

LPPC and removed the legal barriers for final EPA approval.

Notice of Illinois' application, a solicitation for public comment regarding the application, and background information supporting the application was published in the **Federal Register** of January 11, 2002 (67 FR 1465) (FRL-6815-5). As determined by EPA's review and assessment, Illinois' application successfully demonstrated that the State's Lead-Based Paint Activities Program achieved the protectiveness and enforcement criteria, as required for Federal authorization. Furthermore, no public comments were received regarding any aspect of the Illinois program and/or application.

B. What is the Agency's Authority for Taking this Action?

On October 28, 1992, the Housing and Community Development Act of 1992, Public Law 102-550, became law. Title X of that statute was the Residential Lead-Based Paint Hazard Reduction Act of 1992. That Act amended TSCA (15 U.S.C. 2601 *et seq.*) by adding Title IV (15 U.S.C. 2681-2692), titled "Lead Exposure Reduction."

Section 402 of TSCA authorizes and directs EPA to promulgate final regulations governing lead-based paint activities in target housing, public and commercial buildings, bridges, and other structures. Those regulations are to ensure that individuals engaged in such activities are properly trained, that training programs are accredited, and that individuals engaged in these activities are certified and follow documented work practice standards. Under section 404 of TSCA, a State may seek authorization from EPA to administer and enforce its own lead-based paint activities program.

On August 29, 1996 (61 FR 45777) (FRL-5389-9), EPA promulgated final TSCA section 402/404 regulations governing lead-based paint activities in target housing and child-occupied facilities. Those regulations are codified at 40 CFR part 745, and allow both States and Indian Tribes to apply for program authorization. Pursuant to section 404(h) of TSCA (15 U.S.C. 2684 (h)), EPA is to establish the Federal program in any State or Tribal Nation without its own authorized program in place by August 31, 1998.

States and Tribes that choose to apply for program authorization must submit a complete application to the appropriate Regional EPA Office for review. Those applications will be reviewed by EPA within 180 days of receipt of the complete application. To receive EPA approval, a State or Tribe

must demonstrate that its program is at least as protective of human health and the environment as the Federal program, and provides for adequate enforcement (section 404(b) of TSCA, 15 U.S.C. 2684(b)). EPA's regulations (40 CFR part 745, subpart Q) provide the detailed requirements a State or Tribal program must meet in order to obtain EPA approval.

A State may choose to certify that its lead-based paint activities program meets the requirements for EPA approval, by submitting a letter signed by the Governor or Attorney General stating that the program meets the requirements of section 404(b) of TSCA. Upon submission of such certification letter, the program is deemed authorized. This authorization becomes ineffective, however, if EPA disapproves the application or withdraws the program authorization.

III. Federal Overfiling

Section 404(b) of TSCA makes it unlawful for any person to violate, or fail or refuse to comply with, any requirement of an approved State or Tribal program. Therefore, EPA reserves the right to exercise its enforcement authority under TSCA against a violation of, or a failure or refusal to comply with, any requirement of an authorized State or Tribal program.

IV. Withdrawal of Authorization

Pursuant to TSCA section 404(c), the Administrator may withdraw a State or Tribal lead-based paint activities program authorization, after notice and opportunity for corrective action, if the program is not being administered or enforced in compliance with standards, regulations, and other requirements established under the authorization. The procedures EPA will follow for the withdrawal of an authorization are found at 40 CFR 745.324(i).

V. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before certain actions may take effect, the agency promulgating the action must submit a report, which includes a copy of the action, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this document in the **Federal Register**. This

action is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects

Environmental protection, Hazardous substances, Lead, Reporting and recordkeeping requirements.

Dated: August 27, 2002.

Bharat Mathur,

Acting Regional Administrator, Region V.

[FR Doc. 02-24649 Filed 9-26-02; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7384-8]

Notice of Availability of Draft National Pollution Discharge Elimination Systems (NPDES) General Permit for Storm Water Discharges From Small Municipal Separate Storm Sewer Systems in the States of Massachusetts and New Hampshire and Indian Lands in the States of Connecticut, Massachusetts, and Rhode Island and Federal Facilities in Vermont

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of the draft NPDES general permits MAR040000; NHR040000; MAR04000I; CTR04000I; RIR04000I and VTR04000F.

SUMMARY: The Director of the Office of Ecosystem Protection, Environmental Protection Agency-Region 1, is today providing notice of the availability of the Draft National Pollutant Discharge Elimination System (NPDES) general permit for storm water discharges from small municipal separate storm sewer systems (MS4s) to certain waters of the States of Massachusetts, New Hampshire and Vermont, and to certain waters on Indian Country lands in the States of Connecticut, Massachusetts, and Rhode Island. This draft NPDES general permit establishes Notice of Intent (NOI) requirements, standards, prohibitions, and management practices for discharges of storm water from municipal separate storm sewer systems.

Owners and/or operators of small MS4s that discharge storm water will be required to submit an NOI to EPA-Region 1 to be covered by the general permit and will receive a written notification from EPA-Region 1 of permit coverage and authorization to discharge under the general permit. This general permit does not cover new sources as defined at 40 CFR 122.2.

DATES: The public comment period is from September 27, 2002, to November 1, 2002. Interested parties may submit comments on the draft general permit as part of the administrative record to EPA-Region 1 at the address above, no later than November 8, 2002. The general permit shall be effective on the date specified in the final general permit published in the **Federal Register** and will expire five years from the publication date of final permit.

