

consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.<sup>9</sup> In particular, the Commission believes that the proposed rule change is consistent with the requirements of section 6(b)(5) of the Act,<sup>10</sup> which requires, among other things, that the rules of the Exchange be designed to promote just and equitable principles of trade and, in general, to protect investors and the public interest.<sup>11</sup> In addition, the Commission believes that the proposed rule change is consistent with section 7(c)(2)(B) of the Act,<sup>12</sup> which provides, among other things, that the margin requirements for security futures must preserve the financial integrity of markets trading security futures, prevent systemic risk, be consistent with the margin requirements for comparable exchange-traded options, and provide that the margin levels for security futures may be no lower than the lowest level of margin, exclusive of premium, required for any comparable exchange-traded option.

The Commission believes that OneChicago's standards for market makers under Rule 515(n)(ii)(C) are consistent with the Act, and Rule 400(c)(2)(v) thereunder.<sup>13</sup> Specifically, Rule 400(c)(2)(v) provides that the Commission's joint margin rules do not apply to a member of a national securities exchange that is registered with such exchange as a "Security Futures Dealer" pursuant to exchange rules that must meet several criteria, including a requirement that a Security Futures Dealer be required to "to hold itself out as being willing to buy and sell security futures for its own account on a regular and continuous basis." The Commission believes that the affirmative obligations required by OneChicago pursuant to Rule 515(n)(ii)(C) satisfy this requirement.

OneChicago has requested that the Commission approve the proposed rule change, as amended, prior to the thirtieth day after publication of notice of the filing in the **Federal Register**. The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. The Commission believes that accelerated approval of the proposed rule change

should enable OneChicago members that trade security futures as market makers to continue to do so on an uninterrupted basis. The Commission notes that it approved the Margin Rule as a temporary pilot to give members of the public an opportunity to comment on the substance of the Margin Rule. The Commission received no comments on the Pilot. Accordingly, the Commission finds good cause, consistent with section 19(b)(2) of the Act,<sup>14</sup> to approve the proposed rule change, as amended, prior to the thirtieth day after publication of the notice of filing.

## V. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act<sup>15</sup>, that the proposed rule change (File No. SR-OC-2003-05), as amended, be approved on a permanent basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>16</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 03-12149 Filed 5-14-03; 8:45 am]

**BILLING CODE 8010-01-P**

## DEPARTMENT OF STATE

### Office of the Secretary

[Public Notice 4366]

#### Amendment of the Restriction on the Use of United States Passports for Travel To, In or Through Iraq

By means of Public Notice 4337 of April 16, 2003 (68 FR 18722), certain amendments were made to the restriction set forth in Public Notice 4283 of February 25, 2003 (68 FR 8791) on the use of U.S. passports for travel to, in, or through Iraq.

The security situation in Iraq remains unstable and consular services are not currently available to U.S. citizens there. Nevertheless, it is in the U.S. national interest to continue to facilitate the humanitarian and reconstructive activities taking place in Iraq. Therefore, pursuant to the authorities set forth in 22 U.S.C. 211a, Executive Order 11295, and 22 CFR 51.73, I have decided to broaden further the exemptions from the restriction on the use of U.S. passports for travel to, in, or through Iraq.

Accordingly, Public Notice 4337 of April 16, 2003, which amended Public Notice 4283, of February 25, 2003, is hereby amended by deleting the

penultimate paragraph (beginning with "Accordingly") and replacing it with the following:

"Accordingly, United States passports shall continue to be invalid for travel to, in, or through Iraq unless specifically validated for such travel under the authority of the Secretary of State. This restriction on the validity of U.S. passports for travel to, in or through Iraq shall not apply to U.S. passports held by (1) persons resident in Iraq since February 1, 1991; (2) professional reporters and journalists on assignment there; (3) persons conducting humanitarian activities, as defined in 31 CFR Section 575.330; (4) persons conducting activities within the scope of a U.S. Government contract or grant, including employees of subcontractors and other persons hired to conduct such activities; (5) personnel of the United Nations and its agencies; or (6) U.S. Government personnel on official U.S. Government assignment in Iraq, including Members of Congress and their staffs on official business there."

This Public Notice amending Public Notice Number 4337 is effective May 9, 2003, and shall expire at midnight on February 25, 2004, unless sooner extended or revoked by public notice.

