

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 January 13, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule 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 CAA section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter.

Dated: October 28, 2013.

Beverly H. Banister,

Acting Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

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

Subpart RR—Tennessee

■ 2. Section 52.2219 paragraph (c) is revised to read as follows:

§ 52.2219 Conditional approval.

* * * * *

(c) *Conditional Approval*—Submittal from the State of Tennessee, through the Department of Environment and Conservation (TDEC), dated October 19, 2009, to address the Clean Air Act (CAA) sections 110(a)(2)(C), prong 3 of 110(a)(2)(D)(i), and 110(a)(2)(J) for the 2008 8-Hour Ozone National Ambient Air Quality Standards. EPA is conditionally approving TDEC’s submittal with respect to the PSD requirements of CAA sections 110(a)(2)(C), prong 3 of 110(a)(2)(D)(i), and 110(a)(2)(J), specifically related to the adoption of enforceable provisions for PSD increments as detailed in TDEC’s October 4, 2012, commitment letter. Tennessee must submit to EPA by March 6, 2014, a SIP revision adopting specific enforceable measures related to PSD increments as described in the State’s letter of commitment.

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[FR Doc. 2013–26863 Filed 11–8–13; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[IB Docket Nos. 12–376, FCC 12–161]

Earth Stations Aboard Aircraft

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 *Earth Station Aboard Aircraft*, Report and Order (*Order*), which adopted licensing and service rules for Earth Stations Aboard Aircraft (ESAA) communicating with Fixed-Satellite Service geostationary-orbit space stations operating in the 10.95–11.2 GHz, 11.45–11.7 GHz, 11.7–12.2 GHz and 14.0–14.5 GHz frequency bands. This notice is consistent with the *Order*, which stated that the Commission would publish a document in the **Federal Register** announcing the effective date for the new information requirements adopted.

DATES: The amendments to 47 CFR 25.132(b)(3), 25.227(b), (c), and (d) published at 78 FR 14920 on March 8, 2013, are effective on November 12, 2013.

FOR FURTHER INFORMATION CONTACT: Andrea Kelly, Satellite Division, International Bureau, at (202) 418–7877.

SUPPLEMENTARY INFORMATION: This document announces that, on June 27, 2013, OMB approved, for a period of three years, the information collection requirements relating to ESAA applications contained in the Commission’s Order, FCC 12–161, published at 78 FR 14920, March 8, 2013. The OMB Control Number is 3060–1187. The Commission publishes this notice as an announcement of the effective date of the rules. 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, 3060–1187, in your correspondence. The Commission will also accept your comments via email at 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 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 final OMB approval on June 27, 2013, for the information collection requirements contained in the modifications to the Commission’s rules in 47 CFR part 25. 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 3060–1187.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Pub. L. 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: 3060–1187.
OMB Approval Date: June 27, 2013.
OMB Expiration Date: June 30, 2016.
Title: Earth Stations Aboard Aircraft (ESAA).
Form Number: N/A.
Respondents: Business or other for-profit entities.
Number of Respondents and Responses: 6 respondents; 54 responses.
Estimated Time per Response: 1–4 hours.

Frequency of Response: On occasion reporting requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The Commission has statutory authority for the information collection requirements under Sections 4(i), 4(j), 7(a), 302(a), 303(c), 303(e), 303(f), 303(g), 303(j), 303(r), and 303(y) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 157(a), 302(a), 303(c), 303(e), 303(f), 303(g), 303(j), 303(r), and 303(y).
Total Annual Burden: 114 hours.
Total Annual Cost: \$16,200.

Nature and Extent of Confidentiality: An assurance of confidentiality is not offered because this information collection does not require the collection of personally identifiable information (PII) from individuals.
Privacy Act: No impact(s).

Needs and Uses: The ESAA Report and Order, FCC 12–161, implements

ESAA as an application of the Fixed-Satellite Service (FSS). In particular, the ESAA Report and Order designated ESAA as a primary FSS use in the 11.7–12.2 GHz (space-to-Earth) band; an unprotected use in the 10.95–11.2 GHz and 11.45–11.7 GHz (space-to-Earth) bands; and a secondary use in the 14.0–14.5 GHz band (Earth-to-space). The ESAA Report and Order required ESAA licensees to coordinate their operations with stations in the Space Research Service and the Radioastronomy Service, adopted technical rules for the operation of ESAA systems to ensure that ESAA systems do not interfere with other FSS users or terrestrial Fixed Service (FS) users; and adopted licensing requirements and operational requirements for ESAA for both U.S.-registered aircraft operating in and outside U.S. airspace and for non-U.S.-registered aircraft operating in U.S. airspace. Each applicant for an earth station, including ESAA operators, must submit a comprehensive proposal for each proposed earth station (FCC Form 312, Schedule B, and attached narrative exhibits) to the Commission to demonstrate that it complies with the Commission's legal and/or engineering rules.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2013-26784 Filed 11-8-13; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–25; FCC 13–134]

Implementation of the Local Community Radio Act of 2010; Revision of Service and Eligibility Rules for Low Power FM Stations

AGENCY: Federal Communications Commission.

