

H. Executive Order 13211

This proposed rule is not subject to Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001) because this action is not expected to affect energy supply, distribution, or use and this action is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

In addition, since this action does not involve any technical standards, section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note), does not apply to this action.

J. Executive Order 12898

This action does not entail special considerations of environmental justice related issues as delineated by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: November 1, 2010.

Wendy C. Hamnett,

Director, Office of Pollution Prevention and Toxics.

Therefore, it is proposed that 40 CFR part 721 be amended as follows:

PART 721—[AMENDED]

1. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

2. Amend § 721.5185 as follows:

- a. Revise the section heading.
- b. Revise paragraphs (a)(1) and (a)(2)(i).
- c. Add paragraph (a)(2)(ii).
- d. Revise paragraph (a)(2)(iii).
- e. Remove paragraphs (a)(2)(iv), (a)(2)(v), and (a)(2)(vi).
- f. Revise paragraph (b)(1).

The revisions and addition read as follows:

§ 721.5185 2-Propen-1-one, 1-(4-morpholinyl)-.

(a) * * *

(1) The chemical substance identified as 2-Propen-1-one, 1-(4-morpholinyl)- (PMN P-95-169; CAS No. 5117-12-4) is subject to reporting under this section

for the significant new uses described in paragraph (a)(2) of this section. The requirements of this rule do not apply to quantities of the PMN substance after it has been completely reacted (cured).

(2) * * *

(i) *Protection in the workplace.*

Requirements as specified in § 721.63 (a)(1), (a)(2)(i), (a)(2)(iv), (a)(3)(i), (a)(3)(ii), (a)(4), (a)(6)(v), (b) (concentration set at 1.0 percent), and (c). Safety 4/4H EVOH/PE laminate, Ansell Edmont Neoprene number 865, and Solvex Nitrile Rubber number 275 gloves have been tested in accordance with the American Society for Testing Materials (ASTM) F739 method and found by EPA to satisfy the consent orders and § 721.63(a)(2)(i) requirements for dermal protection to 100 percent PMN substance. Gloves and other dermal protection may not be used for a time period longer than they are actually tested and must be replaced at the end of each work shift. For additional dermal protection materials, a company must submit all test data to the Agency and must receive written Agency approval for each type of material tested prior to use of that material as worker dermal protection. However, for the purposes of determining the imperviousness of gloves, up to 1 year after the commencement of commercial manufacture or import, the employer may use the method described in § 721.63(a)(3)(ii), thereafter, they must use the method described in § 721.63(a)(3)(i).

(ii) *Hazard communication program.* Requirements as specified in § 721.72 (a), (b), (c), (d), (e) (concentration set at 1.0 percent), (f), (g)(1)(iv), (g)(1)(vi), (g)(2)(v), and (g)(5).

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(a), (c), and (y)(1).

(b) * * *

(1) *Recordkeeping.* The following recordkeeping requirements are applicable to manufacturers, importers, and processors of this chemical substance as specified in § 721.125(a) through (i).

* * * * *

[FR Doc. 2010-28006 Filed 11-4-10; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration****49 CFR Parts 523, 534, and 535**

[Docket No. NHTSA-2010-0079]

Notice of Availability of a Draft Environmental Impact Statement (DEIS) for New Medium- and Heavy-Duty Fuel Efficiency Improvement Program

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of availability of a Draft Environmental Impact Statement (DEIS).

SUMMARY: NHTSA has prepared a DEIS to disclose and analyze the potential environmental impacts of the agency's newly proposed fuel consumption standards for commercial medium- and heavy-duty on-highway vehicles and work trucks ("HD vehicles"), which NHTSA recently proposed pursuant to the Energy Independence and Security Act of 2007. NHTSA invites Federal, State, and local agencies, Indian tribes, and the public to submit written comments on the DEIS using the instructions set forth in this notice. To facilitate review of the DEIS, NHTSA has posted the DEIS on its Web site (<http://www.nhtsa.gov/fuel-economy>) and placed it in the agency's docket, identified by the docket number at the beginning of this notice. NHTSA will consider all public comments received on the DEIS in preparing final NEPA documents to support final fuel consumption standards, which NHTSA plans to issue next year.

