

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2010–18–02, Amendment 39–16415 (75 FR 52240, August 25, 2010), and adding the following new AD:

2011–23–01 Thielert Aircraft Engines GmbH: Amendment 39–16852; Docket No. FAA–2010–0683; Directorate Identifier 2010–NE–25–AD.

(a) Effective Date

This AD is effective November 22, 2011.

(b) Affected ADs

This AD supersedes AD 2010–18–02, Amendment 39–16415, (75 FR 52240, August 25, 2010).

(c) Applicability

This AD applies to Thielert Aircraft Engines GmbH (TAE):

(1) TAE 125–01 reciprocating engines (commercial designation Centurion 1.7), all serial numbers (S/Ns), if a clutch assembly part number (P/N) 02–7210–11001R13 is installed, and

(2) TAE 125–02–99 reciprocating engines (commercial designation Centurion 2.0), all S/Ns, if a clutch assembly P/N 05–7211–K006001 or P/N 05–7211–K006002 is installed.

(d) Unsafe Condition

This AD was prompted by TAE identifying additional clutch assemblies that could fail with nonconforming disc springs. These failures could lead to engine in-flight shutdown and loss of control of the airplane. We are issuing this AD to correct the unsafe condition on these products.

(e) Actions and Compliance

Unless already done, do the following actions.

(1) After the effective date of this AD, for clutch assembly P/N 02–7210–11001R13, P/N 05–7211–K006001 and P/N 05–7211–K006002, with an S/N listed in TAE Service Bulletin (SB) No. TM TAE 125–0021, Revision 1, dated August 17, 2011, or SB No. TM TAE 125–1011 P1, Revision 2, dated August 31, 2011, do the following:

(i) For engines with affected clutch assemblies that have accumulated 100 flight hours or more on the effective date of this AD, replace the clutch assembly before further flight.

(ii) For engines with affected clutch assemblies that have accumulated less than 100 flight hours on the effective date of this AD, replace the clutch assembly before accumulating 100 flight hours.

(2) After the effective date of this AD:

(i) Do not install an engine having a clutch assembly that is listed by S/N in TAE SB No. TM TAE 125–0021, Revision 1, dated August

17, 2011, or SB No. TM TAE 125–1011 P1, Revision 2, dated August 31, 2011, and

(ii) Do not install any clutch assembly listed by S/N in TAE SB No. TM TAE 125–0021, Revision 1, dated August 17, 2011, or SB No. TM TAE 125–1011 P1, Revision 2, dated August 31, 2011, into any engine.

(f) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, FAA, may approve AMOCs to this AD. Use the procedures found in 14 CFR 39.19 to make your request.

(g) Related Information

(1) Refer to MCAI EASA AD 2011–0152–E, dated August 18, 2011, for related information.

(2) Contact Alan Strom, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; email: alan.strom@faa.gov; phone: (781) 238–7143; fax: (781) 238–7199, for more information about this AD.

(h) Material Incorporated by Reference

(1) You must use Thielert Aircraft Engines GmbH Service Bulletin No. TM TAE 125–0021, Revision 1, dated August 17, 2011, and Service Bulletin No. TM TAE 125–1011 P1, Revision 2, dated August 31, 2011, to identify the affected clutch assemblies requiring replacement by this AD.

(2) 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.

(3) For service information identified in this AD, contact Thielert Aircraft Engines GmbH, Platanenstrasse 14 D–09350, Lichtenstein, Germany; phone: +49–37204–696–0; fax: +49–37204–696–55; email: info@centurion-engines.com.

(4) You may review copies at the FAA, New England Region, 12 New England Executive Park, Burlington, MA; or 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/cfr/ibr-locations.html>.

Issued in Burlington, Massachusetts, on October 19, 2011.

Peter A. White,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2011–28672 Filed 11–4–11; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[EPA–R03–OAR–2011–0773; FRL–9487–6]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revision to Nitrogen Oxides Budget Trading Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve a revision to the Virginia State Implementation Plan (SIP). The revision pertains to regulatory language in its nitrogen oxides (NO_x) Budget Trading Program that inadvertently ended its NO_x budget at the end of the 2008 ozone season. EPA is approving this revision in accordance with the requirements of the Clean Air Act (CAA).

