

utilizing space. To fulfill these objectives, a continuing series of scientific spacecraft would need to be designed, built, and launched into Earth orbit or towards other bodies in the Solar System. These spacecraft would flyby, encounter, orbit about, land on, or impact with these bodies to collect various scientific data that would be transmitted to Earth via radio for analysis. The scientific missions associated with NASA routine payload spacecraft could not be accomplished without launching such scientific spacecraft.

The proposed action is comprised of preparing, launching, and decommissioning missions designated NASA routine payload spacecraft. The design and operational characteristics and, therefore, the environmental impacts of routine payload spacecraft would be rigorously bounded. Routine payload spacecraft would utilize materials, launch vehicles, facilities, and operations that are normally and customarily used at Vandenberg Air Force Base (VAFB), California, and Cape Canaveral Air Force Station (CCAFS) and Kennedy Space Center (KSC), Florida. The routine payload spacecraft would use these materials, launch vehicles, facilities, and operations only within the scope of activities already approved or permitted. The scope of this DEA includes all spacecraft that would meet specific criteria on their construction and launch, would accomplish the requirements of NASA's research objectives, and would not present new or substantial environmental impacts or hazards. These spacecraft would meet the limitations set forth in the Routine Payload Checklist (RPC), which was developed to delimit the characteristics and environmental impacts of this group of spacecraft. Preparation and launch of all spacecraft that are defined as routine payloads would have environmental impacts that fall within the range of routine, ongoing, and previously documented impacts associated with approved missions that have been determined not to be significant. Alternative spacecraft designs that exceed the limitations of the RPC may have new or substantial environmental impacts or hazards and are not covered by this DEA. Foreign launch vehicles would require individual consideration, review, and separate environmental analysis, and were not considered to be reasonable alternatives for the purpose of this routine payload spacecraft DEA. The No-Action Alternative would mean that NASA would not launch scientific

spacecraft missions defined as routine payloads using specific criteria and thresholds. NASA would then continue to propose spacecraft missions for individualized review under NEPA. Such duplicate analyses and redundant documentation for spacecraft missions that meet the limitations of the RPC, however, would not present any new information or identify any substantially different environmental impacts.

The expendable launch vehicles (ELVs) proposed for launching the routine payload spacecraft represent domestic (U.S.) ELVs that would be suitable for launching the routine payload spacecraft, would potentially be available during the 2002 to 2012 period, have documented environmental impacts, and would utilize existing launch facilities. The ELVs included in this action are the Atlas series, Delta series, Taurus, Athena series, Pegasus XL, and Titan II. These launch vehicles would accommodate the desired range of payload masses, would provide the needed trajectory capabilities, and would provide highly reliable launch services. Individual ELVs would be carefully matched to the launch requirements of each particular routine payload spacecraft. For the NASA routine spacecraft missions, the potentially affected environment for normal launches includes the areas at and in the vicinity of the two launch sites, CCAFS in Florida, and VAFB in California. For normal launches of routine payloads under the proposed action, the environmental impacts would be associated principally with the exhaust emissions from the launch vehicles. These effects would include short-term impacts on air quality within the exhaust cloud and near the launch pads, and the potential for acidic deposition on the vegetation and surface water bodies at and near each launch complex, particularly if a rain storm occurred. To minimize the potential for disturbance of protected wildlife species, consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act of 1973 (as amended) is required. Routine payload processing and launch activities would not require any additional permits or mitigation measures beyond those already existing, or in coordination, for VAFB or CCAFS launches.

There are no direct or substantial environmental impacts, including cumulative impacts, associated with the proposed action that have not already been covered by NEPA documentation for the existing launch sites, launch vehicles, launch facilities, and payload processing facilities. NASA missions

covered by this DEA would be manifested at VAFB or CCAFS and would be within the total number of launch operations previously analyzed in launch vehicle and launch site NEPA documents.

The DEA may be reviewed at the following locations:

(a) NASA Headquarters, Library, Room 1J20, 300 E Street, SW., Washington, DC 20546 (202-358-0167).

(b) Spaceport U.S.A., Room 2001, John F. Kennedy Space Center, FL 32899. Please call Penny Myers beforehand at 321-867-9280 so that arrangements can be made.

(c) Jet Propulsion Laboratory, Visitors Lobby, Building 249, 4800 Oak Grove Drive, Pasadena, CA 91109 (818-354-5179).

The DEA may be examined at the following NASA Centers by contacting the appropriate Freedom of Information Act Office:

(d) NASA, Ames Research Center, Moffett Field, CA 94035 (650-604-1181).

(e) NASA, Dryden Flight Research Center, P.O. Box 273, Edwards, CA 93523 (661-258-3689).

(f) NASA, Glenn Research Center at Lewis Field, 21000 Brookpark Road, Cleveland, OH 44135 (216-433-2755).

(g) NASA, Goddard Space Flight Center, Greenbelt Road, Greenbelt, MD 20771 (301-286-6255).

(h) NASA, Johnson Space Center, Houston, TX 77058 (281-483-8612).

(i) NASA, Langley Research Center, Hampton, VA 23681 (757-864-2497).

(j) NASA, Marshall Space Flight Center, Huntsville, AL 35812 (256-544-1837).

(k) NASA, Stennis Space Center, MS 39529 (228-688-2164).

Limited hard copies of the DEA are available, on a first request basis, by contacting Mr. Dahl at the address or telephone number indicated herein.

