

- 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 Clean Air Act; 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.

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 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 June 11, 2013. 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 may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

#### List of Subjects in 40 CFR Part 62

Environmental protection, Air pollution control, Administrative practice and procedure, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides, Waste treatment and disposal.

Dated: March 27, 2013.

**H. Curtis Spalding,**

*Regional Administrator, EPA New England.*

Title 40 Part 62 of the Code of Federal Regulations is amended as follows:

#### PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

■ 1. The authority citation for part 62 continues to read as follows:

**Authority:** 42 U.S.C. 7401–7671q.

#### Subpart H—Connecticut

■ 2. Section 62.1500 is amended by adding paragraph (b)(4) to read as follows:

##### § 62.1500 Identification of Plan.

\* \* \* \* \*

(b) \* \* \*

(4) Revised State Plan for Large and Small Municipal Waste Combustors was submitted on October 22, 2008. Revisions included amendments to Regulations of Connecticut State Agencies section 22a-174–38 (Section 38) in response to amended emission guidelines for Large MWCs (40 CFR part 60, subpart Cb) published on May 10, 2006 (71 FR 27324). Certain new provisions of Section 38 (subdivision (12) and (13) of subsection (k)) were revised in the state regulation, but not submitted for approval in the State Plan.

\* \* \* \* \*

[FR Doc. 2013–08648 Filed 4–11–13; 8:45 am]

**BILLING CODE 6560–50–P**

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[MB Docket No. 13–72; RM–11694, DA 13–448]

#### Television Broadcasting Services; Ely, NV to Middletown Township, NJ

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission has been notified by PMCM TV, LLC (“PMCM”), the licensee of KNVN(TV), channel 3, Ely, Nevada, that it wished to the reallocate channel 3 from Ely, Nevada to Middletown, New Jersey, pursuant to section 331(a) of the Communications Act of 1934, as amended. While the Commission denied PMCM’s Reallocation Request, PMCM appealed the decision to the United States Court of Appeals for the District of Columbia, which subsequently reversed the Commission’s denial and remanded the Commission to approve PMCM’s Reallocation Request. Therefore, channel 2 is allocated at Middletown, New Jersey as requested, as it complies with the principle community coverage and technical requirements set forth in the Commission’s rules.

**DATES:** This rule is effective April 12, 2013.

#### FOR FURTHER INFORMATION CONTACT:

Adrienne Y. Denysyk,  
adrienne.denysyk@fcc.gov, Media Bureau, (202) 418–1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission’s *Report and Order*, MB Docket No. 13–72, adopted March 15, 2013, and released March 18, 2013. The full text of this document is available for public inspection and copying during normal business hours in the FCC’s Reference Information Center at Portals II, CY–A257, 445 12th Street SW., Washington, DC 20554. This document will also be available via ECFS (<http://fjallfoss.fcc.gov/ecfs/>). This document may be purchased from the Commission’s duplicating contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone 1–800–478–3160 or via the company’s Web site, <http://www.bcpweb.com>. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any information collection burden “for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional review Act, *see* 5 U.S.C. 801(a)(1)(A).

#### List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Division, Media Bureau.*

#### Final rule

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

#### PART 73—RADIO BROADCAST SERVICES

- 1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336, and 339.

##### § 73.622 [Amended]

- 2. Section 73.622(i), the Post-Transition Table of DTV Allotments is amended by adding channel 3 to Middletown Township, New Jersey and removing channel 3 at Ely, Nevada.  
[FR Doc. 2013–08526 Filed 4–11–13; 8:45 am]

**BILLING CODE** 6712–01–P

#### DEPARTMENT OF DEFENSE

##### Defense Acquisition Regulations System

#### 48 CFR Parts 215, 235, and 237

##### Defense Federal Acquisition Regulation Supplement; Technical Amendments

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD is making technical amendments to the Defense Federal Acquisition Regulation Supplement

(DFARS) to provide needed editorial changes.

**DATES:** *Effective Date:* April 12, 2013.

**FOR FURTHER INFORMATION CONTACT:** Mr. Manuel Quinones, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), Room 3B855, 3060 Defense Pentagon, Washington, DC 20301–3060. Telephone 571–372–6088; facsimile 571–372–6094.

**SUPPLEMENTARY INFORMATION:** This final rule amends the DFARS as follows:

1. Revises 215.406–3 to call attention to procedures in the PGI for uploading business clearance documentation in the Contract Business Analysis Repository (CBAR).
2. Corrects typographical error at 235.070–2.
3. Adds 237.102–79 to call attention to guidance at PGI 237.102–79 on private sector notifications in support of in-sourcing actions.

#### List of Subjects in 48 CFR Parts 215, 235, and 237

Government procurement.

**Manuel Quinones,**

*Editor, Defense Acquisition Regulations System.*

Therefore, 48 CFR parts 215, 235, and 237 are amended as follows:

- 1. The authority citation for 48 CFR parts 215 and 237 continues to read as follows:

**Authority:** 41 U.S.C. 1303 and 48 CFR chapter 1.

#### PART 215—CONTRACTING BY NEGOTIATION

- 2. Section 215.406–3 is revised to read as follows:

##### 215.406–3 Documenting the negotiation.

Follow the procedures at PGI 215.406–3 for documenting the negotiation and uploading sole source business clearance documentation into the Contract Business Analysis Repository.

#### PART 235—RESEARCH AND DEVELOPMENT CONTRACTING

- 3. The authority citation for 48 CFR part 235 is revised to read as follows:

**Authority:** 41 U.S.C. 1303 and 48 CFR chapter 1.

##### 235.070–2 [Amended]

- 4. Section 235.070–2 is amended by removing the words “FAR Subpart 50.4” and adding the words “FAR 50.104–3” in their place.

#### PART 237—SERVICE CONTRACTING

##### Subpart 237.1 [Amended]

- 5. Subpart 237.1 is amended by adding section 237.102–79 to read as follows:

##### 237.102–79 Private sector notification requirements in support of in-sourcing actions.

Contracting officers shall follow the procedures at PGI 237.102–79 for notifying affected incumbent contractors of Government in-sourcing actions, in accordance with 10 U.S.C. 2463.

[FR Doc. 2013–08686 Filed 4–11–13; 8:45 am]

**BILLING CODE** 5001–06–P

#### DEPARTMENT OF TRANSPORTATION

##### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[Docket No. NHTSA–2011–0185]

**RIN** 2127–AL25

##### Federal Motor Vehicle Safety Standards; Matters Incorporated by Reference

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

**ACTION:** Final rule; response to petition for reconsideration; technical corrections.

**SUMMARY:** On January 6, 2012, NHTSA published a final rule updating and consolidating all of the references to the many standards and practices that are incorporated by reference into the Federal motor vehicle safety standards (FMVSSs). Additionally, the final rule removed an obsolete FMVSS, No. 208a, as well as various obsolete provisions in other FMVSSs.

The agency received a petition for reconsideration of that final rule from the Alliance of Automobile Manufacturers. The petitioner asserts that the amendments to one FMVSS are not based on the latest version of that FMVSS and further asserts that several references to standards are out of date or contain minor omissions. The petitioner requests that technical amendments be made to address these issues.

In response to the petition, this document amends certain paragraphs in FMVSS No. 202a to reflect the substantive language of the FMVSS in effect before the effective date of the January 6, 2012 final rule, with the addition of the cross-references to the