Dated: May 9, 2003.

**Colin L. Powell,**

*Secretary of State, Department of State.*

[FR Doc. 03-12296 Filed 5-14-03; 8:45 am]

**BILLING CODE 4710-10-P**

## TENNESSEE VALLEY AUTHORITY

### Environmental Impact Statement—Koppers Coal Reserve Management Plan

**AGENCY:** Tennessee Valley Authority (TVA).

**ACTION:** Notice of intent.

**SUMMARY:** This notice is provided in accordance with the Council on Environmental Quality's regulations (40 CFR parts 1500 to 1508), section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations (36 CFR part 800), and TVA's procedures implementing the National Environmental Policy Act (NEPA). TVA will prepare an Environmental Impact Statement (EIS) to assess the impacts of various strategies for future management of TVA's mineral rights underlying 53,000 acres in Scott and Campbell Counties, Tennessee known as the Koppers Coal Reserve. TVA estimates approximately 5,000 acres of surface disturbance could occur from mining all of the identified

<sup>9</sup> 15 U.S.C. 78s(b)(2).

<sup>10</sup> 15 U.S.C. 78f(b)(5).

<sup>11</sup> In approving the proposed rule, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

<sup>12</sup> 15 U.S.C. 78g(c)(2)(B).

<sup>13</sup> 17 CFR 240.400(c)(2)(v)(B)(3).

<sup>14</sup> 15 U.S.C. 78s(b)(2).

<sup>15</sup> 15 U.S.C. 78s(b)(2).

<sup>16</sup> 17 CFR 200.30-3(a)(12).

coal reserves. Maximum recoverable coal is estimated at approximately 70 million tons, including 28 million tons from surface mining and 42 million tons from deep mining, having an estimated value of about \$140 million. TVA will select a management plan that will best guide the lease of Koppers coal over the next 50 years, with the goal of protecting both the environment and the value of TVA's assets for the benefit of its ratepayers.

**Lead and Cooperating Agencies:** The Tennessee Valley Authority is the lead agency in the development of this EIS. The United States Department of Interior (USDI) Office of Surface Mining (OSM), Knoxville, TN; the Tennessee Wildlife Resources Agency (TWRA); and the National Park Service, Big South Fork National River and Recreation Area (BSFNRR) will participate as cooperating agencies.

**DATES:** Comments on the scope of issues and alternatives to be considered in the environmental review must be received on or before June 15, 2003.

**ADDRESSES:** Written comments should be sent to Ruth M. Horton, Sr. NEPA Specialist, Environmental Policy and Planning, Tennessee Valley Authority, 400 West Summit Hill Drive, WT 8C, Knoxville, Tennessee 37902-1499.

**FOR FURTHER INFORMATION CONTACT:** Ruth M. Horton, Sr. NEPA Specialist, Environmental Policy and Planning, Tennessee Valley Authority, 400 West Summit Hill Drive, WT 8C, Knoxville, Tennessee 37902-1499; telephone (865) 632-3719 or e-mail [rmhorton@tva.gov](mailto:rmhorton@tva.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

The Koppers Coal Reserve is a 53,000 acre area in western Campbell County and eastern Scott County, straddling Interstate 75 immediately north of the towns of Caryville and Jacksboro in upper east Tennessee. TVA acquired the rights to the Koppers Coal Reserve in 1962 as part of an effort to ensure reliable fuel supplies. The area is typical of coal properties in eastern Tennessee and eastern Kentucky, with coal seams of various thickness and quality. There are 19 seams identified on the property which vary in sulfur content from less than 1 percent to over 5 percent, and range in thickness from 1 to more than 3 feet. Total recoverable coal is estimated at approximately 70 million tons, including 28 million tons from surface mining and 42 million tons from deep mining. This coal is presently valued at approximately \$140 million. The property was heavily surface- and underground-mined in certain areas from the 1930s through the 1950s,

producing a significant quantity of coal and providing substantial employment to miners and other satellite businesses.

Since 1962, production from the Koppers Coal Reserve has been limited. During the 1970s, three coal companies conducted mining operations to provide coal to TVA facilities. There were no requests for mining coal between 1979 and 1990, possibly as a result of the implementation of the more stringent mining and reclamation requirements in the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Since 1990, 10 leases have been auctioned, with mining occurring on only seven of these leases. The newest lease, issued December 18, 2002, the Cross/Adkins mine, is still under development.

