

conserve the species or resources used. Any decision restricting tribal off-reservation treaty rights needs to be well documented. Consultation with the affected Tribe(s) and local Office of General Counsel on how to exercise such regulatory authority is found in FSM 1563.1 and FSH 1509.13, Chapter 10.

**§ 223.241 Disposal of seized special forest products.**

The Forest Service may dispose of seized special forest products that have been illegally obtained from National Forest System lands. Any commercial sale of such products shall be conducted in accordance with the requirements of this subpart; however, such products shall not be sold to the entity that collected them illegally. The Regional Forester may make seized products available for free use to individuals, Indian Tribes with reserved treaty gathering rights, and other federally recognized tribes. However, the Forest Service shall not dispose of a seized product by sale or free use if that product is threatened, endangered, or a candidate for listing under the Endangered Species Act; identified as prohibited for sale or trade under CITES, or listed on the Regional Forester's sensitive plant list, list of species of concern, or list of species of interest.

**Subpart H—Forest Botanical Products**

**§ 223.275 Establishment of a pilot program.**

This subpart governs the Forest Service's pilot program for the disposal of forest botanical products, as authorized by the Department of the Interior and Related Agencies Appropriations Act of 2000, (Pub. L. 106–113, Div. B, sec. 1000(a)(3), 113 Stat. 135 (enacting into law sec. 339 of Title III of H.R. 3423)), as amended in 2004 by Section 335 of Public Law 108–108. The pilot program shall be in effect through September 30, 2009.

**§ 223.276 Applicability.**

This subpart applies to the disposal of forest botanical products, as defined herein, from National Forest System lands, until September 30, 2009 of the pilot program. The Forest Service shall dispose forest botanical products in accordance with the procedures set forth in 36 CFR part 223 subpart G, subject to the requirements of this subpart.

**§ 223.277 Definitions.**

As used in this subpart, the following term shall mean:

*Forest botanical products*—naturally occurring special forest products, including bark, berries, boughs, bryophytes, bulbs, burls, cones, ferns, fungi (including mushrooms), forbs, grasses, mosses, nuts, pine straw, roots, sedges, seeds, shrubs, transplants, tree sap, and wildflowers. The term excludes animals, animal parts, Christmas trees, fence material, firewood, insects, mine props, minerals, posts and poles, rails, rocks, shingle and shake bolts, water, worms, and soil.

**§ 223.278 Collection of fees.**

The responsible official shall ensure that the price applicable to the harvest and sale of any forest botanical product, as determined in accordance with the procedures set forth in 36 CFR part 223 subpart G, includes at least a portion of the fair market value of the product and a portion of the costs associated with administering the pilot program.

**§ 223.279 Personal use harvest levels and waiver of fees.**

(a) In conjunction with determining sustainable harvest levels for special forest products, including forest botanical products, pursuant to § 223.219 of subpart G, the responsible Forest Service officer shall also determine personal use harvest levels, which shall be consistent with sustainable harvest levels.

(b) A person may harvest a forest botanical product from National Forest system lands, without charge, up to but not exceeding the personal use harvest level established for the product. A person seeking such personal use of a forest botanical product must comply with the procedures set forth in § 223.239 of subpart G.

(c) Under the following circumstances, the Forest Service waives the collection of fees otherwise required pursuant to § 223.278 of this subpart:

(1) For federally recognized Indian tribes seeking to harvest forest botanical products for cultural, ceremonial, and/or traditional purposes. Such purposes must be non-commercial, and any such harvest may be conditioned or denied as provided in § 223.240 of subpart G; and,

(2) On any occasion when a Regional Forester or Forest Supervisor, having proper authorization from the Chief, makes a determination in writing that the harvest facilitates scientific research or is for salvage because other management activities will destroy or damage the product.

**§ 223.280 Monitoring and revising of harvest levels.**

Monitoring and revision of harvest levels for forest botanical products for

purposes of the pilot program shall be conducted as provided at § 223.219 of subpart G.

**§ 223.281 Disposition of collected fees.**

(a) Funds collected under the pilot program for the harvest and sale of forest botanical products shall be deposited into a special account in the Treasury of the United States. These funds shall be available for expenditure at National Forests or National Grasslands where the funds were collected until September 30, 2010.

(b) Funds deposited into the special account specified in paragraph (a) of this section shall be expended at a National Forest or National Grassland in proportion to the fees collected at that unit to pay for costs of: conducting inventories of forest botanical products; determining sustainable harvest levels for each species or type of forest botanical product; monitoring and assessing the impact of harvest levels and methods; conducting restoration activities, including vegetation restoration, necessitated by the collection, harvest, or removal of forest botanical products; or administering the pilot program, including environmental or other analyses.

Dated: September 25, 2007.

Abigail R. Kimbell,

Chief, Forest Service.

[FR Doc. E7–20658 Filed 10–19–07; 8:45 am]

BILLING CODE 3410–11–P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 52 and 97**

[EPA–R05–OAR–2007–IN–0140; FRL–8481–5]

**Approval and Promulgation of State Implementation Plans; Indiana: Clean Air Interstate Rule**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing limited approval of a revision to the Indiana State Implementation Plan (SIP) submitted on February 28, 2007, as amended by letter on September 20, 2007. This revision addresses the requirements of EPA's Clean Air Interstate Rule (CAIR), promulgated on May 12, 2005, and subsequently revised on April 28, 2006, and December 13, 2006. EPA is proposing to determine that the Indiana SIP revision strengthens the implementation plan for the State because it makes progress toward

meeting Indiana's emission reduction requirements under the NO<sub>x</sub> SIP Call.

**DATES:** Comments must be received on or before November 21, 2007.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R05-OAR-2007-0140, by one of the following methods:

1. *www.regulations.gov*: Follow the on-line instructions for submitting comments.

2. *E-mail*: [mooney.john@epa.gov](mailto:mooney.john@epa.gov).

3. *Fax*: (312)886-5824.

4. *Mail*: "EPA-R05-OAR-2007-0140", John M. Mooney, Chief, Criteria Pollutant Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

5. *Hand Delivery or Courier*: John M. Mooney, Chief, Criteria Pollutant Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. 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 federal holidays. Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

**FOR FURTHER INFORMATION CONTACT:** John Paskevicz, Engineer, Criteria Pollutant Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6084, [paskevicz.john@epa.gov](mailto:paskevicz.john@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a non-controversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, EPA will withdraw the direct final rule and will address all public comments received in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an

adverse comment. For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: September 27, 2007.

**Bharat Mathur,**

*Acting Regional Administrator, Region 5.*

[FR Doc. E7-20250 Filed 10-19-07; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 07-4129; MB Docket No. 07-210; RM-11399]

### Radio Broadcasting Services; Butte Falls and Netarts, Oregon

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed by Oregon Radio Partners, LLC ("Petitioner") proposing the allotments of Channel 290A at Butte Falls and Channel 232C3 at Netarts, Oregon. The proposed coordinates for Channel 290A at Butte Falls are 42-36-19 NL and 122-24-38 WL with a site restriction of 14.7 km (9.1 miles) northeast of city reference and for Channel 232C3 at Netarts are 45-27-56 NL and 123-58-11 WL with a site restriction of 4.0 km (2.5 miles) northwest of city reference. The petition for rule making is a hybrid contingent filing with two applications: (1) For Station KTLF-FM, Channel 232C3 at Tillamook, Oregon to move to Channel 232C2 at Government Camp, Oregon (file no. BPH-0070125ADO); and (2) for an unbuilt station, Channel 225A at Butte Falls, Oregon to move to Talent, Oregon on the same channel (file no. BNPH-20060310ACD). These applications will be reviewed separately.

**DATES:** Comments must be filed on or before November 26, 2007, and reply comments on or before December 11, 2007.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the Petitioner and its counsel, as follows: Oregon Radio Partners, LLC, c/o Lee J. Peltzman, Esquire, Shainis & Peltzman, Chartered, 1850 M Street, NW., Washington, DC 20036.

**FOR FURTHER INFORMATION CONTACT:** Rolanda F. Smith, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Notice of Proposed Rule Making*, MB Docket No. 07-210, adopted October 3, 2007, and released October 5, 2007. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Information Center, 445 Twelfth Street, SW., Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractors, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 1-800-378-3160 or <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* contact.

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 Oregon, is amended by adding Butte Falls, Channel 290A; and by adding Netarts, Channel 232C3.