

provisions at 40 CFR 51.165 and 51.166, respectively, as amended by the promulgation of the NSR PM<sub>2.5</sub> Rule for PSD and NNSR. Specifically, South Carolina's December 2, 2010, proposed SIP revision addresses the following NSR PM<sub>2.5</sub> provisions: (1) Requirement for NSR permits to address directly emitted PM<sub>2.5</sub> and precursor pollutants; (2) significant emission rates for direct PM<sub>2.5</sub> and precursor pollutants (SO<sub>2</sub> and NO<sub>x</sub>); and (3) requirement of states to address condensable PM in establishing enforceable emission limits for PM<sub>10</sub> or PM<sub>2.5</sub>. In light of EPA's February 11, 2010, proposed rulemaking to repeal the PM<sub>10</sub> "grandfathering" provision, as noted in Section II.C above, South Carolina's December 2, 2010, SIP revision does not address 40 CFR 52.21(i)(1)(ix) promulgated in the NSR PM<sub>2.5</sub> Rule. Even if EPA's proposed repeal of the PM<sub>10</sub> "grandfathering" provision is not finalized before today's action, South Carolina's SIP revision is approvable because it is at least as stringent as current federal law, and is consistent with section 110 of the CAA.

In addition, South Carolina's SIP revision does not incorporate optional provisions set forth at 40 CFR 51.165(a)(11) authorizing the use of interpollutant trading for the purpose of offsets under the PM<sub>2.5</sub> NNSR program. Because the NSR PM<sub>2.5</sub> Rule gives states discretion regarding whether to include interpollutant trading provisions in their PM<sub>2.5</sub> NNSR programs, South Carolina's decision not to adopt such provisions does not affect the approvability of South Carolina's December 2, 2010, draft SIP revision. EPA has preliminarily determined that South Carolina's December 2, 2010, draft SIP revision is consistent with the NSR PM<sub>2.5</sub> Rule for PSD and NNSR and with section 110 of the CAA. *See, e.g.*, NSR PM<sub>2.5</sub> Rule, 75 FR 31514.

#### *B. EPA's Analysis of South Carolina's NSR Rule Revision To Adopt the Phase II Rule Requirement for NO<sub>x</sub> as an Ozone Precursor*

South Carolina's December 2, 2010, proposed SIP revision also updates its PSD permitting regulations at 61–62–5 Standard No. 7. The submittal adds the requirement related to NO<sub>x</sub> as an ozone precursor provision as amended in the Phase II Rule. Specifically, the change addresses the inclusion of "nitrogen oxides" in the footnote at 61–62.5(i)(5)(i) (as amended at 40 CFR 51.166(i)(5)(i)(e)) to recognize NO<sub>x</sub> as an ozone precursor. The provision at 40 CFR 51.166(i)(5)(i)(e) requires sources with a net increase of 100 tons per year or more of NO<sub>x</sub> to perform an ambient impact analysis.

As mentioned above in Section III, South Carolina submitted a SIP revision on July 1, 2005, to update its PSD and NNSR Regulations (at Regulation 61–62.5, Standards No. 7 and 7.1) to adopt the 2002 NSR Reform permitting requirements as well as incorporate provisions recognizing NO<sub>x</sub> as an ozone precursor. The SIP revision became state-effective on June 24, 2005 and EPA took final action to approve the SIP revision on June 2, 2008. 73 FR 31368. Together, South Carolina's July 1, 2005, SIP revision (73 FR 31368, June 2, 2008) and the December 2, 2010, SIP revision (the subject of today's action), incorporate into South Carolina's SIP (at Regulation 61–62.5, Standards No. 7 and 7.1) all of the requirements for permitting pertaining to NO<sub>x</sub> as an ozone precursor as required by the Phase II Rule, 70 FR 71612 (November 29, 2005). EPA is proposing to determine that South Carolina's December 2, 2010, SIP revision is consistent with the federal requirements of the Phase II Rule and the CAA.

#### **V. Proposed Action**

EPA is proposing to approve South Carolina's December 2, 2010, SIP revision adopting federal regulations amended in the NSR PM<sub>2.5</sub> Rule and the Phase II Rule (recognizing NO<sub>x</sub> as an ozone precursor) into the South Carolina SIP. EPA has made the preliminary determination that this SIP revision is approvable because it is in accordance with the CAA and EPA regulations regarding NSR permitting.

#### **VI. Statutory and Executive Order Reviews**

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act 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 proposed 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 proposed 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 proposed 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.

#### **List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen oxides, Ozone, Particulate matter, Reporting and recordkeeping requirements.

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

Dated: March 7, 2011

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

[FR Doc. 2011–6009 Filed 3–14–11; 8:45 am]

**BILLING CODE 6560–50–P**

## **FEDERAL COMMUNICATIONS COMMISSION**

### **47 CFR Part 73**

[MB Docket No. 11–33, RM–11623; DA 11–406]

### **Television Broadcasting Services; Topeka, KS**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission has before it a petition for rulemaking filed by KSQA, LLC, permittee of station KSQA(TV), channel 12, Topeka, Kansas, requesting the substitution of channel 22 for channel 12 at Topeka.

**DATES:** Comments must be filed on or before April 14, 2011, and reply comments on or before April 29, 2011.

**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: James L. Winston, Esq., Rubin, Winston, Diercks, Harris & Cooke, LLP, 1201 Connecticut Avenue, NW., Suite 200, Washington, DC 20036.

**FOR FURTHER INFORMATION CONTACT:** Adrienne Denysyk, [adrienne.denysyk@fcc.gov](mailto:adrienne.denysyk@fcc.gov), Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 11-33, adopted February 22, 2011, and released March 2, 2011. 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 Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts (other than *ex parte* presentations exempt under 47

CFR 1.1204(a)) are prohibited in Commission proceedings, such as this one, which involve channel allotments. *See* 47 CFR 1.1208 for rules governing restricted proceedings.

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.

Federal Communications Commission.

**Barbara A. Kreisman,**  
*Chief, Video Division, Media Bureau.*

#### Proposed Rules

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, and 339.

##### § 73.622 [Amended]

2. Section 73.622(i), the Post-Transition Table of DTV Allotments under Kansas, is amended by adding channel 22 and removing channel 12 at Topeka.

[FR Doc. 2011-6007 Filed 3-14-11; 8:45 am]

**BILLING CODE 6712-01-P**