TVA issued a Draft EA (DEA) in December 2002 for a proposal to mine coal at Braden Mountain which is located in the northwest corner of the Koppers Reserve. However, TVA is ending consideration of the Braden Mountain mine lease as a separate action and will include the review of Braden Mountain coal mining activity in this EIS.

Since acquiring the Koppers Coal Reserve, TVA has considered requests from the coal industry for mine leases on a case by case basis. Site specific environmental reviews of lease requests have tiered from the Office of Surface Mining's (OSM's) permitting process and its 1985 FEIS on the Comprehensive Impacts of Permit Decisions Under Tennessee Federal Program. Cumulative impact assessments for these projects have focused on the Cumulative Hydrological Impacts Analyses (CHIAs) prepared for each permit application to the OSM.

In 1992, the Tennessee Wildlife Resources Agency (TWRA) bought the surface overlying most of the Koppers Coal Reserve and established the 50,000 acre Royal Blue Wildlife Management Area (WMA), with the understanding that the underlying minerals would be mined. A comprehensive management plan for the Royal Blue WMA has not yet been developed. In late 1995, TVA and TWRA reached an interim agreement to enhance communication and coordination on coal mining activities in the area. The Royal Blue WMA is adjacent to the newly created 74,000 acre Sundquist WMA. Additionally, the Smokey Mountain segment of the Cumberland Trail State Park crosses the southern portion of the Koppers Coal Reserve.

**Proposed Action**

TVA is undertaking the development of a plan for managing its coal reserves

on the Koppers property in response to an anticipated increase in demand for this coal. The market for coal from the Koppers Coal Reserve has improved as a result of utility industry efforts to comply with the 1990 amendments to the Clean Air Act which put a cap on emissions of sulfur dioxide (SO<sub>2</sub>) from electric utility boilers. These efforts by TVA and other electric utilities include constructing flue gas desulfurization units (scrubbers) at existing coal-fired generating plants. Due to their high SO<sub>2</sub> removal efficiency, the scrubbers will allow TVA and other utilities to burn higher sulfur coal from coalfields like Koppers while still meeting emissions limits and reducing the amount of SO<sub>2</sub> released. A management plan will help TVA manage the use of mineral resources at Koppers Coal Reserve to meet the future coal demand in a manner that protects both the environment and the value of TVA's coal assets for the benefit of its ratepayers. This EIS will assess the environmental impacts of alternative strategies for managing the Koppers Coal Reserve.

**Range of Alternatives**

As required by Council on Environmental Quality (CEQ) regulations (40 CFR 1502.14) TVA will evaluate a reasonable range of alternatives in this EIS. At this time, TVA anticipates the following four alternatives would be assessed in the EIS in addition to the no action alternative: managed surface and deep coal mining; deep mining only; no mining beyond current leases; and disposal of TVA's mineral rights at fair market value. The no action alternative would entail continued ad hoc consideration of requests for both surface and deep mine leases. The managed approach would explore different intensities and quantities of surface and deep coal mining. In the deep mining alternative, no surface mining would be considered. The no mining alternative would look at the possibility of discontinuing coal mining on the Koppers Coal Reserve beyond current leases. Under the disposal option, two scenarios are possible. TVA's mineral rights could be purchased by a coal company for the purpose of mining or by an entity that does not intend to mine. It is envisioned that the no action and the managed mining alternatives would include consideration of the potential impacts from the proposed lease of mineral rights at Braden Mountain. Other alternatives proposed by the public; local, state, and federal agencies; and

cooperating agencies during scoping will also be given due consideration.

### Potential Environmental Impacts

TVA anticipates that the EIS will include discussion of the potential effects of the various alternatives on the following resources: terrestrial wildlife and vegetation; aquatic ecology, endangered and threatened species; geology; surface and groundwater; wetlands; recreation and natural areas; cultural resources; socioeconomic and environmental justice issues; land use; solid waste disposal; visual resources; and transportation. Other issues that may also be discussed, depending on the potential impact of the alternatives, include noise, air quality, floodplains, and soils.

