Subpart B—Alabama

2. Section 52.50(c) is amended by:
   a. Adding in numerical order a new entry in Chapter No. 335–3–1 General

Provisions for “Section 335–3–1–15”; and

The revisions and addition read as follows:

§ 52.50  Identification of plan.
   * * * * *
   (c) * * *

EPA APPROVED ALABAMA REGULATIONS

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
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<tbody>
<tr>
<td>335–3–1–15</td>
<td>Emissions Inventory Reporting</td>
<td>04/03/03</td>
<td>04/24/03</td>
<td>[Insert citation of publication].</td>
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<tr>
<td>335–3–3–01</td>
<td>Open Burning</td>
<td>04/03/03</td>
<td>04/24/03</td>
<td>[Insert citation of publication].</td>
</tr>
<tr>
<td>335–3–8–10</td>
<td>NOx Allowance Tracking System</td>
<td>04/03/03</td>
<td>04/24/03</td>
<td>[Insert citation of publication].</td>
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<tr>
<td>335–3–17–01</td>
<td>Transportation Conformity</td>
<td>04/03/03</td>
<td>04/24/03</td>
<td>[Insert citation of publication].</td>
</tr>
</tbody>
</table>

[FR Doc. 03–10061 Filed 4–23–03; 8:45 am]
BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

Notice of Withdrawal of October 2, 2002, Attainment Date Extension, Determination of Nonattainment as of November 15, 1999, and Reclassification of the Baton Rouge Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule finalizes EPA’s finding that the Baton Rouge 1-hour ozone nonattainment area (hereinafter referred to as the Baton Rouge area) did not attain the 1-hour ozone national ambient air quality standard (NAAQS or standard) by November 15, 1999, the attainment date for serious nonattainment areas set forth in the Federal Clean Air Act (CAA or Act). As a result of this finding, the Baton Rouge area will be reclassified from a serious to a severe one-hour ozone nonattainment area by operation of law on the effective date of this rule. In addition, EPA is establishing a schedule for Louisiana to submit State Implementation Plan (SIP) revisions addressing the CAA’s pollution control requirements for severe ozone nonattainment areas within 12 months of the effective date of this rule and establishing November 15, 2005, as the date by which the Baton Rouge area must attain the ozone NAAQS. Finally, EPA is adjusting the dates by which the area must achieve a 9% reduction in ozone precursor emissions to meet the 2002 rate-of-progress requirement and is adjusting the contingency measure requirements as they relate to the 2002 ROP milestone. On December 11, 2002, the U.S. Court of Appeals for the Fifth Circuit issued its decision on EPA’s extension policy used to extend the 1-hour ozone attainment deadline for the Beaumont-Port Arthur, Texas, area, without reclassifying the area. The Court rejected EPA’s extension of Beaumont-Port Arthur’s attainment date because it determined that the CAA precludes such an extension as a matter of law. We are issuing this rule in response to the rejection by the Fifth Circuit Court of Appeals of EPA’s use of the extension policy.

DATES: This final rule is effective on June 23, 2003.

ADDRESSES: Copies of documents relevant to this action are available for public inspection during normal business hours at the Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), 1445 Ross Avenue, Dallas, Texas 75202–2733; and the Louisiana Department of Environmental Quality (LDEQ), 7920 Bluebonnet Boulevard, Baton Rouge, Louisiana 70884. Please contact the appropriate office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Ms. Maria L. Martinez, Air Planning Section (6PD–L), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–2230.