DATES: This rule is effective on January 6, 2012 without further notice, unless EPA receives adverse written comment by December 7, 2011. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2011–0773 by one of the following methods:

A. www.regulations.gov. Follow the on-line instructions for submitting comments.

B. Email: fernandez.cristina@epa.gov.

C. Mail: EPA–R03–OAR–2011–0773, 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–2011–0773. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at 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 www.regulations.gov or e-mail. The 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 email comment directly to EPA without going through www.regulations.gov, your email 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 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 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 Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Marilyn Powers, (215) 814-2308, or by email at powers.marilyn@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Throughout this document, whenever "we," "us," or "our" is used, we mean EPA. On September 27, 2010, the Commonwealth of Virginia Department of Environmental Quality (VADEQ) submitted a formal revision to its State Implementation Plan (SIP).

The SIP revision pertains to the NO_x budget established in Virginia regulation 9VAC5 Chapter 140 Part I (NO_x Budget Trading Program), which was adopted by the Commonwealth and approved into its SIP to meet the

requirements of the NO_x SIP Call. Virginia determined that regulatory language inadvertently ended the State budget at the end of the 2008 ozone season. Because the NO_x SIP Call requirements continue to apply to the affected states, revision of the applicable end date in regulation 9VAC5 Chapter 140, Part I is required in order for the budget to apply to ozone season 2009 and beyond. It should be noted that Virginia has continued to comply with the requirements of the NO_x SIP Call through its approved Clean Air Interstate Rule (CAIR) NO_x Ozone Season Trading Program at 9VAC5 Chapter 140, Part III. As explained in the preamble for CAIR (70 FR 25162, May 12, 2005), states could meet the requirements of the NO_x SIP Call by achieving all of the emissions reductions required under CAIR from electric generating units (EGUs) by participating in the CAIR Ozone Season NO_x Trading Program, and by bringing its non-EGUs that were participating in the NO_x SIP Call Budget Trading Program into the CAIR Ozone Season NO_x Trading Program using the same non-EGU budget and applicability requirements that were in their NO_x SIP Call Budget Trading Program. Virginia chose to implement its CAIR ozone season NO_x obligations by participating in the CAIR Ozone Season NO_x Trading Program and brought their non-EGUs into this program, which was approved into the Virginia SIP on December 28, 2007 (72 FR 73602).

II. Summary of SIP Revision

On September 27, 2010, VADEQ submitted a SIP revision that extends the NO_x SIP Call budget beyond the 2008 ozone season. The SIP revision consists of amendments to sections 5-140-900, 5-140-920, and 5-140-930 that extend the EGU NO_x budget of 17,091 tons and the non-EGU budget of 4,104 tons to the 2009 ozone season and each ozone season thereafter.

III. General Information Pertaining to SIP Submittals From the Commonwealth of Virginia

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) "privilege" for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws

when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1-1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information (1) that are generated or developed before the commencement of a voluntary environmental assessment; (2) that are prepared independently of the assessment process; (3) that demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) that are required by law.

On January 12, 1998, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege Law, Va. Code Sec. 10.1-1198, precludes granting a privilege to documents and information "required by law," including documents and information "required by Federal law to maintain program delegation, authorization or approval," since Virginia must "enforce Federally authorized environmental programs in a manner that is no less stringent than their Federal counterparts. * * *" The opinion concludes that "[r]egarding § 10.1-1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by Federal law to maintain program delegation, authorization or approval." Virginia's Immunity law, Va. Code Sec. 10.1-1199, provides that "[t]o the extent consistent with requirements imposed by Federal law," any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General's January 12, 1998 opinion states that the quoted language renders this statute inapplicable to enforcement of any Federally authorized programs, since "no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with

Federal law, which is one of the criteria for immunity.”

Therefore, EPA has determined that Virginia's Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its program consistent with the Federal requirements. In any event, because EPA has also determined that a state audit privilege and immunity law can affect only state enforcement and cannot have any impact on Federal enforcement authorities, EPA may at any time invoke its authority under the CAA, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the CAA is likewise unaffected by this, or any, state audit privilege or immunity law.

IV. Final Action

EPA is approving the SIP revision submitted by VADEQ on September 27, 2009 that extends the NO_x SIP Call budget beyond the 2008 ozone season. EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comment. However, in the “Proposed Rules” section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on January 6, 2012 without further notice unless EPA receives adverse comment by December 7, 2011. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

V. Statutory and Executive Order Reviews

A. General Requirements

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 approves state law as meeting Federal requirements and does 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).

