

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.

#### IV. 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 (APA) 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 rule making requirements, including the requirement for a general notice of proposed rule making, under APA section 533 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." APA section 551(4) defines rule as "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 or requirements of an agency . . ." APA section 551(6) defines orders as "a final disposition . . . of an agency in a matter other than rule making but including licensing." APA section 551(8) defines "license" to "include . . . an agency permit . . ." 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. APA section 551(5) defines "rule making" as "the agency process for formulating, amending, or repealing a rule." By its terms, section 553 applies only to rules and not to orders, exempting by definition permits.

#### V. 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" to refer to regulations. (See, e.g., UMRA section

401, "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).") 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 RFA. That section of the RFA defines "rule" as "any rule for which the agency publishes a notice of proposed rule making pursuant to section 553(b) of the APA, or any other law."

As discussed in the RFA section of this notice, NPDES general permits are not "rules" by definition under the APA and thus not subject to the APA requirement to publish a notice of proposed rule making. 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. Therefore, NPDES general permits are not "rules" for RFA or UMRA purposes.

#### VI. Paperwork Reduction Act

EPA HQ has reviewed the requirements imposed on regulated facilities resulting from the proposed 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 CWA. 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.

**Carol Kemker,**

*Acting Director, Water Management Division.*

[FR Doc. 03-23062 Filed 9-9-03; 8:45 am]

**BILLING CODE 6560-50-U**

#### FEDERAL COMMUNICATIONS COMMISSION

##### Federal Advisory Committee Act Notice of Public Meeting

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of public meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, this notice advises interested persons that the Advisory Committee on Diversity for Communications in the Digital Age has been established and is holding its first meeting, which will be held at the Federal Communications Commission in Washington, DC.

**DATES:** September 29, 2003 at 2 p.m. to 4 p.m.

**ADDRESSES:** Federal Communications Commission, Commission Meeting Room, Room TW-C305, 445 12th St. SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Jane E. Mago, Designated Federal Officer of the Committee on Diversity, or Maureen C. McLaughlin, Alternate Designated Federal Officer of the Committee on Diversity, 445 12th St. SW., Washington, DC 20554; telephone (202) 418-2030, e-mail [Jane.Mago@fcc.gov](mailto:Jane.Mago@fcc.gov), [Maureen.Mclaughlin@fcc.gov](mailto:Maureen.Mclaughlin@fcc.gov). Press Contact, Audrey Spivak, Office of Public Affairs, 202-418-0512, [aspivak@fcc.gov](mailto:aspivak@fcc.gov).

**SUPPLEMENTARY INFORMATION:** The Diversity Committee was established by the Federal Communications Commission to examine current opportunities and develop recommendations for policies and practices that will further enhance the ability of minorities and women to participate in telecommunications and related industries. The Diversity Committee will tap the expertise of high-level players in the communications sector as well as the financial and technology communities. The Diversity Committee will prepare periodic and final reports to aid the FCC in its oversight responsibilities and its regulatory reviews in this area. In conjunction with such reports and analyses, the Diversity Committee will make recommendations to the FCC concerning the need for any guidelines, incentives, regulations or other policy approaches to promote diversity of participation in the communications sector. The Diversity Committee will also develop a description of best practices within the communications sector for promoting diversity of participation.

Information concerning the activities of the Diversity Committee can be reviewed at the Committee's Web site: <http://www.fcc.gov/DiversityFAC>. Material relevant to the September 29th meeting will be posted there.

Members of the general public may attend the meeting. The Federal Communications Commission will attempt to accommodate as many people as possible. However,

admittance will be limited to the seating available. A live RealAudio feed will be available over the Internet; information on how to tune in can be found at the Commission's Web site: [www.fcc.gov](http://www.fcc.gov).

*The public may submit written comments to the Council's designated Federal Officer before the meeting.*

Federal Communications Commission.

**Marlene H. Dortch,**  
Secretary.

[FR Doc. 03-22971 Filed 9-9-03; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2626]

### Petitions for Reconsideration and Clarification of Action in Rulemaking Proceedings

September 3, 2003.

Petitions for Reconsideration and Clarification has been filed in the Commission's Rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of this document is available for viewing and copying in Room CY-A257, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, Qualex International (202) 863-2893. Oppositions to these petitions must be filed by September 25, 2003. See § 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions have expired.

*Subject:* In the Matter of the Commission's Rules-Competitive Bidding Procedures (WT Docket No. 97-82).

*Number of Petitions Filed:* 2.

*Subject:* In the Matter of the Implementation of sections 309(j) and 337 of the Communications Act of 1934 as Amended (WT Docket No. 99-87);

Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies.

*Number of Petitions Filed:* 19.

**Marlene H. Dortch,**  
Secretary.

[FR Doc. 03-22967 Filed 9-9-03; 8:45 am]

BILLING CODE 6712-01-M

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank

Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than September 24, 2003.

**A. Federal Reserve Bank of Kansas City** (James Hunter, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. *Richard Larry and Lois Voorhees*, Omaha, Nebraska; *Patricia Lee and James A. Bohart*, Harvard, Nebraska; and *Steven Lowe and Deborah L. Voorhees*, Harvard, Nebraska; to retain voting shares of Harvard State Company, Harvard, Nebraska, and thereby indirectly retain voting shares of Harvard State Bank, Harvard, Nebraska.

Board of Governors of the Federal Reserve System, September 4, 2003.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. 03-22975 Filed 9-9-03; 8:45 am]

BILLING CODE 6210-01-S

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of

a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at [www.ffiec.gov/nic/](http://www.ffiec.gov/nic/).

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 3, 2003.

**A. Federal Reserve Bank of San Francisco** (Tracy Basinger, Director, Regional and Community Bank Group) 101 Market Street, San Francisco, California 94105-1579:

1. *Sun West Capital Corporation*, Las Vegas, Nevada; to become a bank holding company by acquiring 100 percent of the voting shares of Sun West Bank, Las Vegas, Nevada.

Board of Governors of the Federal Reserve System, September 4, 2003.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. 03-22976 Filed 9-9-03; 8:45 am]

BILLING CODE 6210-01-S

## GENERAL ACCOUNTING OFFICE

[Document No. JFMIP-SR-03-02]

### Joint Financial Management Improvement Program (JFMIP)—Federal Financial Management System Requirements (FFMSR)

**AGENCY:** Joint Financial Management Improvement Program (JFMIP).

**ACTION:** Notice of document finalization and posting.

**SUMMARY:** The JFMIP is seeking announcement of document finalization and posting for the JFMIP document entitled, "Inventory, Supplies, and Materials System Requirements" dated September 2003. The document is an update of the Federal Financial Management System Requirements (FFMSR) document addressing standard financial requirements for Federal logistics systems. The document is intended to assist agencies when developing, improving or evaluating inventory held for sale, operating materials and supplies, and stockpile materials systems. It provides the baseline functionality that agency systems must have to support agency missions and comply with laws and regulations. This document augments