

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Airspace Docket No. 02-ACE-3]

**Establishment of Class E Airspace; Caruthersville, MO**

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

**ACTION:** Direct final rule; confirmation of effective date.

**SUMMARY:** This document confirms the effective date of a direct final rule which establishes Class E airspace at Caruthersville, MO. The initial publication identified the airspace action as a modification of Class E airspace but, in fact, no Class E airspace area extending upward from 700 above the surface of the earth existed at Caruthersville, MO. The description of the established Class E airspace at Caruthersville, MO is unchanged from that of the initial publication.

**EFFECTIVE DATE:** 0901 UTC, October 3, 2002.

**FOR FURTHER INFORMATION CONTACT:** Brenda Mumper, Air Traffic Division, Airspace Branch, ACE-520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329-2524.

**SUPPLEMENTARY INFORMATION:** The FAA published this direct final rule with a request for comments in the **Federal Register** on April 18, 2002 (67 FR 19107). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on October 3, 2002. No adverse comments were received, and thus this document confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO, on August 5, 2002.

**Paul J. Sheridan,**

*Acting Manager, Air Traffic Division, Central Region.*

[FR Doc. 02-21139 Filed 8-20-02; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

**18 CFR Part 381**

[Docket No. RM02-15-000]

**Annual Update of Filing Fees**

August 14, 2002.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Final rule; annual update of Commission filing fees.

**SUMMARY:** In accordance with 18 CFR 381.104, the Commission issues this update of its filing fees. This document provides the yearly update using data in the Commission's Management, Administrative, and Payroll System to calculate the new fees. The purpose of updating is to adjust the fees on the basis of the Commission's costs for Fiscal Year 2001.

**EFFECTIVE DATE:** September 20, 2002.

**FOR FURTHER INFORMATION CONTACT:** Troy Cole, Office of the Executive Director, Federal Energy Regulatory Commission, 888 First Street, NE., Room 42-66, Washington, DC 20426, 202-502-6161.

**SUPPLEMENTARY INFORMATION:**

*Document Availability:* In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through FERC's Home Page (<http://www.ferc.gov>) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street, NE., Room 2A, Washington, DC 20426.

From FERC's Home Page on the Internet, this information is available in both the Commission Issuance Posting System (CIPS) and the Records and Information Management System (RIMS).

—CIPS provides access to the texts of formal documents issued by the Commission since November 14, 1994.

—CIPS can be accessed using the CIPS link or the Energy Information Online icon. The full text of this document is available on CIPS in ASCII and WordPerfect 8.0 format for viewing, printing, and/or downloading.

—RIMS contains images of documents submitted to and issued by the Commission after November 16, 1981. Documents from November 1995 to the present can be viewed and printed from FERC's Home Page using the RIMS link or the Energy Information Online icon. Descriptions of documents back to

November 16, 1981, are also available from RIMS-on-the-Web; requests for copies of these and other older documents should be submitted to the Public Reference Room.

User assistance is available for RIMS, CIPS, and the Web site during normal business hours from our Help line at (202) 502-8222 (e-mail to [WebMaster@ferc.gov](mailto:WebMaster@ferc.gov)) or the Public Reference at (202) 208-1371 (e-mail to [public.referenceroom@ferc.gov](mailto:public.referenceroom@ferc.gov)).

During normal business hours, documents can also be viewed and/or printed in FERC's Public Reference Room, where RIMS, CIPS, and the FERC Web site are available. User assistance is also available.

The Federal Energy Regulatory Commission (Commission) is issuing this document to update filing fees that the Commission assesses for specific services and benefits provided to identifiable beneficiaries. Pursuant to 18 CFR 381.104, the Commission is establishing updated fees on the basis of the Commission's Fiscal Year 2001 costs. The adjusted fees announced in this document are effective September 20, 2002. The Commission has determined, with the concurrence of the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget, that this final rule is not a major rule within the meaning of section 251 of Subtitle E of Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. 804(2). The Commission is submitting this final rule to both houses of the United States Congress and to the Comptroller General of the United States.

The new fee schedule is as follows:

*Fees Applicable to the Natural Gas Policy Act*

	Amount
1. Petitions for rate approval pursuant to 18 CFR 284.123(b)(2). (18 CFR 381.403) .....	\$ 9,090

*Fees Applicable to General Activities*

1. Petition for issuance of a declaratory order (except under Part I of the Federal Power Act). (18 CFR 381.302(a)) ..	18,260
2. Review of a Department of Energy remedial order:	
Amount in controversy	
\$0-9,999. (18 CFR 381.303(b)) .....	100
\$10,000-29,999. (18 CFR 381.303(b)) .....	600
\$30,000 or more. (18 CFR 381.303(a)) ...	26,660
3. Review of a Department of Energy denial of adjustment:	
Amount in controversy	
\$0-9,999. (18 CFR 381.304(b)) .....	100
\$10,000-29,999. (18 CFR 381.304(b)) .....	600
\$30,000 or more. (18 CFR 381.304(a)) ...	13,980
4. Written legal interpretations by the Office of General Counsel. (18 CFR 381.305(a)) .....	5,240

*Fees Applicable to Natural Gas Pipelines*

- 1. Pipeline certificate applications pursuant to 18 CFR 284.224. (18 CFR 381.207(b)) ..... <sup>1</sup> 1,000

*Fees Applicable to Cogenerators and Small Power Producers*

- 1. Certification of qualifying status as a small power production facility. (18 CFR 381.505(a)) ..... 15,700
- 2. Certification of qualifying status as a cogeneration facility. (18 CFR 381.505(a)) ..... 17,770
- 3. Applications for exempt wholesale generator status. (18 CFR 381.801) ..... 990

<sup>1</sup> This fee has not been changed.

