

k. *Description of Amendment:* The Districts request, among other things, pursuant to sections 4.200(c) and 4.202(a) of the Commission's regulations and Public Law No. 106-343, that the license be amended to extend the deadline for commencement of construction to March 26, 2005. The Districts also request that the deadline for completion of construction be extended to March 26, 2007.

l. The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.fed.gov> using the "FERRIS" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1-866-208-3676 or e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov). For TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing an original and eight copies to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Comments, protests, and motions to intervene may be filed electronically via the Internet in lieu of paper; see 18 CFR

385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-filing" link. The Commission strongly encourages electronic filings.

p. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. 03-8772 Filed 4-9-03; 8:45 am]

**BILLING CODE 6717-01-P**

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## ENVIRONMENTAL PROTECTION AGENCY

[OEI-2003-0003, FRL-7479-7]

### Agency Information Collection Activities: Continuing Collection; Comment Request; Confidentiality Rules

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

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): Confidentiality Rules, EPA ICR No. 1665.06, OMB Control No. 2020-0003, expiration date September 30, 2003. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

**DATES:** Comments must be submitted on or before June 9, 2003.

**ADDRESSES:** Follow the detailed instructions in **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Alan D. Margolis, Collection Strategies Division, Office of Information Collection (2822T), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202-566-1644; fax number: 202-566-1639; e-mail address: [margolis.alan@epa.gov](mailto:margolis.alan@epa.gov).

**SUPPLEMENTARY INFORMATION:** EPA has established a public docket for this ICR under Docket ID number OEI-2003-0003, which is available for public

viewing at the OEI Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the OEI Docket is (202) 566-1752; FAX (202) 566-1753. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at <http://www.epa.gov/edocket>. Use EDOCKET to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified above.

Any comments related to this ICR should be submitted to EPA within 60 days of this notice, and according to the following detailed instructions: submit your comments to EPA online using EDOCKET (our preferred method), by e-mail to [oei.docket@epa.gov](mailto:oei.docket@epa.gov), or by mail to: EPA Docket Center, Environmental Protection Agency, OEI Docket, (28221T), 1200 Pennsylvania Ave., NW., Washington, DC 20460.

EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EDOCKET as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose public disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EDOCKET. The entire printed comment, including the copyrighted material, will be available in the public docket. Although identified as an item in the official docket, information claimed as CBI, or whose disclosure is otherwise restricted by statute, is not included in the official public docket, and will not be available for public viewing in EDOCKET. For further information about the electronic docket, see EPA's **Federal Register** notice describing the electronic docket at 67 FR 38102 (May 31, 2002), or go to <http://www.epa.gov/edocket>.

*Affected entities:* Entities potentially affected by this action are those who characterize the information they provide to EPA as CBI.

*Title:* Confidentiality Rules, OMB Control Number 2020-0003; EPA ICR Number 1665.06, expiring 9/30/2003.

*Abstract:* EPA administers a number of environmental protection statutes (e.g., the Clean Water Act; the Clean Air Act; the Toxic Substances Control Act; the Resource Conservation and Recovery Act; and the Comprehensive Environmental Response, Compensation, and Liability Act), under which the Agency collects information from thousands of facilities in many economic sectors. In addition, businesses submit information to EPA without the Agency requesting it. The information addresses topics such as toxic chemicals, industrial processes, waste streams, and regulatory compliance. In many cases, businesses that submit information claim it as CBI. EPA established the procedures described in 40 CFR part 2, subparts A and B, to protect the confidentiality of information as well as the rights of the public to obtain access to information under the Freedom of Information Act (FOIA). In accordance with these regulations, when EPA finds it necessary to make a final confidentiality determination (e.g., in response to a FOIA request or in the course of rulemaking or litigation) or an advance confidentiality determination, it notifies the affected business by sending a letter requesting substantiation of the confidentiality claim. This letter provides the affected business with an opportunity to submit comments (i.e., a substantiation). This ICR relates to the collection of information that will assist EPA in determining whether previously submitted information is entitled to confidential treatment.

