

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 creates additional controlled airspace at Fort Huachuca, Sierra Vista Municipal Airport-Libby Army Airfield, Fort Huachuca, 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 Part 71.1 of the Federal Aviation Administration Order 7400.9U, Airspace Designations and Reporting Points, dated August 18, 2010, and effective September 15, 2010 is amended as follows:

*Paragraph 5000 Class D airspace.*

\* \* \* \* \*

##### AWP AZ D Fort Huachuca, AZ [Modified]

Fort Huachuca, Sierra Vista Municipal Airport-Libby Army Airfield, AZ  
(Lat. 31°35'19" N., long. 110°20'40" W.)

That airspace extending upward from the surface to and including 7,200 feet MSL within a 4.7-mile radius of the airport. This Class D airspace is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

*Paragraph 6004 Class E airspace areas designated as an extension to Class D or Class E surface area.*

\* \* \* \* \*

##### AWP AZ E4 Fort Huachuca, AZ [Modified]

Fort Huachuca, Sierra Vista Municipal Airport-Libby Army Airfield, AZ  
(Lat. 31°35'19" N., long. 110°20'40" W.)

That airspace extending upward from the surface within 1.6 miles each side of the Airport 088° bearing, extending from the 4.7-mile radius of the airport to 7 miles east of the airport, and that airspace extending upward from the surface within 1 mile each side of the Airport 270° bearing, extending from the 4.7-mile radius of the airport to 5.5 miles west of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

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

\* \* \* \* \*

##### AWP AZ E5 Fort Huachuca, AZ [Modified]

Fort Huachuca, Sierra Vista Municipal Airport-Libby Army Airfield, AZ  
(Lat. 31°35'19" N., long. 110°20'40" W.)

That airspace extending upward from 700 feet above the surface within a 7.3-mile radius of the airport, and within 3.5 miles each side of the Airport 270° bearing extending 9 miles west of the airport, and that airspace 4 miles south and 8 miles north along the Airport 088° bearing extending 15.5 miles east of the airport, excluding that area within Restricted Area R-2312. That airspace extending upward from 1,200 feet above the surface within 25-mile radius of Fort Huachuca-Sierra Vista Municipal Airport-Libby Army Airfield, excluding that area within Mexican airspace.

Issued in Seattle, Washington, on May 12, 2011.

**John Warner,**

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

[FR Doc. 2011-12361 Filed 5-19-11; 8:45 am]

**BILLING CODE 4910-13-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R03-OAR-2011-0287; FRL-9309-2]

#### Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Control of Nitrogen Oxides Emissions From Portland Cement Kilns

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision pertains to the control of nitrogen oxide (NO<sub>x</sub>) emissions from Portland cement kilns. This action is being taken under the Clean Air Act (CAA).

**DATES:** Written comments must be received on or before June 20, 2011.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-R03-OAR-2011-0287 by one of the following methods:

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

B. *E-mail:*  
[fernandez.cristina@epa.gov](mailto:fernandez.cristina@epa.gov).

C. *Mail:* EPA-R03-OAR-2011-0287, Cristina Fernandez, Associate Director, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. 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-R03-OAR-2011-0287. 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.

**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 <http://www.regulations.gov> or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

**FOR FURTHER INFORMATION CONTACT:** Rose Quinto, (215) 814-2182, or by e-mail at [quinto.rose@epa.gov](mailto:quinto.rose@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

Throughout this document, whenever “we,” “us,” or “our” is used, we mean EPA. On July 23, 2010, the Pennsylvania Department of Environmental Protection (PADEP) submitted a revision to its State Implementation Plan for the control of NO<sub>x</sub> from Portland cement kilns.

#### **I. Background**

The SIP revision consists of a regulation to control NO<sub>x</sub> emissions from Portland cement kilns. Portland cement manufacturing is an energy intensive process in which cement is made by grinding and heating a mixture of raw materials such as limestone, clay, sand, and iron ore in a rotary kiln. NO<sub>x</sub> emissions are generated during fuel combustion by oxidation of chemically-bound nitrogen in the fuel and by thermal fixation of nitrogen in the combustion air. This SIP revision is based on the Ozone Transport Commission (OTC) control measure to reduce NO<sub>x</sub> emissions from cement kilns. The OTC members include Pennsylvania, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, and the District of Columbia. The OTC was created under section 184 of the CAA to establish regulatory programs to reduce

ozone precursor emissions, which includes the reduction of NO<sub>x</sub> emissions from cement kilns.

