

Accomplishment Instructions of the ASB), and repeating the Part 1 inspections at intervals not to exceed 3,000 flight cycles is an acceptable method of compliance with the repetitive inspection requirements of paragraph (g) of this AD.

#### Repair of Cracking

(i) If cracking is found during any inspection required by paragraph (f), (g), or (h) of this AD: Before further flight, accomplish the freeze plug repair in accordance with Part 3 of Boeing ASB 767-57A0097, dated September 29, 2005. If any cracking is outside the limits specified in Part 3 of the ASB, before further flight, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO). For airplanes on which the repair specified in paragraph (i) of this AD has been accomplished on only one wing, continue the inspections specified by paragraphs (f) and (g) of this AD on the wing on which the repair has not been accomplished, until the freeze plug repair specified in paragraph (i) of this AD has been accomplished on both wings.

#### Repetitive Inspections Required After Accomplishing Paragraph (i) of this AD

(j) After accomplishment of the requirements of paragraph (i) of this AD, perform the repetitive inspections specified in paragraphs (j)(1) and (j)(2) of this AD at the times specified.

(1) Prior to the accumulation of 37,500 total flight cycles, or within 18 months after accomplishment of the freeze plug repair specified in Part 3 of the Accomplishment Instructions of Boeing ASB 767-57A0097, dated September 29, 2005, whichever occurs later: Accomplish the external inspections specified in Part 1 of the Accomplishment Instructions of Boeing ASB 767-57A0097, dated September 29, 2005. If any cracking is found during any inspection required by this paragraph, before further flight, repair in accordance with a method approved by the Manager, Seattle ACO. Thereafter, repeat the external inspections at intervals not to exceed 3,000 flight cycles.

(2) Prior to the accumulation of 37,500 total flight cycles, or within 72 months after accomplishment of the freeze plug repair specified Part 3 of the Accomplishment Instructions of Boeing ASB 767-57A0097, dated September 29, 2005, whichever occurs later: Perform an internal HFEC for cracking, in accordance with Part 4 of the Accomplishment Instructions of Boeing ASB 767-57A0097, dated September 29, 2005. If any cracking is found during any inspection required by this paragraph, before further flight, repair in accordance with a method approved by the Manager, Seattle ACO. Repeat the inspections at intervals not to exceed 12,000 flight cycles.

#### Repair of Certain Cracking

(k) If any cracking is found during any inspection required by this AD, and the bulletin specifies to contact Boeing for appropriate action: Before further flight, repair the cracking using a method approved in accordance with the procedures specified in paragraph (m) of this AD.

#### No Reporting Requirement

(l) Although Boeing Alert Service Bulletin 767-57A0097, dated September 29, 2005, specifies to submit certain information to the manufacturer, this AD does not include that requirement.

#### Alternative Methods of Compliance (AMOCs)

(m)(1) The Manager, Seattle ACO, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD, if it is approved by an Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization who has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

Issued in Renton, Washington, on July 7, 2006.

**Ali Bahrami,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. E6-11413 Filed 7-18-06; 8:45 am]

**BILLING CODE 4910-13-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R08-OAR-2006-0009, FRL-8187-7]

#### Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana; Proposed Rule

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve State Implementation Plan (SIP) revisions submitted by the State of Montana on October 25, 2005. The revisions are to the Administrative Rules of Montana and update the citations and references to Federal documents and addresses where copies of documents can be obtained, and delete three definitions. The intended effect of this action is to make federally enforceable those provisions that EPA is proposing to approve. This action is being taken under section 110 of the Clean Air Act.

In the "Rules and Regulations" section of this **Federal Register**, EPA is

approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the preamble to the direct final rule. If EPA receives no adverse comments, EPA will not take further action on this proposed rule. If EPA receives adverse comments, EPA will withdraw the direct final rule and it will not take effect. EPA will address all public comments in a subsequent final rule based on this 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.

**DATES:** Written comments must be received on or before August 18, 2006.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R08-OAR-2006-0009, by one of the following methods:

- <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

- E-mail: [long.richard@epa.gov](mailto:long.richard@epa.gov) and [ostrand.laurie@epa.gov](mailto:ostrand.laurie@epa.gov).

- Fax: (303) 312-6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).

- Mail: Richard R. Long, Director, Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P-AR, 999 18th Street, Suite 200, Denver, Colorado 80202-2466.

- Hand Delivery: Richard R. Long, Director, Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P-AR, 999 18th Street, Suite 300, Denver, Colorado 80202-2466. Such deliveries are only accepted Monday through Friday, 8 a.m. to 4:55 p.m., excluding Federal holidays. Special arrangements should be made for deliveries of boxed information.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instruction on how to submit comments.

**FOR FURTHER INFORMATION CONTACT:** Laurie Ostrand, Air and Radiation Program, Mailcode 8P-AR, Environmental Protection Agency (EPA), Region 8, 999 18th Street, Suite 200, Denver, Colorado 80202-2466, (303) 312-6437, [ostrand.laurie@epa.gov](mailto:ostrand.laurie@epa.gov).

