

POSTAL SERVICE

39 CFR Part 20

Cigarettes and Smokeless Tobacco—Prohibited in All Outbound and Inbound International Mail

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: The Postal Service is revising the Mailing Standards of the United States Postal Service, International Mail Manual (IMM®) 136.4, pertaining to the mailing of tobacco cigarettes and smokeless tobacco. These provisions implement specific requirements of the Prevent All Cigarette Trafficking (PACT) Act, which restricts the mailability of cigarettes and smokeless tobacco.

DATES: Effective Date: August 2, 2010.

FOR FURTHER INFORMATION CONTACT: Rick Klutts at 813-877-0372.

SUPPLEMENTARY INFORMATION: In the Postal Service’s final rule titled “Treatment of Cigarettes and Smokeless Tobacco as Nonmailable Matter” published in the Federal Register on May 27, 2010 (75 FR 29662-29671), the Postal Service implemented prohibitions and exceptions for the mailing of cigarettes, including roll-your-own tobacco, and smokeless tobacco under the Prevent All Cigarette Trafficking (PACT) Act (Pub. L. 111-154). That final rule introduced new provisions in Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM®) section 601.11 that, among other things, provide that the exceptions for mailing cigarettes and smokeless tobacco under the PACT Act do not apply to inbound and outbound international mail. As explained in the corresponding proposed rule published in the Federal Register on May 5, 2010 (75 FR 24534, 24535), the complex verification requirements for the PACT Act’s exceptions, combined with the strict consequences of any noncompliance, render it impracticable for these requirements to be made applicable to mail originating or destined outside of the Postal Service’s service area. The Postal Service does not believe that any alternative exists at this time to allow U.S. mailers to tender cigarettes and smokeless tobacco as outbound international mail or to receive them as inbound international mail under the PACT Act’s exceptions. This final rule makes conforming changes to the mailability provisions in IMM chapter 136.

Consequently, the Postal Service hereby adopts the following changes to Mailing Standards of the United States

Postal Service, International Mail Manual (IMM), which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 20.1.

List of Subjects in 39 CFR Part 20

Foreign relations, International postal services.

Accordingly, 39 CFR Part 20 is amended to read as follows:

PART 20—[AMENDED]

1. The authority citation for 39 CFR Part 20 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301-307; 18 U.S.C. 1692-1737; 39 U.S.C. 101, 401, 403, 404, 407, 414, 416, 3001-3011, 3201-3219, 3403-3406, 3621, 3622, 3626, 3632, 3633, and 5001.

2. Revise the following sections of Mailing Standards of the United States Postal Service, International Mail Manual (IMM), as follows:

Mailing Standards of the United States Postal Service, International Mail Manual (IMM)

1 International Mail Services

\* \* \* \* \*

130 Mailability

\* \* \* \* \*

136 Nonmailable Goods

\* \* \* \* \*

[Insert new 136.4 as follows:]

136.4 Cigarettes and Smokeless Tobacco

Cigarettes (including roll-your-own tobacco) and smokeless tobacco products, as defined in DMM 601.11.1, are nonmailable when sent in outbound or inbound international mail. As noted in DMM 601.11.3, the exceptions for mailing under DMM 601.11.4 through 601.11.8 are not available for shipments of such products in international mail.

\* \* \* \* \*

Neva R. Watson,

Attorney, Legislative.

[FR Doc. 2010-14829 Filed 6-21-10; 8:45 am]

BILLING CODE 7710-12-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[Docket: EPA-R10-OAR-2010-0294; FRL-9165-2]

Determination of Attainment for PM10 for the Sandpoint PM10 Nonattainment Area, Idaho

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA has determined that the Sandpoint nonattainment area in Idaho attained the National Ambient Air Quality Standard (NAAQS) for particulate matter with an aerodynamic diameter of less than or equal to a nominal ten micrometers (PM10).

DATES: This action is effective on August 23, 2010, without further notice, unless EPA receives adverse comment by July 22, 2010. If EPA receives adverse comment, we will publish a timely withdrawal in the Federal Register informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R10-OAR-2010-0294, by any of the following methods:

- http://www.regulations.gov: Follow the on-line instructions for submitting comments.
• E-mail: body.steve@epa.gov.
• Mail: Steve Body, EPA Region 10, Office of Air, Waste and Toxics (AWT-107), 1200 Sixth Avenue, Suite 900, Seattle, WA 98101.
• Hand Delivery/Courier: EPA Region 10, 1200 Sixth Avenue, Suite 900, Seattle WA, 98101. Attention: Steve Body, Office of Air, Waste and Toxics, AWT-107. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA-R10-OAR-2010-0294. 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.

**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, is not placed on the Internet and 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 during normal business hours at the Office of Air, Waste and Toxics, EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101.

