

Section, 4300 Cherry Creek Drive South, Denver, CO.

FOR FURTHER INFORMATION CONTACT:

Qian Zhang, Municipal Systems Unit, EPA, Region 8 (8P-W-MS), 999 18th Street, Suite 300, Denver, CO 80202-2466, 303-312-6267.

SUPPLEMENTARY INFORMATION: EPA approved Colorado's application for assuming primary enforcement authority for the PWSS program, pursuant to section 1413 of the Safe Drinking Water Act (SDWA), 42 U.S.C. 300g-2, and 40 CFR part 142 (see 48 FR 55173). CDPHE administers Colorado's PWSS program. The State of Colorado has revised its Public Water System Supervision (PWSS) primacy program by adopting regulations for the Consumer Confidence Report Rule that correspond to regulations for 40 CFR part 141, subpart O.

A. Why Are Revisions to State Programs Necessary?

States with primary PWSS enforcement authority must comply with the requirements of 40 CFR part 142 for maintaining primacy. They must adopt regulations that are at least as stringent as the National Primary Drinking Water Regulations (NPDWRs) at 40 CFR part 141. (40 CFR 142.10(a)). Changes to state programs may be necessary as federal primacy requirements change, as states must adopt all new and revised NPDWRs in order to retain primacy. (40 CFR 142.12(a)).

B. How Does Today's Action Affect Indian Country (18 U.S.C. 1151) in Colorado?

Colorado is not authorized to carry out its Public Water System Supervision program in Indian country. This includes, but is not limited to, lands within the exterior boundaries of the following Indian reservations located within the State of Colorado:

- a. Southern Ute Indian Reservation;
- b. Ute Mountain Ute Indian Reservation; and any other lands which are Indian country as defined in 18 U.S.C. 1151.

C. Requesting a Hearing and Submitting Written Comments.

Any request for a public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing; and (3) the signature of the individual making the request, or, if

the request is made on behalf of an organization or other entity, the signature of the responsible official of the organization or other entity.

Notice of any hearing shall be given not less than fifteen (15) days prior to the time scheduled for the hearing. Such notice will be made by the Regional Administrator in the **Federal Register** and in newspapers of general circulation in the State of Colorado. A notice will also be sent to the person(s) requesting the hearing as well as to the State of Colorado. The hearing notice will include a statement of purpose, information regarding time and location, and the address and telephone number where interested persons may obtain further information. A final determination will be made upon review of the hearing record.

Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request is made within thirty (30) days after this notice, a public hearing will be held.

Please bring this notice to the attention of any persons known by you to have an interest in this determination.

Dated: September 26, 2002.

Robert E. Roberts,

Regional Administrator, Region 8.

[FR Doc. 02-25417 Filed 10-4-02; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7385-2]

Program Requirement Revisions related to the Public Water System Supervision Program for the States of Vermont, Connecticut, and New Hampshire, and the Commonwealth of Massachusetts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Notice is hereby given that the States of Vermont, Connecticut and New Hampshire, and the Commonwealth of Massachusetts, are in the process of revising their approved Public Water System Supervision Programs to meet the requirements of the Safe Drinking Water Act (SDWA).

EPA has determined that the Revised Public Water System Definition for the State of Vermont, as authorized under the Safe Drinking Water Act Amendments of 1996 and final rule provided on April 28, 1998 (63 FR 23362), and the Public Notification Rule

that corresponds to 40 CFR part 141, subpart Q, are no less stringent than the corresponding revised federal definitions. Therefore, EPA intends to approve these Public Water System Supervision Program requirements for Vermont.

The State of Connecticut has adopted drinking water regulations establishing Administrative Penalty Authority that applies to its Drinking Water Program. The State submitted documentation, along with certification from its State Attorney General's office, indicating that the Administrative Penalty Authority currently in effect meets the minimum requirements set forth in the 1996 SDWA Amendments. EPA has determined that the Administrative Penalty Authority currently in effect in Connecticut is no less stringent than corresponding federal requirements, as authorized under the Safe Drinking Water Act Amendments of 1996 and final rule provided on April 28, 1998 (63 FR 23362). Therefore, EPA intends to approve the Administrative Penalty Authority requirements for Connecticut.

The Commonwealth of Massachusetts has revised its Public Water System Supervision (PWSS) primacy program by adopting regulations for the Public Notification Rule that correspond to 40 CFR part 141, subpart Q. After review of the submitted documentation, EPA has determined that Massachusetts' Public Notification Rule is no less stringent than the corresponding federal regulation. Therefore, EPA intends to approve this Public Water System Supervision Program requirement for Massachusetts.

The State of New Hampshire has adopted drinking water regulations for Synthetic Organic Chemicals and Inorganic Chemicals (also known as Phase II, Phase IIB, and Phase V Drinking Water Regulations) promulgated by EPA on January 30, 1991 (56 FR 3526), July 1, 1991 (56 FR 30266) and July 17, 1992 (57 FR 31776) respectively. After additional review of the submitted documentation, EPA has determined that the state program revisions for its Phase II, Phase IIB, and Phase V Drinking Water Regulations are no less stringent than the corresponding federal regulations. Therefore, EPA intends to approve these Public Water System Supervision Program requirements for New Hampshire.

