

**§ 147.821 Brutus Tension Leg Platform safety zone.**

(a) *Description.* The Brutus Tension Leg Platform (Brutus TLP), Green Canyon Block 158 (GC 158), is located at position 27°47'42.86" N, 90°38'51.15" W. The area within 500 meters (1640.4 feet) from each point on the structure's outer edge is a safety zone.

(b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

- (1) An attending vessel;
- (2) A vessel under 100 feet in length overall not engaged in towing; or
- (3) A vessel authorized by the Commander, Eighth Coast Guard District.

**§ 147.823 Enchilada Platform safety zone**

(a) *Description.* The Enchilada Platform, Garden Banks Block 128A (GB 128A), is located at position 27°52'31.31" N, 91°59'11.09" W. The area within 500 meters (1640.4 feet) from each point on the structure's outer edge, not to extend into the adjacent East-West Gulf of Mexico Fairway, is a safety zone.

(b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

- (1) An attending vessel;
- (2) A vessel under 100 feet in length overall not engaged in towing; or
- (3) A vessel authorized by the Commander, Eighth Coast Guard District.

Dated: January 10, 2003.

**Roy J. Casto**

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

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BILLING CODE 4910-15-P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 62**

[AL-058-1-200312a; FRL-7444-9]

**Approval and Promulgation of State Plan for Designated Facilities and Pollutants: AL**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving the sections 111(d) /129 plan submitted by the Alabama Department of Environmental Management (ADEM) for the State of Alabama on February 21, 2002, for implementing and enforcing the Emissions Guidelines (EG) applicable to existing Commercial and Industrial

Solid Waste Incineration (CISWI) Units that commenced construction on or before November 30, 1999.

**DATES:** This direct final rule is effective March 31, 2003 without further notice, unless EPA receives adverse comments by February 27, 2003. If adverse comments are received, EPA 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.

**ADDRESSES:** All comments should be addressed to: Joydeb Majumder, EPA Region 4, Air Toxics and Management Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303-8960. Copies of documents relative to this action are available at the following addresses for inspection during normal business hours: Environmental Protection Agency, Region 4, Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303-8960 and Alabama Department of Environmental Management, 400 Coliseum Boulevard, Montgomery, Alabama 36110-2059. Anyone interested in examining this document should make an appointment with the office at least 24 hours in advance.

**FOR FURTHER INFORMATION CONTACT:** Joydeb Majumder at (404) 562-9121 or Sean Lakeman at (404) 562-9043.

**SUPPLEMENTARY INFORMATION:****I. Background**

On December 1, 2000, pursuant to sections 111 and 129 of the Clean Air Act (Act), EPA promulgated new source performance standards (NSPS) applicable to new CISWIs and EG applicable to existing CISWIs. The NSPS and EG are codified at 40 CFR part 60, subparts CCCC and DDDD, respectively. Subparts CCCC and DDDD regulate the following: Particulate matter, opacity, sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, lead, cadmium, mercury, and dioxins and dibenzofurans.

Section 129(b)(2) of the Act requires States to submit to EPA for approval State Plans that implement and enforce the EG. State Plans must be at least as protective as the EG, and+ become Federally enforceable upon approval by EPA. The procedures for adoption and submittal of State Plans are codified in 40 CFR part 60, subpart B. EPA originally promulgated the subpart B provisions on November 17, 1975. EPA amended subpart B on December 19, 1995, to allow the subparts developed under section 129 to include specifications that supersede the general provisions in subpart B regarding the schedule for submittal of State Plans,

the stringency of the emission limitations, and the compliance schedules.

This action approves the State Plan submitted by ADEM for the State of Alabama to implement and enforce subpart DDDD, as it applies to existing CISWI units only.

**II. Discussion**

ADEM submitted to EPA on February 21, 2002, the following in their 111(d)/129 State Plan for implementing and enforcing the EG for existing CISWIs under their direct jurisdiction in the State of Alabama: Public Participation-Demonstration that the Public Had Adequate Notice and Opportunity to Submit Written Comments and Attend the Public Hearing; Legal Authority; Emission Limits and Standards; Compliance Schedule; Inventory of CISWI Plants / Units; CISWI Emissions Inventory; Source Surveillance, Compliance Assurance and Enforcement Procedures; Submittal of Progress Reports to EPA; and applicable State of Alabama statutes and rules of the ADEM.

