

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard**

[CGD05-03-003]

**Navigable Waters and Jurisdiction; Lake Fontana, NC****AGENCY:** Coast Guard, DHS.**ACTION:** Notice of navigability determination.

**SUMMARY:** The Coast Guard previously solicited comments regarding a proposed change to the agency navigability status of Lake Fontana, an impoundment of the Little Tennessee River, wholly located in western North Carolina. Based on the comments received, the Coast Guard has confirmed the original navigability determination of Lake Fontana had an adequate factual basis. For purposes of Coast Guard jurisdiction Lake Fontana will remain navigable.

**FOR FURTHER INFORMATION CONTACT:**

Lieutenant Commander Christine N. Cutter, Legal Advisor, Fifth Coast Guard District, at telephone number (757) 398-6291.

**SUPPLEMENTARY INFORMATION:**

On February 19, 2003, we provided public notice and requested comments on the Coast Guard's intention to change the navigability status of Lake Fontana, NC, that has been in effect since 1954 (68 FR 8069). In response to that notice published in the **Federal Register** we received six comments on the proposed change.

**Discussion of Comments**

The Swain County Chamber of Commerce and the Swain County Economic Development Commission provided comments that supported the proposed change for economic development reasons. One comment from a private individual questioned the necessity of the proposed change to the navigability determination citing a proposed rulemaking from the Coast Guard that would define "waters subject to the jurisdiction of the United States" as waters located on lands for which the United States has acquired title or controls. The authority cited 40 U.S.C. 255 (recently re-codified at 40 U.S.C.S. 3111 and 3112) does not apply to the present situation. The North Carolina Wildlife Resources Commission, the Tennessee Valley Authority and the Department of the Army, Wilmington District, Corps of Engineers all submitted comments which opposed the change in navigability status based on evidence that the Little Tennessee River

was used as a highway in substantial interstate commerce with historic logging operations. The Department of the Army, Wilmington District, Corps of Engineers considers the Little Tennessee River to be navigable from its mouth to Mile 114.7 in Franklin, North Carolina based on a 1985 navigability study and report which was provided to the Coast Guard for review. The report provides documentary evidence of substantial interstate commerce to include the waters of Lake Fontana.

**Navigability Determination Remains Unchanged**

Based on the comments and supporting documentation received the Coast Guard has concluded that reliable evidence supports the original navigability determination of the Little Tennessee River. Therefore, the Coast Guard will not change its navigability determination of Lake Fontana and it will remain navigable for purposes of Coast Guard jurisdiction.

The Coast Guard's administrative determination regarding a body of waters navigability status is solely for the purpose of administering and enforcing applicable laws and Coast Guard regulations.

Dated: July 31, 2003.

**Sally Brice-O'Hara,**

*Rear Admiral, Coast Guard, Commander, Fifth Coast Guard District.*

[FR Doc. 03-20649 Filed 8-12-03; 8:45 am]

**BILLING CODE 4910-15-P**

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-4815-N-56]

**Notice of Submission of Proposed Information Collection to OMB: Advance of Escrow Funds****AGENCY:** Office of the Chief Information Officer, HUD.**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

The Department is requesting renewal of the approval to require mortgagors/borrowers and mortgages/lenders execute Building Loan Agreements setting forth terms and conditions under which progress payments may be advanced during project construction. These agreements are to be executed

before initial endorsement of the mortgage to insurance.

**DATES:** *Comments Due Date:* September 12, 2003.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2502-0018) and should be sent to: Lauren Wittenberg, OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503; Fax number (202) 395-6974; e-mail [Lauren\\_Wittenberg@omb.eop.gov](mailto:Lauren_Wittenberg@omb.eop.gov).

**FOR FURTHER INFORMATION CONTACT:**

Wayne Eddins, Reports Management Officer, AYO, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail [Wayne\\_Eddins@HUD.gov](mailto:Wayne_Eddins@HUD.gov); telephone (202) 708-2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

**SUPPLEMENTARY INFORMATION:**

The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

*Title of Proposal:* Advance of Escrow Funds.

*OMB Approval Number:* 2502-0018.

*Form Numbers:* HUD-92464.

*Description of the Need for the Information and its Proposed Use:* The Department is requesting renewal of the approval to require mortgagors/borrowers and mortgages/lenders to execute Building Loan Agreements