**Jeffrey E. Sutton,**

*Assistant Administrator for Management Systems.*

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**BILLING CODE 7510-01-P**

## **SECURITIES AND EXCHANGE COMMISSION**

**[Release No. 35-27495]**

### **Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")**

March 8, 2002.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to

provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by April 2, 2002, to the Secretary, Securities and Exchange Commission, Washington, DC 20549-0609, and serve a copy on the relevant application(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After April 2, 2002, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

#### **Allegheny Energy, Inc., et al. (70-9897)**

Allegheny Energy, Inc. ("Allegheny"), a registered holding company, Allegheny Ventures, Inc. ("Ventures"), a direct wholly owned nonutility subsidiary company of Allegheny, both located at 10435 Downsview Pike, Hagerstown, Maryland 21740; and Allegheny Energy Supply Company, L.L.C. ("AE Supply"), 4350 Northern Pike, Monroeville, Pennsylvania 15146-2841, a direct wholly owned generating subsidiary company except by order under section 3(a)(2) of the Act and direct held by Allegheny; (collectively, "Applicants") have filed a post-effective amendment under sections 6(a) and 7, of the Act, and rules 53 and 54 under the Act.

By order dated December 31, 2001 (HCAR No. 27486) ("Order"), the Commission authorized, among other things, through July 31, 2005 ("Authorization Period"): (1) Allegheny to issue up to \$1 billion in equity securities<sup>1</sup> and (2) Allegheny and/or AE

Supply to issue short-term debt<sup>2</sup> and long-term debt in an aggregate amount up to \$4 billion. Applicants now seek to amend the authorization granted in the Order.

Specifically, Applicants now make the following requests:

(1) Allegheny to issue up to an aggregate of \$1 billion at any one time outstanding through the Authorization Period to issue and sell, common stock or options, warrants or other stock purchase rights exercisable for common stock or contracts to purchase common stock in public or privately negotiated for cash or as consideration for the acquisition of equity securities or assets of other companies, provided in section 32 and 33 of the Act and under rule 58; and

(2) Allegheny and AE Supply seek to modify the Order to extend the maturity of the Notes from 270 days to 364 days.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**J. Lynn Taylor,**

*Assistant Secretary.*

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**BILLING CODE 8010-01-P**

#### **SECURITIES AND EXCHANGE COMMISSION**

**[File No. 1-13841]**

#### **Issuer Delisting; Notice of Application for Withdrawal From Listing and Registration on the American Stock Exchange LLC (the Rottlund Company, Inc., Common Stock, Par Value \$.10 Per Share)**

March 8, 2002.

The Rottlund Company, Inc., a Minnesota corporation ("Issuer"), has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 12d2-2(d) thereunder,<sup>2</sup> to withdraw its Common Stock, par value, \$.10 per share ("Security"), from listing and registration on the American Stock Exchange LLC ("Amex" or "Exchange").

On March 5, 2002, the Board of Directors of the Issuer ("Board") approved a resolution to withdraw the Issuer's Security from the Amex. On January 24, 2002, the Issuer commenced

a tender offer to purchase any and all of the outstanding shares of its Security, pursuant to the terms and conditions set forth in the Issuer's Tender Offer Statement filed with the Commission (the "Offer"). The Offer expired on March 6, 2002 and, as a result, the Issuer no longer meets Amex's required maintenance standards concerning the number of registered shareholders of the Security. In addition, the Issuer also cites the following reasons for withdrawal of its Security from the Amex; (i) the Security has had historically low trading prices and trading volume; (ii) the costs of remaining a publicly-traded company are significant; (iii) the Issuer has not been able to realize the benefits associated with being a publicly-traded company; and (iv) as a result of the merger, the Issuer will no longer have any public shareholders. Consequently, the Issuer has not made alternative arrangements for the trading of the Security following its delisting from the Amex.

The Issuer stated in its application that it has met the requirements of Amex Rule 18 by complying with all applicable laws in effect in the state of Minnesota, in which it is incorporated, and with the Amex's rules governing an issuer's voluntary withdrawal of a security from listing and registration. The Issuer's application relates solely to the Security's withdrawal from listing and registration under Section 12(b) of the Act<sup>3</sup> and shall not affect its obligation to be registered under Section 12(g) of the Act.<sup>4</sup>

Any interested person may, on or before March 29, 2002 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609, facts bearing upon whether the application has been made in accordance with the rules of the Amex and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>5</sup>

**Jonathan G. Katz,**

*Secretary.*

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<sup>1</sup> Specifically, the Order stated, "Allegheny may issue common stock or options, warrants or other stock purchase rights exercisable for common stock in public or privately negotiated transactions for cash or as consideration for the equity securities or assets of other companies, provided that the acquisition of securities of the equity securities or assets has been authorized in this proceeding, a separate proceeding, or is exempt by the Act or the rules under the Act."

<sup>2</sup> The Order generally provided that short-term debt will not have a maturity of less than one day and not more than 364 days. The Order also provided that notes payable to banks would have a maturity of not more than 270 days after the date of issuance or renewal ("Notes").

<sup>3</sup> 15 U.S.C. 78l(d).

<sup>4</sup> 17 CFR 240.12d2-2(d).

<sup>5</sup> 15 U.S.C. 78l(b).

<sup>6</sup> 15 U.S.C. 78l(g).

<sup>7</sup> 17 CFR 200.30-3(a)(1).