EPA is proposing to use an updated Request for Substantiation letter ("proposed letter"). The proposed letter consists of two samples to address separate factual situations: Sample Letter A and Sample Letter B. The use of two letters is a clarification of existing EPA procedures. Some of the information requested differs slightly from the current Request for Substantiation letter, concerning the possible voluntary nature of the submission and the issue of substantial competitive harm, and takes into account the vast amount of information now available electronically. Nevertheless, EPA estimates that the overall burden is the same. The proposed letter would apply to any context where a final confidentiality determination is needed, either in response to FOIA requests or in other situations (e.g., where EPA is making information public to support

rulemakings), or in the case of an advance confidentiality determination.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

EPA is soliciting comments to:

- (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (iii) Enhance the quality, utility, and clarity of the information to be collected; and
- (iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Current Burden Statement:* EPA estimates that in response to the procedures outlined in 40 CFR part 2, subpart B, the Agency would notify 543 businesses annually and provide them with an opportunity to submit comments explaining why previously submitted information should be treated as confidential. Of the 543 businesses, EPA estimates that approximately 443 industries would respond by submitting substantiations. The Agency estimates that it takes industry approximately 14 hours and \$464.43 in labor costs to prepare and submit each substantiation; or a total of 6,202 hours at a cost of \$205,742.49 in labor for all 443 substantiations. For those 100 businesses that do not submit substantiations, they are still likely to spend approximately 1 hour at a cost of \$32.04 in labor to review EPA's notice, examine the information in question, and make a decision not to respond; or a total of 100 hours at a cost of \$3,204.00 in labor costs for reviewing and deciding not to respond in 100 cases. The total burden on industry to review and, if desired, respond to 543 EPA substantiation requests is 6,302 hours at a cost of \$208,946.49 in labor.

In addition, when EPA utilizes the services of contractors/subcontractors under the authority of 40 CFR part 2, subpart B, all contractor/subcontractor employees who may be given access to confidential information must first sign

confidentiality agreements stating that they will honor the terms of the contract/subcontract which requires the protection of CBI. Contractor/subcontractor businesses must maintain a file of all such agreements. EPA estimates that there are about 129 contractor/subcontractor businesses that handle CBI in connection with their work for EPA each year. These 129 contractor/subcontractor businesses together have a total of approximately 658 employees who must sign confidentiality agreements each year. Each employee would need approximately 0.1 hour to review and sign an agreement, at a cost of \$3.34 in labor; employees' review and signature of all agreements would require approximately 65.8 hours at a cost of \$2,197.72 in labor per year. In addition, each subcontractor/contractor business would need approximately 0.5 hour at a cost of \$8.07 in labor per year to maintain a file of employee confidentiality agreements; the 129 contractor/subcontractor businesses together would require a total of 64.5 hours at a labor cost of \$1,041.03 to maintain a file of confidentiality agreements. The total burden for signing and maintaining confidentiality agreements would thus be 130.3 hours at a cost of \$3,238.75.

The overall burden for handling confidentiality claims—including the substantiation process and the signing and maintaining of confidentiality agreements—would be 6,432.3 hours at a total labor cost of \$212,185.24 per year. EPA estimates that no capital costs or operation and maintenance costs would be incurred as a result of this information collection.

EPA is soliciting the following additional information to assist in its assessment of the Agency's burden statement:

1. How many substantiation requests do you receive from EPA per year? How many CBI substantiations do you submit per year in response?
2. What is the average number, type, and level of staff involved in preparing a substantiation of CBI claims?
3. What is the average number of hours per staff type and level required to prepare a substantiation of CBI claims? How does this hour estimate breakdown by the following activities:
  - a. Read/review EPA's substantiation request.
  - b. Review information claimed confidential.
  - c. Prepare substantiation.
4. What is the average wage per hour for each staff type and level involved in preparing substantiations?

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: April 2, 2003.

**Mark Lutner,**

Director, Office of Information Collection.

[FR Doc. 03-8827 Filed 4-9-03; 8:45 am]

BILLING CODE 6560-50-P

**FEDERAL COMMUNICATIONS COMMISSION**

[DA 03-638]

**ITFS, MDS, and MMDS Pending Legal Matters**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** In this document the Wireless Telecommunications Bureau (WTB) has released two lists, the first contains legal matters with a filing date prior to March 25, 2002 where the applicant/licensee (or petitioner, if the petitioner is not the applicant or licensee) did not respond to the October Public Notice. Accordingly, any items on the first list are dismissed with prejudice. The second list contains all the current pending legal matters that are in WTB's records in the Instructional Television Fixed Service (ITFS), the Multipoint Distribution Service (MDS), and the Multichannel Multipoint Distribution Service (MMDS). This Public Notice ensures that the WTB has a complete and

accurate listing of all pending legal matters in the ITFS, the MDS, and the MMDS, which will enable the WTB to act on these pending legal matters.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., TW-A325, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Gregory Vadas, Esq., Policy and Rules Branch, at (202) 418-0680.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Public Notice*, DA 03-638, released on March 18, 2002. The full text of this document is available for inspection and copying during normal business hours in the Federal Communications Commission Reference Center, 445 12th Street, SW., Washington, DC 20554. The complete text may be purchased from the Federal Communications Commission's copy contractor, Qualex International, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. The full text may also be downloaded at: <http://www.fcc.gov>. Alternative formats are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 or TTY (202) 418-7365 or at [bmillin@fcc.gov](mailto:bmillin@fcc.gov).

