

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

to the Commission requests for review of an action of the Universal Service Administrative Company (Administrator) pursuant to section 54 of the Commission rules. We're deeming certain request filed after September 12, 2001 with the Commission as timely and we grant others a 60 day opportunity to resubmit their pleadings. The Commission takes this action to ensure that these parties are not prejudiced by continuing disruptions in the mail service.

**DATES:** Effective February 27, 2003.

**FOR FURTHER INFORMATION CONTACT:**

Sheryl Todd (202) 418-7400 TTY: (202) 418-0484.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Order in CC Docket No. 96-45 released on January 7, 2003. The full text of this document is available on the Commission's Web site Electronic Comment Filing System and for public inspection during regular business hours in the FCC Reference Center, Room CY-A257, 445 Twelfth Street, SW., Washington, DC 20554.

## I. Introduction

1. In this Order, the Commission deems certain requests for review as timely filed with the Commission, and we grant other petitioners a 60-day opportunity to resubmit their pleadings electronically. Specifically, this relief is provided to parties who have, after September 12, 2001, mailed to the Commission requests for review of an action of the Universal Service Administrative Company (Administrator) pursuant to section 54 of our rules, or petitions for reconsideration or applications for review arising from such pleadings (hereinafter collectively referred to as "requests for review"). The Commission takes this action to ensure that these parties are not prejudiced by continuing disruptions in the mail service.

2. On December 24, 2001, we released the *Interim Filing Procedures Order*, 67 FR 3620, January 25, 2002, in response to disruptions in mail service arising from the events of September 11, 2001. In the *Interim Filing Procedures Order*, we established that, in addition to the then-available methods of filing requests for review with the Commission, including mail or electronic submission through the Commission's Electronic Comment Filing System (ECFS), parties could also file by facsimile or electronic mail. We instructed that, if requests for review were filed by electronic mail, pleadings should be filed at the following e-mail address: [CCBSecretary@fcc.gov](mailto:CCBSecretary@fcc.gov) and could be

submitted in Adobe Portable Document Format (PDF), Word, WordPerfect, or any other widely used word processing format. We further instructed that, if filed by facsimile, pleadings should be faxed to 202-418-0187, and that the fax transmission should include a cover sheet listing contact name, phone number, and, if available, an e-mail address. We made these methods optional. Thus, parties could, if they wished, continue to file requests for review by mail, manual delivery, or overnight delivery.

3. The Commission further provided that, where a party had mailed a request for review to the Commission on or after September 12, 2001, and that request for review was timely as of the date of mailing, the party could resubmit its request for review electronically within 30 days of the effective date of the *Interim Filing Procedures Order*, and have the request for review treated as having been filed with the Commission on the date that it was originally mailed. We provided this refiling option so that parties who had submitted their requests for review prior to the issuance of the *Interim Filing Procedures Order* might take advantage of the new electronic filing methods to ensure that their requests for review were timely received despite delays with the mail.

4. Since the *Interim Filing Procedures Order* was published in the **Federal Register** on January 24, 2002, we have received many requests for review that were submitted via United States mail. These parties did not take advantage of the new electronic filing options or the existing option to file via ECFS.

5. Under Commission rules, documents are considered to be filed with the Commission only upon receipt. Upon receipt, the Office of the Secretary date-stamps the appeals as received. Based on our review of the FCC date-stamp of the appeals, many mailed requests for review arrived at the Commission more than 60 days from the issuance of the decision being appealed. Thus, even under our *Interim Filing Procedures Order*, these appeals would be considered untimely. When comparing the FCC date-stamp to the postmark date or the date of the pleading, however, it is evident that some of these mailed requests for review were substantially delayed in transit due to continuing disruptions in mail service to federal agencies.

6. In our *Interim Filing Procedures Order*, we granted certain relief based on our belief that the mail system would return to normal operation. We have reviewed appeals filed by mail that were received after the release of the *Interim Filing Procedures Order*. From that

review, we determined that there continued to be significant delays for appeals filed by mail. Only recently have we found that we are receiving requests for review within a reasonable time of the applicants' postmark. As such, we believe it is appropriate to extend the relief we originally ordered. Therefore, because of the unprecedented mail delays caused by the September 11, 2001 attacks and the subsequent appearance of anthrax in the United States mail system, we now conclude that it is appropriate to grant relief to certain parties that continued to rely on the United States mail to file pleadings with the FCC. The filings made by these petitioners fall into two categories. The first category of filings include petitions that are actually dated and/or have a postmarked date on the envelope that indicates that the petitioners took reasonable steps to ensure that its application would be timely filed. The second category of filings include requests that are not dated and arrived at the FCC secretary's office without proof of postmark.

7. Petitioners in the first category are set forth in Attachment C. Based on the dates of the requests for review and/or the postmarked dates on the envelopes when compared with the FCC-date stamp, we find that these petitioners reasonably complied with the terms of the *Interim Filing Procedures Order*. We find that these petitioners mailed their requests for review in a timely fashion. But for the disruptions in the mail service, their pleadings would have arrived at the Commission within the 60-day appeal period. Accordingly, we deem these requests for review as timely filed pursuant to this Order. Therefore, we direct that these requests for review shall be reviewed on their merits.

