

US EPA ARCHIVE DOCUMENT

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

Easton, PA, Carbon County, Lehigh County, Northampton County, to read as follows:

PART 81—[AMENDED]

■ 3. The authority citation for part 81 continues to read as follows:

■ 4. In § 81.339, the table entitled “Pennsylvania—Ozone (8-Hour Standard)” is amended by revising the entry for the Allentown-Bethlehem-

§ 81.339 Pennsylvania

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PENNSYLVANIA—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/ classification	
	Date ¹	Type	Date ¹	Type
Allentown-Bethlehem-Easton, PA: Carbon County Lehigh County Northampton County	04/03/08	Attainment.		

^a Includes Indian County located in each county or area, except otherwise noted.¹ This date is June 15, 2004, unless otherwise noted.

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 52 and 81**

[EPA-R03-OAR-2007-0324; EPA-R03-OAR-2007-0476; EPA-R03-OAR-2007-0344; FRL-8536-6]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of 8-Hour Ozone Nonattainment Areas to Attainment and Approval of the Areas' Maintenance Plans and 2002 Base-Year Inventories; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correcting amendment.

SUMMARY: This document corrects an error in the preamble language of the final rules pertaining to EPA's approval of the redesignation of Erie, Youngstown, and Cambria 8-hour ozone nonattainment areas to attainment, maintenance plans, and 2002 base year inventories submitted by the Commonwealth of Pennsylvania.

DATES: *Effective Date:* March 4, 2008.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 814-2182 or by e-mail at quinto.rose@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document wherever “we” or “our” are used we mean EPA. On January 14, 2008 (73 FR 2162), we published a final rule correcting final rules for Erie and Youngstown Areas. On August 1, 2007 (72 FR 41905), we published a final rulemaking action

announcing our approval and promulgation of Pennsylvania's redesignation of the Cambria 8-hour ozone nonattainment area to attainment and approval of the associated maintenance plan and 2002 base year inventory. In these documents, EPA inadvertently printed the incorrect categories of volatile organic compound (VOC) and nitrogen oxide (NO_x) in a table entitled “Adequate and Approved Motor Vehicle Emission Budgets (MVEBs).” This action corrects the tables in the final rulemaking actions correcting the categories of VOC and NO_x for the MVEBs for Erie, Youngstown, and Cambria Areas.

Corrections

(1) Erie County, Pennsylvania Ozone Nonattainment Area (Erie Area).

In rule document E8-277, on page 2162, the table is corrected as follows:

ADEQUATE AND APPROVED MOTOR VEHICLE EMISSIONS BUDGETS IN TONS PER DAY (TPD)

Budget year	VOC	NO _x
2009	6.9	16.1
2018	4.5	7.3

(2) Mercer County Portion of the Youngstown-Warren-Sharon, OH-PA Ozone Nonattainment Area (Youngstown Area).

In rule document E8-277, on page 2163, the table is corrected as follows:

ADEQUATE AND APPROVED MOTOR VEHICLE EMISSIONS BUDGETS IN TONS PER DAY (TPD)

Budget year	VOC	NO _x
2009	4.5	11.6

ADEQUATE AND APPROVED MOTOR VEHICLE EMISSIONS BUDGETS IN TONS PER DAY (TPD)—Continued

Budget year	VOC	NO _x
2018	3.0	5.3

(3) Johnstown (Cambria County) Ozone Nonattainment Area (Cambria Area).

In rule document E7-14745, on page 41905, the table is corrected as follows:

ADEQUATE AND APPROVED MOTOR VEHICLE EMISSIONS BUDGETS IN TONS PER DAY (TPD)

Budget year	VOC	NO _x
2009	3.8	5.6
2018	2.3	2.7

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making today's rule final without prior proposal and opportunity for comment because this rule is not substantive and imposes no regulatory requirements, but merely corrects a citation in a previous action. Thus, notice and public procedure are unnecessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(B).

Statutory and Executive Order Reviews

Under Executive Order (E.O.) 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory

action” and is therefore 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)). Because the agency has made a “good cause” finding that this action is not subject to notice-and-comment requirements under the Administrative Procedures Act or any other statute as indicated in the Supplementary Information section above, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. This rule also does 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), nor will it 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 governments, as specified by Executive Order 13132 (64 FR 43255, August 10, 1999). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it approves a state rule implementing a Federal standard.

This technical correction action does not involve technical standards; 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. The rule also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). In issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1998) by examining the takings implications of the rule in accordance with the “Attorney General’s Supplemental Guidelines for the Evaluation of Risk

and Avoidance of Unanticipated Takings” issued under the executive order. This rule does not impose an information collection burden under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act (5 U.S.C. 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. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA had made such a good cause finding, including the reasons therefore, and established an effective date of March 4, 2008. 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**. These corrections to the tables on the MVEBs for Erie, Youngstown, and Cambria, Pennsylvania are not “major rules” as defined by 5 U.S.C. 804(2).

Dated: February 21, 2008.

Donald S. Welsh,

Regional Administrator, EPA Region III.

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FEDERAL COMMUNICATION COMMISSION

47 CFR PART 0

[DA 08-307]

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 implement 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 March 4, 2008.

FOR FURTHER INFORMATION: Shoko B. Hair, Freedom of Information Act Public Liaison, Office of Performance Evaluation and Records Management, Room 1-A827, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, (202) 418-1379 or via Internet at shoko.hair@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 February 21, 2008 and released on February 29, 2008 (DA 08-307), 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 and 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. The Commission will not distribute copies of this Order pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A), because the rules are a matter of agency organization, procedure, or practice that do not