SUPPLEMENTARY INFORMATION:
Throughout this document whenever “we, us, or our” is used, we mean EPA. This section provides additional information by addressing the following questions:

I. What Is the Background for This Rule?
II. What Are the National Ambient Air Quality Standards?
III. What Is the NAAQS for Ozone?
IV. What Is a SIP?
V. What Is the Baton Rouge Ozone Nonattainment Area?
VI. What Does This Action Do?
VII. What Is the New Attainment Date for the Baton Rouge Area?
VIII. When Must Louisiana Submit SIP Revisions Fulfilling the Requirements for Severe Ozone Nonattainment Areas?
IX. What Is the Impact of a Reclassification on the Title V Operating Permit Program?
X. Statutory and Executive Order Reviews

On May 9, 2001, EPA proposed its finding that the Baton Rouge serious ozone nonattainment area did not attain the 1-hour ozone NAAQS by November 15, 1999, the applicable attainment date (66 FR 23646). The proposed finding was based upon ambient air quality data from the years 1997, 1998, 1999. These data showed that the 1-hour ozone NAAQS of 0.12 parts per million (ppm) had been exceeded on an average of more than one day per year over this three-year period and that the area did not qualify for an attainment date extension under section 181(a)(5). EPA
also proposed that the appropriate reclassification of the area was to severe.

In that proposed action, we also stated that Louisiana was seeking an extension of its attainment date pursuant to the extension policy, which was published in a March 25, 1999, Federal Register notice (64 FR 14441). This policy addressed areas affected by downwind transport of ozone and/or ozone precursors. EPA proposed to take final action on the determination of nonattainment and reclassification of the Baton Rouge area only after the area had received an opportunity to qualify for an attainment date extension under the extension policy. EPA received comments on the May 9, 2001, proposed rule (66 FR 23646). We also received comments from the public on the supplemental proposed rulemaking published on July 25, 2001 (66 FR 38608) for the “Clean Air Reclassification and Notice of Potential Eligibility for Extension of Attainment Date, Louisiana; Baton Rouge Ozone Nonattainment Area.” This notice supplemented the proposed actions of the May 9, 2001, notice, by proposing to extend the deadline for submission of an attainment plan from August 31, 2001, to December 31, 2001. Louisiana submitted an Attainment Plan/Transport SIP on December 31, 2001 for the Baton Rouge area.

On March 7, 2002, the United States District Court for the Middle District of Louisiana entered a judgment ordering EPA to issue a determination by June 5, 2002, as to whether the Baton Rouge area had attained the applicable ozone standard under the CAA, LEAN v. Whitman, No. 00–879–A.

EPA made the determination required by the Court, and as the Court further ordered, EPA then published a notice of this determination in the Federal Register, 67 FR 42687 (June 24, 2002). That notice stated EPA’s finding that the Baton Rouge area did not attain the 1-hour ozone NAAQS by November 15, 1999, and that the area would be reclassified to “severe” by operation of law as of the effective date of the rule. In addition, the June 24, 2002, rulemaking established the dates by which Louisiana was to submit SIP revisions addressing the CAA’s pollution control requirements for severe ozone nonattainment areas and to attain the 1-hour NAAQS for ozone. The June 24, 2002, rulemaking was to be effective August 23, 2002. EPA’s responses to the comments related to the reclassification are incorporated by reference in this rule and appear in the June 24, 2002, rule.

On August 20, 2002, EPA published a rule extending the effective date of the June 24, 2002, rulemaking to October 4, 2002 (67 FR 53882). On October 2, 2002, EPA issued a final rule in which EPA extended the attainment date for the Baton Rouge area, consistent with the extension policy, and withdrew the June 24, 2002, rulemaking before its effective date (67 FR 61786). The October 2, 2002, rulemaking also approved the attainment demonstration for the Baton Rouge area and took several other related actions.

Petitions for review of the October 2, 2002, rulemaking have been filed in the U.S. Court of Appeals for the Fifth Circuit (Sierra Club v. EPA, No. 02–68075; Pointe Coupee Parish Police Jury v. EPA, No. 02–61021).

Additionally on December 11, 2002, the U.S. Court of Appeals for the Fifth Circuit issued its decision in Sierra Club v. United States EPA, 314 F.3d 735. Among the issues in that case was EPA’s decision under the extension policy to extend the 1-hour ozone attainment deadline for the Beaumont-Port Arthur, Texas, area without reclassifying the area. The Court rejected this decision because it determined that the CAA precludes such an extension as a matter of law. Because the Court’s decision was based on its legal interpretation of the CAA and not on the particular facts at issue in the Beaumont-Port Arthur case, and because the decision is precedent within the Circuit, we must withdraw our determination to extend the attainment deadline for Baton Rouge.

