

deadline to be considered. Commenters who use the postal service should consider using Express Mail. Electronic filing or hand-delivery will help insure timely receipt of comments by the Office. Electronic comments successfully submitted through the Office's website will generate a confirmation receipt to the submitter and submitters hand-delivering comments may request a date stamp on an extra copy provided by the submitter.

If submitted through the Copyright Office's website: The Copyright Office's website will contain a submission page at: http://www.copyright.gov/1201/comment_forms. Approximately thirty days prior to each applicable deadline (see **DATES**), a form will be activated on the Copyright Office website allowing information to be entered into the required fields, including the name of the person making the submission, his or her title, organization, mailing address, telephone number, and email address. For initial comments, there will be two additional fields required: (1) The proposed class or classes of copyrighted work(s) to be exempted, and (2) a brief summary of the argument(s). The comment or reply comment itself must be sent as an attachment, and must be in a single file in either Adobe Portable Document File (PDF) format (preferred), in Microsoft Word Version 2000 or earlier, or in WordPerfect 9 or earlier, or in ASCII text. There will be a browse button on the form that will allow submitters to attach the comment file to the form and then to submit the completed form to the Office. The personal information entered in the required fields will not be publicly posted on the website, but the Office intends to post on its website the proposed class and the summary of the argument, as well as the entire comment. Only the commenter's name (and, if applicable, the entity on whose behalf the comment is submitted) is required on the comment document itself and a commenter who does not want other personal information posted on the Office's website should avoid including other private information on the comment itself. Except in exceptional circumstances, changes to the submitted comment will not be allowed and it will become a part of the public record of this rulemaking.

If by means of the United States Postal Service or hand delivery: Send, to the appropriate address listed above, two copies, each on a 3.5-inch write-protected diskette or CD-ROM, labeled with the name of the person making the submission and the entity on whose behalf the comment was submitted, if any. The document itself must be in a

single file in either Adobe Portable Document File (PDF) format (preferred), or in Microsoft Word Version 2000 or earlier, in WordPerfect Version 9 or earlier, or in ASCII text. If the comment is hand delivered or mailed to the Office and the submitter does not wish to have the address, telephone number, or email address publicly displayed on the Office's website, the comment should not include such information on the document itself, but only the name and affiliation, if any, of the commenter. In that case, a cover letter should be included that contains the commenter's address, telephone number, email address, and for initial comments, the proposed class of copyrighted work to be exempted and another field for a brief summary of the argument.

Anyone who is unable to submit a comment in electronic form (on the website as an attachment or by means of hand delivery or the United States Postal Service on disk or CD-ROM) should submit an original and fifteen paper copies by hand or by means of the United States Postal Service to the appropriate address listed above. It may not be feasible for the Office to place these comments on its website.

General Requirements for all submissions: All submissions (in either electronic or non-electronic form delivered through the website, by means of hand delivery or the United States Postal Service) must contain on the comment itself, the name of the person making the submission and, if applicable, the entity on whose behalf the comment is submitted. The mailing address, telephone number, telefax number, if any, and email address need not be included on the comment itself, but must be included in some form, e.g., on the website form or in a cover letter, with the submission. All submissions must also include the class/summary/factual and/or legal argument format in the comment itself for each class of work proposed or for each reply to a proposal. Initial comments and reply comments will be accepted for a 30-day period in each round, and a form will be placed on the Copyright Office website at least 30 days prior to the deadline for submission. Initial comments will be accepted from November 19, 2002, until December 18, 2002, at 5 P.M. Eastern Standard Time, at which time the submission form will be removed from the website. Reply comments will be accepted from January 21, 2003, until February 19, 2003, at 5 P.M. Eastern Standard Time.

4. Hearings and Further Comments

The Register intends to hold hearings in this rulemaking in the spring of 2003.

Following these hearings, the Register will make a determination as to whether there is a need for additional written comments in the form of post-hearing comments specifically addressing matters raised in the record of this proceeding. Details on hearings and any post-hearing comments will be announced at a future date.

In order to provide flexibility in this proceeding to take into account unforeseen developments that may occur and that would significantly affect the Register's recommendation, an opportunity to petition the Register for consideration of new information will be made available after the deadlines specified. A petition, including proposed new classes of works to be exempted, must be in writing and must set forth the reasons why the information could not have been made available earlier and why it should be considered by the Register after the deadline. A petition must also set forth the proposed class of works to be exempted, a summary of the argument, the factual basis for such an exemption and the legal argument supporting such an exemption. Fifteen copies of the petition must be hand-delivered to the Office of the General Counsel of the Copyright Office at the address listed above. The Register will make a determination whether to accept such a petition based on the stage of the rulemaking process at which the request is made and the merits of the petition. If a petition is accepted, the Register will announce deadlines for comments in response to the petition.

Dated: October 4, 2002.

Marybeth Peters,
Register of Copyrights.

James H. Billington,
The Librarian of Congress.

