

December 3, 2002. The dates for filing requests to participate in the conferences are being extended at the request of various entities.

DATES: The dates for filing requests to speak are as follows:

November 6th conference: October 29, 2002.

November 19th conference: November 7, 2002.

December 3rd conference: November 7, 2002.

ADDRESSES: *Send requests to speak to:* Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Sarah McKinley, Office of External Affairs, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502-8004.

SUPPLEMENTARY INFORMATION:

1. The Commission issued a Notice of Technical Conferences in this docket on October 22, 2002, announcing further details of conferences that will be held on November 6, 2002, November 19, 2002, and December 3, 2002. The notice requested all parties interested in speaking at the conferences to file a request to speak with the Commission no later than October 25, 2002.

2. Various entities have asserted that three days is not sufficient time to consider the Notice of Technical Conference, coordinate a response, and identify potential speakers. The Commission will grant an extension of time to permit interested parties to file requests to speak at the November 6, 2002 conference no later than Tuesday, October 29, 2002. Parties interested in speaking at the November 19, 2002 conference or the December 3, 2002 conference should file their requests to speak no later than November 7, 2002. If possible, interested speakers should also send a copy of their requests to speak by e-mail to customer@ferc.gov; however, this procedure cannot be used in lieu of filing a request to speak as described below.

3. Requests to speak may be filed in paper format or electronically. Those making paper filings should submit the original and 14 copies of their request to speak to the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426. Requests to speak may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. Assistance for electronic filing is available at (866) 208-3676, or by e-mail

to ferconlinesupport@ferc.gov. Do not submit requests to speak to ferconlinesupport@ferc.gov.

Magalie R. Salas,

Secretary.

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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 40 and 275

[Notice No. 962]

RIN 1512-AC33

Elimination of Statistical Classes for Large Cigars (2000R-410P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule removes the eight statistical classes for large cigars prescribed in ATF regulations. Since tobacco manufacturers and importers no longer use these statistical classes to report removals of large cigars subject to tax, this proposed rule eliminates obsolete regulations.

DATES: Written comments must be received on or before December 5, 2002.

ADDRESSES: Send written comments to: Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Room 5000, Washington, DC 20226; (Attention Notice No. 962). See the "Public Participation" section of this notice for alternative means of commenting.

FOR FURTHER INFORMATION CONTACT: Robert Ruhf, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226 (telephone 202-927-8210 or e-mail to alctob@atfhq.atf.treas.gov).

SUPPLEMENTARY INFORMATION:

Background

For the reasons discussed below, we are proposing to eliminate the ATF regulations in 27 CFR parts 40 and 275 that prescribe eight ATF statistical classes for large cigars subject to tax. The first seven classes (Classes A through G) cover large cigars selling for \$235.294 or less per thousand, while the eighth class (Class H) covers those selling for more than \$235.294 per thousand.

Manufacturers in the United States

Manufacturers of tobacco products no longer use the eight ATF statistical classes to report removals of large cigars subject to tax. For periods prior to January 1, 2001, manufacturers used the eight statistical classes to report large cigar removals subject to tax. For periods beginning on or after January 1, 2001, manufacturers report such removals of large cigars in two classes. The two current ATF classes for large cigars are those with a sale price of (1) \$235.294 or less per thousand, or (2) more than \$235.294 per thousand. The sale price of more than \$235.294 per thousand is based on the maximum sale price for calculating the excise tax on large cigars prescribed by 26 U.S.C. 5701(a)(2).

Manufacturers of tobacco products report information about large cigars on ATF Form 5210.5, Monthly Report—Manufacturer of Tobacco Products. We have revised ATF Form 5210.5 to reflect the reduction in the number of classes for large cigars removed subject to tax. This reduction benefits manufacturers of tobacco products by reducing their reporting burden. Also, it does not jeopardize ATF's ability to protect the revenue.

When manufacturers submit ATF Forms 5210.5, ATF compiles their reports to prepare tobacco statistics for government and public use. The elimination of statistical classes will not adversely affect the governments or the general public that use the ATF tobacco statistics.

Importers

Prior to the year 2002, sections 2402.10.30.60 and 2402.10.30.90 of the Harmonized Tariff Schedule of the United States (HTSUS) referred to the eight ATF statistical classes for large cigars. These sections required persons who used the HTSUS to classify cigars, cheroots, and cigarillos, containing tobacco, according to their value. If such products had a value of less than 15 cents per item and weighed more than 1.36 kg per thousand, the products were classified according to the eight ATF statistical classes. Persons classified these products by ATF statistical classes A through G, or by ATF statistical class H.

Beginning January 1, 2002, sections 2402.10.30.60 and 2402.10.30.90 of the HTSUS no longer refer to the ATF statistical classes for such products. As stated in the record of change for the 14th edition of HTSUS (2002), this change reflects the modifications made to the HTSUS made by Presidential

Proclamation 7515 of December 18, 2001 (66 FR 66549).

