

**Authority:** 42 U.S.C. 7401–7671q.

Dated: March 31, 2003.

**Jane M. Kenny,**

*Regional Administrator, Region 2.*

[FR Doc. 03–8826 Filed 4–9–03; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[WI–113–7343B; FRL–7466–7]

#### Approval and Promulgation of State Implementation Plans; Wisconsin

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

**ACTION:** Proposed rule.

**SUMMARY:** The EPA is proposing to approve a revision to Wisconsin's State Implementation Plan (SIP) for the attainment of the one-hour ozone standard for the Milwaukee-Racine area. This SIP revision, submitted to EPA on December 16, 2002, provides new compliance options for sources subject to the state's rules limiting emissions of nitrogen oxides (NO<sub>x</sub>) from large electricity generating units in southeast Wisconsin. Under the revised SIP, sources would have the option of complying with emissions limits on a per unit basis or complying as part of an emissions averaging plan that also includes an emissions cap. In addition, the revision creates a new categorical emissions limit for new integrated gasification combined cycled units.

In the "Rules and Regulations" section of this **Federal Register**, EPA is approving the state's request as a direct final rule without prior proposal, because EPA views this action as noncontroversial and anticipates no adverse comments. The rationale for approval is set forth in the direct final rule. If EPA receives no written adverse comments, EPA will take no further action on this proposed rule. If EPA receives written adverse comments, we will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect. In that event, EPA will address all relevant public comments in a subsequent final rule based on this proposed rule. In either event, EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

**DATES:** EPA must receive comments on this action by May 12, 2003.

**ADDRESSES:** You should mail written comments to: Carlton T. Nash, Chief, Regulation Development Section, Air

Programs Branch (AR–18J), USEPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

A copy of the state's request is available for inspection at the above address.

#### FOR FURTHER INFORMATION CONTACT:

Alexis Cain, Environmental Scientist, Regulation Development Section, Air Programs Branch (AR–18J), USEPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–7018.

#### SUPPLEMENTARY INFORMATION:

- I. What Action Is EPA Taking Today?
- II. Where Can I Find More Information About this Proposal and Corresponding Direct Final Rule?

#### I. What Action Is EPA Taking Today?

EPA is proposing to approve, as part of the Wisconsin ozone SIP, rules that would allow sources to use emissions averaging and an emissions cap as a option for complying with ozone season limits on emissions of NO<sub>x</sub>. These limits apply to large electricity generating units in southeast Wisconsin; EPA approved the rules setting these NO<sub>x</sub> emissions limits into Wisconsin's SIP on November 13, 2001 (66 FR 56931). The limits are expressed in mass of allowable emissions per unit of heat input (pounds per million Btu).

Emissions averaging will allow units subject to the NO<sub>x</sub> emissions limits of NR 428 of the Wisconsin Administrative Code to create emissions averaging plans in which the compliance of multiple units would be assessed collectively, based on their aggregate emissions rate. The allowable emissions rate for each unit is reduced by 0.01 pounds per million btu in determining the aggregate allowable emissions rate. Beginning in 2008, sources that participate in an emissions averaging plan must also collectively meet a NO<sub>x</sub> emissions cap that is consistent with the one-hour ozone attainment plan for southeast Wisconsin. The use of emissions averaging plans will provide compliance flexibility for NO<sub>x</sub> emissions sources, while ensuring that NO<sub>x</sub> emissions are no higher than they would have been in the absence of averaging.

#### II. Where Can I Find More Information About This Proposal and Corresponding Direct Final Rule?

For additional information see the direct final rule published in the rules and regulations section of this **Federal Register**.

**Authority:** 42 U.S.C. 4201 *et seq.*

Dated: March 6, 2003.

