

EPA-APPROVED NORTH CAROLINA NON-REGULATORY PROVISIONS—Continued

Provision	State effective date	EPA approval date	Federal Register citation	Explanation
North Carolina 110(a)(1) and (2) Infrastructure Requirements for the 1997 8-Hour Ozone National Ambient Air Quality Standards.	12/12/2007	2/6/2012	77 FR 5703.	
1997 8-Hour Ozone 110(a)(1) Maintenance Plan for the Triad Area.	4/13/2011	3/26/2012	76 FR 3611.	
Supplement to 110(a)(1) Maintenance Plan for the Triad Area.	5/18/2011	3/26/2012	76 FR 3611.	
North Carolina portion of bi-state Charlotte; 1997 8-Hour Ozone 2002 Base Year Emissions Inventory.	11/12/2009	5/4/2012	77 FR 26441.	
Regional Haze Plan .....	11/17/2007	6/27/2012	77 FR 38185.	
110(a)(1) and (2) Infrastructure Requirements for 1997 Fine Particulate Matter National Ambient Air Quality Standards.	4/1/2008	10/16/2012	[Insert citation of publication].	With the exception of section 110(a)(2)(D)(i). With respect to sections 110(a)(2)(C) related to PSD requirements, 110(a)(2)(E)(ii) and 110(a)(2)(J) related to PSD requirements, EPA conditionally approved these requirements.
110(a)(1) and (2) Infrastructure Requirements for 2006 Fine Particulate Matter National Ambient Air Quality Standards.	9/21/2009	10/16/2012	[Insert citation of publication].	With the exception of section 110(a)(2)(D)(i). With respect to sections 110(a)(2)(C) related to PSD requirements, 110(a)(2)(E)(ii) and 110(a)(2)(J) related to PSD requirements, EPA conditionally approved these requirements.

■ 3. Section 52.1773 is amended by redesignating the existing text in § 52.1773 as paragraph (a) and adding paragraph (b) to read as follows:

**§ 52.1773 Conditional approval.**

\* \* \* \* \*

(b) North Carolina submitted a letter to EPA on July 10, 2012, with a commitment to address the State Implementation Plan deficiencies regarding requirements of Clean Air Act sections 110(a)(2)(C) and 110(a)(2)(f) as they both relate to Prevention of Significant Deterioration (PSD) infrastructure requirements for the 1997 annual and 2006 24-hour fine particulate matter (PM<sub>2.5</sub>) national ambient air quality standards. EPA is conditionally approving North Carolina's commitment to address outstanding requirements promulgated in the New Source Review (NSR) PM<sub>2.5</sub> Rule related to the PM<sub>2.5</sub> standard for their PSD program and committing to providing the necessary SIP revision to address these NSR PM<sub>2.5</sub> Rule requirements. If North Carolina fails to submit these revisions by October 16, 2013, the conditional approval will automatically become a disapproval on that date and EPA will issue a finding of disapproval.

[FR Doc. 2012-25301 Filed 10-15-12; 8:45 am]

BILLING CODE 6560-50-P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 64**

[CG Docket No. 02-278; FCC 12-21]

**Telephone Consumer Protection Act of 1991**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection associated with the Commission's document Telephone Consumer Protection Act of 1991 (Report and Order). This notice is consistent with the *Report and Order*, which stated that the Commission would publish a document in the **Federal Register** announcing the effective date of those amendments.

**DATES:** The amendments to 47 CFR 64.1200(a)(2) and (3) published at 77 FR 34233, June 11, 2012, are effective October 16, 2013, 47 CFR 64.1200(a)(7) published at 77 FR 34233, June 11, 2012, is effective November 15, 2012, and 47 CFR 64.1200(b)(3), published at 77 FR 34233, June 11, 2012, is effective January 14, 2013.