Comment must be received or postmarked by midnight November 8, 2002. No facsimiles (faxes) will be accepted.

ADDRESSES: The draft permit is based on an administrative record available for public review at EPA-Region 1, Office of Ecosystem Protection (CMU), 1 Congress Street, Suite 1100, Boston, Massachusetts 02114-2023. Copies of information in the record are available upon request. A reasonable fee may be charged for copying.

Public Meeting Information: EPA—Region 1 will hold four public meetings to provide information about the general permit and its requirements. The public meetings will include a presentation on the draft permit and a question and answer session. Written, but not oral, comments for the official permit record will be accepted at the public meetings. The meetings will be at the following locations:

Wednesday—October 16, 2002:

Worcester Public Library—Main Branch, Saxe Room, Library Lane/Salem Square, Worcester, MA 01608. 9:30 a.m.–12:30 p.m.

Tuesday—October 22, 2002: Town of Middleborough, Town Hall, 10 Nickerson Avenue, Middleborough, MA. 1 p.m.–4 p.m.

Thursday—October 24, 2002: Town of Springfield/Municipal Office Bldg., 2nd Floor Conference Room, 26 Central Street, West Springfield, MA 01089. 1 p.m.–4 p.m.

Thursday—October 31, 2002: Portsmouth City Council Chambers, Portsmouth City Hall, One Junkins Avenue, Portsmouth, NH 03801. 9 a.m.–12:00 p.m.

Public Hearing Information: A public hearing will be conducted in accordance with 40 CFR 124.12 and will provide interested parties with the opportunity to provide written and/or oral comments for the official record. Only questions regarding procedures will be addressed at the hearing. The hearing may close prior to 12:00 if all parties wishing to present comments have done so.

Wednesday—October 30, 2002: United States Environmental Protection

Agency, Regional Laboratory, 11 Technology Drive, North Chelmsford, MA 01863. Kennebec Conference Rooms A & B, 9 a.m.–12 p.m.

The hearing is being held in a government facility. Visitors will be asked to sign in and present photo identification. People planning on attending the public hearing may register prior to the hearing date. To register, contact Olga Vergara at 617/918-1519 or via e-mail at vergara.olga@epa.gov, include "Public Hearing Registration" in the subject line.

FOR FURTHER INFORMATION CONTACT:

Additional information concerning the draft permit may be obtained between the hours of 9 a.m. and 5 p.m. Monday through Friday excluding holidays from: Thelma Murphy, Office of Ecosystem Protection, Environmental Protection Agency, 1 Congress Street, Suite 1100, Boston, MA 02114-2023; telephone: 617-918-1615; e-mail: murphy.thelma@epa.gov.

SUPPLEMENTARY INFORMATION: The draft general permit may be viewed over the Internet via the EPA-Region 1 Web site www.epa.gov/region01/topics/water/permits.html. To obtain a hard copy of the document, please contact Thelma Murphy. Contact information is provided above. The draft general permit includes a fact sheet which set forth principal facts and the significant factual, legal, and policy questions considered in the development of the draft permit. A reasonable fee may be charged for copying requests.

When the general permit is issued, it will be published in its entirety in the **Federal Register**. The general permit will be effective on the date specified in the **Federal Register** and it will expire five years from the date that the final permit is published in the **Federal Register**.

Dated: September 19, 2002.

Robert W. Varney,
Regional Administrator, Region 1.
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FEDERAL COMMUNICATIONS COMMISSION

[DA 02-2283]

Wireless Telecommunications Bureau Seeks Comment on Request for Postponement of 1670-1675 MHz Band Auction; Auction No. 46

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document seeks comment on a request for postponement of Auction No. 46 to allow telecommunications companies to raise the capital necessary to participate in the auction.

DATES: Comments are due on or before September 20, 2002.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., TW-A325, Washington, DC 20554. See **SUPPLEMENTARY INFORMATION** for further filing instructions.

FOR FURTHER INFORMATION CONTACT:

Francis Gutierrez of the Legal Branch of the Auctions and Industry Analysis Division of the Wireless Telecommunications Bureau at (202) 418-0660.

SUPPLEMENTARY INFORMATION: This is a summary of a Public Notice released by the Wireless Telecommunications Bureau on September 13, 2002. The complete text of the Public Notice is 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. The September 13, 2002 Public Notice 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.

1. On October 30, 2002, the Federal Communications Commission is scheduled to hold an auction of one license in the 1670-1675 MHz band (Auction No. 46). The deadline for submission of short-form applications (FCC Form 175) to bid in Auction No. 46 is currently October 1, 2002 at 6 p.m. ET.

2. In a letter to the Wireless Telecommunications Bureau dated September 13, 2002, ArrayComm, Inc. (ArrayComm) requests a six-month postponement of Auction No. 46. ArrayComm contends that a postponement is needed because circumstances in the financial markets have made it difficult for telecommunications companies to raise the capital necessary to participate in the auction. ArrayComm asserts that a postponement of Auction No. 46 until April 30, 2003, will enable many companies that seek to compete for the 1670-1675 MHz license to alleviate their capital shortage prior to the auction, thereby ensuring maximum participation in the auction.