

**FOR FURTHER INFORMATION CONTACT:**

Persons needing further information should contact Patricia Overmeyer of EPA's Office of Brownfields Cleanup and Redevelopment, 1200 Pennsylvania Ave., NW., Mailcode 5105T, Washington, DC 20460, (202) 566-2774, or [overmeyer.patricia@epa.gov](mailto:overmeyer.patricia@epa.gov).

**SUPPLEMENTARY INFORMATION:** Under the Small Business Liability Relief and Brownfields Revitalization Act, EPA is required to develop standards and practices for carrying out all appropriate inquiry. The Federal Advisory Committee meeting is for the purpose of negotiating the contents of a proposed regulation setting federal standards and practices for conducting all appropriate inquiry. At its meeting on September 9 and 10, 2003, the Committee will continue substantive deliberations on the proposed rulemaking including discussion of the criteria established by Congress in the Small Business Liability Relief and Brownfields Revitalization Act amendments to CERCLA (101)(35)(B)(iii). On the morning of September 9, 2003, there will be a presentation to the Committee on the administrative and analytical requirements that must be completed by the Agency when developing a proposed rule.

All meetings of the Negotiated Rulemaking Committee are open to the public. There is no requirement for advance registration for members of the public who wish to attend or make comments at the meeting. Opportunity for the general public to address the Committee will be provided starting at 2:30 p.m. on both September 9 and September 10, 2003.

Dated: July 28, 2003.

**Thomas P. Dunne,**

*Associate Assistant Administrator, Office of Solid Waste and Emergency Response.*

[FR Doc. 03-19745 Filed 8-1-03; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7538-6]

### Draft Brownfield Grants Guidelines

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of public meeting.

**SUMMARY:** The Environmental Protection Agency (EPA) is holding a public meeting to discuss EPA's draft of the fiscal year 2004 Proposal Guidelines for Brownfields Assessment, Revolving Loan Fund, and Cleanup Grants (Brownfield Grants Guidelines). The

purpose of the public meeting is for EPA's Office of Brownfields Cleanup and Redevelopment to listen to the views of public stakeholders on the Agency's draft Brownfield Grants Guidelines. During the public meeting, EPA officials will discuss the draft Guidelines. EPA will make the draft Brownfield Grants Guidelines available to the public on the Agency's Web site at <http://www.epa.gov/brownfields> on August 25, 2003. Interested stakeholders and the public are encouraged to download and review the draft guidelines prior to the public meeting.

**DATES:** The public meeting will be held from 10 a.m.-12 noon on September 8, 2003.

**ADDRESSES:** The public meeting will be held in Room 1153 EPA East Building at 1201 Constitution Avenue, NW, Washington, DC. Those parties that wish to submit written comments on the draft Brownfield Grants Guidelines must submit their comments to EPA no later than September 8, 2003. To ensure that EPA has adequate time to consider any written comments, the Agency encourages parties to submit their comments to the Agency in electronic format. Electronic comments may be submitted to EPA's Office of Brownfields Cleanup and Redevelopment at

[bf.comments@epa.gov](mailto:bf.comments@epa.gov). Parties wishing to submit their comments via the United States Postal Service should address their comments to: Ms. Becky Brooks, U.S. Environmental Protection Agency, Office of Brownfields Cleanup and Redevelopment, MC-5105T, 1200 Pennsylvania Avenue, NW, Washington, DC 20460. Hand deliveries should be sent to Ms. Becky Brooks, U.S. Environmental Protection Agency, Office of Brownfields Cleanup and Redevelopment, Room 2406, 1301 Constitution Avenue, NW, Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** For additional information, contact EPA's Office of Brownfields Cleanup and Redevelopment at 202-566-2777.

**SUPPLEMENTARY INFORMATION:** The FY2004 Brownfield Grants Guidelines will be issued under section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as amended by the Small Business Liability Relief and Brownfields Revitalization Act, Public Law 107-118 (SBLRBRA). Guidelines for grant programs are exempt from notice and comment requirements under 5 U.S.C. 553(a)(2). However, the Agency has decided that consultation with public stakeholders prior to issuing the final version of the Brownfield

Grants Guidelines is an appropriate step in effectively implementing the Brownfields Law.

