

for administrative review of the notice or decision under subsection (c) under § 4VAC25-130-775.11 and § 2.2-4000 *et seq.* of the Code of Virginia, the notice of the public hearing scheduled under this subsection will be posted at the division office located nearest to the permit.

**4. 4VAC25-130-773.13 Public participation in permit processing.**

The corresponding Federal regulation is 30 CFR 773.6. The DMME proposes to change “paragraph” to “subsection” in section (b)(1).

**5. 4VAC25-130-774.12 Post-permit issuance requirements.**

The corresponding Federal regulation for this section is 30 CFR 774.11. The DMME proposes to change “paragraph” to “subsection” in section (e).

**6. 4VAC25-130-774.17 Transfer, assignment, or sale of permit rights.**

The corresponding Federal regulation for this section is 30 CFR 774.17. The DMME proposes to change “paragraph” to “subsection” in section (a).

**7. 4VAC130-778.13 Identification of interests.**

The corresponding Federal regulation for this section is 30 CFR 778.11. The DMME proposes to change “paragraph(s)” to “subsection(s)” in sections (c), (d), (k), and (m).

**8. 4VAC25-130-801.13 Self-bonding.**

There is no direct Federal counterpart regulation for this section. The DMME proposes to change “paragraph” to “subdivision” in sections (a)(3), (a)(7), and (b).

**9. 4VAC25-130-840.14 Availability of records.**

The corresponding Federal regulation is 30 CFR 840.14(c). The DMME proposes to post a notice that states in part: Pursuant to § 2.1-340 *et seq.* of the Code of Virginia, as amended, and §§ 4 VAC 25-130-700.14, 4 VAC 25-130-702.13, 4 VAC 25-130-772.15, 4 VAC 25-130-773.13(d), and 4 VAC 25-130-840.14 (b) of the Virginia Coal Surface Mining Reclamation Regulations, the Division of Mined Land Reclamation (DMLR) will make available copies of all records, reports, inspection materials, permit applications, or information obtained by the Division for public inspection and copying. The Division will maintain the information at its principal office located in Big Stone Gap, Virginia. The information will also be made available upon request at the Division’s Lebanon office. The DMLR may, upon request, provide the

information at other Federal, State, or local government office(s) located in the county where the mining is or may be proposed to occur, or provide the information electronically to the requestor. If a person wishes to inspect the information, he or she may visit or call one of DMLR’s offices, or send an electronic request. Information regarding laws, regulations, public participation, complaints, guidance documents, procedures to request information, and other topics may be obtained from the DMLR’s office or accessed through the DMLR’s internet site. This notice will be sent to Circuit Court Clerks of coal-producing counties (Lee, Wise, Scott, Dickenson, Russell, Tazewell, Buchanan); posted at DMLR offices; and placed on the DMME webpage.

### III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the submission satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the Virginia program.

#### Electronic or Written Comments

If you submit written comments, they should be specific, confined to issues pertinent to the proposed regulations, and explain the reason for any recommended change(s). We appreciate any and all comments, but those most useful and likely to influence decisions on the final regulations will be those that either involve personal experience or include citations to and analyses of SMCRA, its legislative history, its implementing regulations, case law, other pertinent Tribal or Federal laws or regulations, technical literature, or other relevant publications. We cannot ensure that comments received after the close of the comment period (see **DATES**) or sent to an address other than those listed above (see **ADDRESSES**) will be included in the docket for this rulemaking and considered.

#### Public Availability of Comments

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

### List of Subjects in 30 CFR Part 917

Intergovernmental relations, Surface mining, Underground mining.

Dated: January 22, 2009.

**Thomas D. Shope,**  
Regional Director.

**Editorial Note:** This document was received in the Office of the Federal Register on Tuesday, April 14, 2009.

[FR Doc. E9-8883 Filed 4-16-09; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R04-OAR-2009-0181; FRL-8892-9]

### Approval and Promulgation of Implementation Plans; Georgia; Enhanced Inspection and Maintenance Plan

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve the State Implementation Plan (SIP) revision submitted by the Georgia Department of Natural Resources through the Georgia Environmental Protection Division on February 13, 2009. The revisions include minor changes to Georgia’s Air Quality Rules found at Chapter 391-3-20-.17, pertaining to rules for Enhanced Inspection and Maintenance. Specifically, the changes update the amount of repair costs that may qualify for a waiver. This action is being taken pursuant to section 110 of the Clean Air Act.

In the Final Rules 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 submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this final rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period of this proposal. Any parties interested in commenting on this proposal should do so at this time.

**DATES:** Written comments must be received on or before May 18, 2009.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R04-OAR-2009-0181 by one of the following methods:

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

2. *E-mail*: [benjamin.lynorae@epa.gov](mailto:benjamin.lynorae@epa.gov).

3. *Fax*: (404) 562-9019.

4. *Mail*: "EPA-R04-OAR-2009-0181," 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.

5. *Hand Delivery or Courier*: Lynorae Benjamin, Chief, 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. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

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

**FOR FURTHER INFORMATION CONTACT:** Mohammad Madjdinasab, 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. The telephone number is (404) 562-9026. Mr. Madjdinasab can also be reached via electronic mail at [madjdinasab.mohammad@epa.gov](mailto:madjdinasab.mohammad@epa.gov).

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule which is published in the Rules section of this **Federal Register**.

Dated: April 3, 2009.

**Beverly H. Banister,**  
Acting Regional Administrator, Region 4.  
[FR Doc. E9-8783 Filed 4-16-09; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 09-739; MB Docket No. 09-46; RM-11524]

#### Television Broadcasting Services; Buffalo, NY

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a channel substitution proposed by New York Television, Inc. ("New York TV"), the licensee of WYNO-DT, DTV channel 34, Buffalo, New York. New York TV requests the substitution of DTV channel 49 for post-transition DTV channel 34 at Buffalo.

**DATES:** Comments must be filed on or before May 4, 2009, and reply comments on or before May 12, 2009.

**ADDRESSES:** Federal Communications Commission, Office of the Secretary, 445 12th Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for petitioner as follows: Clifford Harrington, Esq., Pillsbury Winthrop Shaw Pittman LLP, 2300 N Street, NW., Washington, DC 20037-1128.

**FOR FURTHER INFORMATION CONTACT:** David J. Brown, [david.brown@fcc.gov](mailto:david.brown@fcc.gov), Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rulemaking, MB Docket No. 09-46, adopted March 26, 2009, and released April 2, 2009. 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://www.fcc.gov/cgb/ecfs/>). (Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) 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 e-mail <http://www.BCPIWEB.com>. To request this document in accessible formats (computer diskettes, large print, audio recording, and Braille), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). This document does not contain

proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed 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. Members of the public should note that from the time a Notice of Proposed Rulemaking is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

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

Television, Television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 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.

##### § 73.622(i) [Amended]

2. Section 73.622(i), the Post-Transition Table of DTV Allotments under Buffalo, is amended by adding DTV channel 49 and removing DTV channel 34 at Buffalo.

Federal Communications Commission.

**Clay C. Pendarvis,**

*Associate Chief, Video Division, Media Bureau.*

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