Accordingly, we requested that the Fifth Circuit grant a partial voluntary remand of our October 2, 2002, final rule, to allow us to withdraw our decision to extend the attainment date for Baton Rouge. The Court granted that request on February 25, 2003. We are issuing this rule in response to the Fifth Circuit Court of Appeals rejection of EPA’s use of the extension policy.

II. What Are the National Ambient Air Quality Standards?

EPA has set NAAQS for six common air pollutants: carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter, and sulfur dioxide. The CAA requires that these standards be set at levels that protect public health and welfare with an adequate margin of safety. These standards, established under section 109 of the CAA, present and local governments with the air quality levels they must meet to achieve clean air. Also, these standards allow the American people to assess whether or not the air quality in their communities is healthful.

III. What Is the NAAQS for Ozone?

The NAAQS for ozone is expressed in two forms which are referred to as the 1-hour and 8-hour \(^1\) standards. Table 1 summarizes the 1-hour ozone standard.

### Table 1.—SUMMARY OF OZONE STANDARD

<table>
<thead>
<tr>
<th>Standard</th>
<th>Value</th>
<th>Type</th>
<th>Method of compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-hour</td>
<td>0.12 ppm</td>
<td>Primary and Secondary</td>
<td>Must not be exceeded, on average, more than one day per year over any three-year period at any monitor within an area.</td>
</tr>
</tbody>
</table>

---

\(^1\) The 8-hour ozone standard value is 0.08 ppm and is the primary and secondary standard. The method of compliance is the average of the annual fourth highest daily maximum 8-hour average ozone concentration measured at each monitor over any three-year period is less than or equal to 0.08 ppm.

The 1-hour ozone standard of 0.12 parts per million (ppm) was promulgated in 1979. The 1-hour ozone standard continues to apply to Baton Rouge and it is the classification of the Baton Rouge area with respect to the 1-hour ozone standard that is addressed in this document.

IV. What Is a SIP?

Section 110 of the CAA requires states to develop air pollution regulations and control strategies to ensure that state air quality meets the NAAQS established by EPA. After engaging in required public participation, each state must submit the required regulations and control strategies to us for approval and
incorporation into the Federally enforceable SIP.

Each Federally approved SIP protects air quality primarily by addressing air pollution at its point of origin. These SIPs can be extensive. They may contain state regulations or other enforceable measures, as well as supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

V. What Is the Baton Rouge Ozone Nonattainment Area?

The Baton Rouge ozone nonattainment area, located in southern Louisiana, consists of East Baton Rouge, West Baton Rouge, Ascension, Iberville, and Livingston Parishes.

Under section 107(d)(1)(C) of the CAA, each ozone area designated nonattainment for the 1-hour ozone standard before enactment of the 1990 CAA Amendments, such as the Baton Rouge area, was designated nonattainment by operation of law upon enactment of the 1990 Amendments. In addition, under section 181(a) of the Act, each area designated nonattainment under section 107(d) was classified as “marginal,” “moderate,” “serious,” “severe,” or “extreme,” depending on the severity of the area’s air quality problem. The design value for an area characterizes the severity of the air quality problem. The design value for an area is the highest site design value. The site design value in turn is the fourth highest 1-hour daily maximum in a given three-year period. Table 2 provides the design value ranges for each nonattainment classification. Ozone nonattainment areas with design values between 0.160 and 0.180 ppm, such as the Baton Rouge area (which had a design value of 0.164 ppm in 1989), were classified as serious. These nonattainment designations and classifications were initially codified in 40 CFR part 81 (see 56 FR 56694, November 6, 1991).