ACTION: Final rule; denial and/or dismissal of petitions for reconsideration.

SUMMARY: In this document, the Federal Communications Commission (Commission) grants in part and denies in part Prometheus Radio Project's Petition for Reconsideration of the *Sixth Report and Order (Sixth R&O)* in this proceeding. In particular, the Commission makes minor revisions to the rule that protects the input signals of FM translator and FM booster stations from interference by low power FM ("LPFM") stations. The Commission

also denied the remaining four petitions for reconsideration for the reasons set forth below. These actions will provide clarification of the LPFM rules for entities preparing for the upcoming LPFM filing window.

DATES: Effective December 12, 2013.

FOR FURTHER INFORMATION CONTACT: Peter Doyle (202) 418-2789.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Sixth Order on Reconsideration (*Sixth OOR*) in MM Docket No. 99–25, FCC 13–134, adopted September 30, 2013, and released October 17, 2013. The full text of the is document is available for inspection and copying during regular business hours in the FCC Reference Center, 445 12th Street SW., Room CY-A257, Portals II, Washington, DC 20554, and may also be purchased from the Commission's copy contractor, BCPI, Inc., Portals II, 445 12th Street SW., Room CY-B402, Washington, DC 20554. Customers may contact BCPI, Inc. via their Web site, <http://www.bcpi.com>, or call 1-800-378-3160. This document is available in alternative formats (computer diskette, large print, audio record, and Braille). Persons with disabilities who need documents in these formats may contact the FCC by email: FCC504@fcc.gov or phone: 202-418-0530 or TTY: 202-418-0432.

Paperwork Reduction Act Analysis. The *Sixth OOR* does not adopt any new or revised information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13 (44 U.S.C. 3501–3520). In addition, therefore, it does not contain any new or modified "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).

Report to Congress. The Commission will send a copy of the *Sixth OOR* to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

Summary of Sixth Order on Reconsideration

I. Background

1. On March 19, 2012, the Commission released a *Fourth Further Notice of Proposed Rulemaking (Fourth FNPRM)*, seeking comment on proposals to amend the Commission's rules to implement provisions of the Local Community Radio Act of 2010 ("LCRA") and to promote a more sustainable community radio service. These proposed changes were intended

to advance the LCRA's core goals of localism and diversity while preserving the technical integrity of all of the FM services.

2. On December 4, 2012, the Commission released the *Sixth R&O*, in which it adopted numerous measures to complete implementation of the LCRA, service and licensing rules to promote the LCRA's aforementioned goals, and technical rules to ensure the efficient use of the radio broadcast spectrum. The five Petitions were filed following **Federal Register** publication of the *Sixth R&O*, 78 FR 2077 (Jan. 9, 2013). These Petitions address only a narrow range of rule changes—LPFM eligibility requirements, whether to identify and award construction permits to "secondary" grantees, protection standards for FM translator input signals, protection requirements toward LPFM stations operating with reduced power, and periodic announcements by LPFM stations regarding potential interference. One petition addresses the decisions to eliminate the LP10 service class (that is, the class of LPFM stations that is authorized to operate at a power level of up to 10 Watts) and decline adoption of an LP50 service class (that is, a class that would be authorized to operate at a power level of up to 50 Watts).

II. Discussion

3. The Petitions, for the most part, either repeat arguments that were considered and rejected in the *Sixth R&O*, raise issues that are beyond the scope of the *Sixth R&O*, or rely on arguments that were not previously presented. While reconsideration in these circumstances is generally unwarranted, we believe it is in the public interest to discuss certain of the petitioners' arguments and our analysis of the issues raised, particularly to provide guidance to potential applicants in the upcoming LPFM filing window.

A. Eligibility and Attribution Issues

4. LifeTalk Radio, Inc. ("LTR") seeks to "clarify or amend" § 73.858 of the Commission's rules ("Attribution of LPFM station interests"). Pursuant to § 73.858(b), a broadcast interest of a national organization will not be attributed to the local chapter if the local chapter "is separately incorporated and has a distinct local presence and mission." Determining attribution is relevant because § 73.860(a) of our rules generally prohibits LPFM licensees from holding attributable interests in other broadcast stations. LTR believes these two provisions, together, will prevent an unincorporated local chapter of a larger organization from owning an LPFM