SUMMARY: On March 12, 2008, EPA issued a revised ozone NAAQS. See 73 FR 16436. EPA subsequently announced a reconsideration of the 2008 NAAQS, and proposed new 8-hour ozone NAAQS in January 2010. See 75 Fr 2938. In September 2011, EPA withdrew the proposed reconsidered NAAQS and began implementation of the 2008 NAAQS. The current action, however, is being taken to address requirements under the 1997 ozone NAAQS for a portion of York County, South Carolina. Requirements for the bi-state Charlotte Area under the 2008 NAAQS will be addressed in the future.

For additional information see the direct final rule which is published in the Rules Section of this Federal Register. In the Final Rules Section of this Federal Register, EPA is approving the State’s SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

Dated: November 7, 2011.

A. Stanley Meiburg,
Acting Regional Administrator, Region 4.

[FR Doc. 2011–30297 Filed 11–25–11; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY
40 CFR Part 52

Approval and Promulgation of Air Quality Implementation Plans: South Carolina; Negative Declarations for Groups I, II, III and IV Control Techniques Guidelines; and Reasonably Available Control Technology

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve several State Implementation Plan (SIP) revisions submitted by the South Carolina Department of Health and Environmental Control (SC DHEC). These revisions establish reasonably available control technology (RACT) requirements for the three major sources located in the portion of York County, South Carolina that is within the bi-state Charlotte-Gaston-Rock Hill, North Carolina-South Carolina 1997 8-hour ozone nonattainment area that either emit volatile organic compounds, nitrogen oxides or both. The bi-state Charlotte-Gaston-Rock Hill 1997 8-hour ozone nonattainment area is hereinafter referred to as the “bi-state Charlotte Area.” In addition, South Carolina’s SIP revisions include negative declarations for certain source categories for which EPA has control technique guidelines, meaning that SC DHEC has concluded that no such sources are located in that portion of the nonattainment area. EPA has evaluated the proposed revisions to South Carolina’s SIP, and has preliminarily concluded that they are consistent with statutory and regulatory requirements and EPA guidance.

DATES: Written comments must be received on or before December 28, 2011.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2010–0017 and EPA–R04–OAR–2010–0018 by one of the following methods:
2. Email: benjamin.lynorae@epa.gov.
3. Fax: (404) 562–9019.

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.

FOR FURTHER INFORMATION CONTACT: Zuri Farnagalo, 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. Zuri Farnagalo may be reached by phone at (404) 562–9152 or by electronic mail address: farnagalo.zuri@epa.gov.

SUPPLEMENTARY INFORMATION: In this document, the Federal Communications Commission seeks comment on a request by certain private parties, identified below, that the Commission authorize voluntary asymmetric digital sideband power for

FM Asymmetric Sideband Operation and Associated Technical Studies

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission seeks comment on a request by certain private parties, identified below, that the Commission authorize voluntary asymmetric digital sideband power for...
FM stations. This document establishes a period for public comment on this
request and on two related technical reports.

DATES: Comments for this proceeding may be filed on or before December 19,
2011 and reply comments may be filed on or before January 3, 2012.

ADDRESSES: You may submit comments, identified by MM Docket No. 99–325, by
any of the following methods:

- Federal eRulemaking Portal: http://www.regulations.gov. Follow the
instructions for submitting comments.

- Federal Communications Commission’s Web Site: http://www.fcc.gov/cgb/ecfs/. Follow the
instructions for submitting comments.

- Email: ecfs@fcc.gov. Include the docket number in the subject line of the
message. See the SUPPLEMENTARY INFORMATION section of this document
for detailed information on how to submit comments by email.


- People with Disabilities: Contact the FCC to request reasonable
accommodations (accessible format documents, sign language interpreters,
CART, etc.) by email: FCC504@fcc.gov or phone: (202) 418–0530 or TTY: (202)
418–0432.

For detailed instructions for submitting comments and additional information
on the rulemaking process, see the SUPPLEMENTARY INFORMATION section of
this document.