**Jerri-Anne Garl,**

*Acting Regional Administrator, Region 5.*

[FR Doc. 03–8535 Filed 4–9–03; 8:45 am]

**BILLING CODE 6560–50–U**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

[FRL–7480–8]

#### Nebraska: Final Authorization of State Hazardous Waste Management Program Revision

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

**ACTION:** Proposed rule.

**SUMMARY:** Nebraska has applied to EPA for Final authorization of the changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA proposes to grant final authorization to Nebraska. In the "Rules and Regulations" section of this **Federal Register**, EPA is authorizing the changes by an immediate final rule. EPA did not make a proposal prior to the immediate final rule because we believe this action is not controversial and do not expect comments that oppose it. We have explained the reasons for this authorization in the preamble to the immediate final rule. Unless we receive written comments which oppose this authorization during the comment period, the immediate final rule will become effective on the date it establishes, and we will not take further action on this proposal. If we receive comments that oppose this action, we will withdraw the immediate final rule and it will not take effect. We will then respond to public comments in a later final rule based on this proposal. You may not have another opportunity for comment. If you want to comment on this action, you must do so at this time.

**DATES:** Send your written comments by May 12, 2003.

**ADDRESSES:** Send written comments to Lisa V. Haugen, U.S. EPA Region 7, ARTD/RESP, 901 North 5th Street, Kansas City, Kansas. You can view and copy Nebraska's application during normal business hours at the following addresses: Nebraska Department of Environmental Quality, Suite 400, The Atrium, 1200 "N" Street, Lincoln, Nebraska, 68509–8922, (402) 471–2186; and EPA Region 7, Library, 901 North 5th Street, Kansas City, Kansas 66101, (913) 551–7877, Lisa V. Haugen.

**FOR FURTHER INFORMATION CONTACT:** Lisa V. Haugen, (913) 551–7877.

**SUPPLEMENTARY INFORMATION:** For additional information, please see the immediate final rule published in the "Rules and Regulations" section of this **Federal Register**.

Dated: March 17, 2003.

**Nat Scurry,**

*Acting Regional Administrator, Region 7.*

[FR Doc. 03-8836 Filed 4-9-03; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

[FRL-7480-5]

#### Utah: Final Authorization of State Hazardous Waste Management Program Revision

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

**ACTION:** Proposed rule.

**SUMMARY:** The EPA proposes to grant Final authorization to the hazardous waste program changes submitted by Utah. In the "Rules" section of this **Federal Register**, we are authorizing the State's program changes as an immediate final rule without a prior proposed rule because we believe this action is not controversial. Unless we receive written comments opposing this authorization during the comment period, the immediate final rule will become effective and the Agency will not take further action on this proposal. If we receive comments that oppose this action, we will publish a document in the **Federal Register** withdrawing this rule before it takes effect. EPA will address public comments in a later final rule based on this proposal. EPA may not provide further opportunity for comment. Any parties interested in commenting on this action must do so at this time.

**DATES:** We must receive your comments by May 12, 2003.

**ADDRESSES:** Send written comments to Kris Shurr, 8P-HW, U.S. EPA, Region VIII, 999 18th St, Suite 300, Denver, Colorado 80202-2466, phone number: (303) 312-6139. You can view and copy Utah's application at the following addresses: Utah Department of Environmental Quality (UDEQ), from 8 a.m. to 5 p.m., 288 North 1460 West, Salt Lake City, Utah 84114-4880, contact: Susan Toronto, phone number: (801) 538-6776, and EPA Region VIII, from 8 a.m. to 3 p.m., 999 18th Street, Suite 300, Denver, Colorado 80202-2466, contact: Kris Shurr, phone number: (303) 312-6139.

**FOR FURTHER INFORMATION CONTACT:** Kris Shurr, EPA Region VIII, 999 18th Street, Suite 300, Denver, Colorado 80202-2466, phone number: (303) 312-6139.

**SUPPLEMENTARY INFORMATION:** For additional information, please see the immediate final rule published in the "Rules" section of this **Federal Register**.

Dated: March 25, 2003.

