

COMPARISON OF CURRENT AND PROPOSED BASE CHARGE AND RATES

	Current October 1, 2002 through September 30, 2003	Proposed October 1, 2003 through September 30, 2004	Percent change increase
Total Composite (mills/kWh) .....	11.16	11.84	6
Base Charge (\$) .....	50,761,729	53,284,854	5
Energy Rate (mills/kWh) .....	5.58	5.92	6
Capacity Rate (\$/kWmonth) .....	1.08	1.14	5

The increase in the base charge and rates results from higher annual costs in operation and maintenance and lower revenue projections for the visitor center.

**Procedural Requirements**

Western will hold both a public information forum and a public comment forum. After considering comments, Western will recommend the proposed base charge and rates for final approval by the DOE Deputy Secretary.

The proposed firm power service base charge and rates for BCP are being established pursuant to the DOE Organization Act, 42 U.S.C. 7101-7352; the Reclamation Act of 1902, ch. 1093, 32 Stat. 388, as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939, 43 U.S.C. 485h(c); and other acts specifically applicable to the project involved.

**Availability of Information**

Interested parties may review and copy all brochures, studies, comments, letters, memorandums, or other documents made or kept by Western for developing the proposed base charge and rates. These documents are at the Desert Southwest Customer Service Regional Office, located at 615 South 43rd Avenue, Phoenix, Arizona.

**Regulatory Procedural Requirements**

*Regulatory Flexibility Analysis*

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601, *et seq.*) requires Federal agencies to perform a regulatory flexibility analysis if a final rule is likely to have a significant economic impact on a substantial number of small entities, and there is a legal requirement to issue a general notice of proposed rulemaking. This action does not require a regulatory flexibility analysis since it is a rulemaking of particular applicability involving rates or services.

*Environmental Compliance*

In compliance with the National Environmental Policy Act of 1969

(NEPA) (42 U.S.C. 4321, *et seq.*); Council On Environmental Quality Regulations (40 CFR parts 1500-1508); and DOE NEPA Regulations (10 CFR part 1021), Western has determined that this action is categorically excluded from preparing an environmental assessment or an environmental impact statement.

*Determination Under Executive Order 12866*

Western has an exemption from centralized regulatory review under Executive Order 12866; therefore, this notice requires no clearance by the Office of Management and Budget.

*Small Business Regulatory Enforcement Fairness Act*

Western has determined that this rule is exempt from congressional notification requirements under 5 U.S.C. 801 because the action is a rulemaking of particular applicability relating to rates or services and involves matters of procedure.

Dated: February 4, 2003.

**Michael S. Hacskaylo,**

*Administrator.*

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**BILLING CODE 6450-01-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[FRI-7455-8]

**Clean Air Act Advisory Committee; Notice of Meeting**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) established the Clean Air Act Advisory Committee (CAAAC) on November 19, 1990, to provide independent advice and counsel to EPA on policy issues associated with implementation of the Clean Air Act of 1990. The Committee advises on economic, environmental, technical

scientific, and enforcement policy issues.

*Open Meeting Notice:* Pursuant to 5 U.S.C. App. 2, section 10(a)(2), notice is hereby given that the Clean Air Act Advisory Committee will hold its next open meeting on Friday, March 21, 2003, from approximately 8:30 a.m. to 2:30 p.m. at the Renaissance Mayflower Hotel, 1127 Connecticut Ave., NW., Washington, DC. Seating will be available on a first come, first served basis. Two of the CAAAC's four subcommittees (the Linking Energy, Land Use, Transportation, and Air Quality Concerns Subcommittee; and the Economics Incentives and Regulatory Innovations Subcommittee) will hold meetings on Thursday, March 20, 2003 from approximately 12:30 p.m. to 4:30 a.m. at the Renaissance Mayflower Hotel, the same location as the full Committee. The Permits/NSR/Toxics Subcommittee and the Energy, Clean Air and Climate Change Subcommittee will not meet at this time. The schedule for the three Subcommittees meetings is: Linking Energy, Land Use, Transportation, and Air Quality—12:30 p.m. to 2:30 p.m.; and Economics Incentives and Regulatory Innovations—2:30 p.m. to 4:30 p.m.

*Inspection of Committee Documents:* The Committee agenda and any documents prepared for the meeting will be publicly available at the meeting. Thereafter, these documents, together with CAAAC meeting minutes, will be available by contacting the Office of Air and Radiation Docket and requesting information under docket item A-94-34 (CAAAC). The Docket office can be reached by telephoning 202-260-7548; FAX 202-260-4400.

**FOR FURTHER INFORMATION CONTACT:** For further information concerning this meeting of the full CAAAC, please contact Paul Rasmussen, Office of Air and Radiation, US EPA (202) 564-1306, FAX (202) 564-1352 or by mail at US EPA, Office of Air and Radiation (Mail code 6102 A), 1200 Pennsylvania Avenue, NW., Washington DC 20004. For information on the Subcommittee

meetings, please contact the following individuals: (1) Linking Transportation, Land Use and Air Quality Concerns—Robert Larson, 734-214-4277; and (2) Economic Incentives and Regulatory Innovations—Carey Fitzmaurice, 202-564-1667. Additional information on these meetings and the CAAAC and its Subcommittees can be found on the CAAAC Web Site: <http://www.epa.gov/oar/caac/>.