1. On October 18, 2002, the Wireless Telecommunications Bureau (WTB) released a Public Notice (*October Public Notice*) in which it sought to ensure that it had a complete and accurate listing of all pending legal matters in the Instructional Television Fixed Service (ITFS), the Multipoint Distribution Service (MDS), and the Multichannel Multipoint Distribution Service (MMDS). An Appendix (*October Appendix*) containing a list of all of the pending ITFS, MDS, and MMDS cases was attached to the *October Public Notice*. The *October Appendix* indicated the name of the applicant/licensee, the file number/call sign, the pleading type and filing date, the name of the petitioner, if not the applicant, and whether the file was complete. WTB required that all ITFS, MDS, and MMDS licensees, applicants, and other parties with pending pleadings relating to these services review and verify the information contained in the *October Appendix*. For legal matters with a filing

date before March 25, 2002, WTB required that licensees, applicants, and other parties with pending pleadings respond in writing by December 17, 2002 if they desired that WTB continue processing these matters.

2. Appendix A to this Public Notice contains a list of those legal matters with a filing date prior to March 25, 2002 where the applicant/licensee (or petitioner, if the petitioner is not the applicant or licensee) did not respond to the *October Public Notice*. In the *October Public Notice*, WTB indicated, "For any legal matter for which written affirmations requesting further processing have not been received, those legal matters will be dismissed with prejudice." Accordingly, *it is ordered*, pursuant to section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and sections 21.28(d) and 73.3568(a)(1) of the Commission's Rules, 47 CFR 21.28 (d), 73.3568(a)(1), the legal matters listed in Appendix A to this Public Notice *are hereby dismissed with prejudice*.

3. WTB also requested petitioners of legal matters pending before the Bureau to review the list of pending matters in the *October Appendix*. If a pending matter was omitted from the *October Appendix*, WTB required petitioners to submit two date-stamped copies of the omitted petition or filing by December 17, 2002 if the petitioner desired to continue prosecuting the filing. After our review of these files, we have determined that the cases listed in Appendix B to this Public Notice are all the valid pending legal matters that are contained in WTB's records.

4. With respect to other requests to add legal matters to its list of pending legal matters, the WTB notes that in many instances, the respondent, but not the petitioner, submitted legal matters. In those cases, we are not adding those matters to our list of pending legal matters because the petitioner did not express interest in prosecuting the matter.

Federal Communications Commission.

**Marlene H. Dortch,**  
Secretary.

| Applicant/licensee               | File No./call sign   | Petitioner (if not applicant)   | Filing date   | Pleading type                 |
|----------------------------------|----------------------|---------------------------------|---------------|-------------------------------|
| Alda Gold, Inc .....             | BPMD-9551382 .....   | .....                           | 3/28/97 ..... | Petition for Reconsideration. |
| Alda Gold, Inc .....             | BPMD-9551384 .....   | .....                           | 3/28/97 ..... | Petition for Reconsideration. |
| Alda Gold, Inc .....             | BPMD-9551386 .....   | .....                           | 3/28/97 ..... | Petition for Reconsideration. |
| Alda Gold, Inc .....             | WHJ902 .....         | .....                           | 3/28/97 ..... | Petition for Reconsideration. |
| Alda Gold, Inc .....             | WHK656 .....         | .....                           | 3/28/97 ..... | Petition for Reconsideration. |
| Alda Gold, Inc .....             | WNLT436 .....        | .....                           | 3/28/97 ..... | Petition for Reconsideration. |
| Atlantic MicroSystems, Inc ..... | BMDP960510FG .....   | .....                           | 6/17/96 ..... | Petition to Deny.             |
| Bookcliff Christian School ..... | 951020TS .....       | .....                           | 6/16/97 ..... | Informal Complaint.           |
| Bridgewater College .....        | BPLIF-93123OEX ..... | .....                           | 2/26/96 ..... | Petition for Reconsideration. |
| Burlington College .....         | 911008DX .....       | Acscutney Associates, Inc ..... | 1/3/92 .....  | Petition to Deny.             |