, the Commission announces an auction of four AM construction permits and 136 FM construction permits, with bidding to start on July 27, 2021, and seeks comment on the procedures to be used to conduct Auction 109, as well as upon minimum opening bids for the permits.

2. Auction 109 will offer all of the FM radio permits that were previously included in the inventory for Auction 106, as well as six additional FM permits. Auction 106 was postponed on March 25, 2020, with no appointed date for resumption, due to the Covid-19 pandemic. That auction is now canceled; applications submitted by

entities seeking to participate in Auction 106 have been dismissed. All applicants wishing to participate in Auction 109, regardless of whether they may have previously filed a short-form application (FCC Form 175) for Auction 106, will be required to file a new short-form application to participate in Auction 109. A window for filing short-form applications to participate in Auction 109 will be announced in a subsequent public notice in this proceeding.

#### II. Construction Permits

3. Auction 109 will offer four AM construction permits and 136 FM construction permits. Attachment A to the *Auction 109 Comment Public Notice* lists each permit to be offered. Under the policies established in the *Broadcast Competitive Bidding Order*, 63 FR 48615, September 11, 1998, an applicant may apply for any AM construction permit or vacant FM allotment listed in Attachment A to the *Auction 109 Comment Public Notice*. If two or more short-form applications (FCC Form 175) specify the same AM permit or FM allotment, they will be considered mutually exclusive, mutual exclusivity exists for auction purposes, and the construction permit will be awarded by competitive bidding procedures. Once mutual exclusivity exists for auction purposes, even if only one applicant is qualified to bid for a particular construction permit in Auction 109, that applicant is required to submit a bid in order to obtain the construction permit.

4. **AM Construction Permits.** Auction 109 will offer four construction permits in the AM broadcast service. Attachment A to the *Auction 109 Comment Public Notice* lists the community of license, channel, class, and coordinates for each AM permit being offered.

5. The construction permits to be auction are for four previously licensed AM stations, listed in Attachment A to the Auction 109 Comment Public Notice, the license renewals of which were dismissed with prejudice in a hearing before the Commission's Administrative Law Judge and the call signs deleted.

6. To facilitate the auction of the four AM permits, the four AM facilities will be treated as existing allotments, using the coordinates, AM station frequency and class, and community of license of the respective AM facility as listed in Attachment A to the *Auction 109 Comment Public Notice*. The Media Bureau has protected these four AM stations by freezing the filing of any minor modification applications that would be mutually exclusive with the