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[FR Doc. E8-3388 Filed 2-27-08; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION  
AGENCY****40 CFR Part 52**

[EPA-R03-OAR-2007-1157; FRL-8532-4]

**Approval and Promulgation of Air  
Quality Implementation Plans; State of  
Maryland; Revised Definition of  
Volatile Organic Compound (VOC)****AGENCY:** Environmental Protection  
Agency (EPA).**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action on a revision to the Maryland State Implementation Plan (SIP) submitted by the Maryland Department of Environment (MDE). The revision allows Maryland to incorporate prospectively EPA's definition of "Volatile organic compounds (VOC)" as amended. EPA is approving these revisions to the Maryland SIP in accordance with the requirements of the Clean Air Act.

**DATES:** This rule is effective on April 28, 2008 without further notice, unless EPA receives adverse written comment by March 31, 2008. 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 R03-OAR-2007-1157 by one of the following methods:

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

B. *E-mail: frankford.harold@epa.gov*  
C. *Mail: EPA-R03-OAR-2007-1157*, Harold A. Frankford, Office of Air Programs, Mailcode 3AP20, 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-2007-1157. 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 e-mail comment directly to EPA without going through *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 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 Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230.

**FOR FURTHER INFORMATION CONTACT:** Harold A. Frankford at (215) 814-2108, or by e-mail at *frankford.harold@epa.gov*.

**SUPPLEMENTARY INFORMATION:****I. Summary of SIP Revisions**

On October 24, 2007, the State of Maryland submitted a formal revision (#07-11) to its SIP. The SIP revision consists of a revised reference to the Federal definition of "Volatile organic compounds (VOC)" at 40 CFR 51.100(s) which is found at COMAR

26.11.01.01B(53), Maryland's definition for "Volatile organic compound (VOC)". These regulatory revisions became effective on October 8, 2007.

**II. Description of the SIP Revision**

Maryland has revised COMAR 26.11.01.01B(53) to incorporate by reference the EPA definition of VOC found at 40 CFR 51.100(s), as amended. Maryland's current SIP definition of VOC specifically references the 2004 edition of 40 CFR 51.100(s). This wording change allows Maryland to incorporate by reference the current and all future revisions of 40 CFR 51.100(s) into COMAR 26.11.01.01B(53) without requiring a regulatory change to the Maryland rule. Maryland states that it can incorporate this Federal rule prospectively as a result of a change to section 7-207(a)(3)(iii)2, State Government Article, Annotated Code of Maryland, which the State enacted in 2005.

**III. Final Action**

EPA is approving the amendment to COMAR 26.11.01.01B(53) as a revision to the Maryland SIP. EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comment since the revisions are administrative changes to the state regulations. 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 April 28, 2008 without further notice unless EPA receives adverse comment by March 31, 2008. 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.

**IV. Statutory and Executive Order  
Reviews****A. General Requirements**

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May

22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it 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). This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 "Protection of Children From

Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant. In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### *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 rule 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**. This rule 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 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 *April 28, 2008*. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule 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 to approve Maryland's revised definition of "Volatile organic compound (VOC)" 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, Ozone, Volatile organic compounds

Dated: February 12, 2008.

**Donald S. Welsh,**

*Regional Administrator, Region III.*

■ 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 V—Maryland**

■ 2. In § 52.1070, the table in paragraph (c) is amended by revising the entry for COMAR 26.11.01B(53) to read as follows:

#### **§ 52.1070 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

#### **EPA-APPROVED REGULATIONS IN THE MARYLAND SIP**

Code of Maryland administrative regulations (COMAR) citation	Title/subject	State effective date	EPA approval date	Additional explanation/ citation at 40 CFR 52.1100
<b>26.11.01.01 General Administrative Provisions</b>				
26.11.01.01B(53) .....	Definitions-definition of Volatile organic compound (VOC).	02/28/08	[Insert page number where the document begins].	Definition reflects the current version of 40 CFR 51.100(s), as amended.

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[FR Doc. E8-3392 Filed 2-27-08; 8:45 am]

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**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[DA 08-275; MB Docket No. 02-376; RM-10617, RM-10690]

**Radio Broadcasting Services; Davis-Monthan Air Force Base, Sells, and Willcox, AZ****AGENCY:** Federal Communications Commission.**ACTION:** Final rule; denial of petition for reconsideration.