Public Participation

Who May Comment on This Notice?

We request comments on the proposed regulations from all interested persons. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practicable to do so. However, assurance of consideration can only be given to comments received on or before the closing date.

Will ATF Keep My Comments Confidential?

ATF cannot recognize any material in comments as confidential. Comments may be disclosed to the public. If you consider your material to be confidential or inappropriate for disclosure to the public, you should not include it in the comment. We may also disclose the name of any person who submits a comment.

May I Review the Comments?

You may view and copy written comments on this proposed rule during normal business hours in the ATF Public Reading Room, Room 6480, 650 Massachusetts Avenue, NW., Washington, DC 20226, telephone (202) 927-8480.

For the convenience of the public, ATF will post comments received in response to this notice on the ATF web site. All comments posted on our web site will show the name of the commenter, but will have street addresses, telephone numbers and e-mail addresses removed. We may also omit voluminous attachments or material that we do not consider suitable for posting. In all cases, the full comment will be available in the library or through FOIA requests, as noted above. To access online copies of the comments on this rulemaking, visit <http://www.atf.treas.gov/>, and select "Regulations," then "Proposed regulations (tobacco)," then click on this notice, and then on the "view comments" link.

Where Do I Send Written Comments?

You may submit written comments to ATF at the address listed in the **ADDRESSES** section.

How Do I Send Facsimile Comments?

You may submit comments by facsimile transmission to (202) 927-8525. Facsimile comments must:

- Be legible;
- Be 8½" × 11" in size;
- Have a written signature;

- Have a legible name of the individual making the comment; and
- Be five pages or less in length.

We will not acknowledge receipt of facsimile transmissions. We treat facsimile transmissions as originals.

How Do I Send Comments by E-mail?

You may submit e-mail comments by following these instructions. E-mailed comments must:

- Contain your name, mailing address, and e-mail address;
- Contain the word "notice" and the notice number in the subject or reference line of the e-mail;
- Contain your company or association affiliation, if pertinent to your comment, and your reason for commenting (manufacturer, importer, consumer, etc.);
- Be legible when printed on 8½" × 11" paper (no special characters or symbols); and
- Be addressed to the following address: nprm@atfhq.atf.treas.gov.

We will not acknowledge receipt of comments submitted by e-mail. We treat e-mailed comments as originals.

May I Request a Public Hearing?

If you wish the opportunity to comment orally at a public hearing on this proposed regulation, you must submit a request in writing to the Director within the 30-day comment period. The Director reserves the right, in light of all circumstances, to determine if a public hearing is necessary.

Regulatory Analyses and Notices

Does This Proposed Rule Comply with the Administrative Procedure Act?

This proposed rule complies with the Administrative Procedure Act by publishing this notice in the **Federal Register** and giving at least a 30-day period for comment on the proposed rules.

How Does the Regulatory Flexibility Act Apply to This Proposed Rule?

We certify that this proposed rule will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required. The proposed rule does not impose any additional requirements on any small businesses. We have sent a copy of this notice to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business pursuant to section 7805(f).

Is This a Significant Regulatory Action as Defined by Executive Order 12866?

This proposed rule does not fit any of the criteria for significant regulatory actions as defined by Executive Order 12866. Consequently, a regulatory assessment is not required.

Does the Paperwork Reduction Act Apply to This Proposed Rule?

The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this notice of proposed rulemaking because it does not require a collection of information.

Drafting Information

The principal author of this document is Robert Ruhf, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects

27 CFR Part 40

Administrative practice and procedure, Authority delegations, Cigars and cigarettes, Claims, Electronic fund transfers, Excise taxes, Imports, Labeling, Packaging and containers, Penalties, Reporting and recordkeeping requirements, Seizures and forfeitures, Surety bonds, Tobacco.

27 CFR Part 275

Administrative practice and procedure, Authority delegations, Cigarette papers and tubes, Claims, Electronic fund transfer, Customs duties and inspection, Excise taxes, Imports, Labeling, Packaging and containers, Penalties, Reporting requirements, Seizures and forfeitures, Surety bonds, Tobacco products, U.S. possessions, Warehouses.

Authority and Issuance

Title 27, Code of Federal Regulations is proposed to be amended as follows:

PART 40—MANUFACTURE OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES

Paragraph 1. The authority citation for part 40 continues to read as follows:

Authority: 26 U.S.C. 5142, 5143, 5146, 5701, 5703–5705, 5711–5713, 5721–5723, 5731, 5741, 5751, 5753, 5761–5763, 6061, 6065, 6109, 6151, 6301, 6302, 6311, 6313, 6402, 6404, 6423, 6676, 6806, 7011, 7212, 7325, 7342, 7502, 7503, 7606, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

§ 40.203 [Removed and reserved]

Par. 2. Section 40.203 is removed and Reserved.