**FOR FURTHER INFORMATION CONTACT:** Steve Body at telephone number: (206) 553-0782, e-mail address: [body.steve@epa.gov](mailto:body.steve@epa.gov), or the above EPA, Region 10 address.

**SUPPLEMENTARY INFORMATION:** Throughout this document wherever “we”, “us” or “our” are used, we mean EPA. Information is organized as follows:

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## I. Background

### A. PM<sub>10</sub> NAAQS

The NAAQS are levels for certain ambient air pollutants set by EPA to protect public health and welfare. PM<sub>10</sub>, or particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers, is among the ambient air pollutants for which EPA has established health-based standards. On July 1, 1987 (52 FR 24634), EPA promulgated two primary standards for PM<sub>10</sub>: a 24-hour standard of 150 micrograms per cubic meter (µg/m<sup>3</sup>) and an annual PM<sub>10</sub> standard of 50 µg/m<sup>3</sup>. EPA also promulgated secondary PM<sub>10</sub> standards that were identical to the primary standards.

Effective December 18, 2006, EPA revoked the annual PM<sub>10</sub> standard but retained the 24-hour PM<sub>10</sub> standard. 71 FR 61144 (October 17, 2006). The 24-hour PM<sub>10</sub> standard is attained when the expected number of days per calendar year with a 24-hour concentration in excess of the standard, as determined in accordance with 40 CFR part 50, appendix K, is equal to or less than one.<sup>1</sup> 40 CFR 50.6 and 40 CFR part 50, appendix K.

### B. Designation and Classification of PM<sub>10</sub> Nonattainment Areas

Areas meeting the requirements of section 107(d)(4)(B) of the Clean Air Act (CAA or the Act) were designated nonattainment for PM<sub>10</sub> by operation of law and classified “moderate” upon enactment of the 1990 Clean Air Act Amendments. See generally 42 U.S.C. 7407(d)(4)(B). These areas included all former Group I PM<sub>10</sub> planning areas identified in 52 FR 29383 (August 7, 1987), as further clarified in 55 FR 45799 (October 31, 1990), and any other areas violating the NAAQS for PM<sub>10</sub> prior to January 1, 1989. A **Federal Register** notice announcing the areas designated nonattainment for PM<sub>10</sub> upon enactment of the 1990 Amendments, known as “initial” PM<sub>10</sub> nonattainment areas, was published on March 15, 1991 (56 FR 11101) and a subsequent **Federal Register** document correcting the description of some of these areas was published on August 8, 1991 (56 FR 37654). The Sandpoint PM<sub>10</sub> nonattainment area was one of these initial moderate PM<sub>10</sub> nonattainment areas.

<sup>1</sup> An exceedance is defined as a daily value that is above the level of the 24-hour standard (150 µg/m<sup>3</sup>) after rounding to the nearest 10 µg/m<sup>3</sup> (i.e. values ending in 5 or greater are to be rounded up). Thus, a recorded value of 154 µg/m<sup>3</sup> would not be an exceedance since it would be rounded to 150 µg/m<sup>3</sup> whereas a recorded value of 155 µg/m<sup>3</sup> would be an exceedance since it would be rounded to 160 µg/m<sup>3</sup>. See 40 CFR part 50, appendix K, section 1.0.

All initial moderate PM<sub>10</sub> nonattainment areas had the same applicable attainment date of December 31, 1994. Section 188(d) provides the Administrator the authority to grant up to two one-year extensions to the attainment date provided certain requirements are met. States containing initial moderate PM<sub>10</sub> nonattainment areas were required to develop and submit to EPA by November 15, 1991, a state implementation plan (SIP) revision providing implementation of reasonably available control measures (RACM), including reasonably available control technology (RACT), and a demonstration of whether attainment of the PM<sub>10</sub> NAAQS by the December 31, 1994 attainment date was practicable. See section 189(a).

### C. How does EPA make attainment determinations?

All PM<sub>10</sub> nonattainment areas are initially classified “moderate” by operation of law when they are designated nonattainment. See section 188(a). Section 188(b)(2) of the Act requires EPA to determine within six months of the applicable attainment date whether, based on air quality data, PM<sub>10</sub> nonattainment areas attained the PM<sub>10</sub> NAAQS by that date. Generally, EPA determines whether an area's air quality is meeting the PM<sub>10</sub> NAAQS based upon complete, quality-assured data gathered at established state and local air monitoring stations (SLAMS) and national air monitoring stations (NAMS) in the nonattainment areas and entered into the EPA Air Quality System (AQS). Data from air monitors operated by State/local/tribal agencies in compliance with EPA monitoring requirements must be submitted to AQS. EPA relies primarily on data in AQS when determining the attainment status of an area. See 40 CFR 50.6; 40 CFR part 50, appendix J; 40 CFR part 53; 40 CFR part 58, appendix A. EPA will also consider air quality data from other air monitoring stations in the nonattainment area provided that the stations meet the Federal monitoring requirements for SLAMS, including the quality assurance and quality control criteria in 40 CFR part 58, appendix A. 40 CFR 58.14 (2006) and 58.20 (2007);<sup>2</sup> 71 FR 61236, 61242 (October 17, 2006). All valid data are reviewed to determine the area's air quality status in