In addition, this rule 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.

B. Submission to Congress and the Comptroller General

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).

C. Petitions for Judicial Review

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 January 6, 2012. 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 to extend Virginia's budget under the NO_x SIP Call 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, Incorporation by reference, Nitrogen dioxide, Ozone, Sulfur oxides.

Dated: October 25, 2011.

W.C. Early,

Acting Regional Administrator, Region III.

40 CFR Part 52 is amended as follows:

PART 52—[AMENDED]

- 1. The authority citation for 40 CFR part 52 continues to read as follows:

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

Subpart VV—Virginia

- 2. In § 52.2420, the table in paragraph (c) is amended by revising the entries for Sections 5–140–900, 5–140–920, and 5–140–930 to read as follows:

§ 52.2420 Identification of plan.

(c) * * *

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EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES

State citation	Title/subject	State effective date	EPA approval date	Explanation [former SIP citation]
*	*	*	*	*
9 VAC 5, Chapter 140				
State trading program budget				
Part I				
NO_x Budget Trading Program				
*	*	*	*	*
Article 10				
State Trading Program Budget and Compliance Supplement Pool				
5-140-900	State trading program budget	12/31/08	11/7/11 [Insert page number where the document begins].	Revise applicable year to 2004 and each year thereafter.
*	*	*	*	*
5-140-920	Total electric generating unit allocations.	12/31/08	11/7/11 [Insert page number where the document begins].	Add subsection B, which extends the NO _x budget beyond 2008.
5-140-930	Total non-electric generating unit allocations.	12/31/08	11/7/11 [Insert page number where the document begins].	Add subsection B, which extends the NO _x budget beyond 2008.
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[FR Doc. 2011-28640 Filed 11-4-11; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Parts 1 and 43****[WC Docket No. 07-38; FCC 08-89, 08-148]****Development of Nationwide Broadband Data To Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans, Improvement of Wireless Broadband Subscribership Data, and Development of Data on Interconnected Voice over Internet Protocol (VoIP) Subscribership****AGENCY:** Federal Communications Commission.**ACTION:** Final rule; announcement of effective date.

SUMMARY: The Federal Communications Commission published a document in the **Federal Register** that contained new information collection requirements. This document announces that, on January 30, 2009, the Office of Management and Budget (OMB) gave approval for these information requirements contained in the

Commission's Report and Order and Further Notice of Proposed Rulemaking, as well as the Order on Reconsideration, Development of Nationwide Broadband Data To Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans, Improvement of Wireless Broadband Subscribership Data, and Development of Data on Interconnected Voice over Internet Protocol (VoIP) Subscribership.

DATES: The amendments to 47 CFR 1.7001 and 47 CFR 43.11 in the final rule published July 2, 2008, at 73 FR 37869 are effective November 7, 2011.

FOR FURTHER INFORMATION CONTACT: Jeremy Miller, Industry Analysis and Technology Division, Wireline Competition Bureau, at (202) 418-1507, or via the Internet at jeremy.miller@fcc.gov.

SUPPLEMENTARY INFORMATION: The Federal Communications Commission has received OMB approval for the rules contained in information collection OMB Control No. 3060-0816, Local Telephone Competition and Broadband Reporting. The information collection was adopted in two orders: (1) The Report and Order and Notice of Proposed Rulemaking, Development of Nationwide Broadband Data To Evaluate Reasonable and Timely Deployment of Advanced Services to

All Americans, Improvement of Wireless Broadband Subscribership Data, and Development of Data on Interconnected Voice over Internet Protocol (VoIP) Subscribership in WC Docket No. 07-38, which appears at 73 FR 37869, July 2, 2008, and (2) the Order on Reconsideration, Development of Nationwide Broadband Data To Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans, Improvement of Wireless Broadband Subscribership Data, and Development of Data on Interconnected Voice over Internet Protocol (VoIP) Subscribership in WC Docket No. 07-38, which appears at 73 FR 37861, July 2, 2008. These information requests required OMB approval to be effective. Through this document, the Commission announces that it has received this approval (OMB Control No. 3060-0816, Expiration Date: April 30, 2013), and that the adopted rules are in effect. Pursuant to the Paperwork Reduction Act of 1995, Public Law 104-13, an agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. Notwithstanding any other provisions of law, no person shall be subject to any penalty for failing to comply with a collection of information subject to the