8. The Commission has also received several requests for review that either were not dated or did not have a postmark date. During the disruptions in the mail service and the implementation of the ensuing security measures, these pleadings were separated from their envelopes before they arrived in the FCC's Office of the Secretary. Thus, we do not have proof of postmark for these pleadings. We shall afford these petitioners an opportunity to resubmit their requests for review with proof that their original submissions were timely filed. These requests for review may be resubmitted electronically or by facsimile within 60 days of the release date of this Order. All requests for review re-submitted pursuant to this paragraph shall be accompanied by a signed affidavit or a declaration pursuant to Commission rule § 1.16 stating the date on which the

pleading was originally sent for delivery to the Commission and by what means (i.e., by U.S. mail, express courier, or hand delivery). For this purpose only, the new pleading will be considered filed as of the date on which the original pleading was sent for delivery. The provisions of this paragraph are applicable to the petitioners listed in Attachment D of this Order. To the extent that it is determined that other filings not listed herein merit relief, we delegate to the Bureau the authority to grant such relief in keeping with this Order.

9. In addition, although we will continue to allow parties to submit requests for review by mail, express courier, or hand delivery, we note that mail in-take and processing procedures may continue to result in delivery disruption and affect the timeliness of their filings with the Commission. The Commission's filing procedures are designed to receive documents through the ECFS system. We strongly encourage parties to make use of the ECFS filing option to ensure that their requests for review arrive at the Commission in a timely fashion. Our ECFS filing option ensures accurate and more efficient processing. Parties will still be able to file by facsimile at 202-418-0187.

#### List of Subjects in 47 CFR Part 54

Communications common carriers, Health facilities, Libraries, Reporting and recordkeeping requirement, Schools, Telecommunications and Telephone.

Federal Communications Commission.

**Marlene H. Dortch,**  
Secretary.

[FR Doc. 03-1747 Filed 1-27-03; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 96-1004; MM Docket No. 94-125; RM-8534, RM-8575]

#### Radio Broadcasting Services; Castroville, Fredericksburg, and Helotes, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Correcting amendments.

**SUMMARY:** This document contains corrections to section 73.202(b), FM Table of Allotments under Texas for the communities of Fredericksburg and Helotes, which were published in the **Federal Register** of Monday, July 22, 1996, (61 FR 37840).

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

#### FOR FURTHER INFORMATION CONTACT:

Robert Hayne, Media Bureau, (202) 418-2177.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Commission's *Memorandum Opinion and Order*, MM Docket No. 94-125, adopted June 28, 1996, and released July 5, 1996, rescinded the *Report and Order* in this proceeding, see 60 FR 322298, published June 21, 1995. The *Memorandum Opinion and Order* granted the Petition for Reconsideration filed by October Communications Group, Inc directed to the *Report and Order* in this proceeding, by reallotting Channel 266C from Fredericksburg, Texas, to Helotes, Texas, and modified the license of Station KONO-FM, Channel 266C, Fredericksburg, Texas, to specify Helotes, Texas as the community of license. On October 30, 1998, Station KONO-FM was granted a license (BLH-19980731KB) to specify operation on Channel 266C1 in lieu of Channel 266C at Helotes, Texas.

##### Need for Correction

As published, the amendatory language was omitted from the summary.

#### List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Accordingly, 47 CFR part 73 is corrected by making the following correcting amendments:

### 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 and 336.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Fredericksburg, Channel 266C and by adding Helotes, Channel 266C1.

Dated: January 23, 2003.

**John A. Karousos,**

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 03-1836 Filed 1-27-03; 8:45 am]

BILLING CODE 6712-01-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Parts 571 and 590

[Docket No. NHTSA 2000-8572]

RIN 2127-AI33

#### Federal Motor Vehicle Safety Standards; Tire Pressure Monitoring Systems; Correction

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Correcting amendments.

**SUMMARY:** On June 5, 2002, the National Highway Traffic Safety Administration (NHTSA) published a final rule amending the standard on controls and displays, adding a new standard on tire pressure monitoring systems, and amending and re-titling a part on tire pressure monitoring system phase-in reporting requirements. The final rule included a phase-in schedule for compliance with the tire pressure monitoring system (TPMS) standard for manufacturers of passenger cars, trucks, multipurpose passenger vehicles, and buses with a gross vehicle weight rating of 10,000 pounds or less, except those vehicles with dual wheels on an axle. This document corrects NHTSA's inadvertent omission of a provision excluding final-stage manufacturers and alterers from compliance with the TPMS requirements of these standards until the end of the phase-in period (i.e., November 1, 2006).

**DATES:** These amendments to the final rule are effective February 27, 2003.

**FOR FURTHER INFORMATION CONTACT:** The following persons at the NHTSA, 400 Seventh Street, SW., Washington, DC 20590.

For non-legal issues, you may call Mr. George Soodoo or Mr. Joseph Scott, Office of Crash Avoidance Standards (Telephone: 202-366-2720) (Fax: 202-366-4329).

For legal issues, you may call Mr. Eric Stas, Office of Chief Counsel (Telephone: 202-366-2992) (Fax: 202-366-3820).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Federal Motor Vehicle Safety Standard (FMVSS) No. 138, "Tire Pressure Monitoring Systems," was developed in fulfillment of the congressional mandate contained in the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act of 2000. The new standard requires installation of tire pressure