#### **II. Summary of SIP Revision**

The SIP revision amends the NO<sub>x</sub> emission standards in the Title 25 of the Pennsylvania Code (25 Pa. Code) Chapter 145, Subchapter C (Emissions of NO<sub>x</sub> from Cement Manufacturing), for Portland cement kilns during the ozone season, from May 1 through September 30, 2011, and for each year thereafter. The SIP revision added new definitions and terms, and revised the following: standard requirements which include emission requirements; compliance determination by operating and maintaining continuous emissions monitoring systems (CEMS) for NO<sub>x</sub> emissions; compliance demonstration on a kiln-by-kiln basis, a facility-wide emissions averaging basis or a system-wide averaging basis; and reporting and recordkeeping requirements by reporting CEMS emissions data and maintaining an operating log for each Portland cement kiln on a monthly basis that is maintained onsite for 5 years. A detailed summary of EPA’s review of and rationale for proposing to approve this SIP revision may be found in the Technical Support Document (TSD) for this action which is available on line at <http://www.regulations.gov>, Docket number EPA-R03-OAR-2011-0287.

#### **III. Proposed Action**

EPA is proposing to approve the Pennsylvania SIP revision for the control of NO<sub>x</sub> emissions from Portland cement kilns submitted on July 23, 2010. This regulation will reduce emissions of NO<sub>x</sub> from cement kilns to reduce levels of ozone. The reduction of NO<sub>x</sub> emissions will also help protect the public health from high levels of fine particulate matter (PM<sub>2.5</sub>), of which NO<sub>x</sub> is a precursor component. The reduction of NO<sub>x</sub> emissions also reduces visibility impairment and acid deposition. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

#### **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 CAA and applicable Federal regulations. 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. Accordingly, this action merely proposes to approve state law as meeting Federal requirements 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 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, 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).

In addition, this proposed rule, pertaining to Pennsylvania’s control of NO<sub>x</sub> emissions from Portland cement kilns, 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, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements.

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

Dated: May 9, 2011.

W.C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2011-12509 Filed 5-19-11; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R09-OAR-2011-0030; FRL-9308-4]

### Revisions to the California State Implementation Plan, Mojave Desert Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

**SUMMARY:** EPA is proposing to approve revisions to the Mojave Desert Air Quality Management District (MDAQMD) portion of the California State Implementation Plan (SIP). These revisions concern negative declarations for volatile organic compound (VOC) source categories for the MDAQMD. We are proposing to approve these negative declarations under the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** Any comments on this proposal must arrive by June 20, 2011.

**ADDRESSES:** Submit comments, identified by docket number EPA-R09-OAR-2011-0030, by one of the following methods:

1. *Federal eRulemaking Portal:* <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. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket:* The index to the docket for this action is 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 in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), 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:** Cynthia Allen, EPA Region IX, (415) 947-4120, [allen.cynthia@epa.gov](mailto:allen.cynthia@epa.gov).

**SUPPLEMENTARY INFORMATION:** This proposal addresses the following negative declarations listed in Table 1:

TABLE 1—SUBMITTED NEGATIVE DECLARATIONS

Local agency	Title	Adopted	Submitted
MDAQMD .....	Pneumatic Rubber Tire Manufacturing .....	01/22/07	07/11/07
MDAQMD .....	Large Petroleum Dry Cleaners .....	01/22/07	07/11/07
MDAQMD .....	Surface Coating of Cans .....	01/22/07	07/11/07
MDAQMD .....	Surface Coating of Coils .....	01/22/07	07/11/07
MDAQMD .....	Surface Coating Fabrics .....	01/22/07	07/11/07
MDAQMD .....	Surface Coating Operations at Automotive and Light Duty Truck Assembly Plants .....	01/22/07	07/11/07
MDAQMD .....	Surface of Coating of Large Appliances .....	01/22/07	07/11/07
MDAQMD .....	Surface of Coating of Magnet Wire .....	01/22/07	07/11/07
MDAQMD .....	Vacuum Producing Devices or Systems .....	01/22/07	07/11/07
MDAQMD .....	Leaks From Petroleum Refinery Equipment .....	01/22/07	07/11/07
MDAQMD .....	Process Unit Turnarounds .....	01/22/07	07/11/07
MDAQMD .....	Equipment Leaks From Natural Gas/Gasoline Processing Plants .....	01/22/07	07/11/07
MDAQMD .....	Synthesized Pharmaceutical Products .....	01/22/07	07/11/07
MDAQMD .....	Air Oxidation Process—SOCMI .....	01/22/07	07/11/07
MDAQMD .....	Polymer Manufacturing SOCMI and Polymer Manufacturing Equipment Leaks .....	01/22/07	07/11/07
MDAQMD .....	Reactor Processes and Distillation Operations in SOCMI .....	01/22/07	07/11/07
MDAQMD .....	Synthetic Organic Chemical Polymer and Resin Manufacturing .....	01/22/07	07/11/07
MDAQMD .....	Petroleum Refinery Equipment .....	08/23/10	10/22/10
MDAQMD .....	Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins .....	08/23/10	10/22/10
MDAQMD .....	Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment.	08/23/10	10/22/10

In the Rules and Regulations section of this **Federal Register**, we are approving these negative declarations in a direct final action without prior proposal because we believe these negative declarations are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in

subsequent action based on this proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.