

### C. Public Comment and Proposed Action

For the reasons given above, under CAA section 110(k)(3) and 301(a), we are proposing a limited approval and limited disapproval of Rule 502 and Rule 10.1 because, although each rule would strengthen the SIP and they meet the applicable requirements for SIPs in general, they contain certain deficiencies related to NSR SIPs in particular that prevent our full approval. The primary deficiencies pertain to missing definitions and missing provisions pursuant to 40 CFR 51.165(a)(5)(ii) and 40 CFR 51.307(b)(2). Please refer to the TSD for this action for additional information. The deficiencies can be remedied by each District by revising their rule to provide the missing definitions, and necessary provisions pursuant to the 40 CFR part 51 sections cited above. If EPA finalizes the limited approval and limited disapproval action, as proposed, then a sanctions clock, and EPA's obligation to promulgate a Federal implementation plan, would be triggered because the revisions to the District rule for which a limited approval and limited disapproval is proposed is required under the 8-hour ozone standard.

We will accept comments from the public on this proposal for the next 30 days. Unless we receive convincing new information during the comment period, we intend to publish a final action that will incorporate these rules into the federally enforceable SIP.

### III. Statutory and Executive Order Reviews

Under the Clean Air Act, 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 Clean Air Act. 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 (Public Law 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 Clean Air Act; and
- Does not provide EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, 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.

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

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

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

Dated: May 13, 2011.

**Keith Takata,**

*Acting Regional Administrator, Region IX.*

[FR Doc. 2011-12445 Filed 5-18-11; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MB Docket No. 11-74, RM-11630; DA 11-746]

### Television Broadcasting Services; El Paso, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission has before it a petition for rulemaking filed by NPG of Texas, LP ("NPG"), licensee of station KVIA-TV, El Paso, Texas, requesting the substitution of channel 17 for channel 7 at El Paso. NPG states that the proposed channel substitution will serve the public interest by significantly improving the public's digital signal reception from KVIA-TV.

**DATES:** Comments must be filed on or before June 20, 2011, and reply comments on or before July 5, 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: Robert Lewis Thompson, Esq., Smithwick & Belendiuk, PC, 5028 Wisconsin Ave., NW, #301, Washington, DC 20016.

#### FOR FURTHER INFORMATION CONTACT:

Adrienne Y. Denysyk,  
*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. 11-74, adopted April 26, 2011, and released April 27, 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

Federal Communications Commission.  
**Barbara A. Kreisman,**  
*Chief, Video Division, Media Bureau.*

#### Proposed Rule

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 Texas, is amended by removing channel 7 and adding channel 17 at El Paso.

[FR Doc. 2011-12262 Filed 5-18-11; 8:45 am]

**BILLING CODE 6712-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### 49 CFR Part 665

[Docket No. FTA-2011-0015]

RIN 2132-AB01

#### Bus Testing: Calculation of Average Passenger Weight and Test Vehicle Weight, and Public Meeting and Extension of Comment Period

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice announcing conference call and extension of comment period of proposed rulemaking.

**SUMMARY:** The Federal Transit Administration (FTA) is hosting a conference call to address issues concerning its notice of proposed rulemaking (NPRM) regarding the calculation of average passenger weights and test vehicle weights. The purpose of this conference call is to allow the public to ask questions and to clarify any misunderstandings regarding the NPRM published on March 14, 2011 (76 FR 13580). Furthermore, due to the complexity of the issues proposed in the NPRM, FTA is extending the comment period to June 15, 2011, to allow interested parties time to carefully review the actual changes proposed in the NPRM and the information presented during the conference call.

**DATES:** Comments should be submitted before June 15, 2011. Late-filed comments will be considered to the extent practicable.

**Conference Call Date:** FTA will hold the conference call on Wednesday, June 1, 2011, commencing at 2 p.m., Eastern Daylight Time. Interested parties are invited to call 1-877-407-0183 and enter Participant Code 681759. Note that the conference call is only for information purposes and commenters must submit their comments to the official docket in order to have them considered by FTA.

**ADDRESSES:** You may submit comments to DOT Docket ID Number FTA-2011-0015 by any of the following methods:  
**Federal eRulemaking Portal:** Go to <http://www.regulations.gov> and follow the online instructions for submitting comments.

**Mail:** Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.

**Hand Delivery or Courier:** West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

**Fax:** 202-493-2251.

**FOR FURTHER INFORMATION CONTACT:** For technical information, Gregory Rymarz, Bus Testing Program Manager, Office of Research, Demonstration, and Innovation (TRI), (202) 366-6410, [gregory.rymarz@dot.gov](mailto:gregory.rymarz@dot.gov). For legal information, Richard Wong, Office of the Chief Counsel (TCC), (202) 366-0675, [richard.wong@dot.gov](mailto:richard.wong@dot.gov).

**SUPPLEMENTARY INFORMATION:** On March 14, 2011, FTA published an NPRM in the **Federal Register** (76 FR 13850) proposing to amend its bus testing procedures to more accurately reflect average passenger weights and actual transit vehicle loads. Specifically, FTA proposed to change the average passenger weight from 150 lbs to 175 lbs. In addition, FTA proposed to change the floor space occupied per standing passenger from 1.5 to 1.75 square feet, and update the Structural Strength and Distortion test procedures.

FTA is aware that the proposal has been the subject of some mischaracterizations, causing interested parties to have misperceptions regarding the NPRM's actual impact and intent. During the conference call, FTA staff will summarize its proposals in the NPRM and will be available to answer questions regarding those proposals. This is an opportunity for affected parties to receive clarification regarding the content of the NPRM. The conference call is not, however, an opportunity to submit comments to FTA regarding the proposals contained in the NPRM. Rather, interested parties should submit their comments to the docket for this rulemaking as described in the **ADDRESSES** section of this notice.

In addition, because of the scheduling of the conference call and the apparent confusion regarding the issues proposed in the NPRM, FTA is extending the comment period until June 15, 2011. This additional time should be sufficient to allow interested parties to review and submit final comments following information conveyed during the conference call.

Issued this 12th day of May 2011.

**Therese McMillan,**  
*Deputy Administrator.*

[FR Doc. 2011-12292 Filed 5-18-11; 8:45 am]

**BILLING CODE P**