DATES: To ensure that NHTSA has the opportunity to consider comments on the DEIS, NHTSA must receive written comments by January 3, 2011. NHTSA will try to consider comments received after that date to the extent the NEPA and rulemaking schedules allow, but NHTSA cannot ensure that it will be able to do so.

FOR FURTHER INFORMATION CONTACT:

Questions concerning the DEIS should be addressed to Ms. Angel Jackson, Telephone: 1-202-366-0154, Fuel Economy Division, Office of International Vehicle, Fuel Economy and Consumer Standards, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. E-mail: nhtsa.nepa@dot.gov. Information about the HD vehicle rulemaking and the NEPA process is also available at <http://www.nhtsa.gov/fuel-economy>.

ADDRESSES: You may submit comments to the docket number identified in the heading of this document by any of the following methods:

- **Online:** Go to <http://www.regulations.gov>.

Follow the instructions for submitting comments on the electronic docket Web site by clicking on “Help” or “FAQs.”

- **Mail:** Docket Management Facility, M–30, U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- **Hand Delivery or Courier:** U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m. Eastern time, Monday through Friday, except Federal holidays.

- **Fax:** 202–493–2251.

Instructions: All submissions must include the agency name and docket number. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act discussion below. We will consider all comments received before the close of business on the comment closing date indicated above. To the extent possible, we will also consider comments filed after the closing date.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> at any time or to 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. Telephone: (202) 366–9826.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT’s complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit <http://www.dot.gov/privacy.html>.

Confidential Business Information: If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at the address given under **FOR FURTHER INFORMATION CONTACT**. In addition, you should submit two copies, from which you have deleted the claimed confidential

business information, to the Docket Management Facility at the address given above. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation (49 CFR Part 512).

SUPPLEMENTARY INFORMATION: NHTSA has prepared a DEIS to disclose and analyze the potential environmental impacts of the agency’s newly proposed Fuel Efficiency Improvement Program for HD vehicles.¹ Concurrent with the DEIS, NHTSA and the U.S. Environmental Protection Agency (EPA) announced a joint proposed rulemaking that would reduce greenhouse gas (GHG) emissions from and increase the fuel efficiency of HD vehicles. The joint proposed rules will be published in the near future in the **Federal Register**. NHTSA is proposing fuel consumption standards under the Energy Independence and Security Act of 2007 (EISA),² and EPA is proposing GHG emissions standards under the Clean Air Act. These proposed standards would be tailored to each of three regulatory categories of HD vehicles: Combination Tractors; Pick-up Trucks and Vans; and Vocational Vehicles, as well as gasoline and diesel HD vehicle engines. EPA’s proposed GHG emissions standards would begin with model year (MY) 2014. NHTSA’s proposed fuel consumption standards would be optional in MYs 2014 and 2015, becoming mandatory beginning in MY 2016 for most regulatory categories. The joint proposed rulemaking is consistent with President Obama’s May 21, 2010 directive to improve the fuel efficiency of and reduce GHG pollution from HD vehicles through coordinated Federal standards.³ EPA and the Federal Motor Carrier Safety Administration (FMCSA) served as cooperating agencies in the preparation of the DEIS. EPA has special

¹ See National Environmental Policy Act (NEPA), 42 U.S.C. Sec. 4321–4347, and implementing regulations issued by the Council on Environmental Quality (CEQ), 40 CFR Parts 1500–1508, and NHTSA, 49 CFR Part 520.

² Public Law No. 110–140, 121 Stat. 1492 (Dec. 19, 2007) (codified at 49 U.S.C. 32901).

