

rule” under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a 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 United States Code. Subtitle I, Section 106 describes the authority of 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 modifies restricted airspace in the vicinity of Camp Shelby, MS, to enhance the safe and the efficient use of the National Airspace System.

Environmental Review

In July 2008, the Air National Guard (ANG) published a Final Environmental Assessment (FEA) “Modification of CRTC-Used Airspace: Combat Readiness Training Center” and associated Finding of No Significant Impact (FONSI) dated July 1, 2008. The ANG prepared the FEA and associated FONSI in compliance with their obligations under the National Environmental Policy Act (NEPA) and as specified in ANG environmental regulations. The FAA was a cooperating agency in the NEPA process and provided input during the ANG environmental process. Additionally, in accordance with FAA Order 1050.1E, “Environmental Impacts: Policies and Procedures,” paragraph 404d, the FAA has independently evaluated the information contained in the FEA and is adopting the content that addresses FAA actions pursuant to 40 CFR 1506.3(a) and (c) and has issued a FONSI/Record of Decision (ROD) dated May 2011. This final rule, which modifies the Camp Shelby, MS, restricted areas, will not result in significant environmental impacts.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 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(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 73.44 [Amended]

■ 2. Section 73.44 is amended as follows:

* * * * *

1. R-4401A Camp Shelby, MS [Amended]

By removing the current boundaries, altitudes, time of designation and using agency and substituting the following:

Boundaries. Beginning at lat. 31°12’55” N., long. 89°11’03” W.; to lat. 31°11’49” N., long. 89°00’00” W.; to lat. 31°10’16” N., long. 88°56’34” W.; to lat. 31°04’37” N., long. 88°56’34” W.; to lat. 31°04’37” N., long. 89°11’00” W.; to the point of beginning.

Designated altitudes. Surface to but not including 4,000 feet MSL.

Time of designation. By NOTAM at least 24 hours in advance.

Using agency. Commanding Officer, Camp Shelby, MS.

2. R-4401B Camp Shelby, MS [Amended]

By removing the current boundaries, designated altitudes, time of designation and using agency and substituting the following:

Boundaries. Beginning at lat. 31°12’55” N., long. 89°11’03” W.; to lat. 31°11’49” N., long. 89°00’00” W.; to lat. 31°10’16” N., long. 88°56’34” W.; to lat. 31°04’37” N., long. 88°56’34” W.; to lat. 31°04’37” N., long. 89°11’00” W.; to the point of beginning.

Designated altitudes. 4,000 feet MSL to but not including 10,000 feet MSL.

Time of designation. By NOTAM at least 24 hours in advance.

Using agency. Commanding Officer, Camp Shelby, MS.

3. R-4401C Camp Shelby, MS [Amended]

By removing the current boundaries, designated altitudes, time of designation and using agency and substituting the following:

Boundaries. Beginning at lat. 31°12’55” N., long. 89°11’03” W.; to lat. 31°11’49” N., long. 89°00’00” W.; to lat. 31°10’16” N., long. 88°56’34” W.; to lat. 31°04’37” N., long. 88°56’34” W.; to lat. 31°04’37” N., long. 89°11’00” W.; to the point of beginning.

Designated altitudes. 10,000 feet MSL to but not including FL 180.

Time of designation. By NOTAM at least 24 hours in advance.

Using agency. Commanding Officer, Camp Shelby, MS.

4. R-4401D Camp Shelby, MS [New]

Boundaries. Beginning at lat. 31°12’55” N., long. 89°11’03” W.; to lat. 31°11’49” N., long. 89°00’00” W.; to lat. 31°10’16” N., long. 88°56’34” W.; to lat. 31°04’37” N., long. 88°56’34” W.; to lat. 31°04’37” N., long. 89°11’00” W.; to the point of beginning.

Designated altitudes. FL 180 to but not including FL 230.

Time of designation. By NOTAM 4 hours in advance.

Controlling agency. FAA, Houston ARTCC.
Using agency. Commanding Officer, Camp Shelby, MS.

5. R-4401E Camp Shelby, MS [New]

Boundaries. Beginning at lat. 31°12’55” N., long. 89°11’03” W.; to lat. 31°11’49” N., long. 89°00’00” W.; to lat. 31°10’16” N., long. 88°56’34” W.; to lat. 31°04’37” N., long. 88°56’34” W.; to lat. 31°04’37” N., long. 89°11’00” W.; to the point of beginning.