**FOR FURTHER INFORMATION CONTACT:**

Karen Johnson, Consumer and Governmental Affairs Bureau, at (202) 418-7706, or email [Karen.Johnson@fcc.gov](mailto:Karen.Johnson@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This document announces that, on September 17, 2012, OMB approved, for a period of three years, the information collection requirements contained in the Commission's *Report and Order*, FCC 12-21, published at 77 FR 34233, June 11, 2012. The OMB Control Number is 3060-0519. The Commission publishes this notice as an announcement of the effective date of those amendments. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Cathy Williams, Federal Communications Commission, Room 1-C823, 445 12th Street SW., Washington, DC 20554. Please include the OMB Control Number, 3060-0519, in your correspondence. The Commission will also accept your comments via the Internet if you send them to [PRA@fcc.gov](mailto:PRA@fcc.gov).

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

**Synopsis**

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received OMB approval on September 17, 2012, for the information collection requirements contained in the

Commission's revised rules at 47 CFR 64.1200(a)(2), 64.1200(a)(3), 64.1200(a)(7), and 47 CFR 64.1200(b)(3).

Under 5 CFR 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060-0519.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104-13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

*OMB Control Number:* 3060-0519.

*OMB Approval Date:* September 17, 2012.

*OMB Expiration Date:* September 30, 2015.

*Title:* Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991, CG Docket No. 02-278.

*Form Number:* N/A.

*Type of Review:* Revision of a currently approved collection.

*Respondents:* Business or other for-profit entities; Individuals or households; Not-for-profit institutions.

*Number of Respondents and Responses:* 50,151 respondents; 147,453,559 responses.

*Estimated Time per Response:* .004 hours (15 seconds) to 1 hour.

*Frequency of Response:* Recordkeeping requirement; Annual, on-occasion and one-time reporting requirement; Third party disclosure requirement.

*Obligation to Respond:* Required to obtain or retain benefits. The statutory authority for the information collection requirements is found in the Telephone Consumer Protection Act of 1991 (TCPA), Public Law 102-243, December 20, 1991, 105 Stat. 2394, which added Section 227 of the Communications Act of 1934, [47 U.S.C. 227] Restrictions on the Use of Telephone Equipment.

*Total Annual Burden:* 712,140 hours.

*Total Annual Cost:* \$3,989,700.

*Nature and Extent of Confidentiality:* Confidentiality is an issue to the extent that individuals and households provide personally identifiable information, which is covered under the FCC's system of records notice (SORN), FCC/CGB-1, "Informal Complaints and Inquiries." As required by the Privacy Act, 5 U.S.C. 552a, the Commission also published a SORN, FCC/CGB-1 "Informal Complaints and Inquiries", in

the **Federal Register** on December 15, 2009 (74 FR 66356) which became effective on January 25, 2010. A system of records for the do-not-call registry was created by the Federal Trade Commission (FTC) under the Privacy Act. The FTC originally published a notice in the **Federal Register** describing the system. See 68 FR 37494, June 24, 2003. The FTC updated its system of records for the do-not-call registry in 2009. See 74 FR 17863, April 17, 2009.

*Privacy Impact Assessment:* Yes. The Privacy Impact Assessment (PIA) was completed on June 28, 2007. It may be reviewed at: [http://www.fcc.gov/omd/privacyact/Privacy\\_Impact\\_Assessment.html](http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html).

**Note:** The Commission will prepare a revision to the SORN and PIA to cover the PII collected related to this information collection, as required by OMB's Memorandum M-03-22 (September 26, 2003) and by the Privacy Act, 5 U.S.C. 552a.

*Needs and Uses:* The reporting requirements included under this OMB Control Number 3060-0519 enable the Commission to gather information regarding violations of Section 227 of the Communications Act, the Do-Not-Call Implementation Act, and the Commission's implementing rules. If the information collection were not conducted, the Commission would be unable to track and enforce violations of Section 227 of the Communications Act, the Do-Not-Call Implementation Act, or the Commission's implementing rules. The Commission's implementing rules provide consumers with several options for avoiding most unwanted telephone solicitations.

The national do-not-call registry supplements the company-specific do-not-call rules for those consumers who wish to continue requesting that particular companies not call them. Any company that is asked by a consumer, including an existing customer, not to call again originally had to honor that request for five years. In a subsequent order, the Commission required sellers and/or telemarketers to honor registrations with the National Do-Not-Call Registry indefinitely.

