Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Title 14 Code of Federal Regulations, part 71 to establish Class D, E2, and E4 airspace and revise Class E5 airspace at Easton, MD. Class D and E2 Airspace Designations for Airspace Areas extending upward from the surface of the Earth, Class E4 Airspace Areas Designated as an Extension to a Class D Surface Area and Class E5 Airspace Areas extending upward from 700 feet ore more above the surface of the Earth are published in Paragraphs 5000, 6002, 6004 and 6005 respectively of FAA Order 7400.9P, dated September 1, 2006, and effective September 15, 2006, which is incorporated by reference in 14 CFR 71.1 The Class D, E2, E4 and E5 airspace designations listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9P, Airspace Designations and Reporting Points, dated September 1, 2006, and effective September 15, 2006, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

AEA MD D Easton, MD [NEW]

Easton Airport/Newnam Field, MD
(Lat. 38°48′15″ N., long. 76°04′08″ W.)

That airspace extending upward from the surface to and including 2,600 feet MSL within a 4-mile radius of the Easton Airport/Newnam Field. This Class D airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 6002 Class E Airspace Designated as Surface Areas.

* * * * *

AEA MD E2 Easton, MD [NEW]

Easton Airport/Newman Field, MD
(Lat. 38°48′15″ N., long. 76°04′08″ W.)
Easton NDB
(Lat. 38°48′17″ N., long. 76°04′10″ W.)

That airspace extending upward from the surface to and including 2,600 feet MSL within a 4-mile radius of the Easton Airport/Newman Field and that airspace within 2.7 miles each side of the 038° bearing from the Easton NDB extending from the 4-mile radius of the Easton Airport/Newman Field to 7.4 miles northeast of the NDB. This Class E airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 604 Class E Airspace Areas Designated as an Extension to a Class D Surface Area.

* * * * *

AEA MD E4 Easton, MD [NEW]

Easton Airport/Newman Field, MD
(Lat. 38°48′15″ N., long. 76°04′08″ W.)
Easton NDB
(Lat. 38°48′17″ N., long. 76°04′10″ W.)

That airspace extending upward from the surface within 2.7 miles each side of the 038° bearing from the Easton NDB extending from the 4-mile radius of the Easton Airport/Newman Field to 7.4 miles northeast of the NDB.

* * * * *

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 feet or More Above the Surface of the Earth.

* * * * *

AEA MD E5 Easton, MD [REVISED]

Easton Airport/Newman Field, MD
(Lat. 38°48′15″ N., long. 76°04′08″ W.)
Easton NDB
(Lat. 38°48′17″ N., long. 76°04′10″ W.)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of the Easton Airport/Newman Field and within 2.7 miles each side of the 038° bearing from the Easton NDB extending from the 6.7-mile radius to 7.4 miles northeast of the NDB.

Issued in College Park, Georgia, on August 8, 2007.

Kathy Kutch,

Acting Manager, System Support Group Eastern Service Center.

[FR Doc. 07–4330 Filed 9–5–07; 8:45 am]

BILLING CODE 4910–13–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 49

[EPA–R01–OAR–2005–TR–0001; A–1–FRL–8463–2]

Approval and Promulgation of Air Quality Implementation Plans; Mohegan Tribe of Indians of Connecticut

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve a Tribal Implementation Plan submitted by the Mohegan Tribe of Indians of Connecticut. The TIP establishes an enforceable cap on nitrogen oxide emissions from stationary sources owned by the Mohegan Tribal Gaming Authority and located within the external boundaries of the Mohegan Reservation. This action is intended to help attain the National Ambient Air Quality Standards (NAAQS) for ground-level ozone. This action is being taken in accordance with the Clean Air Act.

DATES: Written comments must be received on or before October 9, 2007.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R01–OAR–2005–TR–0001 by one of the following methods:

1. *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *E-mail: mcdonnell.ida@epa.gov.*
3. *Fax:* (617) 918–0653.
4. *Mail:* ''Docket Identification Number EPA–R01–OAR–2005–TR–0001'', Dan Brown, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100 (mail code CAP), Boston, MA 02114–2023.
5. *Hand Delivery or Courier:* Deliver your comments to: Dan Brown,

Manager, Air Permits, Toxics and Indoor Air Unit, Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, 11th floor, (CAP), Boston, MA 02114–2023 Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding legal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R01–OAR–2005–TR–0001. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *http://www.regulations.gov,* or e-mail, information that you consider to be CBI or otherwise protected. The *http://www.regulations.gov* Web site is an ''anonymous access'' systems, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30 excluding legal holidays.