The approval of the Alabama State Plan is based on finding that: (1) ADEM provided adequate public notice of public hearings for the EG for CISWIs, and (2) ADEM also demonstrated legal authority to adopt emission standards and compliance schedules; enforceable applicable laws, regulations, standards, and compliance schedules; the ability to seek injunctive relief; obtain information necessary to determine compliance; require record keeping; conduct inspections and tests; require the use of monitors; require emission reports of owners and operators; and make emission data publicly available.

ADEM cites the following references for the legal authority: The Alabama Environmental Management Act, section 22-22A-4(n), Code of Alabama 1975, as amended; The Alabama Air Pollution Control Act, section 22-28-11(13) Code of Alabama 1975, as amended; and The ADEM Administrative Code, Rule 335-3-3-.05. On the basis of these statutes and rules of the State of Alabama, the State Plan is approved as being at least as protective as the Federal requirements for existing CISWI units.

ADEM cites all emission standards and limitations applicable to existing CISWI units in Chapter 335-3-3-.05 of part C. These standards and limitations have been approved as being at least as protective as the Federal requirements contained in subpart DDDD for existing CISWI units.

ADEM submitted the compliance schedule for CISWIs under their

jurisdiction in the State of Alabama. This portion of the Plan has been reviewed and approved as being at least as protective as Federal requirements for existing CISWI units.

In Appendix B of the Plan, ADEM submitted an emissions inventory of all designated pollutants for CISWI units under their jurisdiction in the State of Alabama. This portion of the Plan has been reviewed and approved as meeting the Federal requirements for existing CISWI units.

ADEM includes its legal authority to require owners and operators of designated facilities to maintain records and report to their Agency the nature and amount of emissions and any other information that may be necessary to enable their Agency to judge the compliance status of the facilities in Appendix B of the State Plan. In Appendix C, ADEM also cites its legal authority to provide for periodic inspection and testing and provisions for making reports of CISWI emissions data, correlated with emission standards that apply, available to the general public. Appendix C of the State Plan outlines the authority to meet the requirements of monitoring, record keeping, reporting, and compliance assurance. This portion of the Plan has been reviewed and approved as being at least as protective as Federal requirements for existing CISWI units.

As stated in the Plan, ADEM will provide progress reports of plan implementation updates to the EPA on an annual basis. These progress reports will include the required items pursuant to 40 CFR part 60, subpart B. This portion of the plan has been reviewed and approved as meeting the Federal requirement for State Plan reporting.

### III. Final Action

This action approves the State Plan submitted by ADEM for the State of Alabama to implement and enforce subpart DDDD, as it applies to existing CISWI units only. The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the State Implementation Plan (SIP) revision should adverse comments be filed. This rule will be effective March 31, 2003 without further notice unless the Agency receives adverse comments by February 27, 2003.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and

informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on March 31, 2003 and no further action will be taken on the proposed rule.

### IV. 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 state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state 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 state law and does not impose any additional enforceable duty beyond that required by state 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).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). 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). This action merely approves a state rule implementing a Federal standard, 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 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state 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 State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP 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.*).

The Congressional Review Act, 5 U.S.C. section 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 rule 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. section 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 March 31, 2003. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule 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 62

Environmental protection, Air pollution control, Municipal waste

combustion units, Nitrogen dioxide, Particulate matter, Sulfur oxides.

Dated: January 16, 2003.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

Chapter I, title 40 of the Code of Federal Regulation is amended as follows:

#### **PART 62—[AMENDED]**

1. The authority citation for part 62 continues to read as follows:

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

#### **Subpart B—Alabama**

2. Subpart B is amended by adding an undesignated center heading and § 62.107 to read as follows:

#### **Air Emissions From Commercial and Industrial Solid Waste Incineration (CISWI) Units—Section 111(d)/129 Plan**

##### **§ 62.107 Identification of sources.**

The Plan applies to existing Commercial and Industrial Solid Waste Incineration Units that commenced construction on or before November 30, 1999.

