

Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR-Phlx-2002-49 and should be submitted by October 23, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>11</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 02-25006 Filed 10-1-02; 8:45 am]

**BILLING CODE 8010-01-P**

**SMALL BUSINESS ADMINISTRATION**

**[Declaration of Disaster #3447]**

**State of Indiana**

As a result of the President's major disaster declaration on September 25, 2002, I find that Bartholomew, Blackford, Brown, Daviess, Decatur, Delaware, Fayette, Franklin, Gibson, Grant, Greene, Hamilton, Hancock, Hendricks, Henry, Jay, Johnson, Knox, Lawrence, Madison, Marion, Monroe, Morgan, Owen, Pike, Posey, Randolph, Rush, Shelby, Sullivan, Tipton and Vanderburgh in the State of Indiana constitute a disaster area due to damages caused by severe storms and tornadoes occurring on September 20, 2002. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on November 25, 2002 and for economic injury until the close of business on June 25, 2003 at the address listed below or other locally announced locations:

U.S. Small Business Administration,  
Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the above location: Adams, Boone, Clay, Clinton, Dearborn, Dubois, Howard, Huntington, Jackson, Jennings, Martin, Miami, Montgomery, Orange, Putnam, Ripley, Union, Vigo, Wabash, Warrick, Washington, Wayne and Wells in the State of Indiana; Clark, Crawford, Gallatin, Lawrence, Wabash and White

counties in the State of Illinois; Henderson and Union counties in the State of Kentucky; and Butler, Darke, Hamilton and Mercer counties in the State of Ohio.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere .....	6.625
Homeowners without credit available elsewhere .....	3.312
Businesses with credit available elsewhere .....	7.000
Businesses and non-profit organizations without credit available elsewhere .....	3.500
Others (including non-profit organizations) with credit available elsewhere .....	6.375
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere .....	3.500

The number assigned to this disaster for physical damage is 344711. For economic injury the number is 9R7600 for Indiana; 9R7700 for Illinois; 9R7800 for Kentucky; and 9R7900 for Ohio.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: September 26, 2002.

**S. George Camp,**

*Acting Associate Administrator for Disaster Assistance.*

[FR Doc. 02-24995 Filed 10-1-02; 8:45 am]

**BILLING CODE 8025-01-P**

**OFFICE OF SPECIAL COUNSEL**

**Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Office of Special Counsel (OSC)**

**AGENCY:** Office of Special Counsel

**ACTION:** Final Agency Guidelines

**SUMMARY:** Pursuant to guidance issued by the Office of Management and Budget (OMB), the U.S. Office of Special Counsel (OSC) published a *Federal Register* (FR) notice on April 30, 2002, inviting public comment on its draft report to OMB with proposed OSC guidelines for ensuring and maximizing the quality, objectivity, utility, and integrity of certain information disseminated to the public ("information quality guidelines"). 67 FR 21316. This notice describes comments received, and announces the availability of OSC's final information quality guidelines.

**DATES:** Final OSC information quality guidelines become effective on October 2, 2002

**FOR FURTHER INFORMATION CONTACT:** Sharyn Danch, by mail (Planning and Advice Division, Office of Special Counsel, 1730 M Street, NW., (Suite 201), Washington, DC 20036-4505), or electronic mail ([info\\_quality@osc.gov](mailto:info_quality@osc.gov)). OSC's final information quality guidelines are available on the agency Web site (<http://www.osc.gov>, at the "Reading Room" link).

**SUPPLEMENTARY INFORMATION:** OMB guidelines, issued to Federal agencies under section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law 106-554, 114 Stat. 2763), provide that each agency should: (1) develop information resources management procedures and issue agency guidelines to ensure the quality, objectivity, utility and integrity of information disseminated by the agency to the public; (2) establish administrative mechanisms for affected persons to seek and obtain the correction of disseminated information that does not comply with the OMB or agency guidelines; and (3) report annually to OMB on requests for correction received by the agency and the resolution of those requests. OMB advises agencies to use common sense in adapting its guidelines to information disseminated to the public, taking into account the nature and importance of the information involved. Finally, OMB encourages agencies to incorporate standards and procedures required by its guidelines into existing agency information management and administrative practices, under applicable laws and OMB circulars.

On April 30, 2002, pursuant to the OMB guidelines, OSC published its draft report to OMB with proposed OSC information quality guidelines, and invited public comment on or before June 1, 2002. OSC received one response, from the Center for Regulatory Effectiveness (CRE), on May 30th, 2002. On June 6, 2002, OMB gave agencies an extension of time (to August 1, 2002) in which to submit their reports with proposed guidelines to OMB, and suggested that agencies consider extending the public comment period on their guidelines. 67 FR 40755. On July 8, 2002, OSC published a notice extending the public comment period to July 10, 2002. 67 FR 45168. A second response, received from Citizens for Sensible Safeguards (CSS) on June 14, 2002, was deemed to have been received during the comment period, as

<sup>11</sup> 17 CFR 200.30-3(a)(12).

extended. OSC carefully considered both responses received.

CRE advised OSC that its response (entitled "Proposed CRE Generic Comments to all Federal Agencies Related to Data Quality Guidelines") consisted of generic comments, provided to all Federal agencies on cross-cutting issues that might apply to draft guidelines of only some agencies. OSC reviewed the CRE comments, and identified two that might apply to its proposed guidelines.<sup>1</sup>

Under comment (1), CRE asserted that neither OMB nor Federal agencies have the authority to exempt types and categories of information from their guidelines. CRE maintained that the OMB guidelines improperly limited the relevant statutory language requiring that guidelines apply to "information...disseminated by Federal agencies," by including certain exemptions in the definition of "dissemination."<sup>2</sup> CRE stated that "any information that an agency has in fact made public" must be covered. OSC's proposed guidelines incorporated the OMB definition of "dissemination" with the included exemptions. OSC believes that no change should be made in its guidelines until such time as OMB may revise its guidelines to amend the definition and exemptions in question.<sup>3</sup>

Under comment (6), CRE stated that in determining who may file an administrative complaint requesting correction of disseminated information, agencies should use a broad definition

of "affected persons," noting with favor the definition OMB used in its guidelines to agencies.<sup>4</sup> While the draft report to OMB described specific target audiences for information disseminated by OSC,<sup>5</sup> a description of "affected persons" was not included in the agency's proposed guidelines. OSC agrees that such a description should appear in the guidelines. Part IV.C. of OSC's guidelines, therefore, now describes, by reference to the target audiences described in its initial report to OMB and in OMB's guidelines for Federal agencies, affected persons who can file an administrative request for correction.

The comment received from CSS also consisted of generic, non-agency specific comments. OSC reviewed all the comments and determined that no changes to its proposed guidelines were needed. One or more of the following factors applied to each comment: (1) OSC guidelines met or exceeded the standards suggested by CSS; (2) the comment concerned a type of information not disseminated by OSC; or (3) the proposed OSC guidelines adopted or mirrored provisions in OMB's guidance to Federal agencies.

After review of the public responses received, OSC sent its report and proposed information quality guidelines for OMB review and comment on August 1, 2002, and for final review on September 17, 2002. Pursuant to OMB's review and further guidance to Federal agencies, OSC revised its proposed guidelines to: (1) clarify that OSC press releases typically contain information about matters not covered under OMB's guidelines, and (2) conform times for responses to requestors seeking corrections of information, and appealing OSC decisions on those requests, from 30 to 60 days.

OSC's final information quality guidelines and September 17, 2002, report to OMB are available, upon publication of this notice, on the agency's Web site, (<http://www.osc.gov> at the "Reading Room" link).

Dated: September 26, 2002.

**Elaine D. Kaplan,**

*Special Counsel.*

[FR Doc. 02-25041 Filed 10-1-02; 8:45 am]

**BILLING CODE 7405-01-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Proposed Advisory Circular; Continued Airworthiness Assessments of Powerplant and Auxiliary Power Unit Installations on Transport Category Airlanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of availability of proposed advisory circular and request for comments.

**SUMMARY:** This notice announces the availability of proposed Advisory Circular (AC) No. 39.XX, Continued Airworthiness Assessments of Powerplant and Auxiliary Power Unit Installations on Transport Category Airlanes.

**DATES:** Comments must be received on or before November 1, 2002.

**ADDRESSES:** Send all comments on the proposed AC to the Federal Aviation Administration, Attn: Engine and Propeller Standards Staff, ANE-110, Engine and Propeller Directorate, Aircraft Certification Service, 12 New England Executive Park, Burlington, MA, 01803-5299.

**FOR FURTHER INFORMATION CONTACT:** Ann Azevedo, Engine and Propeller Standards Staff, ANE-110, at the above address, telephone (781) 238-7117, fax (781) 238-7199. A copy of the subject AC may also be obtained electronically by writing to the following Internet address: [ann.azevedo@faa.gov](mailto:ann.azevedo@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

A copy of the subject AC may be obtained by contacting the person named under **FOR FURTHER INFORMATION CONTACT** or by downloading the proposed AC from the following Internet website: <http://www.airweb.faa.gov/rgl>. The FAA invites interested parties to comment on the proposed AC. Comments should identify the subject of the AC and be submitted to the individual identified under **FOR FURTHER INFORMATION CONTACT**. The FAA will consider all communications received by the closing date before issuing the final AC.

##### Background

The proposed Advisory Circular (AC) describes the Continued Airworthiness Assessment Methodologies (CAAM). The Federal Aviation Administration (FAA) Engine and Propeller Directorate (EPD) and the Transport Airplane Directorate (TAD) may use CAAM to identify unsafe conditions and

<sup>1</sup> Six of CRE's 16 numbered comments (nos. 5, 11, 12, 14, 15, 16) addressed matters not applicable to information disseminated by OSC and, therefore, not addressed by its guidelines. Other comments (nos. 7, 8, and 9), critical of guidelines issued by some agencies, did not apply to OSC because its guidelines met or exceeded the standard(s) suggested by CRE. Several comments (nos. 2, 10, and 13, and discussion referring to no. 1) indicated dissatisfaction with definitions used in the OMB guidelines issued to agencies. OSC has decided to keep any definitions taken from the OMB guidelines, until such time as OMB may revise its guidelines to amend the definitions in question. As noted by CRE in its comments, "[a]ll agency guidelines are required to comply with the requirements set forth by OMB in their interagency February 22<sup>nd</sup> Final Guidelines. (statutory citations omitted)."

<sup>2</sup> "Dissemination does not include distribution limited to government employees or agency contractors or grantees; intra- or inter-agency use or sharing of government information; and responses to requests for agency records under the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act or other similar law. This definition also does not include distribution limited to correspondence with individuals or persons, press releases, archival records, public filings, subpoenas or adjudicative processes." 67 FR 8452, 8460 (Feb. 22, 2002).

<sup>3</sup> See last sentence of *fn.* 1, above. OSC's proposed guidelines did not add exemptions to those defined by OMB. Those parts of CRE comments (1), (3), and (4) that addressed agency guidelines defining other exemptions did not apply to OSC.

<sup>4</sup> OMB defined affected persons as "people who may benefit or be harmed by the disseminated information ... includ[ing] persons who are seeking to address information about themselves as well as persons who use information. (citation omitted)."

<sup>5</sup> "Primary target audiences ... are current and former federal government employees, applicants for federal employment, employee representatives, and state and local government employees (*i.e.*, persons affected by or interested in the laws and regulations enforced by OSC)." 67 FR 21317.