In addition to the publicly available docket materials available for inspection electronically in the Federal Docket Management System at *http://www.regulations.gov,* and the hard copy available at the Regional Office, which are identified in the **ADDRESSES** section of this **Federal Register**, copies of the Tribe's submittal and EPA's technical support document are also available for public inspection during normal business hours, by appointment at the Mohegan Tribe, Mohegan Environmental Protection Department, 49 Sandy Desert Road, Uncasville, CT 06382, telephone number (860) 862–6112.

FOR FURTHER INFORMATION CONTACT: Ida E. McDonnell, Air Permits, Toxics and Indoor Air Unit, Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, 11th floor, (CAP), Boston, MA 02114–2023, telephone number (617) 918–1653, fax number (617) 918–0653, e-mail *mcdonnell.ida@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. Organization of this document. The following outline is provided to aid in locating information in this preamble.

I. Background to This Rulemaking
II. CAA Requirements and the Role of the Tribes
1. How did the 1990 CAA Amendments include the tribes?
2. What criteria must a tribe demonstrate to be treated in the same manner as a state under the CAA?
3. What is an implementation plan for criteria air pollutants and what must it contain?
III. Analysis of the Mohegan TIP
1. Are the Mohegans eligible to run their CAA air program?
2. Does the Mohegan TIP meet all CAA requirements?
IV. Proposed Action
V. Statutory and Executive Order Reviews

I. Background to This Rulemaking

On May 4, 2005, the Mohegan Tribe of Indians of Connecticut (the Tribe) submitted a Tribal Implementation Plan (Mohegan TIP) for approval by the EPA under the Clean Air Act (CAA). The Mohegan TIP consists of a tribal ordinance, entitled ''Area Wide NO_X Emissions Limitation Regulation,'' that establishes a limit on nitrogen oxide (NO_X) emissions from stationary sources owned by the Mohegan Tribal Gaming Authority and located within the external boundaries of the Mohegan Reservation. On August 22, 2007, the Tribe submitted an amendment to the Mohegan TIP.

II. CAA Requirements and the Role of the Tribes

1. How did the 1990 CAA Amendments include the tribes?

Under the 1990 Amendments to the Clean Air Act (CAA), the EPA may approve eligible tribes to administer certain provisions of the CAA. Pursuant to Section 301(d)(2) of the CAA, EPA promulgated the Tribal Authority Rule (TAR) on February 12, 1998 (63 FR 7254). The TAR specifies the CAA provisions for which it is appropriate to treat tribes in the same manner as states, the eligibility criteria the tribes must meet if they choose to seek such treatment, and the procedure by which EPA reviews a tribe's request for an eligibility determination.

As a general matter, EPA determined in the TAR that it is not appropriate to treat tribes in the same manner as states for purposes of specific plan submittal and implementation deadlines for NAAQS-related requirements. 40 CFR 49.4. Thus, tribes are generally not subject to CAA provisions which specify a deadline by which something must be accomplished. So, for example, provisions mandating the submission of state implementation plans do not apply to the tribes. Furthermore, under the TAR (40 CFR 49.7(c)), a tribe may choose to implement reasonably severable portions of the various CAA programs, as long as it can demonstrate that its proposed air program is not integrally related to program elements that are not included in the plan submittal and is consistent with applicable statutory and regulatory requirements. So, for example, a tribe may choose to submit a TIP that uses a limited set of methods to control just one or two air pollutants. This modular approach is intended to give tribes the flexibility to address their most pressing air resource issues and acknowledges that tribes often have limited resources with which to address their environmental concerns. Consistent with the exceptions listed in 40 CFR 49.4, once submitted, a tribe's proposed air program will be evaluated in accordance with applicable statutory and regulatory criteria in a manner similar to the way EPA would review a similar state submittal. 40 CFR 49.8(h).

EPA expects tribes to fully implement and enforce their approved programs and, as with states, EPA retains its discretionary authority to impose sanctions for failure to implement an air program.

Where the provisions of the act or implementing regulations governing the program for which the tribe seeks approval require criminal enforcement authority, the tribe may enter into a memorandum of agreement with the appropriate EPA Region to provide for criminal enforcement by EPA. 40 CFR 49.7(a)(6), 49.8.