Designated altitudes. FL 230 to FL 290.

Time of designation. By NOTAM four hours in advance.

Controlling agency. FAA, Houston ARTCC.
Using agency. Commanding Officer, Camp Shelby, MS.

Issued in Washington, DC, on June 15, 2011.

Gary A. Norek,

Acting Manager, Airspace, Regulations and ATC Procedures Group.

[FR Doc. 2011–15702 Filed 6–22–11; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2010–1036–201138; FRL–9322–4]

Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Georgia: Atlanta; Determination of Attainment for the 1997 8-Hour Ozone Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to determine that the Atlanta, Georgia 1997 8-hour ozone nonattainment area has attained the 1997 8-hour ozone national ambient air quality standards (NAAQS) based on quality assured, quality controlled monitoring data from 2008–2010. The Atlanta, Georgia 1997 8-hour ozone nonattainment area (hereafter referred to as the “Atlanta Area” or “the Area”) is comprised of Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, Dekalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding and Walton Counties in Georgia. This

determination is based upon complete, quality assured, quality controlled, and certified ambient air monitoring data for the years 2008–2010 showing that the Atlanta Area has monitored attainment of the 1997 8-hour ozone NAAQS. The requirement for the State of Georgia to submit an attainment demonstration and associated reasonably available control measures (RACM) analyses, reasonable further progress (RFP) plans, contingency measures, and other planning State Implementation Plans (SIPs) related to attainment of the 1997 8-hour ozone NAAQS for the Atlanta Area, shall be suspended for as long as the Area continues to meet the 1997 8-hour ozone NAAQS.

DATES: *Effective Date:* This final rule is effective on July 25, 2011.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R04–OAR–2010–1036. All documents in the docket are listed in the <http://www.regulations.gov> Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (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 through <http://www.regulations.gov> or in hard copy for public inspection during normal business hours at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960.

FOR FURTHER INFORMATION CONTACT: Jane Spann or Zuri Farnvalo, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Ms. Spann may be reached by phone at (404) 562–9029 or via electronic mail at spann.jane@epa.gov. Mr. Farnvalo may be reached by phone at (404) 562–9152 or via electronic mail at farnvalo.zuri@epa.gov.

SUPPLEMENTARY INFORMATION:

- I. What action is EPA taking?
- II. What is the effect of this action?
- III. What is EPA's final action?
- IV. Statutory and Executive Order Reviews

I. What action is EPA taking?

EPA is determining that the Atlanta Area has attained the 1997 8-hour ozone

NAAQS. This determination is based upon quality assured, quality controlled and certified ambient air monitoring data that shows the Atlanta Area has monitored attainment of the 1997 8-hour ozone NAAQS based on the 2008–2010 data.

Other specific requirements of the determination and the rationale for EPA's final action are explained in the notice of proposed rulemaking (NPR) published on March 25, 2011, (76 FR 16718) and will not be restated here. The comment period closed on April 25, 2011. EPA did not receive any comments on the March 25, 2011, NPR.

II. What is the effect of this action?

This final action, in accordance with 40 CFR 51.918, suspends the requirements for the Atlanta Area to submit attainment demonstrations, associated RACM, RFP, contingency measures, and other planning SIPs related to attainment of the 1997 8-hour ozone NAAQS as long as the Area continues to meet the 1997 8-hour ozone NAAQS. Finalizing this action does not constitute a redesignation of the Atlanta Area to attainment for the 1997 8-hour ozone NAAQS under section 107(d)(3) of the Clean Air Act (CAA or Act). Further, finalizing this action does not involve approving maintenance plans for the Area as required under section 175A of the CAA, nor does it involve a determination that the Area has met all requirements for a redesignation.

III. What is EPA's final action?

EPA is taking final action to determine that the Atlanta Area has attained data for the 1997 8-hour ozone NAAQS. This determination is based upon quality assured, quality controlled, and certified ambient air monitoring data showing that the Atlanta Area has monitored attainment of the 1997 8-hour ozone NAAQS during the period 2008–2010. This final action, in accordance with 40 CFR 51.918, will suspend the requirements for this Area to submit attainment demonstrations, associated RACM, RFP plans, contingency measures, and other planning SIPs related to attainment of the 1997 8-hour ozone NAAQS as long as the Area continues to meet the 1997 8-hour ozone NAAQS.

