

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 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: April 20, 2009.

Walter W. Kovalick, Jr.,

Acting Regional Administrator, Region 5.

■ For the reasons stated in the preamble, part 52, chapter I, of title 40 of the Code of Federal Regulations 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 P—Indiana

■ 2. Section 52.770 is amended by adding and reserving paragraph (c)(189) and adding paragraph (c)(190) to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(189) [Reserved]

(190) On December 19, 2007, Indiana submitted modifications to its Federally Enforceable State Operating Permits rules as a revision to the state implementation plan. The revision extends the maximum permit term for renewals of Federally Enforceable State Operating Permits from five years to ten years. EPA has determined that this revision is approvable under the Clean Air Act.

(i) *Incorporation by reference.*

(A) Indiana Administrative Code Title 326, Article 2: Permit Review Rules, sections 2–1.1–9.5, “General provisions; term of permit”, and 2–8–4, “Permit content”, are incorporated by reference. Filed with the Publisher of the Indiana Register on November 16, 2007, and became effective on December 16, 2007. Published in the Indiana Register on December 13, 2007 (20071212–IR–326060487FRA).

[FR Doc. E9–10335 Filed 5–4–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2007–1186–200821(w); FRL–8900–4]

Approval and Promulgation of Implementation Plans; Kentucky; Section 110(a)(1) Maintenance Plans for the 1997 8-Hour Ozone Standard for the Huntington-Ashland Area, Lexington Area and Edmonson County; Withdrawal of Direct Final Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to an adverse comment, EPA is withdrawing the direct final rule, published March 25, 2009, approving a revision to the State Implementation Plan (SIP) of the Commonwealth of Kentucky. This revision was provided in accordance with Kentucky’s obligations to meet the statutory and regulatory requirements related to the 1997 8-hour ozone standard and section 110(a)(1) of the Clean Air Act for the Huntington-Ashland Area, Lexington Area and Edmonson County. As stated in the direct final rule, if EPA received an adverse comment by April 24, 2009, the rule would be withdrawn and not take effect. EPA subsequently received an adverse comment on April 17, 2009. EPA will address the comment in a subsequent final action based upon the proposed action also published on March 25, 2009. EPA will not institute a second comment period on this action.

DATES: The direct final rule published March 25, 2009, at 74 FR 12567, is withdrawn effective May 5, 2009.

FOR FURTHER INFORMATION CONTACT: Ms. 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. The telephone number is (404) 562–9040. Ms. Benjamin can also be reached via electronic mail at benjamin.lynorae@epa.gov.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: April 24, 2009.

Beverly H. Banister,

Acting Regional Administrator, Region 4.

Accordingly, the amendments to 40 CFR 52.920 (which were published in the *Federal Register* on March 25, 2009, at 74 FR 12567) are withdrawn effective May 5, 2009.

[FR Doc. E9–10333 Filed 5–4–09; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 09–834; MB Docket No. 08–217; RM–11434]

Radio Broadcasting Services; Kihei, Hawaii.

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The staff grants a rulemaking petition filed by Shirk-Mays, LLC to allot Channel 264C2 to Kihei, Hawaii, as a third local aural service. The reference coordinates for Channel 264C2 at Kihei, Hawaii, are 20–39–36 NL and 156–21–50 WL.

DATES: Effective June 1, 2009.

ADDRESSES: Secretary, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission’s *Report and Order*, MB Docket No. 08–217, adopted April 15, 2009, and released April 17, 2009. The full text of this *Report and Order* 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 *Notice of Proposed Rule Making* in this proceeding proposed the allotment of Channel 264C2 at Kihei, Hawaii. See 73 FR 67828 (November 17, 2008). The *Report and Order* 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