A provision of the Commission's rules, however, allows consumers to give specific companies permission to call them through an express written agreement. Nonprofit organizations, companies with whom consumers have an established business relationship, and calls to persons with whom the telemarketer has a personal relationship are exempt from the "do-not-call" registry requirements.

On September 21, 2004, the Commission released the *Safe Harbor*

*Order* establishing a limited safe harbor in which persons will not be liable for placing autodialed and prerecorded message calls to numbers ported from a wireline service within the previous 15 days. The Commission also amended its existing National Do-Not-Call Registry safe harbor to require telemarketers to scrub their lists against the Registry every 31 days.

On December 4, 2007, the Commission released a notice of proposed rulemaking seeking comment on its tentative conclusion under the Do-Not-Call Improvement Act of 2007 that registrations with the Registry should be honored indefinitely, unless a number is disconnected or reassigned, or the consumer cancels his registration.

On June 17, 2008, in accordance with the Do-Not-Call Improvement Act of 2007, the Commission revised its rules to minimize the inconvenience to consumers of having to re-register their preferences not to receive telemarketing calls and to further the underlying goal of the National Do-Not-Call Registry to protect consumers' privacy rights. The Commission released a *Report and Order* in CG Docket No. 02-278, FCC 08-147, amending the Commission's rules under the Telephone Consumer Protection Act (TCPA) to require sellers and/or telemarketers to honor registrations with the National Do-Not-Call Registry so that registrations will not automatically expire based on the then-existing five-year registration period. Specifically, the Commission modified § 64.1200(c)(2) of its rules to require sellers and/or telemarketers to honor numbers registered on the Registry indefinitely or until the number is removed by the database administrator or the registration is cancelled by the consumer.

Most recently, on February 15, 2012, the Commission released a *Report and Order* in CG Docket No. 02-278, FCC 12-21, revising its rules to: (1) Require prior express written consent for all autodialed or pre-recorded telemarketing calls to wireless numbers and for all pre-recorded telemarketing calls to residential lines; (2) eliminate the established business relationship exception to the consent requirement for pre-recorded telemarketing calls to residential lines; (3) require telemarketers to include an automated, interactive opt-out mechanism in all pre-recorded telemarketing calls, to allow consumers more easily to opt-out of future robocalls during a robocall itself; and (4) require telemarketers to comply with the 3% limit on abandoned calls during each calling campaign, in order to discourage intrusive calling campaigns.

Finally, the Commission exempted from the Telephone Consumer Protection Act requirements pre-recorded calls to residential lines made by health-care-related entities governed by the Health Insurance Portability and Accountability Act of 1996.

Federal Communications Commission.

**Gloria J. Miles,**

*Federal Register Liaison, Office of the Secretary, Office of Managing Director.*

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BILLING CODE 6712-01-P

## NATIONAL TRANSPORTATION SAFETY BOARD

### 49 CFR Part 821

[Docket No. NTSB-GC-2011-0001]

#### Rules of Practice in Air Safety Proceedings

**AGENCY:** National Transportation Safety Board.

**ACTION:** Interim final rule; request for comments.

**SUMMARY:** The National Transportation Safety Board (NTSB or Board) amends portions of its regulations, which set forth rules of procedure for the NTSB's review of certificate actions taken by the Federal Aviation Administration (FAA), as a result of the recent enactment of the Pilot's Bill of Rights.

**DATES:** This rule is effective October 16, 2012. Comments must be received by December 17, 2012. Comments received after the deadline will be considered to the extent possible.

**ADDRESSES:** A copy of this interim final rule, published in the **Federal Register** (FR), is available for inspection and copying in the NTSB's public reading room, located at 490 L'Enfant Plaza SW., Washington, DC 20594-2003. Alternatively, a copy is available on the government-wide Web site on regulations at <http://www.regulations.gov> (Docket ID Number NTSB-GC-2011-0001).