The meeting is open to the general public. Parties wishing to provide their views to EPA on the draft FY04 Guidelines, or to listen to the views of other parties, are strongly encouraged to attend the public meeting. Interested parties not able to attend the public meeting on September 8, 2003, may submit written comments to the Agency. All written comments must be received by the Agency no later than September 8, 2003. The Agency will carefully consider comments received during the public meeting, as well as written comments received on or before September 8, 2003, prior to issuing final Brownfield Grants Guidelines in September 2003. However, due to the need to provide the final Guidelines to potential applicants promptly, EPA does not plan to respond in writing to written comments.

Dated: July 28, 2003.

**Linda Garczynski,**

*Director, Office of Brownfields Cleanup and Redevelopment.*

[FR Doc. 03-19746 Filed 8-1-03; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7538-8]

### Final Reissuance of the National Pollutant Discharge Elimination System (NPDES) Storm Water Construction General Permit for the Commonwealth of Massachusetts and Indian Country in Massachusetts

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of Final Reissuance of NPDES Storm Water Construction General Permits.

**SUMMARY:** This action provides notice of the reissuance of the Final National Pollutant Discharge Elimination System (NPDES) Storm Water Construction General Permit for the Commonwealth of Massachusetts and Indian country within the Commonwealth of Massachusetts.

**DATES:** Today's action shall be effective August 4, 2003. The permit will expire five years from the effective date.

**ADDRESSES:** The final permit is based on an administrative record. The administrative record for the final construction general permit is available for inspection and copying at the Water Docket, located at the EPA Docket Center in the basement of the EPA West

Building, Room B-102, at 1301 Constitution Avenue, NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:**

Additional information concerning the final permit, the permit's Notice of Intent (NOI), or the permit's Notice of Termination (NOT) is available on EPA's Web site at <http://www.epa.gov/npdes/stormwater/cgp.cfm> or from Thelma Murphy, Office of Ecosystem Protection, Environmental Protection Agency, 1 Congress Street, Suite 1100, Boston, MA 02114-2023; telephone: 617-918-1615; e-mail: [murphy.thelma@epa.gov](mailto:murphy.thelma@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

On July 1, 2003 (68 FR 39087), EPA published final NPDES construction general permits for large construction activity in Regions 1, 2, 3, 6, 7, 8, 9 and 10. Also on July 1, 2003 (68 FR 39087), EPA published final NPDES construction general permits for small construction activity in Regions 1, 2, 3, 5, 6, 7, 8, 9, and 10. At the time of publication, the State Coastal Zone Management Act certification for Massachusetts had not been received, therefore the neither the small or large construction activity general permits were issued in Massachusetts. EPA Region 1 received certification from the Office of Coastal Zone Management. The Office concurred with EPA's certification that the permit as proposed is consistent with the Coastal Zone Management enforceable program policies.

Today's action reissues EPA's NPDES General Permit for Storm Water Discharges from Construction Activities for the Commonwealth of Massachusetts and Indian country in Massachusetts. The permit's terms and conditions are those set forth in the Construction General Permit reissued on July 1, 2003 (68 FR 39087) and available at <http://www.epa.gov/npdes/stormwater/cgp>. The state specific requirements for the Commonwealth of Massachusetts, except Indian country, under section 401 of the Clean Water Act are found in part 9.A.1 of the construction general permit. The Office of Coastal Zone Management did not add any additional requirements to the permit.

Additional information regarding the statutory and regulatory history of the final permit and storm water program; significant changes to the permit; and a summary of the terms and conditions of the permit are found in the July 1, 2003 **Federal Register** and are not being repeated here.

**II. Executive Order 12866**

Under Executive Order 12866 (58 FR 51735 (October 4, 1993)) the Agency must determine whether the regulatory action is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may: (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order. OMB has exempted review of NPDES general permits under the terms of Executive Order 12866.

