

intergovernmental consultation in the manner delineated in RD Instruction 1940-J, "Intergovernmental Review of Rural Development Programs and Activities," and in the notice related to 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983).

**Regulatory Flexibility Act**

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601-602), the undersigned has determined and certified by signature of this document that this rule will not have a significant economic impact on a substantial number of small entities. New provisions included in this rule will not impact a substantial number of small entities to a greater extent than large entities. Therefore, a regulatory flexibility analysis was not performed.

**Civil Justice Reform**

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. In accordance with this rule: (1) All State and local laws and regulations that are in conflict with this rule will be preempted, (2) no retroactive effect will be given to this rule, and (3) administrative proceedings in accordance with 7 CFR part 11 must be exhausted before bringing suit in court challenging action taken under this rule, unless those regulations specifically allow bringing suit at an earlier time.

**Environmental Impact Statement**

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, "Environmental Program." RBS has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment, and, in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

**Unfunded Mandates Reform Act**

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, RBS must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local or tribal governments, in the aggregate, or to the private sector of \$100 million or more in any 1 year. When such a statement is needed for a rule, section 205 of UMRA generally requires RBS to identify and consider a reasonable

number of regulatory alternatives and adopt the least costly, more cost-effective, or least burdensome alternative that achieves the objectives of the rule.

This rule contains no Federal mandates (under the regulatory provisions of title II of the UMRA) for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

**Executive Order 13132, Federalism**

It has been determined under Executive Order 13132, Federalism, that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The provisions contained in this rule will not have a substantial direct effect on States or their political subdivisions or on the distribution of power and responsibilities among the various levels of government.

**Background**

This regulatory package is an initiative mandated from Congress to provide a consistent definition of rural and rural area for programs administered by RBS under the Rural Community Advancement Program. This action will increase eligible areas and demand for the Rural Business Opportunity Grants Program by amending the definition of rural and rural areas. The current definition of rural and rural areas limits eligible areas to any area of a State that is not within the boundaries of a city with a population in excess of 10,000 inhabitants. The amended definition will increase the eligible area to 50,000 or less inhabitants.

**List of Subjects in 7 CFR Part 4284**

Business and industry, Economic development, Grant programs—Housing and community development, Rural areas.

Accordingly, Chapter XLII, title 7, of the Code of Federal Regulations is amended as follows:

**PART 4284—GRANTS**

1. The authority citation for part 4284 is revised to read as follows:

**Authority:** 5 U.S.C. 301, 7 U.S.C. 1989, 7 U.S.C. 1991, 16 U.S.C. 1005.

**Subpart G—Rural Business Opportunity Grants**

2. Section 4284.603 is amended by revising the definition of "rural and rural area" to read as follows:

**§ 4284.603 Definitions.**

\* \* \* \* \*

*Rural and rural area.* Any area other than a city or town that has a population of greater than 50,000 inhabitants including the urbanized area contiguous and adjacent to such a city or town. The population figure used must be in accordance with the latest decennial census of the United States.

\* \* \* \* \*

Dated: October 4, 2002.

**Thomas C. Dorr,**

*Under Secretary, Rural Development.*

[FR Doc. 02-26109 Filed 10-11-02; 8:45 am]

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**COMMODITY FUTURES TRADING COMMISSION**

**17 CFR Part 145**

**Commission Records and Information**

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Final rules.

**SUMMARY:** The Commodity Futures Trading Commission (the "Commission" or "CFTC") has adopted amendments to Part 145 of its rules, which governs Commission records and information. These amendments are necessary to conform Part 145 to recent amendments to the Commission's Part 3 rules and recent changes in the organizational structure of Commission staff.

**EFFECTIVE DATE:** October 15, 2002.

**FOR FURTHER INFORMATION CONTACT:** Lawrence B. Patent, Deputy Director, or Michael A. Piracci, Attorney-Advisor, Compliance and Registration Section, Division of Clearing and Intermediary Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. Telephone: (202) 418-5430.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On May 30, 2002, the Commission adopted amendments to its Part 3 rules governing the registration of intermediaries in the futures industry. These amendments were adopted to facilitate the change from a paper-based registration system to an online registration system.<sup>1</sup> Although

<sup>1</sup> The National Futures Association ("NFA") began processing applications for almost all registration categories through the online registration system on June 3, 2002. Agricultural trade option merchants as well as applicants for registration as futures commission merchants and introducing brokers pursuant to Section 4f(a)(2) of

applications are now filed electronically through NFA's online registration system, the Commission's rules and NFA's rules both retain the same titles for the forms that applicants and registrants are required to file as those used under the previous paper-based system.<sup>2</sup> The online forms do not, however, retain the line item numbering from the paper forms. The online forms, instead, contain headings for the sections that include fillable text boxes and check-off boxes for submitting the required information.

Commission Rule 145.6(b)(2) provides that fingerprint cards and supplementary attachments filed in response to certain items on the registration forms generally will not be available for public inspection. The item numbers of the registration forms referenced in the rule include requests for information regarding, among other things: (1) Disciplinary history; (2) social security number; (3) any pending or anticipated actions; and (4) the reasons for termination of a registrant or principal.