[FR Doc. 03–1869 Filed 1–27–03; 8:45 am]

**BILLING CODE 6560–50–P**

## **FEDERAL COMMUNICATIONS COMMISSION**

### **47 CFR Part 0**

[DA 03–44]

#### **Freedom of Information Act**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Communications Commission is modifying a section of the Commission's rules that implements the Freedom of Information Act (FOIA) Fee Schedule. This modification pertains to the charge for recovery of the full, allowable direct costs of searching for and reviewing records requested under the FOIA and the Commission's rules, unless such fees are restricted or waived. The fees are being revised to correspond to modifications in the rate of pay approved by Congress.

**DATES:** Effective January 28, 2003.

**FOR FURTHER INFORMATION CONTACT:** Shoko B. Hair, Freedom of Information Act Officer, Office of Performance Evaluation and Records Management, Room 5–C406, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, (202) 418–1379 or via Internet at [shair@fcc.gov](mailto:shair@fcc.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Communications Commission is modifying § 0.467(a) of the Commission's rules. This rule pertains to the charges for searching and reviewing records requested under the FOIA. The FOIA requires Federal agencies to establish a schedule of fees for the processing of requests for agency records in accordance with fee guidelines issued by the Office of Management and Budget (OMB). In 1987, OMB issued its Uniform Freedom of Information Act Fee Schedule and Guidelines. However, because the FOIA requires that each agency's fees be based upon its direct costs of providing FOIA services, OMB did not provide a unitary, government-wide schedule of fees. The Commission based its FOIA Fee Schedule on the grade level of the employee who processes the request. Thus, the Fee Schedule was computed at a Step 5 of each grade level based on the General Schedule effective January 1987 (including 20 percent for personnel benefits). The Commission's rules provide that the Fee Schedule will be modified periodically to correspond with modifications in the rate of pay approved by Congress. *See* 47 CFR 0.467(a)(1) note.

In an Order adopted on January 15, 2003, and released on January 21, 2003 (DA–03–44), the Managing Director revised the schedule of fees set forth in 47 CFR 0.467 for the recovery of the full, allowable direct costs of searching for and reviewing agency records requested pursuant to the FOIA and the Commission's rules, 47 CFR 0.460, 0.461. The revisions correspond to modifications in the rate of pay, which was approved by Congress.

These modifications to the Fee Schedule do not require notice and comment because they merely update the Fee Schedule to correspond to modifications in rates of pay, as required under the current rules.

Accordingly, pursuant to the authority contained in § 0.231(b) of the Commission's rules, 47 CFR 0.231 (b), *it is hereby ordered*, that, effective on January 28, 2003, the Fee Schedule contained in § 0.467 of the Commission's rules, 47 CFR 0.467, is amended, as described herein.

#### **List of Subjects in 47 CFR Part 0**

Freedom of information.

Federal Communications Commission.

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

#### **Rule Changes**

For the reasons discussed in the preamble, the Federal Communications

Commission amends 47 CFR part 0 as follows:

## **PART 0—COMMISSION ORGANIZATION**

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

**Authority:** 47 U.S.C. 155, unless otherwise noted.

2. Section 0.467 is amended by revising the last sentence, the table and the note in paragraph (a)(1), and paragraph (a)(2) to read as follows:

#### **§ 0.467 Search and review fees.**

(a)(1) \* \* \* The fee is based on the grade level of the employee(s) who conduct(s) the search or review, as specified in the following schedule:

Grade	Hourly fee
GS–1 .....	11.05
GS–2 .....	12.02
GS–3 .....	13.56
GS–4 .....	15.22
GS–5 .....	17.03
GS–6 .....	18.98
GS–7 .....	21.10
GS–8 .....	23.36
GS–9 .....	25.80
GS–10 .....	28.42
GS–11 .....	31.22
GS–12 .....	37.42
GS–13 .....	44.50
GS–14 .....	52.58
GS–15 .....	61.85

**Note:** These fees will be modified periodically to correspond with modifications in the rate of pay approved by Congress.

(2) The fees in paragraph (a) (1) of this section were computed at Step 5 of each grade level based on the General Schedule effective January 2003 and include 20 percent for personnel benefits.

\* \* \* \* \*

[FR Doc. 03–1849 Filed 1–27–03; 8:45 am]

**BILLING CODE 6712–01–P**

## **FEDERAL COMMUNICATIONS COMMISSION**

### **47 CFR Part 54**

[CC Docket 96–45; FCC 02–339]

#### **The Federal-State Joint Board on Universal Service**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Commission grants relief to parties who have, after September 12, 2001, mailed