period of SSM, then the owner or operator must take steps to minimize emissions to the extent practicable.'' 70 FR at 43993.

The exception to technology-based emission standards during SSM events, which applies when a source cannot meet the technology-based standard using all practicable steps to minimize emissions that are consistent with safety and good air pollution control practices, is appropriate and may be necessary to preserve the reasonableness of the underlying MACT standards. *Essex Chemical Corporation* v. *EPA*, 486 F.2d. 427, 432–33 (D.C. Cir 1973) (addressing exemption from New Source Performance Standards during SSM events); *Portland Cement Association* v. *Ruckelshaus*, 486 F.2d. 375, 398–99 (D.C. Cir. 1973) (same); *Marathon Oil* v. *EPA*, 564 F.2d. 1253, 1272–73 (9th Cir. 1977) (discussing need to provide upset defense for technology-based effluent limits to account for technology failure).

As discussed above and in the preamble to the proposed and final rules, the general duty to minimize emissions is sufficiently specific (71 FR 20448–49), and the SSM recordkeeping and reporting requirements are sufficient to assure compliance with the general duty clause. We note that in the Title V context, EPA's regulations specifically provide that recordkeeping requirements can adequately assure compliance. In particular, 40 CFR 70.6(a)(3)(i), which implements the statutory requirement of section 504(a) of the CAA, specifies that periodic testing and monitoring to determine compliance with an applicable requirement ''may consist of recordkeeping designed to serve as monitoring.'' Moreover, 40 CFR 70.6(a)(3)(i)(b) (which requires title V permits to include monitoring and testing provisions when an underlying applicable requirement does not contain provisions) specifies that ''[r]ecordkeeping provisions may be sufficient to meet the requirements of this paragraph (a)(3)(i)(B).''

Dated: April 12, 2007.

Stephen L. Johnson,

Administrator.

[FR Doc. E7–7362 Filed 4–17–07; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 07–1447; RM–10798]

Radio Broadcasting Services; Annville, Manchester, Mt. Vernon, West Liberty, KY

AGENCY: Federal Communications Commission.

ACTION: Final rule; denial of petition for reconsideration.

SUMMARY: This document denies a Petition for Reconsideration filed jointly by Vernon R. Baldwin, Inc., Morgan County Industries, Inc., and Vernon R. Baldwin (''Petitioners'') directed to a letter which returned their Joint Petition for Rule Making (''Joint Petition''). The Joint Petition was defective because the proposed site at Mt. Vernon failed to provide a 70 dBu signal over the entire community due to terrain obstruction. This document finds that it is not in the public interest to allow Petitioners on reconsideration to reinstate and amend their Joint Petition with a new site because a Petition for Rule Making must be technically correct at the time of filing. With this action, the proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Helen McLean, Media Bureau (202) 418–2738.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Memorandum Opinion and Order*, adopted March 28, 2007, and released March 30, 2007. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY–A257, and Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or *www.BCPIWEB.com.* This document is not subject to the Congressional Review Act. (The Commission, is, therefore, not required to submit a copy of this *Memorandum Opinion and Order* to the Government Accountability Office, pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A) because the petition for reconsideration was denied.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division Media Bureau.

[FR Doc. E7–7257 Filed 4–17–07; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[WT Docket No. 99–87; RM 9332; FCC 07–39]

Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission or FCC) declines, for now, to establish a schedule for Private Land Mobile Radio (PLMR) systems in the 150–174 MHz and 421–512 MHz bands to transition to 6.25 kHz technology; and revises the implementation date of the 6.25 kHz requirement for equipment certification from January 1, 2005 to January 1, 2011.

DATES: Effective May 18, 2007.

FOR FURTHER INFORMATION CONTACT: Melvin Spann, *Melvin.Spann@FCC.gov,* Mobility Division, Wireless Telecommunications Bureau at (202) 418–1333.

SUPPLEMENTARY INFORMATION: This is a summary of the Federal Communications Commission's *Third Report and Order* in WT Docket No. 99–87 (*Third Report and Order*), FCC 07–39, adopted on March 22, 2007, and released on March 26, 2007. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, 445 12th Street, SW., Washington, DC 20554. The complete text may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554. The full text may also be downloaded at: *http://www.fcc.gov.* Alternative formats are available to persons with disabilities by sending an e-mail to *fcc504@fcc.gov* or by calling the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

1. The *Third Report and Order* addresses issues raised in the *Second*