

Permit for Storm Water Discharges from Federal Facility Small Municipal Separate Storm Sewer Systems (MS4s) in Colorado" in the appropriate federal Circuit Court of Appeals in accordance with section 509(b)(1) of the Clean Water Act. This appeal must be filed within 120 days of the effective date of the permit. Persons affected by a general NPDES permit may not challenge the conditions of the general permit in EPA administrative proceedings. Instead, they may either challenge the general permit in court or apply for an individual permit (under 40 CFR 122.21 as authorized in 40 CFR 122.28) and then petition the EPA's Environmental Appeals Board (as provided in 40 CFR 124.19).

**Paperwork Reduction Act:** This action does not impose any new information collection burden. This general permit does not impose any information collection requirements beyond those required by EPA regulations (40 CFR 122.26, 122.28, 122.30-.37, 122.41, and 122.48). However, the Office of Management and Budget (OMB) has previously approved the information collection requirements contained in these regulations under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2040-0211, EPA ICR number 1820.03. A copy of each OMB approved Information Collection Request (ICR) may be obtained from Susan Auby, Collection Strategies Division; U.S. Environmental Protection Agency (2822T); 1200 Pennsylvania Ave., NW., Washington, DC 20460, (202) 566-1672.

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 previously 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.

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.

**Executive Order 12866:** Under Executive Order 12866 (58 FR 51735, October 4, 1993) an agency must determine whether its regulatory action is "significant" and therefore subject to OMB review and the requirements of Executive Order 12866. This Order defines "significant regulatory action" as one that is likely to result in a rule that may 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; create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or 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 waived review of NPDES general permits under the terms of Executive Order 12866.

**Regulatory Flexibility Act (RFA):** Issuance of an NPDES general permit is not subject to rulemaking requirements, including the requirement for a general notice of proposed rulemaking, under 5 U.S.C. Section 553 (Administrative Procedure Act) or any other law, and is thus not subject to the RFA requirement to prepare a regulatory flexibility analysis. 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). 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.

**Unfunded Mandates Reform Act:** Section 201 of the Unfunded Mandates Reform Act (UMRA), Public Law 104-4,

generally requires 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).") 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 rulemaking 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" 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."

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

Dated: May 23, 2003.

**Stephen S. Tuber,**

*Assistant Regional Administrator, Office of Partnerships and Regulatory Assistance.*

[FR Doc. 03-15009 Filed 6-12-03; 8:45 am]

BILLING CODE 6560-50-P

## FEDERAL COMMUNICATIONS COMMISSION

[CC Docket 98-67; DA 03-1862]

### Notice to State Telecommunications Relay Service (TRS) Programs and Interstate TRS Providers to Notify the Commission of Any Change of Contact Person Information and Substantive Changes in TRS service

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** The purpose of this document is to notify state Telecommunications Relay Service (TRS) programs and interstate TRS Providers that they are required to submit to the Commission a contact person or office for TRS consumer information and complaints and to notify the Commission of any changes in this information. This

document also reminds state programs to notify the Commission of substantive changes in their TRS program.

**DATES:** Effective May 30, 2003.

**FOR FURTHER INFORMATION CONTACT:**

Erica Myers, Consumer & Governmental Affairs Bureau, Disability Rights Office, (202) 418-2429 (voice), (202) 418-0464 (TTY), or e-mail [emyers@fcc.gov](mailto:emyers@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Public Notice*, DA 03-1862, released May 30, 2003. State TRS programs and interstate TRS providers may file this information by using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. When filing changes, please reference CC Docket No. 98-67. In completing the transmittal screen, parties should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic document by Internet e-mail. To get filing instructions for e-mail documents, parties should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

State TRS programs and interstate TRS providers who choose to submit by paper must submit an original and four copies of each filing addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Room TW-B204, Washington, DC 20554. State TRS programs and interstate TRS providers are encouraged to submit an additional copy to Attn: Erica Myers, Federal Communications Commission, Consumer & Governmental Affairs Bureau, 445 12th Street, SW., Room 6-A432, Washington, DC 20554 or by e-mail at [emyers@fcc.gov](mailto:emyers@fcc.gov). States and interstate TRS providers should also submit electronic disk copies of their filing on a standard 3.5 inch diskette formatted in an IBM compatible format using Word 97 or compatible software. The diskette should be submitted in "read-only" mode and must be clearly labeled with the State or interstate TRS provider name, the filing date and captioned "Change in Contact Information" or "Substantive Change in TRS Service".

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554.

The filings will be 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. 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). Filings may also be viewed on the Consumer & Governmental Affairs Bureau, Disability Rights Office homepage at <http://www.fcc.gov/cgb/dro>.

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

**Synopsis**

The purpose of this *Public Notice* is to remind state Telecommunications Relay Service (TRS) programs that pursuant to 47 CFR 64.604(c)(2)(i) they must submit to the Commission a contact person or office for TRS consumer information and complaints about intrastate service. The submission shall include the name and address of the state office that receives complaints, grievances, inquiries and suggestions; the voice, TTY, and fax numbers for that office; the e-mail address; and the physical address to which correspondence should be sent.

Similarly, interstate TRS providers are reminded that pursuant to 47 CFR 64.604(c)(2)(ii) they must submit to the Commission a contact person or office for TRS consumer information and complaints about the provider's service. The submission shall include the name and address of the office that receives complaints, grievances, inquiries and suggestions; the voice, TTY and fax numbers for that office; the e-mail address; and the physical address to which correspondence should be sent. The Commission must be notified each time there is a change in any of this required information.

The Commission also reminds state TRS programs that pursuant to 47 CFR 64.605 (f) state TRS programs must notify the Commission of any substantive changes in their TRS programs within 60 days of when they occur, and must certify that the state TRS program continues to meet Federal minimum standards after implementing the substantive change.

Federal Communications Commission.

**Margaret M. Egler,**

*Deputy Chief, Consumer & Governmental Affairs Bureau.*

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**BILLING CODE 6712-01-P**

**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 June 27, 2003.

**A. Federal Reserve Bank of Minneapolis** (Richard M. Todd, Vice President and Community Affairs Officer) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. *Heidi Re Gesell*, St. Paul, Minnesota, and Andrew John Gesell, Woodbury, Minnesota; a group acting in