<table>
<thead>
<tr>
<th>Area class</th>
<th>Design value (ppm)</th>
<th>Attainment date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marginal</td>
<td>0.121 up to 0.138</td>
<td>November 15, 1993.</td>
</tr>
<tr>
<td>Moderate</td>
<td>0.138 up to 0.160</td>
<td>November 15, 1996.</td>
</tr>
<tr>
<td>Serious</td>
<td>0.160 up to 0.180</td>
<td>November 15, 1999.</td>
</tr>
<tr>
<td>Severe</td>
<td>0.180 up to 0.280</td>
<td>November 15, 2005.</td>
</tr>
<tr>
<td>Extreme</td>
<td>0.280 and above</td>
<td>November 15, 2010.</td>
</tr>
</tbody>
</table>

VI. What Does This Action Do?

In this action, in accordance with the decisions of the Fifth Circuit Court of Appeals rejecting EPA’s use of the extension policy and in fulfilling our nondiscretionary duty under the CAA, EPA is withdrawing the portion of the October 2, 2002, rulemaking that granted Baton Rouge an extension of its attainment date. Specifically we are withdrawing the approvals of the attainment date extension for the Baton Rouge area and the transport demonstration in Louisiana’s December 31, 2001, SIP. Additionally, EPA is reinstating its previous final determination that the Baton Rouge area did not attain the 1-hour ozone NAAQS by November 15, 1999, as prescribed in section 181 of the CAA. As a result of this action, the Baton Rouge area is recategorized by operation of law to severe ozone nonattainment pursuant to section 181(b)(2) of the CAA as of the effective date of this action. In addition, this action sets the dates by which Louisiana must submit SIP revisions addressing the CAA’s pollution control requirements for severe ozone nonattainment areas (the “severe area SIP”) and to attain the 1-hour NAAQS for ozone. The post-1999 ROP nine percent reduction originally was required under the CAA to occur by November 15, 2002. Because that statutory deadline passed before the area became classified as severe and thus became subject to the requirement to demonstrate post-1999 ROP, we conclude that the State must have some time to actually develop and implement the measures needed to achieve such progress. Accordingly, in this action we are allowing Louisiana to demonstrate that the first required post-1999 nine percent ROP is achieved as expeditiously as practicable after November 15, 2002, but in any case no later than November 15, 2005. EPA is allowing Louisiana to relate contingency measures for the 2002 ROP milestone to this new date. Further discussion of a severe ozone nonattainment area’s SIP requirements appears below in section VIII.

VII. What Is the New Attainment Date for the Baton Rouge Area?

In the June 24, 2002, rulemaking, EPA set forth its conclusion under section 181(n)(1) of the Act that the attainment deadline for the Baton Rouge area, as a serious ozone nonattainment area recategorized to severe under section 181(b)(2), is as expeditiously as practicable but no later than the date provided in the Act for the new classification: November 15, 2005. EPA incorporates this conclusion, supporting reasoning, and responses to comments by reference into this rulemaking.

VIII. When Must Louisiana Submit SIP Revisions Fulfilling the Requirements for Severe Ozone Nonattainment Areas?

Under section 182(i) of the Act, serious ozone nonattainment areas recategorized to severe are required to submit SIP revisions addressing the severe area requirements for the 1-hour ozone NAAQS. Under section 182(d), severe area plans are required to meet all the requirements for serious area plans plus the requirements for severe area plans, which include: (1) A 25 ton per year major stationary source threshold; (2) additional reasonably available control technology (RACT) rules for sources subject to the new lower major stationary source threshold; (3) a new source review (NSR) offset requirement of at least 1.3 to 1; (4) a rate of progress in emission reductions of ozone precursors of at least 3 percent of base line emissions per year from November 15, 1999, until the attainment year; (5) additional transportation control measures (TCMs) needed to offset growth in emissions due to growth in vehicle miles traveled (VMT); and (6) a fee requirement for major stationary sources of volatile organic
In addition, under Section 211(k) plan requirements. In addition to establishing requirements and backfill for failure to attain, consistent with the requirement in section 181(a)(1) that the NAAQS be attained as expeditiously as practicable, EPA did not receive any comments on the proposed schedule. We conclude that the severe SIP revision schedule is reasonable and appropriate. Therefore, EPA is requiring Louisiana to submit SIP revisions within 12 months of the effective date of this rule. These revisions must address the Act’s pollution control requirements for severe ozone nonattainment areas and must demonstrate attainment by November 15, 2005.