### Public Participation

TVA is interested in receiving comments on issues and alternatives to be addressed in the EIS. Written comments on the scope of the environmental review should be received on or before June 15, 2003. TVA will prepare an EIS on a range of alternatives for the proposed Koppers Coal Reserve Management Plan after considering public comments received from this scoping process. TVA anticipates completing the Draft EIS by October 2004. An opportunity to review and comment on the Draft EIS will be provided at that time. Concurrent with the NEPA review, TVA also seeks comments from the public on the scope of this federal undertaking on historic properties as provided under section 106 of NHPA.

TVA plans to hold a public meeting to provide more information and to receive comments on the proposal on June 3, 2003, at Cove Lake State Park, 4 p.m.–8 p.m. eastern standard time. The time, location, and place will be announced in local newspapers, on the TVA Web page at <http://www.tva.gov/environment/calendar.htm>, and may be obtained by contacting the persons listed above.

Dated: May 7, 2003.

**Kathryn J. Jackson,**

*Executive Vice President, River System Operations & Environment.*

[FR Doc. 03–12129 Filed 5–14–03; 8:45 am]

BILLING CODE 8120–08–P

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Application of USA Jet Airlines, Inc. for Passenger Certificate Authority

**AGENCY:** Department of Transportation.

**ACTION:** Notice of order to show cause (Order 2003–5–10), Dockets OST–02–12987 and OST–02–12989.

**SUMMARY:** The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding USA Jet Airlines, Inc., fit, willing, and able, and awarding it certificates of public convenience and necessity authorizing it to engage in interstate and foreign charter air transportation of persons, property and mail.

**DATES:** Persons wishing to file objections should do so no later than May 27, 2003.

**ADDRESSES:** Objections and answers to objections should be filed in Dockets OST–02–12987 and OST–02–12989 and addressed to the Department of Transportation Dockets (SVC–124.1, Room PL–401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, and should be served upon the parties listed in Attachment A to the order.

**FOR FURTHER INFORMATION CONTACT:** Mr. Howard Serig, Air Carrier Fitness Division (X–56, Room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–4822.

Dated: May 9, 2003.

**Read C. Van De Water,**

*Assistant Secretary for Aviation and International Affairs.*

[FR Doc. 03–12171 Filed 5–14–03; 8:45 am]

BILLING CODE 4910–62–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Availability of the Record of Decision on the Potomac Consolidated Terminal Radar Approach Control (TRACON) Airspace Redesign

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of Availability of the record of Decision for the Potomac Consolidated TRACON Airspace Redesign.

**SUMMARY:** In accordance with the National Environmental Policy Act of 1969 and FAA Order 1050.1D, Policies and Procedures for Considering Environmental Impacts, the Federal Aviation Administration (FAA) has made a final determination to modify aircraft routes, altitudes and air traffic control procedures used in a 23,000 square mile area around Washington, DC. These procedures relate to aircraft arriving and departing from Andrews

Air force Base (ADW), Baltimore-Washington International Airport (BWI), Dulles International Airport (IAD), Reagan Washington National Airport (DCA) and other smaller area airports. The FAA's determinations on the airspace redesign are contained in the Record of Decision (ROD) dated May 1, 2003.

**FOR FURTHER INFORMATION CONTACT:** Mr. William Carver, Support Manager, Potomac TRACON, (540) 349–7520, E-mail: [william.carver@faa.gov](mailto:william.carver@faa.gov).

**SUPPLEMENTARY INFORMATION:** As discussed in the ROD, the revised aircraft routes, altitudes and procedures will be established in a manner consistent with the alternative "Existing Peripheral Airspace Ingress/Egress Transfer Points with New Internal Airspace Design," Alternative 2, identified as the preferred alternative in the Final Environmental Impact Statement (FEIS), Potomac Consolidated TRACON (PCT) Airspace Redesign, prepared by the FAA and dated December 2002. The FAA issued the FEIS on January 10, 2003.

The ROD is available for review on the Internet at <http://www.faa.gov/ats/potomac>.

Dated: May 8, 2003.

**Barbara Jo Cogliandro,**

*Air Traffic Manager, Potomac TRACON.*

[FR Doc. 03–12044 Filed 5–14–03; 8:45 am]

BILLING CODE 4910–13–M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Summary Notice No. PE–2003–28]

#### Petitions for Exemption; Summary of Petitions Received

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petitions for exemption received.

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR, dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final