**SUMMARY:** The staff denied a petition for reconsideration filed by Lakeshore Media, LLC of a *Report and Order* in this proceeding, which had denied Lakeshore's counterproposal and granted a mutually exclusive allotment of Channel 285A at Sells, Arizona. The staff determined the counterproposal was properly denied because the proposed "backfill" of two new FM allotments at Willcox were not adequate substitutes for the creation of sizeable "white" and "gray" service loss areas that would be caused by the downgrade and reallocation of Lakeshore's Station KWCX-FM from Willcox to Davis-Monthan Air Force Base.

**FOR FURTHER INFORMATION CONTACT:** Andrew J. Rhodes, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Memorandum Opinion and Order*, MB Docket No. 02-376, adopted January 30, 2008 and released February 1, 2008. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 1-800-378-3160 or <http://www.BCPIWEB.com>.

The *Memorandum Opinion and Order* agreed that the *Report and Order* had properly applied the Commission's policy of not permitting "backfill" vacant allotments to the facts of this case. See 69 FR 71386 (December 9, 2004). Specifically, the proposed relocation of Lakeshore's station KWCX-FM would result in the loss of

all radio service for 2,846 persons (*i.e.*, a "white" area) and the reduction from two to one full-time reception service for 1,022 persons (*i.e.*, a "gray" area). Although Lakeshore argued that its counterproposal does not create "white" area, as a matter of law, because the Commission considers a vacant allotment to prevent the creation of "white" area, the *Memorandum Opinion and Order* disagreed, finding that the policy of no longer permitting "backfill" allotments has necessarily modified, to some extent, the calculation of "white" or "gray" areas in cases of operating, as opposed to unbuilt, stations. As a result, the potential service from new "backfill" allotments, existing vacant allotments, or unbuilt construction permits will no longer be considered in calculating the loss of service by the reallocation of operating stations. By way of contrast, the traditional test of considering the potential service from "backfill" or existing vacant allotments would continue to apply in cases involving reallocations and changes of community of license for unbuilt stations because existing on-air service is not being lost.

This document is not subject to the Congressional Review Act. (The Commission, is, therefore, not required to submit a copy of this *Memorandum Opinion and Order* to GAO, pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A) because the petition for reconsideration was denied.)

Federal Communications Commission.

**John A. Karousos,**  
Assistant Chief, Audio Division, Media Bureau.

[FR Doc. E8-3703 Filed 2-27-08; 8:45 am]

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**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 76**

[MB Docket No. 07-42; FCC 07-208]

**Leased Commercial Access****AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

**SUMMARY:** In this document, the Commission modifies the leased access rate formula; adopts customer service obligations that require minimal standards and equal treatment of leased access programmers with other programmers; eliminates the requirement for an independent accountant to review leased access rates; requires annual reporting of leased access statistics; adopts expedited time

frames for resolution of complaints and modifies the discovery process.

**DATES:** The amendments contained in this final rule are effective as follows:

Revised § 76.970 is effective May 28, 2008 except for paragraph (j)(3) which contains information collection requirements that have not been approved by the Office of Management and Budget (OMB). The Federal Communications Commission will publish a document announcing the effective date upon OMB approval of those collection requirements.

Section 76.972 is effective March 31, 2008 except for paragraphs (a), (b), (c), (d), (e) and (g) which contain information collection requirements that have not been approved by OMB and paragraph (f) which contains requirements related to those information collection requirements. The Federal Communications Commission will publish a document announcing the effective date upon OMB approval of those collection requirements.

Amendments to § 76.975 are effective March 31, 2008 except for paragraphs (d), (e), (g), and (h)(4) which contain information collection requirements that have not been approved by OMB and paragraphs (b), (c), and (f) which contain requirements related to those information collection requirements. The Federal Communications Commission will publish a document announcing the effective date upon OMB approval of those collection requirements.

Section 76.978, as added in this rule, contains information collection requirements that have not been approved by OMB. The Federal Communications Commission will publish a document announcing the effective date upon OMB approval of those collection requirements.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Room TW-A325, 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 collection requirements contained herein should be submitted to Cathy Williams, Federal Communications Commission, Room 1-C823, 445 12th Street, SW., Washington, DC 20554, or via the Internet to [PRA@fcc.gov](mailto:PRA@fcc.gov). For additional information, see the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** For additional information on this proceeding, contact Steven Broecker, [Steven.Broecker@fcc.gov](mailto:Steven.Broecker@fcc.gov); Katie Costello, [Katie.Costello@fcc.gov](mailto:Katie.Costello@fcc.gov); or