IX. What Is the Impact of a Reclassification on the Title V Operating Permit Program?

In the June 24, 2002, final rule, EPA listed most of the SIP revisions that would be required to be submitted by Louisiana addressing the severe area requirements. One of these requirements is the lowering of the major stationary source threshold for VOC and NOX emissions from 50 tons per year to 25 tons per year.

As a consequence of the reclassification of the Baton Rouge area to severe, additional sources become subject to the Title V major stationary source operating permit program. The affected sources are those with a potential to emit at least 25 tons per year of either VOC or NOX, or both VOC and NOX. Any new major stationary source must submit a timely Title V permit application. 

“A timely application for a source applying for a part 70 permit for the first time is one that is submitted within 12 months after the source becomes subject to the permit program or on or before such earlier date as the permitting authority may establish.” See 40 CFR 70.5(a)(1) and see 40 CFR 71.5(a)(1). On the effective date of this action that can be found in the DATES section of this final rule, the 12 month (or earlier date set by Louisiana) time period to submit a timely application will commence in accordance with the State’s Title V program regulations applicable to that source.
small not-for-profit enterprises, and small governmental jurisdictions.

determinations of nonattainment and
the resulting reclassification of
nonattainment areas by operation of law
under section 181(b)(2) of the CAA do
not in and of themselves create any new
requirements. Instead, this rulemaking
only makes a factual determination, and
does not directly regulate any entities.
See 62 FR 60001, 60007–8, and 60100
(November 6, 1997) for additional
analysis of the RFA implications of
attainment determinations. Therefore,
pursuant to 5 U.S.C. 605(b), I certify that
this final action does not have a
significant impact on a substantial
number of small entities within the
meaning of those terms for RFA
purposes.

D. Unfunded Mandates Reform Act

Under section 202 of the Unfunded
Mandates Reform Act of 1995 (UMRA),
signed into law on March 22, 1995, EPA
must prepare a budgetary impact
statement to accompany any proposed
or final rule that includes a Federal
mandate that may result in estimated
annual costs to state, local, or tribal
governments in the aggregate, or to the
private sector, of $100 million or more.
Under section 205, EPA must select the
most cost-effective and least
burdensome alternative that achieves
the objectives of the rule and is
consistent with statutory requirements.
Section 203 requires EPA to establish a
plan for informing and advising any
small governments that may be
significantly or uniquely impacted by
the rule.

EPA believes, as discussed previously
in this document, that a determination
of nonattainment is a factual
determination based upon air quality
considerations and the resulting
reclassification of the area occurs by
operation of law. Thus, the finding does
not constitute a Federal mandate, as
defined in section 101 of the UMRA,
because it does not impose an
enforceable duty on any entity.

E. Executive Order 13132, Federalism

Executive Order 13132, entitled
Federalism (64 FR 43255, August 10,
1999) requires EPA to develop an
accountable process to ensure
“meaningful and timely input by state
and local officials in the development of
regulatory policies that have Federalism
implications.” “Policies that have
federalism implications” is defined in
the Executive Order to include
regulations that 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.” Under
Executive Order 13132, EPA may not
issue a regulation that has Federalism
implications, that imposes substantial
direct compliance costs, and that is not
required by statute, unless the Federal
Government provides the funds
necessary to pay the direct compliance
costs incurred by state and local
governments, or EPA consults with state
and local officials early in the process
of developing the proposed regulation.
EPA also may not issue a regulation that
has Federalism implications and that
preempts state law unless the Agency
consults with state and local officials
early in the process of developing the
proposed regulation. This determination
of nonattainment and the resulting
reclassification of a nonattainment area
by operation of law will 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), because this action
does not, in and of itself, impose any
new requirements on any sectors of the
economy, and does not alter the
relationship or the distribution of power
and responsibilities established in the
CAA. Thus, the requirements of section
6 of the Executive Order do not apply to
these actions.