You may send comments identified by Docket ID Number NTSB-GC-2011-0001 using any of the following methods:

**Federal eRulemaking Portal:** Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

**Mail:** Send comments to NTSB Office of General Counsel, 490 L'Enfant Plaza East SW., Washington, DC 20594-2003.

**Facsimile:** Fax comments to 202-314-6090.

**Hand Delivery:** Bring comments to 490 L'Enfant Plaza East SW., 6th Floor,

Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For more information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

**Privacy:** We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** David Tochen, General Counsel, (202) 314-6080.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The NTSB previously issued an advance notice of proposed rulemaking (ANPRM), 75 FR 80452 (Dec. 22, 2010), and a notice of proposed rulemaking (NPRM), 77 FR 6760 (Feb. 9, 2012), concerning 49 CFR parts 821 and 826. (Part 826 sets forth rules of procedure concerning applications for fees and expenses under the Equal Access to Justice Act of 1980.) Prior to the NTSB's issuance of a final rule concerning parts 821 and 826, Congress enacted the Pilot's Bill of Rights, Public Law 112-53, 126 Stat. 1159 (August 3, 2012), which implemented statutory changes for, among other things: (1) The FAA to disclose its enforcement investigative report (EIR) to each respondent in an aviation certificate enforcement case; (2) the NTSB to apply the Federal Rules of Civil Procedure and Federal Rules of Evidence to each case; and (3) litigants now to have the option of appealing the Board's orders to either a Federal district court or a Federal court of appeals. The Board therefore issues this interim final rule in response to these legislative changes. Elsewhere in today's **Federal Register**, the NTSB published a final rule concerning those portions of its February 2012 NPRM not affected by enactment of the Pilot's Bill of Rights.

##### II. Rulemaking Procedure

As a result of enactment of the Pilot's Bill of Rights and to ensure compliance with it, the NTSB is immediately changing its Rules of Practice applicable to air safety proceedings. The statute is effective immediately, thus requiring the NTSB to promulgate regulatory changes without delay. As a result, the NTSB believes the statute constitutes good cause for issuance of an interim final rule. The NTSB will consider comments received during the comment period, and will alter the interim final rule issued herein if the comments warrant alteration.

##### III. Statutory Changes

Pursuant to subsection 2(a) of the Pilot's Bill of Rights, the Federal Rules

of Evidence and Federal Rules of Civil Procedure, to the extent practicable, are applicable to all NTSB proceedings conducted under 49 CFR part 821, subparts C (rules applicable to proceedings under 49 U.S.C. 44703, which governs airman certificates), D (rules applicable to proceedings under 49 U.S.C. 44709, which governs amendments, modifications, suspensions, and revocations of certificates), and F (rules applicable to hearings conducted under 49 CFR part 821).

Subsection 2(b) of the statute requires the FAA provide "timely, written notification" to individuals who are the subject of an FAA enforcement action regarding the "nature of the investigation." The FAA must inform the individual he or she need not respond to an FAA letter of investigation and will not be adversely affected if he or she elects not to respond. The statute requires the Administrator of the FAA to make available the releasable portions of the EIR to each individual, and provide certain air traffic data. The statute further provides that the Administrator may delay this notification if the FAA determines the notification would threaten the integrity of the investigation.

In addition, subsection 2(c) of the statute strikes from 49 U.S.C. 44703(d)(2), 44709(d)(3), and 44710(d)(1) the phrase, "but is bound by all validly adopted interpretations of laws and regulations the Administrator carries out unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law." The statute also strikes from 49 U.S.C. 44709(d)(3) and 44710(d)(1) the language stating the Board is bound by FAA policy guidance concerning sanctions for violations.

Subsection 2(d) of the statute provides individuals with the option of appealing a Board order to a Federal district court or a Federal court of appeals. Previously, only the Federal courts of appeals had jurisdiction to review appeals of Board orders on certificate actions. Additionally, the statute states, absent a stay from the Board, an emergency order the Administrator issues under 49 U.S.C. 44709(e)(2) will remain in effect pending the exhaustion of the appeal to Federal district court. Regarding review of orders, the statute requires Federal district courts to give "full independent review" of the Administrator's decision; and in the case of emergency orders, the statute requires Federal district courts to give "substantive independent and expedited review" of the