IV. Statutory and Executive Order Reviews

This action makes a determination of attainment based on air quality, and will result in the suspension of certain federal requirements, and it will not impose additional requirements beyond

those imposed by State law. For that reason, this 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).
- 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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate

circuit by August 22, 2011. 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. 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 52

Environmental protection, Air pollution control, Intergovernmental relations, Incorporation by reference, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds, Oxides of nitrogen.

Dated: June 9, 2011.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

- 1. The authority citation for part 52 continues to read as follows:

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

Subpart L—Georgia

- 2. Section 52.582 is amended by adding paragraph (d) to read as follows:

§ 52.582 Control strategy: Ozone.

* * * * *

(d) *Determination of attaining data.* EPA has determined, as of June 23, 2011, the Atlanta, Georgia nonattainment area has attaining data for the 1997 8-hour ozone NAAQS. This determination, in accordance with 40 CFR 51.918, suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 1997 8-hour ozone NAAQS.

[FR Doc. 2011-15616 Filed 6-22-11; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R04-OAR-2005-0004-201119; EPA-R04-OAR-2010-0958-201119; FRL-9322-6]

Approval and Promulgation of Implementation Plans; South Carolina: Prevention of Significant Deterioration and Nonattainment New Source Review; Fine Particulate Matter and Nitrogen Oxides as a Precursor to Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to approve three revisions to the South Carolina State Implementation Plan (SIP), submitted by the State of South Carolina, through the South Carolina Department of Health and Environmental Control (SC DHEC), to EPA on December 2, 2010, (for parallel processing) and April 14, 2009, and March 16, 2011. South Carolina provided the final version of the December 2, 2010, parallel processing submittal on March 16, 2011. The SIP revisions approved by this action incorporate updates to South Carolina's air quality regulations under South Carolina's New Source Review (NSR) Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) programs. First, the revisions incorporate a PSD permitting requirement promulgated in the 1997 8-Hour Ozone National Ambient Air Quality Standards (NAAQS) Implementation Rule NSR Update Phase II (hereafter referred to as the "Ozone Implementation NSR Update or "Phase II Rule"). Second, the revisions incorporate NSR provisions relating to the fine particulate matter (PM_{2.5}) NAAQS as amended in EPA's 2008 NSR PM_{2.5} Implementation Rule (hereafter referred to as the "NSR PM_{2.5} Rule"). Third, the revisions incorporate NNSR requirements for calculating emissions reductions that will be used as emission offsets and ensures that those reductions are surplus to other federal requirements. As a result of the third revision, EPA also is taking final action to convert its conditional approval of South Carolina's NNSR permitting program to full approval. EPA is approving South Carolina's March 16, 2011, and April 14, 2009, SIP revisions because they are in accordance with the Clean Air Act (CAA or Act). Additionally, EPA is responding to adverse comments received on EPA's March 15, 2011, proposed approval of

South Carolina's December 2, 2010, proposed SIP revision.

DATES: *Effective Date:* This rule will be effective July 25, 2011.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA-R04-OAR-2005-0004 and EPA-R04-OAR-2010-0958. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information 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 through <http://www.regulations.gov> or in hard copy at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: For information regarding the South Carolina SIP, contact Ms. Twunjala Bradley, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Ms. Bradley's telephone number is (404) 562-9352; *e-mail address:* bradley.twunjala@epa.gov. For information regarding NSR, contact Ms. Yolanda Adams, Air Permits Section, at the same address above. Ms. Adams' telephone number is (404) 562-9214; *e-mail address:* adams.yolanda@epa.gov. For information regarding the Phase II Rule, contact Ms. Jane Spann, Regulatory Development Section, at the same address above. Ms. Spann's telephone number is (404) 562-9029; *e-mail address:* spann.jane@epa.gov. For information regarding the PM_{2.5} NAAQS, contact Mr. Joel Huey, Regulatory Development Section, at the same address above. Mr. Huey's telephone number is (404) 562-9104; *e-mail address:* huey.joel@epa.gov.

SUPPLEMENTARY INFORMATION:

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I. Background