

# Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 35

[Docket No. RM01-12-000]

### Remedying Undue Discrimination Through Open Access Transmission Service and Standard Electricity Market Design; Notice of Technical Conference

October 28, 2002.

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

**ACTION:** Notice of technical conference.

**SUMMARY:** On July 31, 2002, the Commission issued a Notice of Proposed Rulemaking (NPRM) in the above-captioned docket, proposing to amend its regulations to remedy undue discrimination through open access transmission service and standard electricity market design. See 67 FR 55452 (Aug. 29, 2002). The Commission has scheduled a public conference to address specific issues related to the inclusion of liability provisions in the Commission's Standard Market Design Tariff, as discussed in the NPRM.

**DATES:** The conference will be held on: December 11, 2002. Requests to speak are due: November 8, 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:** Jignasa Gadani, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. (202) 502-8608.

#### SUPPLEMENTARY INFORMATION:

1. Take notice that a technical conference will be held on December 11, 2002, beginning at 9:30 a.m., in the Commission Meeting Room on the second floor of the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC. All

interested persons may attend, and registration is not required.

2. The conference will address specific issues related to liability provisions in the Commission's proposed Standard Market Design Tariff, as described in the Notice of Proposed Rulemaking (NOPR) issued in this docket on July 31, 2002:

a. Is there a need to include liability provisions in the Commission's *pro forma* Standard Market Design tariff?

b. Under what circumstances should liability protection be provided in a Commission open access transmission tariff? For example, should the Commission provide such protection only when it is not available through state tariffs, or should such protection be included for all transmission uses?

c. If the Commission adopts liability provisions, should they be generic or do they need to be adopted on a regional basis?

d. Should the standards adopted in a Commission *pro forma* tariff reflect what was previously provided under state law? If so, how should this issue be resolved in the multistate context of an Independent System Operator or Regional Transmission Operator?

3. The Commission asks interested speakers to include in their requests to speak specific proposed tariff language for the liability provisions the speaker supports (if any) and a summary of the basis for those provisions. Draft liability provisions may address other liability-related issues beyond those enumerated above, and other liability-related issues may be addressed at the conference as necessary. Those interested in submitting comments regarding liability issues should be aware that the due date for such comments remains November 15, 2002. However, if participants wish to submit additional written comments regarding liability issues after the technical conference, they may do so on or before January 10, 2003.

4. Persons interested in speaking should file a request to speak on or before November 8, 2002, in Docket No. RM01-12-000. The request should clearly specify the name of the speaker; his or her title; the person or entity the speaker represents; and the speaker's mailing address, telephone number, facsimile number and e-mail address. As the number of potential speakers may exceed the time allotted for the conference, interested speakers are

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encouraged to coordinate their efforts with others who may have similar interests. Based on the requests to participate, panels of speakers will be specified in a subsequent notice.

5. Transcripts of the conference will be immediately available from Ace Reporting Company (202-347-3700 or 1-800-336-6646), for a fee. They will be available for the public on the Commission's FERRIS system two weeks after the conference.

Additionally, Capitol Connection offers the opportunity for remote listening and viewing of the conference. It is available for a fee, live over the Internet, via C-Band Satellite. Persons interested in receiving the broadcast, or who need information on making arrangements should contact David Reininger or Julia Morelli at the Capitol Connection (703-993-3100) as soon as possible or visit the Capitol Connection Web site at <http://www.capitolconnection.gmu.edu> and click on "FERC."

6. For more information about the conference, please contact Jignasa Gadani at (202) 502-8608 or [jignasa.gadani@ferc.gov](mailto:jignasa.gadani@ferc.gov).

**Magalie R. Salas,**  
*Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 35

[Docket No. RM01-12-000]

### Remedying Undue Discrimination Through Open Access Transmission Service and Standard Electricity Market Design; Notice of Extension of Time To File Requests To Speak at Technical Conferences

October 24, 2002.

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

**ACTION:** Notice of extension of time.

**SUMMARY:** On October 22, 2002, the Commission issued a Notice of Technical Conferences in this docket. See 67 FR 65913 (Oct. 29, 2002). The Commission's notice scheduled a series of technical conferences for November 6, 2002, November 19, 2002 and

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.*

[FR Doc. 02-28149 Filed 11-4-02; 8:45 am]

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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