FOR FURTHER INFORMATION CONTACT: Peter H. Doyle, Chief, Media Bureau,
Audio Division, at (202) 418–2700; Susan Crawford, Ann Gallagher, or
Charles Miller, Media Bureau, Audio Division, at (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a summary of a Public Notice released by
the Media Bureau on November 1, 2011. The full text of this document is
available for public inspection and
copying during regular business hours
in the Commission’s Reference
Information Center, Portals II, 445 12th
Street SW., Room CY–A257,
Washington, DC 20554. The complete
text of this document also may be
furnished by a copy contractor, Best Copy and Printing, Inc.,
Portals II, 445 12th Street SW., Room
CY–B402, Washington, DC 20554.

- Federal eRulemaking Portal: http://www.regulations.gov. Pursuant to §§ 1.415 and
1.419 of the Commission’s rules, 47 CFR 1.415, 1.419, interested parties may file
before the dates indicated on the first
page of this document. Comments may
be filed using: (1) The Commission’s
Electronic Comment Filing System
(ECFS), (2) the Federal Government’s
eRulemaking Portal, or (3) by filing
paper copies. See Electronic Filing of

- Electronic Filers: Comments may be filed electronically using the Internet by
accessing the ECFS: http://www.fcc.gov/cgb/ecfs, or the Federal eRulemaking

- Paper Filers: Parties who choose to file by paper must file an original and
copies of each filing. Filing must be sent by hand or messenger delivery, by
commercial overnight courier, or by
first-class or overnight U.S. Postal
Service mail (although the Commission
continues to experience delays in
receiving U.S. Postal Service mail). All
filings must be addressed to the
Commission’s Secretary, Office of the
Secretary, Federal Communications
Commission. The Commission’s
contractor will receive hand-delivered
filing or messenger-delivered paper filings for
the Commission’s Secretary at 236
Massachusetts Avenue NE, Suite 110,
Washington, DC 20002. The filing hours at
this location are 8 a.m. to 7 p.m. All
hand deliveries must be held together
with rubber bands or fasteners. Any
envelopes must be disposed of before
entering the building. Commercial
overnight mail (other than U.S. Postal
Service Express Mail and Priority Mail)
must be sent to 9300 East Hampton
Drive, Capitol Heights, MD 20743. U.S.
Postal Service first-class mail, Express
Mail, and Priority Mail should be
addressed to 445 12th Street SW.,
Washington, DC 20554.

- Copies of the reports and any
subsequently filed documents in this
matter may be obtained electronically
at http://www.fcc.gov/e-file/ecfs.html, and
in paper form from BCPI during normal
business hours in the Commission’s
Reference Information Center located at
445 12th Street SW., Room CY–A257,
Washington, DC 20554.

- Alternate formats of this Public Notice (computer diskette, large print,
audio recording or Braille) are available
to persons with disabilities by
contacting the Consumer and
Governmental Affairs Bureau at (202)
418–0530 or (202) 418–7365 (TTY).

Summary of Public Notice

On October 4, 2011, representatives of
iBiquity Digital Corporation (iBiquity) and
National Public Radio, Inc. (NPR) met with Media Bureau staff to discuss
the possibility of permitting FM stations to
test new asymmetric sideband power
testing of asymmetric FM digital
sidebands used in conjunction with the
testing of newly-developed technology
for reducing the peak-to-average power
ratio in digital transmitters. Based on
these reports, iBiquity and NPR
requested that the Commission
authorize voluntary asymmetric digital
sideband power for FM stations. On
November 1, 2011, the Media Bureau
released the "November 1, 2011, Public
Notice" soliciting comments on the
iBiquity and NPR request and the two
related technical reports. Comment
Sought on Request for FM Asymmetric
Sideband Operation and Associated
Technical Studies, MM Docket No. 99–
325, Public Notice, DA 11–1832 (MB rel.
Nov. 1, 2011).

The iBiquity and NPR request and the
iBiquity and NPR technical studies are
available electronically from the
Commission’s Electronic Comment
Filing System under MM Docket No.
comments/view?id=6016844127 and
view?id=7021717638, respectively; or
from the Commission’s duplicating
contractor, Best Copy and Printing, Inc.,
445 12th Street SW., Room Cy–B402,
Washington, DC 20554, 1–(800) 378–
3160. The Media Bureau seeks comment
on the issues identified above. The
Bureau also seeks comments on the
Initial Regulatory Flexibility Analysis
below. This action is taken under
delegated authority pursuant to §§ 0.61
and 0.283 of the Commission’s rules, 47
CFR 0.61, 0.283, and the Second IBOC
Order (Digital Audio Broadcasting
Systems and Their Impact on the
Terrestrial Radio Broadcast Service,
Second Report and Order, First Order
on Reconsideration and Second Further
Notice of Proposed Rulemaking, 22 FCC
Rcd 10344, 10383, para. 99 (2007)).
Paperwork Reduction Act