<sup>2</sup> EPA promulgated amendments to the ambient air monitoring regulations in 40 CFR parts 53 and 58 on October 17, 2006. See 71 FR 61236. The requirements for Special Purpose Monitors were revised and moved from 40 CFR 58.14 to 40 CFR 58.20.

accordance with 40 CFR part 50, appendix K.

Attainment of the 24-hour PM<sub>10</sub> standard is determined by calculating the expected number of exceedances of the standard in a year. The 24-hour standard is attained when the expected exceedances averaged over a three-year period is less than or equal to one. Generally, three consecutive years of air quality data are required to show attainment of the 24-hour PM<sub>10</sub> standard. See 40 CFR part 50 and appendix K.<sup>3</sup>

#### D. What is the attainment date for the Sandpoint PM<sub>10</sub> nonattainment area?

The original attainment date for the Sandpoint PM<sub>10</sub> nonattainment area was December 31, 1994. The attainment date was later extended to December 31, 1995, and then to December 31, 1996, under the authority of section 188(d) of the Act. See 61 FR 20730 (May 8, 1996) (first one-year extension); 61 FR 66602 (December 18, 1996) (second one-year extension).

#### E. What PM<sub>10</sub> planning has occurred for the Sandpoint PM<sub>10</sub> nonattainment area?

After the Sandpoint PM<sub>10</sub> nonattainment area was designated nonattainment for PM<sub>10</sub>, the Idaho Department of Environmental Quality (IDEQ), began in the early 1990s to prepare the technical elements needed to bring the area into attainment and meet the planning requirements of title I of the CAA. Based on these technical products IDEQ developed and implemented control measures on PM<sub>10</sub> sources in the Sandpoint PM<sub>10</sub> nonattainment area. The State submitted these control measures to EPA on August 16, 1996, as a moderate PM<sub>10</sub> nonattainment SIP revision under section 189(a) of the Act. The control measures submitted by the State include a comprehensive residential wood combustion program, controls on fugitive road dust and emission limitations on industrial sources. EPA took final action to approve the State's moderate PM<sub>10</sub> SIP on June 26, 2002. See 67 FR 43006.

## II. EPA's Analysis

#### A. What does the air quality data show as of the December 31, 1996 attainment date?

The State of Idaho operated a PM<sub>10</sub> SLAMS monitoring site in the Sandpoint PM<sub>10</sub> nonattainment area at

the Sandpoint Post Office until October 2001. A new site was established in Sandpoint in November 2001 at 310 South Division Street. This site continued operation through March 2009. In March 2009 the site was moved to 1601 Ontario Street in Sandpoint. All three sites meet Federal siting requirements and are appropriate for monitoring the area's compliance with the PM<sub>10</sub> NAAQS. (See EPA's letters approving Idaho's annual network review.)

Based on a review of air quality data during the three-year period ending with the December 31, 1996 attainment date, one 24 hour PM<sub>10</sub> concentration, reported on January 26, 1994, exceeded the level of the 24 hour NAAQS, but this single exceedance did not cause a violation of the 24 hour NAAQS for the calendar years 1994–1996. The expected exceedance rate for the Sandpoint area for 1994–1996 is 0.7 days per year. This is less than the expected exceedance rate of the 24 hour NAAQS of 1.0 and demonstrates attainment of the 24-hour PM<sub>10</sub>. EPA has therefore determined that the Sandpoint PM<sub>10</sub> nonattainment area attained the PM<sub>10</sub> NAAQS by the extended attainment date of December 31, 1996.

#### B. Does more recent air quality data also show attainment?

Although the attainment date for the Sandpoint PM<sub>10</sub> nonattainment area is December 31, 1996, EPA has also reviewed the air quality data collected at the State monitoring sites in the Sandpoint area from January 1997 through December 2009. The data continue to show attainment of the 24 hour PM<sub>10</sub> NAAQS during this period. The monitoring site at the Post Office reported no exceedances of the 24 hour NAAQS from 1997 until it was discontinued in 2001. The new monitoring site at 310 South Division Street, which began monitoring in 2001, likewise reported no exceedances of the 24 hour NAAQS from 2001 through 2009.

## III. Statutory and Executive Order Reviews

This action proposes to make a determination based on air quality data, and would, if finalized, not result in the imposition of any additional Federal requirements. 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 rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because it does not apply in Indian country located in the State, and will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 23, 2010.

