

requirements and has assigned OMB Control Number 2120-0056.

Related Information

(h) Refer to MCAI European Aviation Safety Agency (EASA) AD No. 2009-0211, dated October 6, 2009; PIAGGIO AERO INDUSTRIES S.p.A. Service Bulletin (Mandatory) N.: SB-80-0267Rev.0, dated May 19, 2009; and PIAGGIO AERO INDUSTRIES S.p.A. Service Bulletin (Mandatory) N.: SB-80-0267Rev.1, dated June 16, 2009, for related information.

Material Incorporated by Reference

(i) You must use PIAGGIO AERO INDUSTRIES S.p.A. Service Bulletin (Mandatory) N.: SB-80-0267Rev.0, dated May 19, 2009; and PIAGGIO AERO INDUSTRIES S.p.A. Service Bulletin (Mandatory) N.: SB-80-0267Rev.1, dated June 16, 2009, to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Piaggio Aero Industries S.p.a., Via Cibrario, 4—16154 Genoa, Italy; fax: +39 010 6481 881; e-mail: airworthiness@piaggioaero.it.

(3) You may review copies of the service information incorporated by reference for this AD at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the Central Region, call (816) 329-3768.

(4) You may also review copies of the service information incorporated by reference for this AD at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

Issued in Kansas City, Missouri, on January 26, 2010.

John Colomy,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010-2001 Filed 2-3-10; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 314

RIN 2105-AD94

Employee Protection Program; Removal

AGENCY: Office of the Secretary (OST), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule removes the procedural regulations of the Department of Transportation Employee

Protection Program. These regulations are removed because the underlying program was repealed by an act of Congress and the program has been terminated.

DATES: *Effective Date:* February 4, 2010.

FOR FURTHER INFORMATION CONTACT: Bernard Diederich, Office of the General Counsel, 1200 New Jersey Ave., SE., Washington, DC 20590, (202) 366-9159.

SUPPLEMENTARY INFORMATION: The Congress in 1978 established the Employee Protection Program, to be administered by the U.S. Department of Transportation. Section 43 of the Airline Deregulation Act of 1978, Public Law 95-504, 92 Stat. 1750, codified at 49 U.S.C. App. 1552 (1991).

The Program was intended to compensate covered airline employees who might have lost their employment or had their compensation reduced as a result of a bankruptcy or major employment contraction, if the major cause of the bankruptcy or major contraction was the change in regulatory structure provided by the Airline Deregulation Act. DOT established regulations to support the Program, based on the regulations previously established by the Civil Aeronautics Board, which previously handled the Program. 45 FR 49,291 (July 24, 1980); 47 FR 9,744 (March 5, 1982); 50 FR 2,426 (January 16, 1985). The regulations were codified at 14 CFR Part 314. DOT conducted hearings under the regulations and issued a final DOT order with findings in initial selected cases, finding no basis to support any compensation under the Program. DOT Order 91-9-20, dated September 18, 1991, in DOT dockets 40201, 39783, 38978, 38883, and 38571.

While appeals and processing of the Program were underway, the Program was repealed by Act of Congress, effective August 7, 1998. Section 199(a)(6) of the Workforce Investment Act of 1998, Public Law 105-220, 112 Stat. 1059. The Program was codified as subchapter I of chapter 421 of title 49, United States Code, which was repealed at subsection (a)(6) of the Workforce Investment Act. See also 144 Cong. Rec. H6689 (daily ed. July 29, 1998).

Accordingly, DOT has halted all action in the Program and is removing the Program regulations. DOT lacks a statutory basis for any further action on the Program.

Regulatory Analyses and Notices

A. Administrative Procedure Act

The Department has determined that this rule may be issued without a prior opportunity for notice and comment

because providing prior notice and comment would be unnecessary, impracticable, or contrary to the public interest. The Program was repealed by an Act of Congress in 1998, thus there would not be any harm to any identifiable beneficiary by repealing the rule. The Department has ceased all actions under the regulations. Thus, this rule should be rescinded. For the same reasons, the Department finds that there is good cause to make the rule effective immediately.

B. Executive Order 12866 and Regulatory Flexibility Act

The Department has determined that this action is not considered a significant regulatory action for purposes of Executive Order 12866 or the Department's regulatory policies and procedures. This rule is being adopted solely to rescind a rule that is no longer necessary due to the Congress repealing the program's statutory authority. Given the absence of compliance costs to anyone, I certify that final rule does not have a significant economic impact on a substantial number of small entities.