DATES: All interested parties may request a public hearing for any of the above EPA determinations. A request for a public hearing must be submitted within thirty (30) days of this **Federal Register** publication date to the Regional Administrator at the address

shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made by this date, a public hearing will be held. If no timely and appropriate request for a hearing is received, and the Regional Administrator does not elect to hold a hearing on his/her own motion, this determination shall become final and effective 30 days after the publication of this **Federal Register** Notice. Any request for a public hearing shall include the following information: (1) The name, address, and telephone number of the individual organization, or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the Regional Administrator's determination; (3) information that the requesting person intends to submit at such hearing; and (4) the signature of the individual making the request, or if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday, at the following office(s): U.S. Environmental Protection Agency, Office of Ecosystem Protection, One Congress Street, 11th floor, Boston, MA 02114.

For documents specific to that State/Commonwealth:

Massachusetts Department of Environmental Protection, Drinking Water Program, One Winter Street, Boston, MA 02108.

Connecticut Department of Public Health, Drinking Water Division, 450 Capitol Avenue, P.O. Box 340308—51 WAT, Hartford, CT 06134—0308.

Vermont Department of Environmental Conservation, Water Supply Division, 103 South Main Street, Waterbury, VT 05671—0405.

New Hampshire Department of Environmental Services, Water Supply Engineering Bureau, P.O. Box 95, 6 Hazen Drive, Concord, NH 03302—0095.

FOR FURTHER INFORMATION CONTACT: Barbara McGonagle, Office of Ecosystem Protection (telephone 617—918—1608).

Authority: Sections 1401 and 1413 (42 U.S.C. 300g—2) of the Safe Drinking Water Act, as amended (1996), and 40 CFR 142.10 of the National Primary Drinking Water Regulations.

Dated: September 26, 2002.

Robert W. Varney,

Regional Administrator, EPA—New England.

[FR Doc. 02—25426 Filed 10—4—02; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

[WT Docket No. 02—276; FCC 02—248]

Commission Seeks Comment on Disposition of Down Payments and Pending Applications for Licenses Won During Auction No. 35

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document seeks comment on whether the Commission should take further action with regard to the pending applications for licenses won during Auction No. 35, which would consist of one of two scenarios described in the document. Under these scenarios, the Commission would refund certain amounts on deposit with the Commission for licenses subject to pending litigation or regulatory proceedings, and allow individual applicants to request voluntary dismissal of their license applications, with prejudice, for some or all of the licenses subject to pending litigation or regulatory proceedings.

DATES: Comments are due on or before October 11, 2002, and reply comments are due on or before October 21, 2002.

ADDRESSES: Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., TW—A325, Washington, DC 20554 or hand carry comments to 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m.

FOR FURTHER INFORMATION CONTACT: Scott Delacourt at (202) 418—0639.

SUPPLEMENTARY INFORMATION: This is a summary of the *Auction No. 35 Pending License Applications* Public Notice released September 12, 2002. The complete text of the *Auction No. 35 Pending License Applications Public Notice*, including the statement, 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 *Auction No. 35 Pending License Applications 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*.

Background

1. On March 26, 2002, the Commission granted partial refunds of the down payments made by certain winning bidders in Auction No. 35 *Partial Refund Order*, 17 FCC Rcd 6283 (not published in the **Federal Register**). These winning bidders had made down payments and filed long-form applications for spectrum associated with licenses that had previously been issued to NextWave Personal Communications Inc., NextWave Power Partners Inc. (collectively "NextWave") and Urban Comm—North Carolina, Inc. ("Urban Comm"). This spectrum, as well as Auction No. 35, continues to be the subject of extensive litigation and pending regulatory proceedings. Key issues over the effectiveness of the Commission's automatic cancellation rules with respect to NextWave's licenses are scheduled for oral argument before the Supreme Court on October 8, 2002.

2. Pursuant to the *Partial Refund Order*, the Commission has already refunded approximately \$2.8 billion to the Auction No. 35 winning bidders who have not yet received their licenses, but it retained an amount equal to three percent of the net winning bids for these licenses and maintained the pending status of the applications for these licenses. The total amount still on deposit with the Commission is \$489,548,061. The total amount of these Auction No. 35 winners' obligations, including the refunded down payments, to the government for the former NextWave and Urban Comm licenses won at the auction is \$16,318,268,700. The Commission has already received \$504,419,150 in final payments for other licenses won and granted based on Auction No. 35.

3. As noted in the *Partial Refund Order*, the Commission was sympathetic to the needs of the auction winners, many of whom are small businesses, to have access to their funds to continue to operate their businesses. At the same time, the Commission held that it must protect the integrity of Auction No. 35 in the event the Commission is ultimately successful in its litigation. It therefore struck a balance between the hardship that would be imposed by continuing to retain the entirety of the down payments and the need to protect the integrity of the auction. Accordingly, it refunded to the payors of record a substantial portion of the monies on deposit.