**III. Regulatory Flexibility Act**

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rule-making requirements under the Administrative Procedures Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

Issuance of an NPDES general permit is not subject to rulemaking requirements, under APA section 553 or any other law, and is thus not subject to the RFA requirements. The APA defines two broad, mutually exclusive categories of agency action—"rules" and "orders." Its definition of "rule" encompasses "an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency \* \* \*" APA section 551(4). Its definition of "order" is residual: "a final disposition \* \* \* of an agency in a matter other than rule making but including licensing." APA section 551(6) (emphasis added). The APA defines "license" to "include \* \* \* an agency permit \* \* \*" APA section 551(8). The APA thus categorizes a

permit as an order, which by the APA's definition is not a rule. Section 553 of the APA establishes "rule making" requirements. The APA defines "rule making" as "the agency process for formulating, amending, or repealing a rule." APA section 551(5). By its terms, then, section 553 applies only to "rules" and not also to "orders," which include permits.

**IV. Unfunded Mandates Reform Act**

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 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. UMRA uses the term "regulatory actions" to refer to regulations. (See, e.g., UMRA section 201, "Each agency shall \* \* \* assess the effects of Federal regulatory actions \* \* \* (other than to the extent that such regulations incorporate requirements specifically set forth in law)" (emphasis added)). UMRA section 102 defines "regulation" by reference to 2 U.S.C. 658 which in turn defines "regulation" and "rule" by reference to section 601(2) of the Regulatory Flexibility Act (RFA). That section of the RFA defines "rule" as "any rule for which the agency publishes a notice of proposed rulemaking pursuant to section 553(b) of [the Administrative Procedure Act (APA)], or any other law. \* \* \*" As discussed in the RFA section of this notice, NPDES general permits are not "rules" under the APA and thus not subject to the APA requirement to publish a notice of proposed rulemaking. NPDES general permits are also not subject to such a requirement under the CWA. While EPA publishes a notice to solicit public comment on draft general permits, it does so pursuant to the CWA section 402(a) requirement to provide "an opportunity for a hearing." Thus, NPDES general permits are not "rules" for RFA or UMRA purposes.

**V. Paperwork Reduction Act**

EPA has reviewed the requirements imposed on regulated facilities resulting from the final construction general permit under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* The information collection requirements of the construction general permit for large construction activities have already been approved by the Office of Management and Budget (OMB) (OMB Control No. 2040-0188) in previous submissions made for the NPDES permit program under the provisions of the Clean Water Act. Information collection requirements of the construction general

permit for small construction activities were submitted to OMB (OMB Control No. 2040-0211) for review and approval and will be published in a separate **Federal Register** Notice.

**Authority:** Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: July 16, 2003.

**Linda M. Murphy,**

*Director, Office of Ecosystem Protection.*

[FR Doc. 03-19744 Filed 8-1-03; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7539-2]

### Clean Water Act Section 303(d): Availability of 5 Total Maximum Daily Loads (TMDLs)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of availability.

**SUMMARY:** This notice announces the availability for comment of the administrative record file for 5 TMDLs and the calculations for these TMDLs prepared by EPA Region 6 for waters listed in the state of Arkansas under section 303(d) of the Clean Water Act (CWA). These TMDLs were completed in response to the lawsuit styled *Sierra Club, et al. v. Browner, et al.*, No. LR-C-99-114.

**DATES:** Comments must be submitted in writing to EPA on or before September 3, 2003.

**ADDRESSES:** Comments on the 5 TMDLs should be sent to Ellen Caldwell, Environmental Protection Specialist, Water Quality Protection Division, U.S. Environmental Protection Agency Region 6, 1445 Ross Ave., Dallas, TX 75202-2733, facsimile (214) 665-6490, or e-mail: [caldwell.ellen@epa.gov](mailto:caldwell.ellen@epa.gov). For further information, contact Ellen Caldwell at (214) 665-7513. Documents from the administrative record file for these TMDLs are available for public inspection at this address as well. Documents from the administrative record file may be viewed at <http://www.epa.gov/region6/water/artmdl.htm>, or obtained by calling or writing Ms. Caldwell at the above address. Please contact Ms. Caldwell to schedule an inspection.