**Robert E. Roberts,**

*Regional Administrator, Region VIII.*

[FR Doc. 03-8834 Filed 4-9-03; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 1

[MD Docket No. 03-83; FCC 03-64]

#### Assessment and Collection of Regulatory Fees for Fiscal Year 2003

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Commission is proposing to revise its Schedule of Regulatory Fees in order to recover the amount of regulatory fees that Congress has required it to collect for fiscal year 2003. Section 9 of the Communications Act of 1934, as amended, provides for the annual assessment and collection of regulatory fees under sections 9(b)(2) and (b)(3), respectively, for annual "Mandatory Adjustments" and "Permitted Amendments" to the Schedule of Regulatory Fees.

**DATES:** Comments are due on or before April 25, 2003, and reply comments are due on or before May 5, 2003.

**FOR FURTHER INFORMATION CONTACT:** Roland Helvajian, Office of Managing Director at (202) 418-0444 or Rob Fream, Office of Managing Director at (202) 418-0408.

**SUPPLEMENTARY INFORMATION:**

Adopted: March 24, 2003.

Released: March 26, 2003.

By the Commission:

#### Table of Contents

- I. Introduction
- II. Discussion
  - A. Development of FY 2003 Fees
    - i. Calculation of Revenue Requirements
    - ii. Further Adjustments to Payment Units
    - iii. Request for Comment on Possible Service Reclassification
    - iv. Adjustment of Fee Waiver Policies
    - v. Procedural Changes
    - vi. Future Streamlining of the Regulatory Fee Assessment and Collection Process
  - B. Procedures for Payment of Regulatory Fees
    - i. De minimis Fee Payment Liability

- ii. Standard Fee Calculations and Payment Dates
- C. Enforcement
- III. Procedural Matters
  - A. Comment Period and Procedures
  - B. *Ex Parte* Rules
  - C. Initial Regulatory Flexibility Analysis
  - D. Authority and Further Information
- Attachment A—Initial Regulatory Flexibility Analysis
- Attachment B—Sources of Payment Unit Estimates for FY 2003
- Attachment C—Calculation of Revenue Requirements and Pro-Rata Fees
- Attachment D—FY 2003 Schedule of Regulatory Fees
- Attachment E—Factors, Measurements, and Calculations that Determine Station Contours and Population Coverages

### I. Introduction

1. In this *Notice of Proposed Rulemaking*, the Commission proposes to collect \$269,000,000 in regulatory fees for Fiscal Year (FY) 2003. These fees are mandated by Congress and are collected to recover the regulatory costs associated with the Commission's enforcement, policy and rulemaking, user information, and international activities.<sup>1</sup>

### II. Discussion

#### A. Development of FY 2003 Fees

##### i. Calculation of Revenue and Fee Requirements

2. Each fiscal year, the Commission proportionally allocates the total amount that must be collected via regulatory fees (Attachment C).<sup>2</sup> For FY 2003, this allocation was done using FY 2002 revenues as a base. From this base, a revenue amount for each fee category was calculated. Each fee category was then adjusted upward by 23 percent to reflect the increase in regulatory fees from FY 2002 to FY 2003. These FY 2003 amounts were then divided by the number of payment units in each fee category to determine the unit fee.<sup>3</sup> In

<sup>1</sup> 47 U.S.C. 159(a).

<sup>2</sup> The costs assigned to each service category are based upon the regulatory activities (enforcement, policy and rulemaking, user information, and international activities) undertaken by the Commission on behalf of units in each service category. It is important to note that the required increase in regulatory fee payments of approximately 23 percent in FY 2003 is reflected in the revenue that is expected to be collected from each service category. Because this expected revenue is adjusted each year by the number of units in a service category, the actual fee itself is sometimes increased by a number other than 23 percent. For example, in industries where the number of units is declining and the expected revenue is increasing, the impact on the fee increase may be greater.

<sup>3</sup> In most instances, the fee amount is a flat fee per licensee or regulatee. However, in some instances the fee amount represents a unit subscriber fee (such as for Cable, Commercial