³ See The White House, Office of the Press Secretary, *Presidential Memorandum Regarding Fuel Efficiency Standards* (May 21, 2010), available at <http://www.whitehouse.gov/the-press-office/presidential-memorandum-regarding-fuel-efficiency-standards> (last accessed Nov. 1, 2010); see also The White House, Office of the Press Secretary, *President Obama Directs Administration to Create First-Ever National Efficiency and Emissions Standards for Medium- and Heavy-Duty Trucks* (May 21, 2010), available at <http://www.whitehouse.gov/the-press-office/president-obama-directs-administration-create-first-ever-national-efficiency-and-em> (last accessed Nov. 1, 2010).

expertise in the areas of climate change and air quality and FMCSA has special expertise in HD vehicles.

To inform decisionmakers and the public, the DEIS analyzes the potential environmental impacts of the proposed standards and alternative standards for MYs 2014–2018, including a “No Action” Alternative, pursuant to NEPA regulations.⁴ The DEIS analyzes direct, indirect, and cumulative impacts in proportion to their significance. It provides a detailed analysis of potential impacts on energy resources, air quality, and climate. The DEIS uses climate modeling and estimated fuel savings to provide quantitative estimates of potential impacts on air quality, CO₂ emissions, global mean surface temperature, precipitation, and sea level rise. The DEIS provides a qualitative analysis of resources that may be impacted by changes in climate, such as freshwater resources, terrestrial ecosystems, coastal ecosystems, land use, human health, and environmental justice. It examines impacts on the U.S. and on a global scale. In addition, the DEIS analyzes potential environmental impacts unrelated to climate change.

How can I get a copy of the DEIS?

The DEIS is available on NHTSA’s Web site at <http://www.nhtsa.gov/fuel-economy> and in the agency’s docket identified by the docket number at the beginning of this notice. To request a CD containing the DEIS and its Appendices, please contact Ms. Angel Jackson using the contact information in the **FOR FURTHER INFORMATION CONTACT** section above.

How do I comment on the DEIS?

NHTSA invites the submission of written comments on the DEIS which the agency will consider in preparing the final NEPA documents to support the new Fuel Efficiency Improvement Program. Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the docket number at the beginning of this notice in your comments.

Your primary comments cannot exceed 15 pages.⁵ However, you may

⁴ The “No Action” Alternative assumes that NHTSA would not issue a rule regarding a HD Fuel Efficiency Improvement Program, and is considered to comply with NEPA and to provide an analytical baseline against which to compare environmental impacts of the other regulatory alternatives. See 40 CFR 1502.2(e), 1502.14(d). NEPA requires agencies to consider a “no action” alternative in their NEPA analyses and to compare the effects of not taking action with the effects of the reasonable action alternatives to demonstrate the different environmental effects of the action alternatives.

⁵ 49 CFR 553.21.

attach additional documents to your primary comments. There is no limit to the length of the attachments.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** at 65 FR 19477, April 11, 2000, or you may visit <http://www.regulations.gov>.

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

As NHTSA and EPA recently announced in the **Federal Register**,⁶ the agencies are holding two public hearings on the proposed fuel consumption standards. At these

hearings, NHTSA will also accept comments to the DEIS.

How do I submit confidential business information?

If you wish to submit any information under a claim of confidentiality, send three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. Include a cover letter supplying the information specified in our confidential business information regulation (49 CFR Part 512).

In addition, send two copies from which you have deleted the claimed confidential business information to Docket Management, 1200 New Jersey Avenue, SE., West Building, Room W12-140, Washington, DC 20590, or submit them electronically, in the manner described at the beginning of this notice.

Will the agency consider late comments?

NHTSA will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES**. To the extent the NEPA and rulemaking schedules allow, NHTSA will try to consider comments that Docket Management receives after that date, but we cannot ensure that we will be able to do so.⁷

Please note that even after the comment closing date, we will continue to file relevant information in the docket as it becomes available. Further, some commenters may submit late comments. Accordingly, we recommend that you periodically check the docket for new material.

Issued on: November 1, 2010.

Joseph S. Carra

Acting Associate Administrator for Rulemaking.

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⁷ See 49 CFR 553.23.

⁶ See 75 FR 67059 (Nov. 1, 2010).