PART 81—[AMENDED]

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

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

4. In §81.339, the table entitled “Pennsylvania—Ozone (8-Hour Standard)” is amended by revising the entry for the Allentown-Bethlehem-Easton, PA, Carbon County, Lehigh County, Northampton County, to read as follows:

Pennsylvania—Ozone (8-Hour Standard)

<table>
<thead>
<tr>
<th>Designated area</th>
<th>Designation</th>
<th>Category/ classification</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Allentown-Bethlehem-Easton, PA: Carbon County Lehigh County Northampton County</td>
<td>04/03/08</td>
<td>Attainment.</td>
</tr>
</tbody>
</table>

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

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

<table>
<thead>
<tr>
<th>Budget year</th>
<th>VOC</th>
<th>NOx</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>3.0</td>
<td>5.3</td>
</tr>
</tbody>
</table>

(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)

<table>
<thead>
<tr>
<th>Budget year</th>
<th>VOC</th>
<th>NOx</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>3.8</td>
<td>5.6</td>
</tr>
<tr>
<td>2018</td>
<td>2.3</td>
<td>2.7</td>
</tr>
</tbody>
</table>

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.”
FEDERAL COMMUNICATIONS COMMISION

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), because the rules are a matter of agency organization, procedure, or practice that do not