[FR Doc. 02-26183 Filed 10-11-02; 8:45 am]

BILLING CODE 1410-30-P

POSTAL SERVICE

39 CFR Part 111

Change in Administrative Charges for Refunds of Unused Meter Stamps and Returned Business Reply Mail Mailpieces With Postage Affixed

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: The Postal Service proposes to revise the *Domestic Mail Manual* (DMM) to increase the administrative charges for processing refunds for unused meter stamps and business reply mail (BRM) pieces returned with

postage affixed. These charges have not been increased for the past 20 years, and are updated to reflect the current hourly cost for processing the refunds. This proposed rule also splits the discussion of refunds for unused metered postage and refunds for PC Postage indicia into separate sections.

DATES: Comments must be received on or before November 14, 2002.

ADDRESSES: Written comments should be mailed or delivered to Manager, Mail Preparation and Standards, Postal Service, 1735 N. Lynn St., Arlington, VA 22209-6038. Copies of all written comments will be available for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in the Library, Postal Service Headquarters, 475 L'Enfant Plaza, SW., Washington, DC 20260-1540.

FOR FURTHER INFORMATION CONTACT: Patricia Bennett (703) 292-3639 or Sam Koroma (703) 292-3990.

SUPPLEMENTARY INFORMATION:

Background

The Postal Service has provisions in place to process refunds for unused metered postage, as well as for postage affixed to returned business reply mail (BRM) pieces. To cover the costs of the Postal Service labor used to process such requests for refunds, the Postal Service reduces the amount of the refund by an administrative charge. The current charges reflect old labor costs, which have not been updated for more than 20 years. The proposed amendments would update the charges to better reflect current hourly labor costs (including benefits).

For metered postage refunds, the current charge is calculated as 10 percent of the face value of the indicia, if that value is \$250 or less. If the face value of the indicia is more than \$250, the current charge is \$10 per hour, with a minimum charge of \$25. The proposed amendment would charge 10 percent for values up to \$350. For values above \$350, the charge is \$35 per hour, with a minimum of \$35. Thus, there would be no change in the charge for indicia values up to \$250, an increase from \$25 to 10 percent of the face value for values between \$250 and \$350, and an increase in the minimum charge from \$25 to \$35 for greater indicia values. When more than one hour of processing time is needed, the increase will vary depending on the time required.

For BRM pieces with affixed postage, the current administrative charge is \$15 per hour. The proposed amendment would increase that charge to \$35 per hour, reflecting current labor costs for processing the refund request.

While the amended charges would increase customer costs for obtaining a refund, the increases are needed so that the Postal Service can cover the costs of providing the refund.

The separate treatment of unused metered indicia printed by PC Postage products reflects the different refund procedures for this type of postage.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. of 533 (b), (c) regarding proposed rulemaking by 39 U.S.C. 410(a)), the Postal Service invites public comment of the following proposed revisions to the *Domestic Mail Manual*, incorporated by reference in the *Code of Federal Regulations*. See 39 CR 111.1.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001-3011, 3201 3219, 3403-3406, 3621, 3626, 5001.

2. Amend the *Domestic Mail Manual* (DMM) as set forth below:

Domestic Mail Manual (DMM)

* * * * *

P Postage and Payment Methods

* * * * *

P000 Basic Information

P010 General Standards

* * * * *

P014 Refunds and Exchanges

* * * * *

2.0 POSTAGE AND FEES REFUNDS

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[Revise title and text to read as follows:]

2.5 Refunds for Metered Postage, Except for PC Postage Indicia

A refund for complete, legible, and valid unused indicia printed on unmailed envelopes, wrappers, or labels is made under 3.2. The request is submitted as follows:

a. Only the meter licensee may request the refund.

b. The licensee must submit the refund request within 60 days from the dates shown in the indicia.

c. The licensee must submit the request, along with the items bearing the unused postage, to the licensing post office. The request is processed by the Postal Service.

d. Charges for processing a refund request are as follows:

(1) If the total face value of the indicia is \$350 or less, the Postal Service charges 10% of the face value.

(2) If the total face value is more than \$350, the Postal Service charges \$35 per hour, or fraction thereof, for the actual hours to process the refund, with a minimum charge of \$35.

[Renumber current 2.6 through 2.11 as new 2.7 through 2.12, respectively.]

[Add new 2.6 to read as follows:]

2.6 Refunds for PC Postage

A refund for complete, legible, and valid unused PC Postage indicia printed on unmailed envelopes, wrappers, or labels is made under 3.2. The request is submitted as follows:

a. Only the PC Postage licensee may request the refund.

b. The licensee must submit the refund request within 30 days from the dates shown in the indicia.

c. The licensee must submit the request, along with the items bearing the unused postage, to the system provider. The request is processed by the provider, not the Postal Service. The provider may charge for processing refund requests.

d. The provider may charge for processing refund requests.

* * * * *

2.12 Business Reply Mail

[Revise new 2.12 by replacing "\$15" with "\$35" to read as follows:]

* * * A charge of \$35 per hour, or fraction thereof, is assessed for the workhours used to process the refund.* * *

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We will publish an appropriate amendment to 39 CFR 111.3 to reflect these changes if the proposal is adopted.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 02-26161 Filed 10-11-02; 8:45 am]

BILLING CODE 7710-12-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MA087-7215; A-1-FRL-7393-9]

Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Low Emission Vehicle Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP)