

unfairly increase no-bids. We agree with the rationale set forth by the commenter, and have made an appropriate change to the final rule so that VA will consider losses and gains when calculating net value using the previous year's operating expenses.

Unfunded Mandates

The Unfunded Mandates Reform Act requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before developing any rule that may result in an expenditure by State, local, or tribal government, in the aggregate, or by the private sector of \$100 million or more in any given year. This rule would have no consequential effect on State, local, or tribal governments.

Executive Order 12866

This document has been reviewed by the Office of Management and Budget under Executive Order 12866.

Paperwork Reduction Act

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501-3520).

Regulatory Flexibility Act

The Secretary hereby certifies that the adoption of the final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. The rule only affects VA guaranteed loan foreclosures. Such foreclosures represent only a small part of affected lenders' businesses. Moreover, the effect of the rule will be cost-neutral in almost all cases. Therefore, pursuant to 5 U.S.C. 605(b), the rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance Program numbers are 64.114 and 64.118.

List of Subjects in 38 CFR Part 36

Condominiums, Flood insurance, Housing, Indians, Individuals with disabilities, Loan programs-housing and community development, Loan programs-Indians, Loan programs-veterans, Manufactured homes, Mortgage insurance, Reporting and recordkeeping requirements, Veterans.

Approved: July 12, 2002.

Anthony J. Principi,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 36 is amended as follows:

PART 36—LOAN GUARANTY

1. The authority citation for part 36 continues to read as follows:

Authority: 38 U.S.C. 501, 3701-3704, 3707, 3710-3714, 3719, 3720, 3729, 3762, unless otherwise noted.

2. In § 36.4301, the introductory text for the term "Net Value", and paragraph (3) are revised, to read as follows:

§ 36.4301 Definitions.

* * * * *

Net value. The fair market value of real property, minus an amount representing the costs that the Secretary estimates would be incurred by VA in acquiring and disposing of the property. The number to be subtracted from the fair market value will be calculated by multiplying the fair market value by the current cost factor. The cost factor used will be the most recent percentage of the fair market value that VA calculated and published in the Notices section of the **Federal Register** (it is intended that this percentage will be calculated annually). In computing this cost factor, VA will determine the average operating expenses and losses (or gains) on resale incurred for properties acquired under § 36.4320 which were sold during the preceding fiscal year and the average administrative cost to VA associated with the property management activity. The final net value derived from this calculation will be stated as a whole dollar amount (any fractional amount will be rounded up to the next whole dollar). The cost items included in the calculation will be:

* * * * *

(3) *Administrative costs.* (i) An estimate of the total cost for VA of personnel (salary and benefits) and overhead (which may include things such as travel, transportation, communication, utilities, printing, supplies, equipment, insurance claims and other services) associated with the acquisition, management and disposition of property acquired under § 36.4320 of this part. The average administrative costs will be determined by:

(A) Dividing the total cost for VA personnel and overhead salary and benefits costs by the average number of properties on hand and adjusting this figure based on the average holding time for properties sold during the preceding fiscal year; then

(B) Dividing the figure calculated in paragraph (3)(i)(A) of this definition by the VBA ratio of personal services costs to total obligations.

(ii) The three cost averages will be added to the average loss (or gain) on

property sold during the preceding fiscal year (based on the average property purchase price) and the sum will be divided by the average fair market value at the time of acquisition for properties which were sold during the preceding fiscal year to derive the percentage to be used in estimating net value.

3. Section 36.4323 is amended by:

A. In paragraph (e)(1)(v), removing "liability." from the end of the paragraph and adding, in its place, "liability; or".

B. Adding paragraph (e)(1)(vi).

C. In paragraph (e)(4), revising the first sentence and the authority citation at the end of the paragraph.

The addition and revisions read as follows:

§ 36.4323 Subrogation and indemnity.

* * * * *

(e) * * *

(1) * * *

(vi) The obligor being released is not the current titleholder to the property and there are no indications of fraud, misrepresentation, or bad faith on the obligor's part in obtaining the loan or disposing of the property or in connection with the loan default.