PART 275—IMPORTATION OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES

Par 3. The authority citation for part 275 continues to read as follows:

Authority: 18 U.S.C. 2342; 26 U.S.C. 5701, 5703, 5704, 5705, 5708, 5712, 5713, 5721, 5722, 5723, 5741, 5754, 5761, 5762, 5763, 6301, 6302, 6313, 6404, 7101, 7212, 7342, 7606, 7652, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

§ 275.37 [Removed and reserved]

Par. 4. Section 275.37 is removed and reserved.

Dated: September 16, 2002.

Bradley A. Buckles,
Director.

Approved: October 25, 2002.

Timothy E. Skud,
Deputy Assistant Secretary (Regulatory, Tariff, and Trade Enforcement).

[FR Doc. 02-27973 Filed 11-4-02; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Miami-02-115]

RIN 2115-AA97

Security Zones; Port of Palm Beach, Palm Beach, FL; Port Everglades, Fort Lauderdale, FL; Port of Miami, Miami, FL; and Port of Key West, Key West, FL

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Coast Guard is proposing to establish permanent security zones throughout the Captain of the Port of Miami's area of responsibility. The security zones are needed for national security reasons to protect the public and ports from potential subversive acts. Entry into these zones would be prohibited, unless specifically authorized by the Captain of the Port, Miami, Florida, or his designated representative.

DATES: Comments and related material must reach the Coast Guard on or before December 5, 2002.

ADDRESSES: You may mail comments and related material to Commanding Officer, U.S. Coast Guard, Marine Safety Office, 100 MacArthur Causeway, Miami Beach, FL 33139-6940. Captain of the Port (Miami) maintains the public docket for this rulemaking. Comments and material received from the public,

as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at Marine Safety Office Miami, 100 MacArthur Causeway, Miami Beach, FL 33139 between 7:30 a.m. and 3 p.m. Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LTJG Jennifer Sadowski, Waterways Management Division Officer, Coast Guard Marine Safety Office Miami, at (305) 535-8750.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking [COTP Miami-02-115], indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ × 11 inches, suitable for copying. If you would like to know they reached us, please enclose a self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to Commanding Officer, Marine Safety Office Miami at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The terrorist attacks of September 2001 killed thousands of people and heightened the need for development of various security measures throughout the seaports of the United States, particularly around those vessels and facilities which are frequented by foreign nationals and maintain an interest to national security. The President has continued the national emergencies he declared following the September 11, 2001 terrorist attacks (67 FR 58317 (Sep. 13, 2002) (continuing national emergency with respect to terrorist attacks), 67 FR 59447 (Sep. 20, 2002) (continuing national emergency with respect to persons who commit, threaten to commit or support terrorism)). The President also has

found pursuant to law, including the Magnuson Act (50 U.S.C. 191 *et seq.*), that the security of the United States is and continues to be endangered following the attacks (E.O. 13,273, 67 FR 56215 (Sep. 3, 2002) (security endangered by disturbances in international relations of U.S and such disturbances continue to endanger such relations)). Following these attacks by well-trained and clandestine terrorists, national security and intelligence officials have warned that future terrorist attacks are likely. The Captain of the Port (COTP) of Miami has determined that there is an increased risk that subversive activity could be launched by vessels or persons in close proximity to the Ports of Palm Beach, Miami, Port Everglades, and Key West, Florida. These security zones are necessary to protect the public, ports, and waterways of the United States from potential subversive acts.

The Coast Guard Captain of the Port of Miami established temporary security zones in these areas following the September 11, 2001 attacks. Those temporary rules are as follows:

On September 11, 2001, the COTP issued a temporary final rule (TFR) (67 FR 9194, 9195, February 28, 2002, Docket # COTP Miami 01-093) establishing 100-yard security zones around certain vessels in the Port of Palm Beach, Miami, Port Everglades, and Key West, FL, that expired September 25, 2001. On September 25, 2001, the COTP issued another TFR (67 FR 1101, January 9, 2002, COTP Miami 01-115) that maintained these 100-yard security zones around certain vessels in the Ports of Palm Beach, Miami, Port Everglades, and Key West, FL, and added a reference to specific points (buoys) where moving zones were activated and deactivated. This second TFR expired on June 15, 2002.

On October 7, 2001, the COTP issued a TFR (67 FR 6652, February 13, 2002, COTP Miami 01-116) establishing fixed-security zones in Port Everglades and Miami, FL, that expired June 15, 2002.

On October 11, 2001, the COTP issued a TFR (67 FR 4177, January 29, 2002, COTP Miami 01-122) establishing a fixed-security zone for Port Everglades, FL, that expired June 15, 2002.

All of the above security zones were extended by a TFR issued on June 13, 2002 (67 FR 46389, COTP Miami-02-054) until December 15, 2002. That temporary final rule requested comments. As of June 26, 2002, the Coast Guard has not received any comments on that TFR.