<sup>3</sup> Because the annual PM<sub>10</sub> standard was revoked effective December 18, 2006, see 71 FR 61144 (October 17, 2006), this notice discusses only attainment of the 24-hour PM<sub>10</sub> standard.

Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

#### List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: May 28, 2010.

**Dennis J. McLerran,**

*Regional Administrator, EPA Region 10.*

[FR Doc. 2010-14892 Filed 6-21-10; 8:45 am]

BILLING CODE 6560-50-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 52

[WC Docket No. 07-244; FCC 10-85]

#### Local Number Portability Porting Interval and Validation Requirements; Telephone Number Portability

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission adopted standardized data fields for simple number porting to streamline the port process and enable service providers to accomplish simple wireline-to-wireline and intermodal ports within one business day. The Commission also adopted recommendations made by the North American Numbering Council addressing the simple port process.

**DATES:** Effective July 22, 2010, except for 47 CFR 52.36, which contains information collections requirements that are not effective until approved by the Office of Management and Budget. The FCC will publish a document in the **Federal Register** announcing the effective date for that section.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Washington, DC, 20554. In addition to filing comments with the Office of the Secretary, a copy of any comments on the Paperwork Reduction Act information collections requirements contained herein should be submitted to Judith B. Herman, Federal Communications Commission, Room 1-B441, 445 12th Street, SW., Washington, DC 20554, or via the Internet to [PRA@fcc.gov](mailto:PRA@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** Marilyn Jones, Wireline Competition Bureau, (202) 418-2357. For additional information concerning the Paperwork Reduction Act information collection requirements contained in this document, send an e-mail to [PRA@fcc.gov](mailto:PRA@fcc.gov) or contact Judith B. Herman at 202-418-0214.

**SUPPLEMENTARY INFORMATION:** On May 13, 2009, the Commission ordered telephone service providers to reduce the time they take to transfer, or port, a customer's telephone number to another provider from four business days to one, and set in motion a process to make that possible. 74 FR 31630 (July 2, 2009). This Report and Order (Order) completes the task of facilitating prompt transfers by standardizing the data to be exchanged when transferring a customer's telephone number between two wireline providers; a wireline and wireless provider; or an interconnected Voice over Internet Protocol (VoIP) provider and any other service provider. The Order also adopts recommendations made to the Commission by the North American Numbering Council (NANC). The deadline for implementing one-business day porting is August 2, 2010 for all but small providers, which must comply by February 2, 2011.

#### Synopsis of Report and Order

1. Section 251(b)(2) of the Communications Act of 1934, as amended (the Act), requires local exchange carriers (LECs) to "provide, to the extent technically feasible, number portability in accordance with requirements prescribed by the Commission." The Act and the Commission's rules define number portability as "the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another." The Commission has interpreted this language to mean that consumers should be able to change providers while keeping their telephone number

as easily as they may change providers without taking their telephone number with them.

2. Section 251(e) of the Act gives the Commission plenary jurisdiction over the North American Numbering Plan (NANP) and related telephone numbering issues in the United States. To implement these congressional mandates in Sections 251(b)(2) and 251(e), the Commission required all carriers, including wireline carriers and covered commercial mobile radio service (CMRS) providers, to provide LNP according to a phased deployment schedule. The Commission found that LNP provided end users options when choosing among telecommunications service providers without having to change their telephone numbers, and established obligations for porting between wireline providers, porting between wireless providers, and intermodal porting (*i.e.*, the porting of numbers from wireline providers to wireless providers, and *vice versa*). The Commission also directed the NANC, its advisory committee on numbering issues, to make recommendations regarding various LNP implementation issues.

3. On May 13, 2009, the Commission adopted a Report and Order reducing the porting interval for simple wireline and simple intermodal port requests. Specifically, the Commission required all entities subject to its LNP rules to complete simple wireline-to-wireline and simple intermodal port requests within one business day. In adopting this new porting interval for simple wireline-to-wireline and simple intermodal ports, the Commission left it to the industry to work through the mechanics of the new interval, and directed the NANC to develop new LNP provisioning process flows that take into account this shortened porting interval. The Commission also directed the NANC, in developing these flows, to address how within one "business day" should be construed for purposes of the porting interval, and generally how the porting time should be measured. The Commission requested that the NANC submit its recommendations no later than 90 days after the effective date of the *Porting Interval Order*. Accordingly, the NANC submitted its recommendations to the Commission on November 2, 2009.

4. In a *Further Notice of Proposed Rulemaking* (FNPRM), 74 FR 31667 (July 2, 2009), accompanying the *Porting Interval Order*, the Commission sought comment on whether there were additional ways to streamline the number porting processes or improve efficiencies for simple and non-simple