The Public Notice tentatively concludes that it would be expedient to modify Form 335–FM (OMB control number 3060–1034), currently used for Digital Notifications, to accommodate requests for increased digital power and/or operation with asymmetric digital sideband power. The Public Notice also seeks comment on the process by which FM stations engaging in such operations would notify the Commission and how such notifications would be maintained in the Commission’s electronic databases. Thus, the proposal under consideration may result in a new or revised information collection requirement being adopted by the Commission when the final rules are adopted. If the Commission adopts any new or revised information collection requirement, the Commission will publish a separate notice in the Federal Register inviting the public to comment on the requirement, as required by the paper reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501–3520). In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the Commission seeks specific comment on how it might “further reduce the information collection burden for small business concerns with fewer than 25 employees.”

Ex Parte Rules

This proceeding will be treated as a “permit-but-disclose” proceeding subject to the “permit-but-disclose” requirements under § 1.1206(b) of the Commission’s rules (47 CFR 1.1206(b)). Ex parte presentations are permissible if disclosed in accordance with Commission rules, except during the Sunshine Agenda period when presentations, ex parte or otherwise, are generally prohibited. Persons making oral ex parte presentations are reminded that a memorandum summarizing a presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented is generally required. Additional rules pertaining to oral and written presentations are set forth in 47 CFR 1.1206(b).

Initial Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980, as amended (RFA), 5 U.S.C. 603, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the proposed rule as provided in the “Dates” paragraph of the item. The Commission will send a copy of the proposed rule, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the proposed rule and IRFA (or summaries thereof) will be published in the Federal Register.

A. Need for, and Objectives of, the Proposed Rules

This document seeks comment on the iBiquity and NPR request that the Commission authorize voluntary asymmetric digital sideband power for FM stations. Currently, FM stations may operate only with equal power levels on the upper and lower primary digital sidebands. In the First IBOC Order, (Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Radio Broadcast Service, First Report and Order, 17 FCC Rcd 19990 (2002)), the Commission authorized FM stations to commence hybrid digital broadcasting with digital effective radiated power of one percent (−20 dBc) of the analog carrier level. In authorizing in-band-on-channel (IBOC) operation for FM stations, the Commission observed: “The digital portion of the hybrid IBOC signal is transmitted on frequencies immediately adjacent to the main analog signal. Consequently, minimizing interference to stations on first-and, to a lesser extent, second-adjacent channels poses the most serious analog compatibility challenge.”

Early experience with FM IBOC operation showed the one-percent digital power level to be insufficient to replicate analog coverage areas. In response to a request from a group of broadcasters, the Media Bureau issued its January 29, 2010, Order (Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Radio Broadcast Service, Order, 25 FCC Rcd 1182 (MB 2010)), which authorized most FM stations to increase their digital power up to 6 dB (to −14 dBc) upon notification to the Commission, and some stations up to 10 dB (to −10 dBc) by filing an informal application demonstrating that certain contour non-overlap conditions are met with respect to other stations operating on the upper and lower first-adjacent channels.

B. Legal Basis

The authority for this proposed rulemaking is contained in sections 1, 2, 4(i), 301, 302, 303, 307, 308, and 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 301, 302, 303, 307, 308, and 309(j).

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

The RFA directs the Commission to provide a description of and, where feasible, an estimate of the number of small entities that will be affected by the proposed rules. The RFA generally defines the term “small entity” as encompassing the terms “small business,” “small organization,” and “small governmental entity.” In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

Radio Stations. A radio broadcasting station is an establishment primarily engaged in broadcasting aural programs by radio to the public. Included in this industry are commercial, religious, educational, and other radio stations. Radio broadcasting stations which primarily are engaged in radio broadcasting and which produce radio program materials are similarly included. The SBA has established a small business size standard for this category, which is: firms having $7 million or less in annual receipts. According to BIA/Kelsey, MEDIA Access Pro Radio Analyzer Database, on


\footnote{\textsuperscript{2} \textsuperscript{13} CFR 121.201, NAICS code 515112 (updated for inflation in 2008).}
November 1, 2011, about 10,785 (97%) of 11,127 commercial radio stations have revenue of $7 million or less and thus qualify as small entities under the SBA definition. Therefore, the majority of such entities are small entities. We note, however, that in assessing whether a business concern qualifies as small under the above size standard, business affiliations must be included. Many radio stations are affiliated with much larger corporations having much higher revenue. Our estimate, therefore, likely overstates the number of small entities that might be affected by any ultimate changes to the rules and forms.