C. Executive Order 13132

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 ("Federalism"). This final rule does not have a substantial direct effect on, or sufficient federalism implications for, the States, nor would it limit the policymaking discretion of the States. Therefore, the consultation requirements of Executive Order 13132 do not apply.

D. Executive Order 13175

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13175 ("Consultation and Coordination with Indian Tribal Governments"). Because this final rule does not significantly or uniquely affect the communities of the Indian tribal governments and does not impose substantial direct compliance costs, the funding and consultation requirements of Executive Order 13175 do not apply.

E. Paperwork Reduction Act

This rule contains no information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

F. Unfunded Mandates Reform Act

The Department of Transportation has determined that the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply to this rulemaking.

List of Subjects in 14 CFR Part 314

Administrative practice and procedure, Air transportation, Aviation safety, Hazardous materials transportation, Investigations, Law enforcement, Penalties.

■ Accordingly, under the authority of Section 199(a)(6) of the Workforce Investment Act of 1998, Public Law 105–220, 112 Stat. 1059, the Department of Transportation amends 14 CFR chapter 2 by removing part 314:

PART 314—[REMOVED AND RESERVED]

Issued in Washington, DC, on January 27, 2010.

Susan Kurland,

Assistant Secretary for Aviation and International Affairs.

[FR Doc. 2010–2281 Filed 2–3–10; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2009–0745; FRL–9110–2]

Approval and Promulgation of Implementation Plans; Albuquerque-Bernalillo County, NM; Excess Emissions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is approving revisions to the New Mexico State Implementation Plan (SIP) submitted by the Governor of New Mexico on behalf of the Albuquerque Environmental Health Department (AEHD) in a letter dated September 23, 2009 (the September 23, 2009 SIP submittal). The September 23, 2009 SIP submittal concerns revisions to New Mexico Administrative Code Title 20, Chapter 11, Part 49, Excess Emissions (20.11.49 NMAC—Excess Emissions) occurring during startup, shutdown, and malfunction related activities. We are approving the September 23, 2009 SIP submittal in accordance with the requirements of section 110 of the Clean Air Act (the Act).

DATES: This direct final rule will be effective April 5, 2010 without further notice unless EPA receives relevant adverse comments by March 8, 2010. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2008–0815, by one of the following methods:

- *Federal e-Rulemaking Portal:* <http://www.regulations.gov>.
- Follow the online instructions for submitting comments.
- *EPA Region 6 “Contact Us” Web site:* <http://epa.gov/region6/r6comment.htm>. Please click on “6PD (Multimedia)” and select “Air” before submitting comments.
- *E-mail:* Mr. Guy Donaldson at donaldson.guy@epa.gov. Please also send a copy by e-mail to the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.
- *Fax:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD–L), at fax number 214–665–7242.
- *Mail:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.
- *Hand or Courier Delivery:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733. Such deliveries are accepted only between the hours of 8 a.m. and 4 p.m. weekdays, and not on legal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket No. EPA–R06–OAR–2008–0815. The 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 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 Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. The file will be made available by appointment for public inspection in the Region 6 FOIA Review Room between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below to make an appointment. If possible, please make the appointment at least two working days in advance of your visit. There will be a fee of 15 cents per page for making photocopies of documents. On the day of the visit, please check in at the EPA Region 6 reception area at 1445 Ross Avenue, Suite 700, Dallas, Texas. The State submittal is also available for public inspection during official business hours, by appointment, at the State Air Agency listed below during official business hours by appointment: AEHD, Air Quality Division, One Civic Plaza, Albuquerque, NM 87102.

FOR FURTHER INFORMATION CONTACT: Mr. Alan Shar, Air Planning Section (6PD–L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733, telephone (214) 665–6691, fax (214) 665–7263, e-mail address shar.alan@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document, “we,” “us,” and “our” refer to EPA.

Outline

- I. Background
 - A. What action are we taking in this document?
 - B. What documents did we use in our evaluation of the September 23, 2009 SIP submittal?
 - C. Why are we approving the September 23, 2009 SIP submittal?
- II. Final Action
- III. Statutory and Executive Order Reviews