**FOR FURTHER INFORMATION CONTACT:** Ellen Caldwell at (214) 665-7513.

**SUPPLEMENTARY INFORMATION:** In 1999, five Arkansas environmental groups, the Sierra Club, Federation of Fly Fishers, Crooked Creek Coalition, Arkansas Fly Fishers, and Save our Streams

(plaintiffs), filed a lawsuit in Federal Court against the United States Environmental Protection Agency (EPA), styled *Sierra Club, et al. v. Browner, et al.*, No. LR-C-99-114. Among other claims, plaintiffs alleged that EPA failed to establish Arkansas TMDLs in a timely manner. EPA proposes these TMDLs pursuant to a consent decree entered in this lawsuit.

### EPA Seeks Comment on 5 TMDLs

By this notice EPA is seeking comment on the following 5 TMDLs for waters located within the state of Arkansas:

Segment-reach	Waterbody name	Pollutant
08040201-706-16	Flat Creek	Chloride.
08040201-706-16	Flat Creek	Sulfate.
08040201-706-16	Flat Creek	TDS.
08040201-806-8	Salt Creek	Chloride.
08040201-806-8	Salt Creek	TDS.

EPA requests that the public provide to EPA any water quality related data and information that may be relevant to the calculations for these 5 TMDLs. EPA will review all data and information submitted during the public comment period and revise the TMDLs and determinations where appropriate. EPA will then forward the TMDLs to the Arkansas Department of Environmental Quality (ADEQ). The ADEQ will incorporate the TMDLs into its current water quality management plan. The EPA also will revise the Arkansas 303(d) list as appropriate.

Dated: July 24, 2003.

**Miguel I. Flores,**

*Director, Water Quality Protection Division, Region 6.*

[FR Doc. 03-19741 Filed 8-1-03; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

[CC Docket 98-67; DA 03-2409]

### Notice of Certification of State Telecommunications Relay Service (TRS) Programs

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** The purpose of this document is to notify state Telecommunications Relay Service (TRS) programs that certification of their program has been granted through July 26, 2008. Notice is hereby given that the applications for certification of state Telecommunications Relay Services

(TRS) programs of the states listed below have been granted, subject to the condition described below, pursuant to Title IV of the Americans with Disabilities Act (ADA), 47 USC. 225 (f)(2), and § 64.605(b) of the Commission's rules, 47 CFR 64.605(b). On the basis of the state applications, the Commission has determined that: the TRS program of the states meet or exceed all operational, technical, and functional minimum standards contained in section 64.604 of the Commission's rules, 47 CFR 64.604; the TRS programs of the listed states make available adequate procedures and remedies for enforcing the requirements of the state program; and the TRS programs of the listed states in no way conflict with federal law.

**DATES:** This certification shall remain in effect for a five year period, beginning July 26, 2003, and ending July 25, 2008, pursuant to 47 CFR 64.605(c).

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Erica Myers, (202) 418-2429 (voice), (202) 418-0464 (TTY), or e-mail [Erica.Myers@fcc.gov](mailto:Erica.Myers@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Public Notice, DA 03-2409, CC Docket No. CC 98-67 released July 24, 2003. Copies of applications for certification are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. The applications for certification are also available on the Commission's Web site at [http://www.fcc.gov/cgb/dro/trs\\_by\\_state.html](http://www.fcc.gov/cgb/dro/trs_by_state.html). They may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone (202) 863-2893, facsimile (202) 863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call Consumer & Governmental Affairs Bureau, at (202) 418-0531 (voice), (202) 418-7365 9 (TTY). The *Public Notice* can also be downloaded in Text and ASCII formats at: <http://www.fcc.gov/cgb/dro>.

### Synopsis

The Commission also has determined that, where applicable, the intrastate funding mechanisms of the listed states are labeled in a manner that promotes