**List of Subjects in 18 CFR Part 381**

Electric power plants, Electric utilities, Natural gas, Reporting and recordkeeping requirements.

**Thomas R. Herlihy,**  
*Executive Director and Chief Financial Officer.*

In consideration of the foregoing, the Commission amends part 381, Chapter I, Title 18, Code of Federal Regulations, as set forth below.

**PART 381—FEES**

1. The authority citation for part 381 continues to read as follows:

**Authority:** 15 U.S.C. 717–717w; 16 U.S.C. 791–828c, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352; 49 U.S.C. 60502; 49 App. U.S.C. 1–85.

**§ 381.302 [Amended]**

2. In 381.302, paragraph (a) is amended by removing “\$16,530” and adding “\$18,260” in its place.

**§ 381.303 [Amended]**

3. In 381.303, paragraph (a) is amended by removing “\$24,140” and adding “\$26,660” in its place.

**§ 381.304 [Amended]**

4. In 381.304, paragraph (a) is amended by removing “\$12,650” and adding “\$13,980” in its place.

**§ 381.305 [Amended]**

5. In 381.305, paragraph (a) is amended by removing “\$4,740” and adding “\$5,240” in its place.

**§ 381.403 [Amended]**

6. Section 381.403 is amended by removing “\$8,230” and adding “\$9,090” in its place.

**§ 381.505 [Amended]**

7. In 381.505, paragraph (a) is amended by removing “\$14,220” and adding “\$15,700” in its place and by removing “\$16,090” and adding “\$17,770” in its place.

**§ 381.801 [Amended]**

8. Section 381.801 is amended by removing “\$970” and adding “\$990” in its place.

[FR Doc. 02–21157 Filed 8–20–02; 8:45 am]

**BILLING CODE 6717–01–P**

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**26 CFR Parts 1 and 602**

[TD 9013]

RIN 1545–AN64

**Limitations on Passive Activity Losses and Credits—Treatment of Self-Charged Items of Income and Expense**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Final regulations.

**SUMMARY:** These regulations provide guidance on the treatment of self-charged items of income and expense under section 469. The regulations recharacterize a percentage of certain portfolio income and expense as passive income and expense (self-charged items) when a taxpayer engages in a lending transaction with a partnership or an S corporation (passthrough entity) in which the taxpayer owns a direct or indirect interest and the loan proceeds are used in a passive activity. Similar rules apply to lending transactions between two identically owned passthrough entities. These final regulations affect taxpayers subject to the limitations on passive activity losses and credits.

**DATES: Effective Date:** These regulations are effective August 21, 2002.

**Applicability Date:** For dates of applicability of these regulations, see § 1.469–11 of these regulations.

**FOR FURTHER INFORMATION CONTACT:** Danielle M. Grimm at (202) 622–3070 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

**Paperwork Reduction Act**

The collection of information contained in these final regulations has been reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act (44 U.S.C. 3507) under control number 1545–1244. Responses to this collection of information are required to obtain the benefit of self-charged treatment of income and expense under section 469.

An agency may not conduct or sponsor, and a person is not required to

respond to, a collection of information unless the collection of information displays a valid control number assigned by the Office of Management and Budget.

The estimated annual burden per respondent varies from 5 minutes to 15 minutes, depending on individual circumstances, with an estimated average of 6 minutes.

Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be sent to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, W:CAR:MP:FP:S Washington, DC 20224, and to the Office of Management and Budget, Attn: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503.

Books or records relating to this collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

**Background**

Section 469(a)(1)(A) of the Internal Revenue Code (Code) provides that if aggregate losses from passive activities exceed aggregate income from passive activities for the taxable year, the excess losses are not allowable for that taxable year. Under section 469(e)(1), passive activity income does not include income from interest, dividends, annuities, and royalties not derived in the ordinary course of a trade or business. However, under the rules of § 1.163–8T, if borrowed funds are used in a passive activity, the interest expense is treated as a passive activity deduction. Consequently, in certain lending transactions, a taxpayer may have interest income that is characterized as portfolio income under section 469(e)(1) and interest expense that is characterized as a passive activity deduction under § 1.163–8T. The legislative history of section 469 indicates that this result is inappropriate because the items of interest income and expense are essentially “self-charged” and thus lack economic significance.

On April 5, 1991, the IRS published in the **Federal Register** a notice of proposed rulemaking (REG–209365–89 at 56 FR 14034) proposing amendments to 26 CFR part 1 under section 469 of the Code relating to the treatment of self-charged items of income and expense for purposes of applying the limitations on passive activity losses and passive activity credits.