**SUPPLEMENTARY INFORMATION:** See the information provided in the Direct Final action of the same title which is located in the Rules and Regulations section of this **Federal Register**.

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

Dated: June 13, 2006.

**Andrew M. Gaydosh,**

*Acting Regional Administrator, Region 8.*

[FR Doc. E6-11345 Filed 7-18-06; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 81

[EPA-R09-OAR-2006-0583; FRL-8199-6]

#### Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of California; PM-10; Determination of Attainment for the San Joaquin Valley Nonattainment Area; Determination Regarding Applicability of Certain Clean Air Act Requirements

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to determine that the San Joaquin Valley nonattainment area (SVJ) in California has attained the National Ambient Air Quality Standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM-10). This proposed determination is based upon monitored air quality data for the PM-10 NAAQS during the years 2003-2005. The SVJ continues to attain the PM-10 NAAQS in 2006; no exceedances of the 24 hour NAAQS have been recorded at any of the SVJ monitoring sites from January 1, 2006 through March 31, 2006. EPA is also proposing to determine that, because the SVJ has attained the PM-10 NAAQS, certain Clean Air Act (CAA or the Act) requirements are not applicable for as long as the SVJ continues to attain the PM-10 NAAQS.

**DATES:** Written comments must be received on or before August 18, 2006.

**ADDRESSES:** Submit comments, identified by docket number EPA-R09-OAR-2006-0583, by one of the following methods:

(1) Federal eRulemaking portal: <http://www.regulations.gov>. Follow the on-line instructions.

(2) E-mail: [lo.doris@epa.gov](mailto:lo.doris@epa.gov).

(3) Mail or deliver: Doris Lo (AIR-2), U.S. Environmental Protection Agency

Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

**Instructions:** All comments will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through the [www.regulations.gov](http://www.regulations.gov) or e-mail. [www.regulations.gov](http://www.regulations.gov) is an anonymous access system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. 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.

**Docket:** The index to the docket for this action is available electronically at [www.regulations.gov](http://www.regulations.gov) and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed directly below.

#### FOR FURTHER INFORMATION CONTACT:

Doris Lo, EPA Region IX, (415) 972-3959, [lo.doris@epa.gov](mailto:lo.doris@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document, wherever "we," "us," or "our" are used, we mean EPA.

#### Table of Contents

- I. Background
  - A. The NAAQS for PM-10
  - B. Designation, Classification and Air Quality Planning for PM-10 in the SVJ
  - C. Attainment Determinations
- II. Proposed Attainment Determination for the SVJ
- III. Applicability of Clean Air Act Planning Requirements
- IV. EPA's Proposed Action
- V. Statutory and Executive Order Reviews

#### I. Background

##### A. The NAAQS for PM-10

Particulate matter with an aerodynamic diameter of less than or equal to 10 micrometers (PM-10) is the subject of this action. The NAAQS are

limits for certain ambient air pollutants set by EPA to protect public health and welfare. PM-10 is among the ambient air pollutants for which EPA has established a health-based standard.

On July 1, 1987 (52 FR 24634), EPA revised the NAAQS for particulate matter with an indicator that includes only those particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers. The 24-hour primary PM-10 standard is 150 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) with no more than one expected exceedance per year. The annual primary PM-10 standard is 50  $\mu\text{g}/\text{m}^3$  as an annual arithmetic mean. The secondary PM-10 standards, promulgated to protect against adverse welfare effects, are identical to the primary standards. See 40 CFR 50.6.

##### B. Designation, Classification and Air Quality Planning for PM-10 in the SVJ

In 1990, Congress amended the Clean Air Act to address, among other things, continued nonattainment of the PM-10 NAAQS. On the date of enactment of the 1990 Clean Air Act Amendments, PM-10 areas, including the SVJ, meeting the qualifications of section 107(d)(4)(B) of the amended Act, were designated nonattainment by operation of law. See 56 FR 11101 (March 15, 1991). EPA codified the boundaries of the SVJ at 40 CFR 81.305.<sup>1</sup>

Once an area is designated nonattainment for PM-10, section 188 of the CAA outlines the process for classifying the area and establishes the area's initial attainment deadline. In accordance with section 188(a), at the time of designation, all PM-10 nonattainment areas, including the SVJ, were initially classified as moderate nonattainment. On December 24, 1991, California submitted a moderate area PM-10 Plan for the SVJ which demonstrated that the area could not attain the PM-10 NAAQS by the moderate area attainment date, December 31, 1994.

Section 188(b)(1) of the Act provides that moderate areas can subsequently be reclassified as serious before the applicable moderate area attainment date if at any time EPA determines that the area cannot "practicably" attain the PM-10 NAAQS by that deadline. On January 8, 1993 (58 FR 3337), EPA made such a determination and reclassified the SVJ as serious.

On August 19, 2003, the State of California submitted the "2003 PM-10

<sup>1</sup> The San Joaquin Valley PM-10 nonattainment area includes the following counties in California's central valley: Fresno, western portion of Kern, Kings, Tulare, San Joaquin, Stanislaus, Madera and Merced.