F. Executive Order 13175, Coordination
With Indian Tribal Governments

This final 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
(59 FR 22951, November 9, 2000). Thus,
Executive Order 13175 does not apply
to this action.

G. Executive Order 13045, Protection of
Children From Environmental Health
Risks and Safety Risks

Executive Order 13045, Protection of
Children from Environmental Health
Risks and Safety Risks (62 FR 43255,
November 6, 1997), requires EPA to
consider the use of any voluntary
consensus standards. Therefore, EPA
did not consider the use of any voluntary
consensus standards.
J. Congressional Review Act

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 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).

K. 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 June 23, 2003. 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 reclassify the Baton Rouge area as a severe ozone nonattainment area and to adjust applicable deadlines may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Motor vehicle pollution, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements.


Richard E. Greene,
Regional Administrator, Region 6.

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

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

2. In §81.319 the table for Louisiana—Ozone (1-hour Standard) is amended by revising the entry for the Baton Rouge area to read as follows:

§81.319 Louisiana.

Louisiana.

LOUISIANA-OZONE (1–HOUR STANDARD)

<table>
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<th>Designated area</th>
<th>Date ¹</th>
<th>Type</th>
<th>Classification</th>
<th>Date ¹</th>
<th>Type</th>
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<td>Baton Rouge Area:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Ascension Parish</td>
<td>11/15/90</td>
<td>Nonattainment</td>
<td></td>
<td>6/23/03</td>
<td>Severe</td>
</tr>
<tr>
<td>East Baton Rouge Parish</td>
<td>11/15/90</td>
<td>Nonattainment</td>
<td></td>
<td>6/23/03</td>
<td>Severe</td>
</tr>
<tr>
<td>Iberville Parish</td>
<td>11/15/90</td>
<td>Nonattainment</td>
<td></td>
<td>6/23/03</td>
<td>Severe</td>
</tr>
<tr>
<td>Livingston Parish</td>
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<td>Nonattainment</td>
<td></td>
<td>6/23/03</td>
<td>Severe</td>
</tr>
<tr>
<td>West Baton Rouge Parish</td>
<td>11/15/90</td>
<td>Nonattainment</td>
<td></td>
<td>6/23/03</td>
<td>Severe</td>
</tr>
</tbody>
</table>

¹ This date is October 18, 2000, unless otherwise noted.

[FR Doc. 03–10172 Filed 4–23–03; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 03–1097, MB Docket No. 02–155, RM–10452]

Digital Television Broadcast Service and Television Broadcast Service; Charleston, WV

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Pappas Telecasting of America, substitutes DTV channel 52 for channel 23. See 67 FR 44791, July 5, 2002, DTV channel 52 can be allotted to Charleston, West Virginia, in compliance with the principal community coverage requirements of Section 73.625(a) at coordinates 38–30–21 N and 82–12–33 W. Since the community of Charleston is located within 400 kilometers of the U.S.-Canadian border, concurrence from the Canadian Government has been obtained for this allotment. With this action, this proceeding is terminated.


FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission’s Report and Order, MB Docket No. 02–155, adopted April 4, 2003, and released April 17, 2003. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. This document may also be purchased from the Commission’s duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail qualexint@aol.com.

List of Subjects in 47 CFR Part 73

Television broadcasting.

PART 73—[AMENDED]

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


§73.606 [Amended]

2. Section 73.606(b), the Table of Television Allotments under West Virginia, is amended by removing TV channel 23 at Charleston.

3. Section 73.622(b), the Table of Digital Television Allotments under West Virginia, is amended by adding DTV channel 52 at Charleston.

Federal Communications Commission.

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

[FR Doc. 03–10190 Filed 4–23–03; 8:45 am]
BILLING CODE 6712–01–P