Dated: February 21, 2003.

**Robert D. Brenner,**

*Principal Deputy Assistant Administrator for Air and Radiation.*

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## FEDERAL COMMUNICATIONS COMMISSION

[Report No. AUC-03-83-A (Auction No. 83); DA 03-359]

### FM Translator Auction Filing Window and Application Freeze

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** This document announces an auction filing window for certain FM translator station construction permit applications and a freeze on the acceptance of FM translator and FM booster minor change and FM booster new construction permit applications from February 8 to March 14, 2003.

**DATES:** The filing window will open on March 10, 2003, and close on March 14, 2003.

**FOR FURTHER INFORMATION CONTACT:** James Bradshaw or Lisa Scanlan, Audio Division, Media Bureau at (202) 418-2700; Auction Technical Support at (202) 414-1250.

**SUPPLEMENTARY INFORMATION:** This is a summary of a Public Notice released February 6, 2003. The complete text of the Public Notice, including four attachments providing guidelines for electronic application filing, is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC. It may also be purchased from the Commission's copy contractor, Qualex International, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, (202) 863-2898. It is also available on the Commission's Web site at <http://www.fcc.gov>.

### General Information

The Media Bureau ("MB") and the Wireless Telecommunications Bureau

("WTB") announce an auction filing window for certain FM translator station construction permit applications. The filing window will open on March 10, 2003, and close on March 14, 2003. In connection with this window, MB also announces that it will not accept FM translator and FM booster minor change construction permit applications and FM booster new construction permit applications between February 8, 2003, and March 14, 2003.

The window is available for non-reserved band (channels 221 to 300) proposals for new FM translator stations and major modifications to authorized FM translator facilities. (See "Implementation of section 309(j) of the Communications Act—Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses," First Report and Order, 63 FR 48615, September 11, 1998. A window open for proposals in the non-reserved band provides a filing opportunity for both noncommercial educational ("NCE") and commercial FM translator applicants. See 47 CFR 74.1202(b)).

The Commission also will consider those FM translator station new and major modification applications that were received on or before November 26, 1997, but for which no "A" cut-off list had been released by that date ("Frozen FM Translator Applications"). Also on file are a number of FM translator station new and major modification applications filed after November 26, 1997, with "freeze waiver" requests ("Freeze Waiver Applications"). These applicants also may participate in the filing window. Freeze Waiver Applications must protect all minor change applications filed on or before February 7, 2003, in order to be considered in the upcoming window, the same requirement that will apply generally to new FM translator station and major change proposals submitted for the first time in the filing window.

MB will institute a temporary freeze on the acceptance of minor change FM translator applications on all channels (channels 201-300) at 12:01 a.m. Eastern Time ("ET"), February 8, 2003. The freeze shall remain in effect until the close of the window. Minor change applications filed during this freeze will be dismissed.

**Participation.** All applicants for new FM translator stations and major modifications to authorized FM translator facilities *must*:

- If Form 349 IS NOT on file: File electronically FCC Form 349, Application for Authority to Construct or Make Changes in an FM Translator or FM Booster Station, between 12:01 a.m.

ET, March 8, 2003 and 6 p.m. ET, March 14, 2003.

- If an FCC Form 349 Frozen FM Translator Application or Freeze Waiver Application IS currently on file: The applicant should confirm that the information on file is accurate and complete.

- If no changes in the previously filed Form 349 applications are necessary, the applicant must only file Form 175. The Form 175 must include the file number of all previously filed Form 349 applications.

- If any information in a Frozen FM Translator Application or Freeze Waiver Application is no longer accurate and complete, the applicant must file a new Form 349 application electronically, completing Section I, the Tech Box of Section III-A, and the Section VI Certification.

- File electronically an FCC Form 175 by 6 p.m. ET March 14, 2003.

- Comply with all provisions outlined in the Public Notice and applicable rules of the Commission.

An applicant's failure to reference a pending Form 349 application on its Form 175 will result in the dismissal of that Form 349 application. No consideration will be given any proposal for which the required engineering information is not on file by the close of the window. No application filing fee is required at this time.

**Application Processing.** After the close of the window, the Commission will make mutual exclusivity determinations with regard to all timely and complete filings. Applications received during the filing window that are not mutually exclusive with any other applications submitted in the filing window will be identified by subsequent public notice. No amendments to the FM translator filing window Form 349 application, technical or otherwise, will be accepted between the close of the application filing window, March 14, 2003, and the public notice listing the non-mutually exclusive FM translator applications. Complete FCC Form 349 non-mutually exclusive applications will be processed and the staff will release public notices listing those applications determined acceptable for filing. Petitions to deny must be filed within 15 days of the public notice announcing acceptance of the application at issue.

MB and WTB will issue a public notice identifying mutually exclusive applications received during the window. This public notice will also specify a settlement period for resolving application mutual exclusivity. Technical amendments submitted by applicants to resolve conflicts must be