

adverse written comments by January 27, 2010. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. If we do not receive any comments, this action will be effective February 26, 2010.

#### V. 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 Clean Air 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 (Pub. L. 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, as appropriate, disproportionate human health or environmental effects, using practicable 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.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 26, 2010. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action 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* section 307(b)(2).)

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

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

Dated: November 13, 2009.

**Walter W. Kovalick Jr.**,

*Acting Regional Administrator, Region 5.*

- For the reasons stated in the preamble, part 52, chapter I, of title 40 of the Code

of Federal Regulations is amended as follows:

#### PART 52—[AMENDED]

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

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

#### Subpart P—Indiana

- 2. Section 52.770 is amended by adding paragraph (c)(192) to read as follows:

#### § 52.770 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(192) On April 25, 2008, Indiana submitted regulations that incorporate its continuous emission monitoring requirements into its SIP. Indiana also submitted Commissioner's Orders that provide an alternative monitoring plan for a Warrick County source. The alternative monitoring requirements allow the use of a particulate matter continuous emissions monitoring system in place of a continuous opacity monitor.

(i) *Incorporation by reference.* (A) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 3: Monitoring Requirements, Rule 5: Continuous Monitoring of Emissions, Section 1: Applicability; monitoring requirements for applicable pollutants. Filed with the Secretary of State on January 30, 1998, and effective on March 1, 1998. Published in 21 *Indiana Register* 2062-2079 on March 1, 1998. (B) Commissioner's Order #2008-01 as issued by the Indiana Department of Environmental Management on February 11, 2008.

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 0 and 1

[DA 09-2529]

### FCC Announces Change in Filing Location for Paper Documents

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document makes nomenclature changes to the Commission's rules and is necessary in order to update addresses pertaining to the filing location for documents received by hand-delivered and/or messenger-delivered paper filings for

the Commission's Secretary at the FCC Headquarters. The Commission wants to ensure that all documents are received at the new location by the effective date, and make sure that customers are provided with proper instructions before documents are submitted to the Commission.

**DATES:** Effective December 28, 2009.

**FOR FURTHER INFORMATION CONTACT:**

Please address any questions concerning this document to Ginger Weasenforth at [ginger.weasenforth@fcc.gov](mailto:ginger.weasenforth@fcc.gov) (202) 418-0330 or Geraldine Taylor at [geraldine.taylor@fcc.gov](mailto:geraldine.taylor@fcc.gov) (202) 418-0305.

**SUPPLEMENTARY INFORMATION:** The Commission released a document on December 3, 2009, announcing the new filing location for paper documents effective December 28, 2009. The Commission's contractor will begin receiving hand-delivered and/or messenger-delivered paper filings for the Commission's Secretary at the FCC Headquarters building located at 445 12th Street, SW., Room TW-A325, Washington, DC 20554.

- The filing hours will be Monday through Friday, 8 a.m. to 7 p.m.
- This is the ONLY location where hand-delivered or messenger-delivered paper filings for the Commission's Secretary will be accepted. Accordingly, the Commission will close the filing location at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002.
- Originals and copies of each official filing must continue to be held together with rubber bands or fasteners. And as usual, "stamp and return" copies will be provided as long as they accompany each individual filing. ALL FILINGS MUST BE SUBMITTED WITHOUT ENVELOPES. See <http://www.fcc.gov/osec/> for further information on filing instructions.

- Documents intended to be received by specific staff members within the Bureaus and Offices must be clearly labeled on the first page of the document or with a cover sheet

indicating the destination. As appropriate, originals and copies should be held together with rubber bands or fasteners.

- Documents sent by overnight mail (other than United States Postal Service (USPS) Express Mail) must be addressed to 9300 East Hampton Drive, Capitol Heights, MD 20743.

- All USPS First Class Mail, Express Mail and Priority Mail should continue to be addressed to FCC Headquarters at 445 12th Street, SW., Washington, DC 20554. See <http://www.fcc.gov/osec/guidelines.html> for further instruction on FCC filing addresses.

As the Commission continues to balance its efforts to be accessible to its customers with the need for heightened security measures, we encourage our customers to take full advantage of the Commission's Electronic Comment Filing System to facilitate the filing of applicable documents.

This amendment is made pursuant to § 0.231(b) of the Commission's rules, 47 CFR 0231. The Federal Communications Commission considers the rule amendments as a matter of agency practice and procedure; therefore, compliance with the notice and comment and effective date provision of the Administrative Procedure Act is not required. Therefore, the Commission will not send a copy of this final rule pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

**List of Subjects in 47 CFR Parts 0 and 1**

Reporting and recordkeeping requirements.

Federal Communications Commission.

**Marlene H. Dortch,**  
*Secretary.*

■ For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 0 and 1 as follows:

**PART 0—COMMISSION ORGANIZATION**

■ 1. The authority citation for part 0 continues to read as follows:

**Authority:** Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155, 225, unless otherwise noted.

**§ 0.401 [Amended]**

■ 2. In 47 CFR 0.401(a) (1) (ii) remove the words "236 Massachusetts Avenue, NE., Washington, DC 20002" and add in their place, the words "445 12th Street, SW., Washington, DC 20554".

**PART 1—PRACTICE AND PROCEDURE**

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

**Authority:** 15 U.S.C. 79 *et seq.* 47 U.S.C. 151, 154(j), 160, 201, 225, and 303.

**§ 1.4 [Amended]**

■ 4. In 47 CFR 1.4(f) remove the words "236 Massachusetts Ave., NE., Washington, DC 20002" and add in their place, the words "445 12th Street, SW., Washington, DC 20554".

**§ 1.773 [Amended]**

■ 5. In 47 CFR 1.773(a) (4) and (b) (3) remove the words "236 Massachusetts Ave., NE., Washington, DC 20002" and add in their place, the words "445 12th Street, SW., Washington, DC 20554".

**§ 1.774 [Amended]**

■ 6. In 47 CFR 1.774(e) (2) (ii) remove the words "236 Massachusetts Ave., NE., Washington, DC 20002" and add in their place, the words "445 12th Street, SW., Washington, DC 20554".

**§ 1.939 [Amended]**

■ 7. In 47 CFR 1.939(b) remove the words "236 Massachusetts Ave., NE., Washington, DC 20002" and add in their place, the words "445 12th Street, SW., Washington, DC 20554".

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