2. What criteria must a tribe demonstrate to be treated in the same manner as a state under the CAA?

Under Section 301(d) of the Clean Air Act, 42 U.S.C. 7601, and the TAR (at 40 CFR 49.6), EPA may treat a tribe in the same manner as a state for purposes of administering certain CAA programs or grants if the tribe demonstrates that (1) it is federally recognized; (2) it has a governing body carrying out substantial governmental duties and powers; (3) the functions to be exercised by the tribe pertain to the management and protection of air resources within the tribe's reservation or within non-reservation areas under the tribe's jurisdiction; and (4) it can reasonably be expected to be capable of carrying out the functions for which it seeks approval.

3. What is an implementation plan for criteria air pollutants and what must it contain?

Implementation plans are a set of programs and regulations submitted by states and, if they so choose, by tribes, that outline a definite plan by which the state or tribe intends to help attain or maintain NAAQS. NAAQS have been established for the following six pollutants: Ozone; carbon monoxide; particulate matter; sulfur dioxide; lead; and nitrogen dioxide. The EPA calls these pollutants ''criteria pollutants'' because the original standards were based on information in air quality criteria documents developed for pollutants that ''endanger the public health or welfare''. Once approved by EPA, implementation plans become enforceable as a matter of federal law.

Implementation plans are governed by Section 110 of the CAA, 42 U.S.C. 7410. Under Sections 110(o) and 301(d) of the CAA and the TAR (40 CFR 49.9(h)), any TIP submitted to EPA shall be reviewed in accordance with the provisions for review of state implementation plans (SIPs) set forth in CAA Section 110. Thus, the TIP must include not only the substantive rules by which the tribe proposes to help achieve NAAQS, but also provide assurances that the tribe will have adequate personnel, funding, and authority to administer the plan, as required by CAA Section 110(a)(2)(E), and requirements governing conflicts of interest, as required by CAA Section 128.[1] Under Section 128, implementation plans must contain requirements that (1) any ''board or body'' that approves permits or enforcement orders have at least a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to the permits or orders and (2) conflicts of interest are disclosed. EPA does not intend to read Section 128 to limit a tribe's flexibility in creating a regulatory infrastructure that ensures an adequate separation between the regulator and the regulated entity (59 FR 43956, 43964 (Aug. 25, 1994)).

EPA will evaluate the elements submitted in each TIP on a case-by-case basis to ensure the selected program is reasonably severable under the CAA, and that the TIP has control measures that adequately address the specific types of pollution of concern on the reservation. Once EPA approves the TIP, its provisions are enforceable by the tribe, by EPA, and by citizens. As with SIPs, EPA maintains an ongoing oversight role to ensure the approved TIP is adequately implemented and enforced and to provide technical and policy assistance. An important aspect of EPA's oversight role is that EPA retains legal authority to bring an enforcement action against a source violating the approved TIP.

III. Analysis of the Mohegan TIP

1. Are the Mohegans eligible to run their CAA air program?

On December 29, 2006, EPA determined that the Mohegan Tribe of Indians of Connecticut has demonstrated that it is eligible to be treated in the same manner as a state for the limited purpose of administering the Mohegan TIP and other similar programs to regulate minor sources of air pollution under Section 110 of the Act (42 U.S.C. 7410) within the Mohegan Reservation, as those boundaries existed on May 4, 2005 and as described in the revision to the Tribe's eligibility application submitted August 16, 2006. EPA's analysis of the Tribe's eligibility and its final determination of the Tribe's jurisdictional assertion under the TAR may be found in the electronic docket for this action.

2. Does the Mohegan TIP meet all CAA requirements?

As described below, we are satisfied that the Mohegan TIP adequately addresses the requirements of CAA Section 110(a)(2)(C). Under CAA Section 110(k), EPA determined the Mohegan TIP was complete on July 6, 2005, using the completeness criteria set forth in Appendix V of 40 CFR Part 51. As part of this completeness determination, we noted that the application included a description of how the Tribe intends to implement the TIP and provided evidence that the Area Wide NO_X Emissions Limitation Regulation (NO_X Regulation) and other necessary tribal laws were properly adopted. In accordance with CAA Section 110(a), the Tribe issued a public notice soliciting comments on its proposed TIP on February 25, 2005, held a public hearing on March 28, 2005 at the Mohegan Reservation in Uncasville, CT, and closed the public comment period on March 30, 2005 with no comments received. On August 22, 2007, the Tribe submitted an amendment to the NO_X Regulation described below.

Stationary sources owned by the Mohegan Tribal Gaming Authority have the potential to emit[2] NO_X in major source amounts, but have actual emissions that are below the major source thresholds. The primary objective for this rulemaking is to create a mechanism by which the emission limit for stationary sources owned by the Mohegan Tribal Gaming Authority located within the exterior boundaries of the Mohegan Reservation is enforceable as a practical matter. The Mohegan TIP is the equivalent of a permit that keeps the sources in ''synthetic minor'' status and ensures that the source is legally prohibited from operating as a major source. In other words, even though units owned by the Mohegan Tribal Gaming Authority have the potential to emit NO_X in major source amounts, they will be considered minor sources and will avoid triggering CAA major source requirements because the units

[1] *See* Section 110(a)(2)(E) of the Act, 42 U.S.C. 7410(a)(2)(E), which requires all implementation plans to contain the requirements described in Section 128 of the Act, 42 U.S.C. 7428. Tribal implementation plans must comply with Section 128, as neither Section 110(a)(2)(E) nor Section 128 of the Act are listed in the TAR as provisions that are inapplicable to tribes seeking TIP approval under the Act. *See* 40 CFR 49.4. EPA explicitly contemplated the applicability of Section 128 in the preamble to the proposed TAR. *See* 59 FR 43956, 43964 (Aug. 25, 1994).

[2] Potential to emit means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design.

collectively will be subject to an enforceable emissions limitation. Actual NO_X emissions from these units have never approached the major source thresholds. When the Tribe first submitted the NO_X Regulation, the cap on NO_X emissions in effect under the regulation was 99 tons per year (TPY). The Tribe subsequently amended the NO_X Regulation to lower that cap to 49 TPY, because the Tribe has chosen to enforce a limit below the threshold for major sources of NO_X applicable in the Greater Connecticut air quality planning area outside of and surrounding the Tribe's reservation. In accordance with CAA Section 110(a)(2)(B), the NO_X ordinance also contains monitoring, recordkeeping, reporting, and testing requirements as needed to assure compliance with the synthetic minor limit.

The Mohegan TIP will be administered primarily by the Mohegan Environmental Protection Department and enforced via the Gaming Disputes Court, a tribal court with exclusive jurisdiction over disputes arising out of or in connection with any action of the Mohegan Tribal Gaming Authority. Under the NO_X Regulation, the Administrator of the Mohegan Environmental Protection Department may issue a citation requiring an individual to appear before the Gaming Disputes Court for a judicial hearing on an alleged violation of the NO_X Regulation or, in emergencies, petition the Court for a cease and desist order. After hearing, the Gaming Disputes Court may issue final orders imposing injunctive relief and/or civil penalties of up to $25,000 per violation per day. In addition, the Mohegan Tribe of Indians of Connecticut and the U.S. Environmental Protection Agency have entered into a Memorandum of Agreement by which, for the purposes of criminal enforcement, the Tribe will provide potential investigative leads to EPA and/or other appropriate Federal agencies, as agreed to by the parties, in an appropriate and timely manner.

As noted above, CAA Section 110(a)(2)(E) requires an implementation plan to ''provide * * * necessary assurances that the [applicant] * * * will have adequate personnel, funding, and authority under [tribal] law to carry out such implementation plan.'' The Tribal Application contains such assurances and cites a provision of the MEPD Ordinance requiring the Tribal Council to ''provide such funding to the Department that will ensure that the Department can, at a minimum, appropriately develop, implement, monitor, and enforce the Tribal Implementation Plan and any other environmental programs approved by the Tribal Council.''

To demonstrate compliance with CAA Section 128, the Tribe submitted, as part of the Mohegan TIP, the Mohegan Tribal Ethics Ordinance. Under Section 4, Standard E of the Ethics Ordinance, ''public officials,'' or persons holding elected or appointed office, are prohibited from having or subsequently acquiring any ''direct or indirect financial or other economic interests'' that are in conflict with interests of the Tribe. Under Standard F, if required to act on a matter in which the public official has a personal economic interest (e.g., the Tribe wishes to purchase a parcel of land in which the public official has an interest), the public official must disclose such interest and abstain from participating in the deliberation and decision making process.[3] According to the Tribe, the Ethics Ordinance applies to the judges of the Gaming Disputes Court.

Given the structure of the NO_X Regulation, the Ethics Ordinance need only apply to the judges of the Gaming Disputes Court and not to the MEPD Administrator. First, under the NO_X Regulation, the MEPD Administrator is authorized only to issue a citation requiring an alleged violator to appear before the Court or to petition the Court for a cease and desist order. Enforcement orders for both civil penalties and injunctive relief are issued only by the Court. In other words, the Court is the ''board or body'' that ultimately ''approves * * * enforcement orders.'' Second, while the MEPD Administrator must approve emissions factors to be used in calculating NO_X emissions, as well as any construction or modification of NO_X sources, both of which resemble the grant of a permit, the NO_X Regulation requires the Administrator to give approval whenever specified standards are met. Because this duty to approve is nondiscretionary, the MEPD Administrator need not be, and is not, subject to the Ethics Ordinance.

IV. Proposed Action

EPA is proposing to approve the Mohegan TIP that was submitted on May 4, 2005, and amended on August 22, 2007 for limiting NO_X emissions from stationary sources owned by the Mohegan Tribal Gaming Authority to 49 TPY. EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA New England Regional Office listed in the **ADDRESSES** section of this **Federal Register**.

[3] Section 5 of the Ethics Ordinance requires members of the Tribal Council and the Council of Elders and appointed public officials with fiscal responsibilities to file annual economic disclosure statements. An example disclosure statement is on file with EPA Region I. However, the Mohegan ''board or body'' at issue here is covered by neither category and, thus, not required to file such statements.

V. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves tribal law as meeting Federal requirements and imposes no additional requirements beyond those imposed by tribal law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under tribal law and does not impose any additional enforceable duty beyond that required by tribal law, it 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).

Since this rule simply approves pre-existing tribal law, it does not result in any direct costs or preemption of tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). Nonetheless, EPA has consulted extensively with the Mohegan Tribe concerning this proposed TIP approval. This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a tribal rule implementing a federal standard within the exterior boundaries of the Tribe's reservation, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to

Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks''(62 FR 19885, April 13, 1997), because it approves a tribal rule implementing a Federal standard.

In reviewing TIP submissions, EPA's role is to approve tribal choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the Tribe to use voluntary consensus standards (VCS), EPA has no authority to disapprove a TIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a TIP submission, to use VCS in place of a TIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*)

List of Subjects in 40 CFR Part 49

Environmental protection, Administrative practice and procedure, Air pollution control, Indians, Intergovernmental relations, Reporting and recordkeeping requirements.

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

Dated: August 27, 2007.

Robert W. Varney,

Regional Administrator, EPA New England.

[FR Doc. E7–17535 Filed 9–5–07; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 07–3623; MB Docket No. 07–174; RM–11387]

Radio Broadcasting Services; Walden, CO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document sets forth a proposal to amend the FM Table of Allotments, Section 73.202(b) of the Commission's rules, 47 CFR 73.202(b). The Commission requests comment on a petition filed by Laramie Mountain Broadcasting, LLC. Petitioner proposes the allotment of Channel 226C3 at Walden, Colorado, as a potential second local aural service. Channel 226C3 can be allotted at Walden in compliance with the Commission's minimum distance separation requirements with a site restriction of 20.6 km (12.8 miles) west of Walden. The proposed coordinates for Channel 226C3 at Walden are 40–42–01 North Latitude and 106–31–21 West Longitude.

DATES: Comments must be filed on or before October 8, 2007, and reply comments on or before October 23, 2007.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for the designated petitioner as follows: A. Wray Fitch, III, Esq., Gammon & Grange, P.C., 8280 Greensboro Drive, Seventh Floor, McLean, Virginia 22102–3807.

FOR FURTHER INFORMATION CONTACT: Deborah A. Dupont, Media Bureau (202) 418–7072.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 07–174, adopted August 15, 2007, and released August 17, 2007. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, (800) 378–3160, or via the company's Web site, *http://www.bcpiweb.com.* 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).

The 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 are prohibited in Commission proceedings, such as this one, which involve channel allotments. *See* 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, *see* 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

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.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Colorado, is amended by adding Walden, Channel 226C3.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. E7–17438 Filed 9–5–07; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 07–3621; MB Docket No. 07–176; RM–11389]

Radio Broadcasting Services; Humboldt, NE

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document sets forth a proposal to amend the FM Table of Allotments, Section 73.202(b) of the Commission's rules, 47 CFR 73.202(b). The Commission requests comment on a petition filed by Cumulus Licensing LLC. Petitioner proposes the allotment of Channel 272C3 at Humboldt, Nebraska, in order to maintain that community's first local service. (Petitioner, the permittee of Channel 244C3 at Humboldt, has filed an application to move the channel to Effingham, Kansas, as that community's first local service.) Channel 272C3 can be allotted at Humboldt in compliance with the Commission's minimum distance separation requirements at city reference coordinates, without site restriction. The proposed coordinates for Channel 272C3 at Humboldt are 40–09–51 North Latitude and 95–56–40 West Longitude.

DATES: Comments must be filed on or before October 8, 2007, and reply comments on or before October 23, 2007.