D. Description of Projected Reporting, Recordkeeping and Other Compliance Requirements

In the Second IBOC Order, the Commission declined to establish a deadline for radio stations to convert to digital broadcasting, 22 FCC Rcd at 10351. Presently, radio stations may choose to commence IBOC digital operation pursuant to § 73.404 of the Commission’s rules, 47 CFR 73.404, which requires that licensees provide notification to the Commission within 10 days of commencing IBOC digital operation. The January 29, 2010, Order allows eligible authorized FM stations to commence operation of FM digital facilities with digital effective radiated power (ERP) up to −14 dBc upon notice to the Commission on FCC Form 335—FM—Digital Notification. In addition, licensees must electronically notify the Media Bureau of any power increase in their FM digital ERP within 10 days of commencement using the same Form 335—Digital Notification. However, use of the Form 335—FM for notification of commencement of FM hybrid digital operation, or notification of modification of FM digital operation, is currently limited to non-super-powered FM stations with digital ERP not exceeding −14 dBc and super-powered stations with digital ERP not exceeding −20 dBc. Non-super-powered FM stations requesting authorization to operate with digital ERP between −14 dBc and −10 dBc, or super-powered FM stations requesting digital ERP in excess of −20 dBc are required to file an informal request using the Engineering STA Form prior to commencement of the increased power FM digital operation. Licensees submitting such a request must use the simplified method set forth in the January 29, 2010, Order to determine the station’s maximum permissible FM digital ERP. In situations where the simplified method is not applicable due to unusual terrain or other technical considerations, the Bureau will accept applications for FM digital ERP in excess of −14 dBc on a case-by-case basis, when accompanied by a showing detailing the prediction methodology, data, maps and sample calculations.

The proposed rule changes may, in some cases, impose different reporting or recordkeeping requirements on FM radio stations, insofar as they would allow certain licensees to voluntarily operate with asymmetric digital sideband power. However, the information that would be reported is already familiar to broadcasters, and is similar to the current IBOC digital operation notification or authorization reporting requirements, so any additional burdens would be minimal. The Public Notice tentatively concludes that it would be expedient to modify Form 335–FM, currently used for Digital Notifications, to accommodate requests for increased digital power and/or operation with asymmetric digital sideband power.

E. Steps Taken To Minimize Significant Impact on Small Entities, and Significant Alternatives Considered

The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities (5 U.S.C. 603(b)).

Operation of hybrid digital facilities by Commission licensees and permittees is voluntary. Likewise, use of asymmetric FM digital sideband powers would be limited to those licensees and permittees expressly seeking authorization for such operation. The proposal to permit use of asymmetric FM digital sideband powers thus would not impose any additional burden on FM broadcasters. In fact, for those FM broadcasters that choose to operate hybrid FM facilities, the proposal would confer a benefit. Currently, a significant number of FM stations are precluded from operating maximum permissible hybrid FM digital facilities. This occurs in the case of an FM station operating hybrid digital facilities that has a nearby FM station on one, but not both, of its two first-adjacent channels, that applicable limiting allowable digital power in both sidebands to a level that protects the sole limiting station. By permitting asymmetric FM digital sideband operation, such a station could increase to maximum permissible digital power on the sideband opposite the limiting FM station, thus achieving improved digital facilities and signal coverage. Because operation under the proposed rule is voluntary, and would only be undertaken by licensees and permittees that would realize a benefit from such operation, consideration of alternatives was not required.

F. Federal Rules Which Duplicate, Overlap, or Conflict With the Commission’s Proposals

None.

Federal Communications Commission.
Kris A. Monteith,
Deputy Chief, Media Bureau.

[FR Doc. 2011–30598 Filed 11–25–11; 8:45 am]
BILLING CODE 6712–01–P