As noted above, the online forms no longer number the line items required to be completed, but do contain section headings. Accordingly, Rule 145.6(b)(2) has been amended to include the relevant sections of the online forms for which the supplementary filings are not available for public inspection. No change has been made, however, in the type of information that generally will not be made available. For example, the rule previously cited to items 6–9 and 14–21 on Form 8–R, which asked for personal identifying information, such as the individual's social security number and date of birth, and a disciplinary history, respectively. The rule has been amended to provide that, additionally, supplementary attachments filed in response to the "Personal Information" and the "Disciplinary Information" sections of Form 8–R will not generally be available for public inspection.

The Commission has also adopted certain technical amendments to Part 145. For example, the Commission has amended Appendix A to Part 145 so as to reference the appropriate divisions of the Commission, the names of which

the Commodity Exchange Act (notice-registration of securities broker-dealers whose only futures-related activity involves security futures products) still file paper applications.

<sup>2</sup> These forms include, among others: Form 7–R (application for registration as a futures commission merchant, introducing broker, commodity pool operator, and commodity trading advisor); Form 8–R (application for registration as an associated person, floor broker, and floor trader, and for being listed as a principal of a registrant); and Form 7–W (withdrawal from firm registration).

have changed as a result of the reorganization of the Commission's staff, effective July 1, 2002.

## II. Related Matters

### *Administrative Procedure Act*

The Commission has determined that the amendments discussed herein relate solely to agency organization, procedure, and practice. Accordingly, the provisions of the Administrative Procedure Act that generally require notice of proposed rulemaking and that provide other opportunities for public participation are not applicable.<sup>3</sup> The Commission further finds that, because the amendments have no adverse effect upon a member of the public, there is good cause to make them effective immediately upon publication in the **Federal Register**.<sup>4</sup>

### Lists of Subjects in 17 CFR Part 145

Confidential business information, Freedom of information.

For the reasons discussed in the foregoing, the Commission hereby amends Chapter I of Title 17 of the Code of Federal Regulations as follows:

### PART 145—COMMISSION RECORDS AND INFORMATION

1. The authority citation for Part 145 continues to read as follows:

**Authority:** Pub. L. 99–570, 100 Stat. 3207; Pub. L. 89–554, 80 Stat. 1561–1564 (5 U.S.C. 552); Sec. 101(a), Pub. L. 93–463, 88 Stat. 1389 (5 U.S.C. 4a(j)); unless otherwise noted.

2. Section 145.6 is amended as follows:

a. By revising paragraph (b)(2) to read as follows:

#### **§ 145.6 Commission offices to contact for assistance; registration records available.**

\* \* \* \* \*

(b) \* \* \*

(2) The fingerprint card and any supplementary attachments filed in response to:

- (i) Items 6–9, 14–21, the "Personal Information," or the "Disciplinary Information" sections on Form 8–R;
- (ii) Item 3 on Form 8–S;
- (iii) Items 3–5, 9–11, the "Withdrawal Reasons," the "Disciplinary Information," or the "Matter Information" sections on Form 8–T;
- (iv) Items 9–10 on Form 7–R;
- (v) Item 7 and the "Additional Customer Information" section on Form 7–W; and
- (vi) Item 7 on Form 8–W generally will not be available for public inspection and copying unless such

<sup>3</sup> 5 U.S.C. 553(b)(3)(A) (1994).

<sup>4</sup> See 5 U.S.C. 553(d)(3) (1994).

disclosure is required under the Freedom of Information Act. Changes or corrections to those items reported on Form 3–R will be treated similarly. When such fingerprint cards or supplementary attachments are on file, the FOI, Privacy and Sunshine Acts compliance staff will decide any request for access in accordance with the procedures set forth in §§ 145.7 and 145.9.

3. Part 145 Appendix A paragraph (a) is amended by removing "Office of Public Affairs" and adding in its place "Office of External Affairs".

4. Part 145 Appendix D paragraph (c) is amended by removing "Office of Public Affairs" and adding in its place "Office of External Affairs".

Issued in Washington, DC, on October 9, 2002, by the Commission.

**Jean A. Webb,**

*Secretary of the Commission.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 23 CFR Part 650

[FHWA Docket No. FHWA–2000–7122]

RIN 2125–AE88

#### Discretionary Bridge Candidate Rating Factor

**AGENCY:** Federal Highway Administration (FHWA) DOT.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the regulation on the discretionary bridge program rating factor in order to incorporate several administrative considerations that have proven effective in the project selection process and to update the rating factor formula to reflect the most current highway system designation. The changes make the selection process easier for the FHWA to administer and the application process easier for the States to understand. Except for the formula change for defense highway status, these changes only incorporate selection procedures that have been used effectively for many years. In addition, formerly designated defense highway bridges are included in the national highway system designation, so the formula change will have minimal impact. None of the changes have an appreciable effect on either program eligibility or the application process.

**DATES:** This rule is effective on November 14, 2002.