

(ii) XML (widely used, publicly documented XML-based word-processing formats, e.g., ODF/OpenDocument Format, Office OpenXML), with presentation stylesheets(s), if appropriate, rather than without.

(iii) Plain text.

(iv) Other formats (e.g., proprietary word processing or page layout formats).

2. Metadata Elements:

If it has already been gathered and is available, descriptive data (metadata) as described below should accompany the deposited material.

a. Title level metadata: serial or journal title, ISSN, publisher, frequency, place of publication.

b. Article level metadata, as relevant/applicable: volume(s), number(s), issue dates(s), article title(s), article author(s), article identifier (DOI, etc.).

c. With other descriptive metadata (e.g., subject heading(s), descriptor(s), abstract(s)), rather than without.

3. Technological measures that control access to or use of the work should be removed.

Dated: January 13, 2010.

**Marybeth Peters,**

*Register of Copyrights.*

Approved by:

**James H. Billington,**

*Librarian of Congress.*

[FR Doc. 2010-1202 Filed 1-22-10; 8:45 am]

BILLING CODE 1410-30-S

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R04-OAR-2008-0797-200824(c); FRL-9099-9]

#### Approval and Promulgation of Implementation Plans; South Carolina; Approval of Section 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standard for Cherokee County; Correcting Amendment

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

**ACTION:** Final rule; Correcting amendment.

**SUMMARY:** On June 1, 2009, EPA published a direct final rule approving the Clean Air Act (CAA) Section 110(a)(1) Maintenance Plan for the 1997 8-hour ozone standard for Cherokee County as a revision to the South Carolina State Implementation Plan (SIP). In EPA's direct final rule, there was an inadvertent error in the format of the Cherokee County entry in table (e) which contains South Carolina's Non-Regulatory Provision in the Code of Federal Regulations. This action corrects that formatting error.

**DATES:** This action is effective January 25, 2010.

**ADDRESSES:** Copies of the documentation used in the action being corrected are available for inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Zuri Fargalo, 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. Mr. Fargalo's telephone number is 404-562-9152. He can also be reached via electronic mail at [fargalo.zuri@epa.gov](mailto:fargalo.zuri@epa.gov).

**SUPPLEMENTARY INFORMATION:** EPA is making a correction to the Cherokee County CAA 110(a)(1) Maintenance Plan entry that appears in table (e), of the South Carolina Non-Regulatory provisions section at 40 CFR 52.2120(e). This revision to South Carolina's SIP was published in the **Federal Register** on June 1, 2009 (74 FR 26099), effective August 1, 2009. However, when the direct final rule approving this SIP revision was published, table (e) did not include the correct table format. EPA is correcting this inadvertent error by inserting the correctly formatted table (e) into South Carolina's Identification of Plan section of the Code of Federal Regulations at 40 CFR 52.2120(e).

EPA has determined that today's action falls under the "good cause" exemption in section 553(b)(3)(B) of the Administrative Procedure Act (APA) which, upon finding "good cause," authorizes agencies to dispense with public participation where public notice and comment procedures are impracticable, unnecessary, or contrary to the public interest. Public notice and comment for this action are unnecessary because today's action to correct a formatting error in the Code of Federal Regulations has no substantive impact on EPA's June 1, 2009, approval of this regulation. The incorrectly formatted text in table (e) in EPA's final rule published on June 1, 2009, makes no substantive difference to EPA's analysis as set out in that rule. In addition, EPA can identify no particular reason why the public would be interested in being notified of the correction of this revision, or in having the opportunity to comment on the formatting correction prior to this action being finalized, since

this formatting correction action does not change the meaning of the regulation at issue or otherwise change EPA's analysis of South Carolina's submittal (74 FR 26099). EPA also finds that there is good cause under APA section 553(d)(3) for this formatting correction to become effective on the date of publication of this action. Section 553(d)(3) of the APA allows an effective date less than 30 days after publication "as otherwise provided by the agency for good cause found and published with the rule." 5 U.S.C. 553(d)(3). The purpose of the 30-day waiting period prescribed in APA section 553(d)(3) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. Today's rule, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. Rather, today's rule merely corrects an inadvertent error of omission in the regulatory text of a prior rule by adding a correctly formatted table (e) for the South Carolina regulation which EPA approved on June 1, 2009. For these reasons, EPA finds good cause under APA section 553(d)(3) for this correction to become effective on the date of publication of this action.

#### 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 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 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 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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 26, 2010. 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. 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, Intergovernmental relations, Incorporation by reference, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: December 14, 2009.

**J. Scott Gordon,**  
*Acting Regional Administrator, Region 4.*

■ 40 CFR part 52 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 PP—South Carolina**

■ 2. Section 52.2120(e) is amended by revising the entry for the “Cherokee County 110(a)(1) Maintenance Plan for the 1997 8-hour ozone standard” to read as follows:

**§ 52.2120 Identification of plan.**

\* \* \* \* \*  
(e) \* \* \*

**EPA-APPROVED SOUTH CAROLINA NON-REGULATORY PROVISIONS**

| Provision  | State effective date | EPA approval date     | Explanation |
|--|----------------------|-----------------------|-------------|
| * * * * *  |                      |                       |             |
| Cherokee County 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standard .... | 12/13/2007           | 7/31/09, 74 FR 26099. | .....       |

\* \* \* \* \*  
[FR Doc. E9-31172 Filed 1-22-10; 8:45 am]  
**BILLING CODE 6560-50-P**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[MB Docket Nos. 07-294, 06-121, 02-277, 04-228; MM Docket Nos. 01-235, 01-317, 00-244; DA 09-2618]

**Promoting Diversification of Ownership in Broadcast Services; Suspension of Filing Date**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; suspension of compliance date.

**SUMMARY:** This Order suspends the requirement that Form 323, *Ownership*

*Report for Commercial Broadcast Stations*, be filed biennially by the January 11, 2010 filing deadline and grants an extension of time to file the form once the form is available again for biennial filings, of at least 90 days from that date. We will announce the new filing deadline in a subsequently-released document. This temporary suspension will permit us to investigate what changes can be made to the form to reduce the time required to complete it and to lessen any unanticipated burdens in this regard without undermining the completeness, quality, usefulness, and aggregability of the data. **DATES:** The compliance date for the final rule published at 74 FR 56135 on October 30, 2009, which amended the requirement that Form 323 must be electronically filed no later than November 1, 2009, and every two years thereafter, is suspended indefinitely. The Commission will publish a

document in the **Federal Register** announcing the new compliance date.

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

**FOR FURTHER INFORMATION CONTACT:** Mania Baghdadi, Judith Herman, or Kristi Thompson, Industry Analysis Division, Media Bureau, at (202) 418-2330.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Media Bureau’s Order adopted on December 23, 2009. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street, SW., CY-A257, Washington, DC 20554. This document will also be available via ECFS (<http://www.fcc.gov/cgb/ecfs>). The complete text may be purchased from the Commission’s copy