* * * * *

(4) Determinations made under paragraphs (e)(1) and (e)(2) of this section are intended for the benefit of the Government in reducing the amount of claim payable by VA and/or avoiding the establishment of uncollectible debts owing to the United States. * * *

(Authority: 38 U.S.C. 501, 3703(c)(1), 5302)

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[FR Doc. 02-25494 Filed 10-7-02; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 258

[FRL-7392-1]

RIN 2050-AE91

Municipal Solid Waste Landfill Location Restrictions for Airport Safety

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Because EPA received adverse comment, we are withdrawing the direct final rule for Municipal Solid Waste Landfill Location Restrictions for Airport Safety. We published the direct final rule on July 11, 2002 (67 FR 45915)

to amend the location restriction requirements in the criteria for municipal solid waste landfills in order to incorporate new landfill siting requirements enacted in the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century. We stated in that **Federal Register** document that if we received adverse comment by August 12, 2002, we would publish a timely notice of withdrawal in the **Federal Register**. We subsequently received adverse comment on that direct final rule. We will address those comments in a subsequent final action based on the parallel proposal also published on July 11, 2002 (67 FR 45948). As stated in the parallel proposal, we will not institute a second comment period on this action. Although EPA is issuing this withdrawal of its direct final rule, the new siting requirements enacted in the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century continue to remain in effect.

DATES: As of October 8, 2002, EPA withdraws the direct final rule published at 67 FR 45915, on July 11, 2002.

FOR FURTHER INFORMATION CONTACT: Mary Moorcones, Office of Solid Waste and Emergency Response, Office of Solid Waste, Municipal and Industrial Solid Waste Division (mail code 5305W), U.S. Environmental Protection Agency Headquarters (EPA HQ), 1200 Pennsylvania Avenue, NW, Washington, DC 20460; telephone: 540-338-1348; e-mail:

<moorcones.mary@epamail.epa.gov>.

Dated: October 2, 2002.

Christine Todd Whitman,
Administrator, Environmental Protection Agency.

[FR Doc. 02-25582 Filed 10-7-02; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket No. 02-278, CC Docket No. 92-90, FCC 02-250]

Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission announces that it will terminate and close CC Docket No. 92-90. On September 12, 2002, the

Commission adopted a Notice of Proposed Rulemaking (NPRM) on its rules implementing the Telephone Consumer Protection Act of 1991 (TCPA). The NPRM seeks comment on whether the Commission's rules governing unsolicited advertising using the telephone and facsimile machine need to be revised in order to more effectively carry out Congress's directives in the TCPA. The Commission will close and terminate CC Docket No. 92-90 and open a new docket to address the issues raised in this proceeding.

DATES: Effective October 8, 2002.

FOR FURTHER INFORMATION CONTACT:

Erica H. McMahon or Richard D. Smith at 202-418-2512, Consumer & Governmental Affairs Bureau.

SUPPLEMENTARY INFORMATION: On

September 12, 2002, the Commission adopted an NPRM and Memorandum Opinion and Order in CG Docket No. 02-278 and CC Docket No. 92-90, FCC 02-250. In the NPRM, the Commission seeks comment on whether to revise, clarify or adopt any additional rules pursuant to the TCPA on the use of telephone and facsimile machines to deliver unsolicited advertisements. The Commission also seeks comment on whether to reconsider the option of establishing a national do-not-call list. In the Memorandum Opinion and Order, the Commission notes that the telemarketing marketplace has undergone significant changes. In addition, the Commission has received thousands of complaints from consumers who allege violations of the TCPA and our rules and orders. Based on these complaints, the changes in the way telemarketing is conducted, and our decision to revisit the option of establishing a national do-not-call list, it is clear that the focus of this proceeding has changed significantly from when the *1997 TCPA Reconsideration Order* (62 FR 19686, April 23, 1997) was released. Therefore, the Commission announces that it will close and terminate CC Docket No. 92-90 and open a new docket to address the issues raised in this proceeding. Only pending Petitions and Requests for Clarification from CC Docket 92-90 will be incorporated into the instant proceeding. The full text of this document is available on the Commission's website Electronic Comment Filing System and for public inspection during regular business hours in the FCC Reference Center, Room CY-A257, 445 12th Street, SW, Washington, DC 20554.

List of Subjects in 47 CFR Part 64

Telephone.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 02-25568 Filed 10-7-02; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02-2149, MB Docket No. 02-101, RM-10429]

Digital Television Broadcast Service; Reliance, SD

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Young Broadcasting of Sioux Falls, Inc., licensee of station KPLO-TV, substitutes DTV channel 13 for DTV channel 14 at Reliance, South Dakota. See 67 FR 34670, May 15, 2002. DTV channel 13 can be allotted to Reliance, South Dakota, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates 43-57-57 N. and 99-36-11 W. with a power of 40, HAAT of 338 meters and with a DTV service population of 53 thousand. With this action, this proceeding is terminated.

DATES: Effective October 25, 2002.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Media Bureau, (202) 418-1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MB Docket No. 02-101, adopted September 4, 2002, and released September 10, 2002. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., CY-B402, Washington, DC 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com.

List of Subjects in 47 CFR Part 73

Digital television broadcasting, Television.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows: