11–20–02 Wednesday
Vol. 67 No. 224 Nov. 20, 2002
Pages 69987–70118

Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150–AH05

List of Approved Spent Fuel Storage Casks: VSC–24 Revision

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations revising the Pacific Sierra Nuclear Associates VSC–24 system listing within the ''List of Approved Spent Fuel Storage Casks'' to include Amendment No. 4 to Certificate of Compliance No. 1007. Amendment No. 4 will modify the present cask system design to permit the storage of different specific fuel control elements as integral components to fuel assemblies under a general license. Technical Specification (TS) 1.1.1 will be amended to change the flood condition velocity from 7.62 meters per second (m/s) [25 feet per second (ft/s)] to 5.39 m/s (17.7 ft/s); TS 1.2.1, 1.2.4, and 1.2.6 will be amended to address the additional fuel control elements approved for storage, and TS 1.2.10 will be deleted to eliminate redundant requirements for controlling moderator density.

DATES: The final rule is effective February 3, 2002, unless significant adverse comments are received by December 20, 2002. A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. If the rule is withdrawn, timely notice will be published in the **Federal Register**.

ADDRESSES: Submit comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attn: Rulemakings and Adjudications Staff. Deliver comments to 11555 Rockville Pike, Rockville, MD, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

Certain documents related to this rulemaking, as well as all public comments received on this rulemaking, may be viewed and downloaded electronically via the NRC's rulemaking website at *http://ruleforum.llnl.gov.* You may also provide comments via this website by uploading comments as files (any format) if your web browser supports that function. For information about the interactive rulemaking site, contact Ms. Carol Gallagher, (301) 415–5905; e-mail *CAG@nrc.gov.*

Certain documents related to this rule, including comments received by the NRC, may be examined at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD. For more information, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by e-mail to *pdr@nrc.gov.*

Documents created or received at the NRC after November 1, 1999, are also available electronically at the NRC's Public Electronic Reading Room on the Internet at *http://www.nrc.gov/reading-rm/adams.html.* From this site, the public can gain entry into the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. An electronic copy of the proposed Certificate of Compliance (CoC) and preliminary Safety Evaluation Report (SER) can be found under ADAMS Accession No. ML 022490171. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC PDR Reference staff at 1–800–397–4209, 301–415–4737or by e-mail to *pdr@nrc.gov.*

CoC No. 1007, the revised Technical Specifications (TS), the underlying SER for Amendment No. 4, and the Environmental Assessment, are available for inspection at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD. Single copies of these documents may be obtained from Jayne M. McCausland, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6219, e-mail *jmm2@nrc.gov.*

FOR FURTHER INFORMATION CONTACT: Jayne M. McCausland, telephone (301) 415–6219, e-mail *jmm2@nrc.gov,* of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

Background

Section 218(a) of the Nuclear Waste Policy Act of 1982, as amended (NWPA), requires that ''[t]he Secretary [of the Department of Energy (DOE)] shall establish a demonstration program, in cooperation with the private sector, for the dry storage of spent nuclear fuel at civilian nuclear power reactor sites, with the objective of establishing one or more technologies that the [Nuclear Regulatory] Commission may, by rule, approve for use at the sites of civilian nuclear power reactors without, to the maximum extent practicable, the need for additional site-specific approvals by the Commission.''' Section 133 of the NWPA states, in part, that ''[t]he Commission shall, by rule, establish procedures for the licensing of any technology approved by the Commission under Section 218(a) for use at the site of any civilian nuclear power reactor.'''

To implement this mandate, the NRC approved dry storage of spent nuclear fuel in NRC-approved casks under a general license by publishing a final rule in 10 CFR part 72 entitled, ''General License for Storage of Spent Fuel at Power Reactor Sites'' (55 FR 29181; July 18, 1990). This rule also established a new Subpart L within 10 CFR part 72, entitled ''Approval of Spent Fuel Storage Casks'' containing procedures and criteria for obtaining NRC approval of spent fuel storage cask designs. The NRC subsequently issued a final rule on April 7, 1993 (58 FR 17948), that approved the VSC–24 design and added it to the list of NRC-approved cask designs in § 72.214 as CoC No. 1007.

Discussion

On March 30, 2001, and as supplemented on July 26, 2001, and April 29, May 16, and August 8, 2002, BNFL Fuel Solutions Corporation submitted an application to the NRC to amend CoC No. 1007 to permit a part 72 licensee to store different specific fuel

control elements as integral components to fuel assemblies. The certificate holder for the VSC–24 system is Pacific Sierra Nuclear Associates, which is a partnership between BNFL Fuel Solutions Corporation and Sierra Nuclear Corporation. Specifically, TS 1.1.1 will be amended to change the flood condition velocity from 7.62 meters per second (m/s) [25 feet per second (ft/s)] to 5.39 m/s (17.7 ft/s); TS 1.2.1, 1.2.4, and 1.2.6 will be amended to address the additional fuel control elements approved for storage; and TS 1.2.10 will be deleted to eliminate redundant requirements for controlling moderator density. The NRC staff revised TS 1.2.1 to limit the allowable fuel burnup to specifically 45 gwd/mtu, which clarified the previous ambiguous terminology. No other changes to the VSC–24 system design were requested in this application. The NRC staff performed a detailed safety evaluation of the proposed CoC amendment request and found that an acceptable safety margin is maintained. In addition, the NRC staff has determined that there is still reasonable assurance that public health and safety and the environment will be adequately protected.

This direct final rule revises the VSC–24 design listing in § 72.214 by adding Amendment No. 4 to CoC No. 1007. The amendment consists of revisions to TS 1.1.1 to change the flood condition velocity from 7.62 meters per second (m/s) [25 feet per second (ft/s)] to 5.39 m/s (17.7 ft/s) and TS 1.2.1, 1.2.4, and 1.2.6 to address the additional fuel control elements approved for storage. In addition, TS 1.2.10 is deleted to eliminate redundant requirements for controlling moderator density. The particular TS which are changed are identified in the NRC Staff's SER for Amendment No. 4.

The amended VSC–24 system, when used in accordance with the conditions specified in the CoC, the TS, and NRC regulations, will meet the requirements of part 72; thus, adequate protection of public health and safety will continue to be ensured.

Discussion of Amendments by Section

Section 72.214 List of Approved Spent Fuel Storage Casks

Certificate No. 1007 is revised indicating the addition of Amendment No. 4 and its effective date.

Procedural Background

This rule is limited to the changes contained in Amendment 4 to CoC No. 1007 and does not include other aspects of the VSC–24 system design. The NRC is using the ''direct final rule procedure'' to issue this amendment because it represents a limited and routine change to an existing CoC that is expected to be noncontroversial. Adequate protection of public health and safety continues to be ensured. The amendment to the rule will become effective on February 3, 2003. However, if the NRC receives significant adverse comments by December 20, 2002, then the NRC will publish a document that withdraws this action and will address the comments received in response to the proposed amendments published elsewhere in this issue of the **Federal Register**. A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, in a substantive response:

(a) The comment causes the NRC staff to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC staff.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC staff to make a change (other than editorial) to the CoC or TS.

These comments will be addressed in a subsequent final rule. The NRC will not initiate a second comment period on this action. However, if the NRC receives significant adverse comments by December 20, 2002, then the NRC will publish a document that withdraws this action and will address the comments received in response to the proposed amendments published elsewhere in this issue of the **Federal Register**.

Agreement State Compatibility

Under the ''Policy Statement on Adequacy and Compatibility of Agreement State Programs'' approved by the Commission on June 30, 1997, and published in the **Federal Register** on September 3, 1997 (62 FR 46517), this rule is classified as compatibility Category ''NRC.'' Compatibility is not required for Category ''NRC'' regulations. The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the Atomic Energy Act of 1954, as amended (AEA) or the provisions of the Title 10 of the Code of Federal Regulations. Although an Agreement State may not adopt program elements reserved to NRC, it may wish to inform its licensees of certain requirements via a mechanism that is consistent with the particular State's administrative procedure laws, but does not confer regulatory authority on the State.

Plain Language

The Presidential Memorandum dated June 1, 1998, entitled ''Plain Language in Government Writing,'' directed that the Government's writing be in plain language. The NRC requests comments on this direct final rule specifically with respect to the clarity and effectiveness of the language used. Comments should be sent to the address listed under the heading **ADDRESSES** above.

Voluntary Consensus Standards

The National Technology Transfer Act of 1995 (Pub. L. 104–113) requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this direct final rule, the NRC would revise the VSC–24 system design listed in § 72.214 (List of NRC-approved spent fuel storage cask designs). This action does not constitute the establishment of a standard that establishes generally applicable requirements.

Finding of No Significant Environmental Impact: Availability

Under the National Environmental Policy Act of 1969, as amended, and the NRC regulations in Subpart A of 10 CFR part 51, the NRC has determined that this rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The rule would amend the CoC for the VSC–24 system within the list of approved spent fuel storage casks that power reactor licensees can use to store spent fuel at reactor sites under a general license. The amendment will modify the present cask system design to permit a Part 72 licensee to store different specific fuel control elements as integral components to fuel assemblies. TS 1.1.1 will be amended to change the flood condition velocity from 7.62 meters per second (m/s) [25 feet per second (ft/s)] to 5.39 m/s (17.7

ft/s); TS 1.2.1, 1.2.4, and 1.2.6 will be amended to address the additional fuel control elements approved for storage; and TS 1.2.10 will be deleted to eliminate redundant requirements for controlling moderator density. The environmental assessment and finding of no significant impact on which this determination is based are available for inspection at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD. Single copies of the environmental assessment and finding of no significant impact are available from Jayne M. McCausland, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6219, email *jmm2@nrc.gov.*

Paperwork Reduction Act Statement

This direct final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget, Approval Number 3150–0132.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number.

Regulatory Analysis

On July 18, 1990 (55 FR 29181), the NRC issued an amendment to 10 CFR part 72 to provide for the storage of spent nuclear fuel under a general license in cask designs approved by the NRC. Any nuclear power reactor licensee can use NRC-approved cask designs to store spent nuclear fuel if it notifies the NRC in advance, spent fuel is stored under the conditions specified in the cask's CoC, and the conditions of the general license are met. A list of NRC-approved cask designs is contained in § 72.214. On April 7, 1993 (58 FR 17948), the NRC issued an amendment to Part 72 that approved the VSC–24 design by adding it to the list of NRC-approved cask designs in § 72.214. On March 30, 2001, and as supplemented on July 26, 2001, and April 29, May 16, and August 8, 2002, BNFL Fuel Solutions Corporation submitted an application to the NRC to amend CoC No. 1007 to permit a part 72 licensee to store different specific fuel control elements as integral components to fuel assemblies. TS 1.1.1 will be amended to change the flood condition velocity from 7.62 meters per second (m/s) [25 feet per second (ft/s)] to 5.39 m/s (17.7 ft/s); TS 1.2.1, 1.2.4, and 1.2.6 will be amended to address the additional fuel control elements approved for storage; and TS 1.2.10 will be deleted to eliminate redundant requirements for controlling moderator density.

The alternative to this action is to withhold approval of this amended cask system design and issue an exemption to each general license. This alternative would cost both the NRC and the utilities more time and money because each utility would have to pursue an exemption.

Approval of the direct final rule will eliminate this problem and is consistent with previous NRC actions. Further, the direct final rule will have no adverse effect on public health and safety. This direct final rule has no significant identifiable impact or benefit on other Government agencies. Based on this discussion of the benefits and impacts of the alternatives, the NRC concludes that the requirements of the direct final rule are commensurate with the NRC's responsibilities for public health and safety and the common defense and security. No other available alternative is believed to be as satisfactory, and thus, this action is recommended.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the NRC certifies that this rule will not, if issued, have a significant economic impact on a substantial number of small entities. This direct final rule affects only the licensing and operation of nuclear power plants, independent spent fuel storage facilities, and BNFL Fuel Solutions Corporation. The companies that own these plants do not fall within the scope of the definition of ''small entities'' set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR part 121.

Backfit Analysis

The NRC has determined that the backfit rule (10 CFR 50.109 or 10 CFR 72.62) does not apply to this direct final rule because this amendment does not involve any provisions that would impose backfits as defined. Therefore, a backfit analysis is not required.

Small Business Regulatory Enforcement Fairness Act

In accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs, Office of Management and Budget.

List of Subjects In 10 CFR Part 72

Administrative practice and procedure, Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR part 72.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

1. The authority citation for Part 72 continues to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102–486, sec. 7902, 106 Stat. 3123 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97–425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100–203, 101 Stat. 1330–232, 1330–236 (42 U.S.C. 10162(b), 10168(c), (d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97–425, 96 Stat. 2202, 2203, 2204, 2222, 2224, (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

2. In § 72.214, Certificate of Compliance 1007 is revised to read as follows:

§ 72.214 List of approved spent fuel storage casks.

* * * * *

Certificate Number: 1007.

Initial Certificate Effective Date: May 7, 1993.

Amendment Number 1 Effective Date: May 30, 2000.

Amendment Number 2 Effective Date: September 5, 2000.

Amendment Number 3 Effective Date: May 21, 2001.

Amendment Number 4 Effective Date: February 3, 2003.

SAR Submitted by: Pacific Sierra Nuclear Associates.

SAR Title: Final Safety Analysis Report for the Ventilated Storage Cask System.

Docket Number: 72–1007.

Certificate Expiration Date: May 7, 2013.

Model Number: VSC–24.

* * * * *

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 1st day of Nov., 2002.

William D. Travers,

Executive Director for Operations.

[FR Doc. 02–29485 Filed 11–19–02; 8:45 am]

BILLING CODE 7590–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 366

RIN 3064–AC29

Minimum Standards of Integrity and Fitness for an FDIC Contractor

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) is issuing this rule which governs conflicts of interest, ethical responsibilities, and use of confidential information by independent contractors seeking to do business with the FDIC. This rule ensures that any individual who is performing, directly or indirectly, any function or service on behalf of the FDIC meets minimum standards of integrity and fitness. It also prohibits certain persons from performing any service on behalf of the FDIC. This rule makes four changes from the interim final rule that the FDIC published on May 15, 2002. These changes are described below in Section II of the **SUPPLEMENTARY INFORMATION**.

EFFECTIVE DATE: December 20, 2002.

FOR FURTHER INFORMATION CONTACT: Martin A. Blumenthal, Counsel, (202) 736–0359, Peter M. Somerville, Counsel, (202) 736–0110, or Thomas E. Nixon, Senior Attorney, (202) 898–8766, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Overview

This rule sets forth integrity and fitness provisions for FDIC contractors in three areas. The first area regards those persons from whom the FDIC is prohibited from entering into a contract. The second area identifies integrity and fitness responsibilities for independent contractors. These include conflicts of interest, minimum standards of ethical responsibility, confidential information, and information that contractors must disclose to the FDIC. The last area regards a contractor's expectations, rights and obligations. These include what advice and determinations the FDIC will provide a contractor, reconsiderations and reviews of those determinations, and the possible consequences a person may face for violating the provisions of this rule.

B. Authority

The statutory authorities for adopting this rule are our general rulemaking authority found at section 9 (Tenth) of the Federal Deposit Insurance Act (FDI Act), 12 U.S.C. 1819 (Tenth); and sections 12(f)(3) and (4) of the FDI Act, 12 U.S.C. 1822(f)(3) and (4). Section 19 of the Resolution Trust Corporation Completion Act (RTCCA), Public Law 103–204, 107 Stat. 2369 (1993), required the addition of section 12(f) to the FDI Act.

We may establish other integrity and fitness policies where we determine such policies are required by law or appropriate to maintain the integrity of our programs. Any such policies may be independent of, in conjunction with, or in addition to the restrictions set forth in this rule.

We may also, temporarily or permanently, suspend this rule or exempt a person from compliance with any part of this rule for good cause shown, in order to protect our interests or to provide an orderly transfer of services to another person.

C. Background

The contractor integrity and fitness rules, based on statutory requirements, are regulatory tools the FDIC uses to assure that certain of its contractors meet minimum standards of competence, experience, integrity and fitness. *See* Federal Home Loan Bank Act, section 21A(p)(6), as added by section 501(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, Public Law 101–73, 103 Stat. 183. This statute was enacted to ensure that no person who contributed to the failure of an insured depository institution could contract with the FDIC without disclosure and considerable scrutiny.

On June 24, 1994, we published a proposed rule applicable to independent contractors (59 FR 32661–32668), as required by section 12(f)(3) of the FDI Act, 12 U.S.C. 1822(f)(3). That rulemaking proposed standards governing conflicts of interest, ethical responsibilities, and use of confidential information. It also proposed procedures for ensuring that independent contractors meet minimum standards for competence, experience, integrity, and fitness. We received six comment letters. After careful consideration of each comment and numerous changes that the Office of Government Ethics (OGE) requested, we made appropriate modifications to the proposal resulting in the reorganization and modification of some provisions.

On March 11, 1996, we adopted an interim final rule entitled, ''Contractor Conflicts of Interest'', (61 FR 9590), with the concurrence of OGE. We determined that an interim final rule was appropriate in order to allow interested parties to comment on the rule while providing prompt implementation of the rule to satisfy concerns relating to the merger of the RTC into the FDIC. We received only one comment on the interim final rule and it was non-substantive.

On May 15, 2002, we published an interim final rule requesting public comment. The interim rule represented a fundamental reconsideration of our obligations under the RTCCA. We received no public comments in response to our May 2002 interim final rule.

II. Final Rule

We are adopting the May 2002 interim final rule with four minor changes. First, in the interim final rule, § 366.12(c) stated that contractors are required to disclose waste, fraud, abuse or corruption to us. We are adding to § 366.12(c) a telephone number and an email address that can be used to make such reports to the FDIC Inspector General. Second, in the interim final rule, § 366.12(d)(4) prohibited contractors from making impermissible gifts or entertainment to an FDIC employee. We are extending this prohibition to gifts made by FDIC contractors to other FDIC contractors, as well as FDIC employees. This is because there can be occasions in which FDIC

contractors may make decisions on behalf of the FDIC. Third, in the interim final rule, § 366.14(f) established retention requirements for information that FDIC contractors submit to the FDIC pursuant to this rule. The interim final rule broadly described the information that must be retained as any information that the contractor relies upon regarding their compliance with part 366. The final rule clarifies that information the contractor relies upon includes information that they prepare. Finally, because the May 2002 interim final rule was unclear as to which event triggers the three year retention period, we are adding the phrase ''which ever occurs last'' at the end of the sentence for further clarification. As a result, § 366.12(f) will require contractors to retain any information they prepare or rely upon regarding the provisions of part 366 for a period of three years following termination or expiration and final payment of the related contract for services whichever occurs last.

III. Matters of Regulatory Procedure

A. Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the FDIC certifies that the final rule will not have a significant economic impact on a substantial number of small entities. This rule, which finalizes the May 2002 interim final rule, imposes no new compliance burdens on small entities within the meaning of the Regulatory Flexibility Act.

Our May 2002 interim final rule noted that we were reviewing this rule pursuant to our responsibilities under section 610 of the Regulatory Flexibility Act and requested public comment about our review. A section 610 review requires us to consider how we could minimize the economic impact of the rule on small businesses while remaining consistent with the objectives of the statute that requires the rule. Our May 2002 interim rulemaking resulted from a careful consideration of how we could minimize the burden of the 1996 rule. Based on our review under section 610, we conclude that the May 2002 rule changes should successfully reduce burden on small businesses with whom we contract and that no further changes are necessary now.

B. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), we may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. We submitted two collections of information to OMB for review when we published the May 2002 interim final rule.

One collection is titled ''Acquisition Services Information Requirements,'' and includes forms that we use to ensure compliance with our contractor integrity and fitness regulation and to make contracting decisions for contractors other than legal service providers. The May 2002 rule changed the definitions of some of the terms used on OMB approved contracting forms. Each of the changes reduced estimated burden on our contractors. OMB approved our changes to the information collection under control number 3064–0072, which will expire June 30, 2005.

The second collection is titled, ''Forms Relating to FDIC Outside Counsel Services'' and includes forms we use to ensure compliance with our contractor integrity and fitness regulation, to make contracting decisions, and to control payments to law firms and legal support service providers. The May 2002 rulemaking affected the definition of terms on one of the 13 forms in that collection and reduced the estimated burden in completing the form. OMB approved our changes to the information collection under control number 3064–0122, which will expire June 30, 2005.

C. The Treasury and General Government Appropriations Act, 1999—Assessment of Federal Regulations and Policies on Families

We have determined that this rule will not affect family well-being within the meaning of section 654 of the Treasury and Government Appropriations Act, 1999, Public Law 105–277, 112 Stat. 2681 (1998).

D. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) (Pub. L. 104–121) provides generally for agencies to report rules to Congress for review. The reporting requirement is triggered when the FDIC issues a final rule as defined by the Administrative Procedure Act (APA) at 5 U.S.C. 551. Because the FDIC is issuing a final rule as defined by the APA, the FDIC will file the reports required by the SBREFA. The Office of Management and Budget has determined that this final rule does not constitute a ''major rule'' as defined by the SBREFA.

List of Subjects in 12 CFR Part 366

Contractor conflicts of interest, Government contracts, Reporting and recordkeeping requirement.

For the reasons set forth in the preamble, we hereby revise part 366 of chapter III of title 12 of the Code of Federal Regulations to read as follows:

PART 366—MINIMUM STANDARDS OF INTEGRITY AND FITNESS FOR AN FDIC CONTRACTOR

Sec.

Authority: Section 9 (Tenth) of the Federal Deposit Insurance Act (FDI Act), 12 U.S.C. 1819 (Tenth); sections 12(f)(3) and (4) of the FDI Act, 12 U.S.C. 1822(f)(3) and (4); and section 19 of Pub. L. 103–204, 107 Stat. 2369.

§ 366.0 Definitions.

As used in this part:

(a) The word *person* refers to an individual, corporation, partnership, or other entity with a legally independent existence.

(b) The terms *we, our,* and *us* refer to the Federal Deposit Insurance Corporation (FDIC), except when acting as conservator or operator of a bridge bank.

(c) The terms *I, me, my, mine, you,* and *yourself* refer to a person who submits an offer to perform or performs, directly or indirectly, contractual services or functions on our behalf.

(d) The phrase *insured depository institution* refers to any bank or savings

association whose deposits are insured by the FDIC.

§ 366.1 What is the purpose of this part?

This part establishes the minimum standards of integrity and fitness that contractors, subcontractors, and employees of contractors and subcontractors must meet if they perform any service or function on our behalf. This part includes regulations governing conflicts of interest, ethical responsibility, and use of confidential information in accordance with section 12(f)(3) of the FDI Act, 12 U.S.C. 1822(f)(3), and the prohibitions and the requirements for submission of information in accordance with section 12(f)(4) of the FDI Act, 12 U.S.C. 1822(f)(4).

§ 366.2 What is the scope of this part?

(a) This part applies to a person who submits an offer to perform or performs, directly or indirectly, a contractual service or function on our behalf.

(b) This part does not apply to:

(1) An FDIC employee for the purposes of title 18, United States Code; or

(2) The FDIC when we operate an insured depository institution such as a bridge bank or conservatorship.

§ 366.3 Who cannot perform contractual services for the FDIC?

We will not enter into a contract with you to perform a service or function on our behalf, if you or any person that owns or controls you, or any entity you own or control:

(a) Has a felony conviction;

(b) Was removed from or is prohibited from participating in the affairs of an insured depository institution as a result of a federal banking agency final enforcement action;

(c) Has a pattern or practice of defalcation; or

(d) Is responsible for a substantial loss to a federal deposit insurance fund.

§ 366.4 When is there a pattern or practice of defalcation?

(a) You have a pattern or practice of defalcation under § 366.3(c) when you, any person that owns or controls you, or any entity you own or control has a legal responsibility for the payment on at least two obligations that are:

(1) To one or more insured depository institutions;

(2) More than 90 days delinquent in the payment of principal, interest, or a combination thereof; and

(3) More than $50,000 each.

(b) The following are examples of when you have or do not have a pattern or practice of defalcation. These examples are not inclusive.

(1) You have five loans at insured depository institutions. Three of them are 90 days past due. Two of the three loans have outstanding balances of more than $50,000 each. You have a pattern or practice of defalcation.

(2) You have five loans at insured depository institutions. Two of them are 90 days past due. One of the two is with ABC Bank for $170,000. The other one is with XYZ bank for $60,000. You have a pattern or practice of defalcation.

(3) You have five loans at insured depository institutions. Three of them are 90 days past due. One of the three has an outstanding balance of more than $50,000. The other two have outstanding balances of less than $50,000. You do not have a pattern or practice of defalcation.

(4) You have five loans at insured depository institutions. Three of them have outstanding balances of more than $50,000. Two of those three were 90 days past due but are now current. You do not have a pattern or practice of defalcation.

§ 366.5 What causes a substantial loss to a federal deposit insurance fund?

You cause a substantial loss to a federal deposit insurance fund under § 366.3(d) when you, or any person that owns or controls you, or any entity you own or control has:

(a) An obligation to us that is delinquent for 90 days or more and on which there is an outstanding balance of principal, interest, or a combination thereof of more than $50,000;

(b) An unpaid final judgment in our favor that is in excess of $50,000, regardless of whether it becomes discharged in whole or in part in a bankruptcy proceeding;

(c) A deficiency balance following foreclosure of collateral on an obligation owed to us that is in excess of $50,000, regardless of whether it becomes discharged in whole or in part in a bankruptcy proceeding; or

(d) A loss to us that is in excess of $50,000 that we report on IRS Form 1099–C, Information Reporting for Discharge of Indebtedness.

§ 366.6 How is my ownership or control determined?

(a) Your ownership or control is determined on a case-by-case basis. Your ownership or control depends on the specific facts of your situation and the particular industry and legal entity involved. You must provide documentation to us to use in determining your ownership or control.

(b) The interest of a spouse or other family member in the same organization is imputed to you in determining your ownership or control.

(c) The following are examples of when your ownership or control may or may not exist. These examples are not inclusive.

(1) You have control if you are the president or chief executive officer of an organization.

(2) You have ownership or control if you are a partner in a small law firm. You might not have ownership or control if you are a partner in a large national law firm.

(3) You have control if you are a general partner of a limited partnership. You have ownership or control if you have a limited partnership interest of 25 percent or more.

(4) You have ownership or control if you have the:

(i) Power to vote, directly or indirectly, 25% or more interest of any class of voting stock of a company;

(ii) Ability to direct in any manner the election of a majority of a company's directors or trustees; or

(iii) Ability to exercise a controlling influence over the company's management and policies.

§ 366.7 Will the FDIC waive the prohibitions under § 366.3?

We may waive the prohibitions for entities other than individuals for good cause shown at our discretion when our need to contract for your services outweighs all relevant factors. The statute does not allow us to waive the prohibitions for individuals.

§ 366.8 Who can grant a waiver of a prohibition or conflict of interest?

The FDIC's Board of Directors delegates to the Chairman, or his designee, authority to issue waivers and implement procedures for part 366.

§ 366.9 What other requirements could prevent me from performing contractual services for the FDIC?

You must avoid a conflict of interest, be ethically responsible, and maintain confidential information as described in §§ 366.10 through 366.13. You must also provide us with the information we require in § 366.14. Failure to meet these requirements may prevent you from contracting with us.

§ 366.10 When would I have a conflict of interest?

(a) You have a conflict of interest when you, any person that owns or controls you, or any entity you own or control:

(1) Has a personal, business, or financial interest or relationship that relates to the services you perform under the contract;

(2) Is a party to litigation against us, or represents a party that is;

(3) Submits an offer to acquire an asset from us for which services were performed during the past three years, unless the contract allows for the acquisition; or

(4) Engages in an activity that would cause us to question the integrity of the service you provided, are providing or offer to provide us, or impairs your independence.

(b) The following are examples of a conflict of interest. These examples are not inclusive.

(1) You submit an offer to perform property management services for us and you own or manage a competing property.

(2) You audit a business under a contract with us and you or a partner in your firm has an ownership interest in that business.

(3) You perform loan services on a pool of loans we are selling, and you submit a bid to purchase one or more of the loans in the pool.

(4) You audit your own work or provide nonaudit services that are significant or material to the subject matter of the audit.

§ 366.11 Will the FDIC waive a conflict of interest?

(a) We may waive a conflict of interest for good cause shown at our discretion when our need to contract for your services outweighs all relevant factors.

(b) The following are examples of when we may grant you a waiver for a conflict of interest. These examples are not inclusive.

(1) We may grant a waiver to an outside counsel who has a representational conflict. We will weigh all relevant facts and circumstances in making our determination.

(2) We may grant a waiver to allow a contractor to acquire an asset from us who is providing or has provided services on that asset. We will consider whether granting the waiver will adversely affect the fairness of the sale, the type of services provided, and other facts and circumstances relevant to the sale in making our determination.

§ 366.12 What are the FDIC's minimum standards of ethical responsibility?

(a) You and any person who performs services for us must not provide preferential treatment to any person in your dealings with the public on our behalf.

(b) You must ensure that any person you employ to perform services for us is informed about their responsibilities under this part.

(c) You must disclose to us waste, fraud, abuse or corruption. Contact the Inspector General at 1–800–964–FDIC or *Ighotline@fdic.gov.*

(d) You and any person who performs contract services to us must not:

(1) Accept or solicit for yourself or others any favor, gift, or other item of monetary value from any person who you reasonably believe is seeking an official action from you on our behalf, or has an interest that the performance or nonperformance of your duties to us may substantially affect;

(2) Use or allow the use of our property, except as specified in the contract;

(3) Make an unauthorized promise or commitment on our behalf; or

(4) Provide impermissible gifts or entertainment to an FDIC employee or other person providing services to us.

(e) The following are examples of when you are engaging in unethical behavior. These examples are not inclusive.

(1) Using government resources, including our Internet connection, to conduct any business that is unrelated to the performance of your contract with us.

(2) Submitting false invoices or claims, or making misleading or false statements.

(3) Committing us to forgive or restructure a debt or portion of a debt, unless we provide you with written authority to do so.

§ 366.13 What is my obligation regarding confidential information?

(a) Neither you nor any person who performs services on your behalf may use or disclose information obtained from us or a third party in connection with an FDIC contract, unless:

(1) The contract allows or we authorize the use or disclosure;

(2) The information is generally available to the general public; or

(3) We make the information available to the general public.

(b) The following are examples of when your use of confidential information is inappropriate. These examples are not inclusive.

(1) Disclosing information about an asset, such as internal asset valuations, appraisals or environmental reports, except as part of authorized due diligence materials, to a prospective asset purchaser.

(2) Disclosing a borrower's or guarantor's personal or financial information, such as a financial statement to an unauthorized party.

§ 366.14 What information must I provide the FDIC?

You must:

(a) Certify in writing that you can perform services for us under § 366.3 and have no conflict of interest under § 366.10(a).

(b) Submit a list and description of any instance during the preceding five years in which you, any person that owns or controls you, or any entity you own or control, defaulted on a material obligation to an insured depository institution. A default on a material obligation occurs when a loan or advance with an outstanding balance of more than $50,000 is or was delinquent for 90 days or more.

(c) Notify us within 10 business days after you become aware that you, or any person you employ to perform services for us, are not in compliance with this part. Your notice must include a detailed description of the facts of the situation and how you intend to resolve the matter.

(d) Agree in writing that you will employ only persons who meet the requirements of this part to perform services on our behalf.

(e) Comply with any request from us for information.

(f) Retain any information you prepare or rely upon regarding the provisions of this part for a period of three years following termination or expiration and final payment of the related contract for services whichever occurs last.

§ 366.15 What advice or determinations will the FDIC provide me on the applicability of this part?

(a) We are available to you for consultation on those determinations you are responsible for making under this part, including those with respect to any person you employ or engage to perform services for us.

(b) We will determine if this part prohibits you from performing services for us prior to contract award, after contract award, and during the performance of a contract.

(c) We may determine what corrective action you must take.

(d) We may grant you a waiver for good cause shown where provided for under this part.

§ 366.16 When may I seek a reconsideration or review of an FDIC determination?

(a) You may seek reconsideration or review of our initial determination by sending a written request to the individual who issued you the initial decision.

(b) You must provide new information or explain a change in circumstances for our reconsideration of an initial decision. The individual who issued you the initial decision may either make a new determination or refer your request to a higher authority for review.

(c) You must provide an explanation of how you perceive that we misapplied

this part that sets forth the legal or factual errors for our review of an initial decision.

§ 366.17 What are the possible consequences for violating this part?

Depending on the circumstances, violations of this part may result in rescission or termination of a contract, as well as administrative, civil, or criminal sanctions.

Dated in Washington, DC, this 12th day of November, 2002.

By order of the Board of Directors.

Federal Deposit Insurance Corporation.

Valerie J. Best,

Assistant Executive Secretary.

[FR Doc. 02–29407 Filed 11–19–02; 8:45 am]

BILLING CODE 6714–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–CE–48–AD; Amendment 39–12954; AD 2002–23–10]

RIN 2120–AA64

Airworthiness Directives; Piaggio Aero Industries S.p.A. Model P–180 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to all Piaggio Aero Industries S.p.A. Model P–180 airplanes. This AD requires you to inspect for proper clearance between the first outboard flap control rod and the bleed air duct for interference, replace worn or damaged parts or correct interference, and adjust clearance. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Italy. The actions specified by this AD are intended to detect and correct interference or damage of the first outboard flap control rod and bleed air duct, which could result in failure of the flap control rod. Such failure could lead to loss of airplane control.

DATES: This AD becomes effective on December 17, 2002.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulation as of December 17, 2002.

The Federal Aviation Administration (FAA) must receive any comments on this rule on or before January 22, 2003.

ADDRESSES: Submit comments to FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2002–CE–48–AD, 901 Locust, Room 506, Kansas City, Missouri 64106. You may view any comments at this location between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. You may also send comments electronically to the following address: *9–ACE–7–Docket@faa.gov.* Comments sent electronically must contain ''Docket No. 2002–CE–48–AD'' in the subject line. If you send comments electronically as attached electronic files, the files must be formatted in Microsoft Word 97 for Windows or ASCII text.

You may get the service information referenced in this AD from Piaggio Aero Industries S.p.A., Via Cibrario 4, 16154 Genoa, Italy. You may view this information at FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2002–CE–48–AD, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; facsimile: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Discussion

What Events Have Caused This AD?

The Ente Nazionale per l' Aviazione Civile (ENAC), which is the airworthiness authority for Italy, recently notified FAA that an unsafe condition may exist on all Piaggio Model P–180 airplanes. The ENAC reports an incorrect installation with insufficient clearance between the first outboard flap control rod and the bleed air duct. This caused interference with consequent loss of flap control.

What Are the Consequences If the Condition Is Not Corrected?

The failure of the flap control rod could lead to loss of airplane control.

Is There Service Information That Applies to This Subject?

PIAGGIO has issued Alert Service Bulletin No. 80–0182, Original Issue: June 7, 2002.

The service bulletin includes procedures for:

—Inspecting for interference between the first outboard flap control rod and bleed air duct, and inspecting for damage or wear in this area;

—Replacing damaged parts or correcting interference; and

—Correcting where clearance is less than the correct value, but no interference is found.

What Action Did the ENAC Take?

The ENAC classified this service bulletin as mandatory and issued Italian AD Number 2002–442, dated August 22, 2002, in order to ensure the continued airworthiness of these airplanes in Italy.

Was This in Accordance With the Bilateral Airworthiness Agreement?

This airplane model is manufactured in Italy and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement.

Pursuant to this bilateral airworthiness agreement, the ENAC has kept us informed of the situation described above.

The FAA's Determination and an Explanation of the Provisions of This AD

What Has FAA Decided?

The FAA has examined the findings of the ENAC; reviewed all available information, including the service information referenced above; and determined that:

—The unsafe condition referenced in this document exists or could develop on other Piaggio Model P–180 airplanes of the same type design;

—The actions specified in the previously-referenced service information (as specified in this AD) should be accomplished on the affected airplanes; and

—AD action should be taken in order to correct this unsafe condition.

What Does This AD Require?

This AD requires you to incorporate the actions in the previously-referenced service bulletin.

In preparation of this rule, we contacted type clubs and aircraft operators to obtain technical information and information on operational and economic impacts. We did not receive any information through these contacts. If received, we would have included, in the rulemaking docket, a discussion of any information that may have influenced this action.

Will I Have the Opportunity To Comment Prior to the Issuance of the Rule?

Because the unsafe condition described in this document could result

in failure of the flap control rod and loss of airplane control, we find that notice and opportunity for public prior comment are impracticable. Therefore, good cause exists for making this amendment effective in less than 30 days.

Comments Invited

How Do I Comment on This AD?

Although this action is in the form of a final rule and was not preceded by notice and opportunity for public comment, FAA invites your comments on the rule. You may submit whatever written data, views, or arguments you choose. You need to include the rule's docket number and submit your comments to the address specified under the caption **ADDRESSES.** We will consider all comments received on or before the closing date specified above. We may amend this rule in light of comments received. Factual information that supports your ideas and suggestions is extremely helpful in evaluating the effectiveness of this AD action and determining whether we need to take additional rulemaking action.

Are There Any Specific Portions of This AD I Should Pay Attention to?

We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. You may view all comments we receive before and after the closing date of the rule in the Rules Docket. We will file a report in the Rules Docket that summarizes each FAA contact with the public that concerns the substantive parts of this AD.

How Can I Be Sure FAA Receives My Comment?

If you want us to acknowledge the receipt of your comments, you must include a self-addressed, stamped postcard. On the postcard, write ''Comments to Docket No. 2002–CE–48–AD.'' We will date stamp and mail the postcard back to you.

Compliance Time of this AD

What Is the Compliance Time of This AD?

The compliance time of this AD is within the next 15 days after the effective date of the AD.

Why Is the Compliance Time Presented in Calendar Time Instead of Hours Time-in-Service (TIS)?

The compliance of this AD is presented in calendar time instead of hours TIS because the affected first outboard flap control rod and bleed air duct components are unsafe as a result of an incorrect installation. The problem has the same chance of existing on an airplane with 50 hours TIS as it would for an airplane with 1,000 hours TIS. Therefore, we believe that a compliance time of 15 days will:

—Ensure that the unsafe condition does not go undetected for a long period of time on the affected airplanes; and

—Not inadvertently ground any of the affected airplanes.

Regulatory Impact

Does This AD Impact Various Entities?

These regulations will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, FAA has determined that this final rule does not have federalism implications under Executive Order 13132.

Does This AD Involve a Significant Rule or Regulatory Action?

We have determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and is not a significant regulatory action under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. FAA amends § 39.13 by adding a new airworthiness directive (AD) to read as follows:

2002–23–10 Piaggio Aero Industries S.P.A.: Amendment 39–12954; Docket No. 2002–CE–48–AD

(a) *What airplanes are affected by this AD?* This AD affects Model P–180 airplanes, all serial numbers, that are certificated in any category.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the airplanes identified in paragraph (a) of this AD must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to detect and correct interference or damage of the first outboard flap control rod and bleed air duct, which could result in failure of the flap control rod. Such failure could lead to loss of airplane control.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Actions	Compliance	Procedures
(1) Inspect the first outboard flap control rod part number (P/N) C132761–1, and the bleed air ducts, P/N 80–247475–405 (left-hand wing), and P/N 80–247475–407 (right-hand wing) for required clearance and wear/damage.	Within the next 15 days after December 17, 2002 (the effective date of the AD), unless already accomplished.	In accordance with the Accomplishment Instructions in Piaggio Aero Industries S.p.A. Alert Service Bulletin No.: ASB–80–0182, Original Issue: June 7, 2002.
(2) If interference or wear/damage is found during the inspection required in paragraph (d)(1) of this AD, correct the interference and replace any damaged parts.	Accomplish any necessary replacements or correct interference prior to further flight after the inspection required by paragraph (d)(1) of this AD, unless already accomplished.	In accordance with the Accomplishment Instructions in Piaggio Aero Industries S.p.A. Alert Service Bulletin No.: ASB–80–0182, Original Issue: June 7, 2002, and the applicable maintenance manual.

Actions	Compliance	Procedures
(3) If neither wear/damage nor interference is found but the clearance between the first outboard flap control rod and bleed air duct on both the left- and right-hand side is less than the correct value, adjust to the correct value, adjust to the correct value specified in the service bulletin.	Accomplish any necessary adjustment prior to further flight after the inspection required by paragraph (d)(1) of this AD, unless already accomplished.	In accordance with the Accomplishment Instructions in Piaggio Aero Industries S.p.A. Alert Service Bulletin No.: ASB–80–0182, Original Issue: June 7, 2002, and the applicable maintenance manual.
(4) If no wear/damage or interference is found and the clearance between the first outboard flap control rod and bleed air duct on both the left- and right-hand side is correct, no further action is required.	Not Applicable	Not Applicable.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

(1) Your alternative method of compliance provides an equivalent level of safety; and

(2) The Standards Office Manager, Small Airplane Directorate, approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Standards Office Manager.

Note 1: This AD applies to each airplane identified in paragraph (a) of this AD, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; facsimile: (816) 329–4090.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *Are any service bulletins incorporated into this AD by reference?* Actions required by this AD must be done in accordance with Piaggio Aero Industries S.p.A. Alert Service Bulletin No. 80–0182, dated June 7, 2002. The Director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You can get copies from Piaggio Aero Industries S.p.A, Via Cibrario 4, 16154 Genoa, Italy. You may view copies at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) *When does this amendment become effective?* This amendment becomes effective on December 17, 2002.

Note 2: The subject of this AD is addressed in Italian AD No. 2002–442, issued August 22, 2002.

Issued in Kansas City, Missouri, on November 8, 2002.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–29133 Filed 11–19–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–CE–21–AD; Amendment 39–12955; AD 2002–23–11]

RIN 2120–AA64

Airworthiness Directives; Raytheon Aircraft Company 200, 300, and 1900 Series, and Models F90 and A100–1 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Raytheon Aircraft Company (Raytheon) 200, 300, and 1900 series, and Models F90 and A100–1 airplanes. This AD requires you to check the airplane logbook to determine if the elevator(s) has/have been removed from the airplane. If the elevator(s) has/have been removed, this AD also requires you to inspect the elevator balance weight attachment screws for correct length, and, if necessary, install new bolts that are of improved design and rebalance the elevator, depending on the results of the inspection. This AD is the result of the elevator balance weight attachment screws and balance weights being improperly installed when balancing the elevator after it had been removed for repair or repainting. The actions specified by this AD are intended to prevent the balance weight attachment screws from becoming loose. Loose screws could come into contact and interfere with the horizontal stabilizer. This interference could restrict elevator movement and result in loss of elevator pitch control.

DATES: This AD becomes effective on January 10, 2003.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of January 10, 2003.

ADDRESSES: You may get the service information referenced in this AD from Raytheon Aircraft Company, P.O. 9709 E. Central, Kansas 67201–0085; telephone: (800) 429–5372 or (316) 676–3140. You may view this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2001-CE–21–AD, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Paul DeVore, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946–4142; facsimile: (316) 946–4407.

SUPPLEMENTARY INFORMATION:

Discussion

What Events Have Caused This AD?

Raytheon notified FAA of three incidents in which the elevator jammed during takeoff and landing on Models 200, B300, and 1900C airplanes. Investigations showed the cause for the elevator to jam was that the attachment screws and balance weights were not properly installed when the elevators were balanced after they were removed for repair or repainting.

Improperly installed balance weight attachment screws could result in the

screws becoming loose and contacting and interfering with the horizontal stabilizer. Interference with the horizontal stabilizer could result in restricted elevator movement.

What Is the Potential Impact if FAA Took no Action?

If this condition is not detected and corrected, loose screws could interfere with the horizontal stabilizer, which could cause restricted elevator movement. This condition could result in loss of elevator pitch control.

Has FAA Taken Any Action to This Point?

We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Raytheon 200, 300, and 1900 series, and Models F90 and A100–1 airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on July 17, 2002 (67 FR 46928). The NPRM proposed to require you to check the airplane logbook to determine if the elevator(s) has/have been removed from the airplane. If the elevator(s) has/have been removed, the NPRM would also require you to inspect the elevator balance weight attachment screws for correct length, and, if necessary, install new bolts that are of improved design and rebalance the elevator, depending on the results of the inspection.

Was the Public Invited To Comment?

The FAA encouraged interested persons to participate in the making of this amendment. The following presents the comment received on the proposal and FAA's response to comment:

Comment Issue: Replace All Elevator Balance Weight Attachment Screws

What Is the Commenter's Concern?

The commenter states that if the purpose of the proposed AD is to prevent the elevator balance weight attachment screws from becoming loose, then all elevator balance weight attachment screws should be replaced with the new bolts, or at the very least, when the elevators are removed for any reason.

What Is FAA's Response to the Concern?

We do not concur with the commenter. According to reports and service history, only elevators that were removed and rebalanced (such as would occur after repainting) were reinstalled with incorrect length screws. We have not received any reports of elevator balance weight attachment screws becoming loose on airplanes in which an elevator had not been removed and rebalanced.

Unless an elevator has been removed and rebalancing is necessary, we have no justification for replacing the elevator balance weight attachment screws with the new bolts when an elevator is removed and reinstalled and rebalancing is not necessary.

In paragraph (d)(5) of the proposed AD, we address installing the new balance weight attachment bolts any time an elevator is removed and rebalancing is necessary.

We have not changed the final rule AD based on this comment.

FAA's Determination

What Is FAA's Final Determination on This Issue?

After careful review of all available information related to the subject presented above, we have determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. We have determined that these minor corrections:

—Provide the intent that was proposed in the NPRM for correcting the unsafe condition; and

—Do not add any additional burden upon the public than was already proposed in the NPRM.

Cost Impact

How Many Airplanes Does This AD Impact?

We estimate that this AD affects 2,334 airplanes in the U.S. registry.

What Is the Cost Impact of This AD on Owners/operators of the Affected Airplanes?

We estimate the following costs to accomplish the check of the airplane logbook:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
1 workhour × $60 = $60	None required	$60	$140,040

We estimate the following costs to accomplish the inspection of the elevator balance weight attachment screws that will be required based on the results of the logbook check. We have no way of determining the number of airplanes that will need such inspection:

Labor cost	Parts cost	Total cost per airplane
2 workhours × $60 = $120	None required	$120

We estimate the following costs to accomplish the replacement of the elevator balance weight attachment screws that will be required based on the results of the inspection for airplanes in which the logbook check reveals that further inspection is necessary. We have no way of determining the number of airplanes that will need such replacements:

Labor cost	Parts cost	Total cost per airplane
1 workhour × $60 = $60	$16 per bolt × 2 bolts per elevator = $32	$92

Regulatory Impact

Does This AD Impact Various Entities?

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

Does This AD Involve a Significant Rule or Regulatory Action?

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. FAA amends § 39.13 by adding a new AD to read as follows:

2002–23–11 Raytheon Aircraft Company: Amendment 39–12955; Docket No. 2001–CE–21–AD.

(a) *What airplanes are affected by this AD?* This AD affects the following airplane models and serial numbers that are certificated in any category:

Model	Serial Nos.
(1) F90	LA–2 through LA–236
(2) A100–1 (U–21J)	BB–3 through BB–5
(3) A200 (C–12C)	BC–1 through BC–75 and BD–1 through BD–30
(4) A200C (UC–12B)	BJ–1 through BJ–66
(5) A200CT (C–12D), (C–12F), (RC–12D), (FWC–12D), (RC–12G), (RC–12H), (RC–12K), or (RC–12P).	BP–1, BP–7 through BP–11, BP–22, BP–24 through BP–63, FC–1 through FC–3, GR–1 through GR–19, FE–1 through FE–9, FE–25 through FE–36
(6) B200	BB–734, BB–793, BB–829, BB–854 through BB–870, BB–874 through BB–891, BB–894, BB–896 through BB–911, and BB–913 through BB–1652
(7) B200C	BL–37 through BL–57, BL–61 through BL–72, BL–124 through BL–140
(8) B200C (C–12F), (C–12R), (UC–12M), or (UC–12F)	BL–73 through BL–112, BL–118 through BL–123, BP–64 through BP–71, BU–1 through BU–12, BV–1 through BV–12, and BW–1 through BW–29
(9) B200CT	BN–2 through BN–4, FG–1 and FG–2
(10) B200T and 200T	BT–1 through BT–38
(11) 200	BB–2, BB–6 through BB–733, BB–735 through BB–792, BB–794 through BB–828, BB–830 through BB–853, BB–872, BB–873, BB–892, BB–893, and BB–912
(12) 200C	BL–1 through BL–23 and BL–25 through BL–36
(13) 200CT	BN–1
(14) 300 and 300LW	FA–1 through FA–230 and FF–1 through FF–19
(15) B300	FL–1 through FL–241
(16) B300C	FM–1 through FM–9 and FN–1
(17) 1900	UA–2 and UA–3
(18) 1900C	UB–1 through UB–74 and UC–1 through UC–174
(19) 1900C(C–12J)	UD–1 through UD–6
(20) 1900D	UE–1 through UE–358

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the airplanes identified in paragraph (a) of this AD must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to prevent the balance weight attachment screws from becoming loose. Loose screws could come into contact and interfere with the horizontal stabilizer. This interference could restrict elevator movement and result in loss of elevator pitch control.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Actions	Compliance	Procedures
(1) Check the airplane logbook to determine whether the elevator(s) has/have been removed. The owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7) may check the airplane logbook.	Within the next 200 hours time-in-service (TIS) after January 10, 2003 (the effective date of this AD).	No special procedures required to check the logbook. Raytheon Mandatory Service Bulletin SB 27–3187, Rev. 1, Revised: September, 2001, references this airplane logbook check.

Actions	Compliance	Procedures
(2) If, by checking the airplane logbook: ..... (i) the pilot can positively show that both elevators have never been removed, then the requirements of paragraphs (d)(2)(ii) and (d)(3) of this AD do not apply. You must make an entry into the aircraft records that shows compliance with this portion of the AD, in accordance with section 43.9 of the Federal Aviation Regulations (14 CFR 43.9). (ii) the pilot identifies that the elevator(s) has/have been removed, or if complete records of elevator(s) do not exist, inspect the elevator balance weight attachment screws to determine if they are the correct length.	Within the next 200 hours time-in-service (TIS) after January 10, 2003, (the effective date of this AD).	In accordance with the Accomplishment Instructions section of Raytheon Mandatory Service Bulletin SB 27–3187, Rev. 1, Revised: September, 2001.
(3) If, during the inspection required in paragraph (d)(2)(ii) of this AD, the elevator balance weight attachment screws are found to be the correct length, paragraph (d)(4) of this AD does not apply.	Not applicable	In accordance with the Accomplishment Instructions section of Raytheon Mandatory Service Bulletin SB 27–3187, Rev. 1 Revised: September, 2001.
(4) If, during the inspection required in paragraph (d)(2)(ii) of this AD, the elevator balance weight attachment screw(s) is/are found to be the incorrect length, remove and rebalance the elevator(s) by installing the balance weights with the appropriate new elevator balance weight attachment bolts, part number (P/N) in the range of NAS6703HU12 through NAS6703HU22, that have drilled head and are secured with safety wire, and re-install the elevator.	Prior to further flight after the inspection required in paragraph (d)(2)(ii) of this AD.	In accordance with the Accomplishment Instructions section of Raytheon Mandatory Service Bulletin SB 27–3187, Rev. 1, Revised: September, 2001, and the applicable maintenance manual.
(5) Do not install, on any affected airplane, an elevator that has been rebalanced unless it has been rebalanced by installing the balance weights with the appropriate new elevator balance weight attachment bolts, P/N in the range of NAS6703HU12 through NAS6703HU22, that have drilled heads and are secured with safety wire.	As of January 10, 2003 (the effective date of this AD).	Not applicable.

Note 1: The compliance times specified in Raytheon Mandatory Service Bulletin SB 27–3187, Rev. 1, Revised: September, 2001, are different from those required by this AD. The compliance times in this AD take precedence over those in the service bulletin.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

(1) Your alternative method of compliance provides an equivalent level of safety; and

(2) The Manager, Wichita Aircraft Certification Office (ACO), approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

Note 2: This AD applies to each airplane identified in paragraph (a) of this AD, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Paul DeVore, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946–4142; facsimile: (316) 946–4407.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *Are any service bulletins incorporated into this AD by reference?* Actions required by this AD must be done in accordance with Raytheon Mandatory Service Bulletin SB 27–3187, Rev. 1, Revised: September, 2001. The Director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You may get copies from Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201–0085; telephone: (800) 429–5372 or (316) 676–3140. You may view copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(i) *When does this amendment become effective?* This amendment becomes effective on January 10, 2003.

Issued in Kansas City, Missouri, on November 12, 2002.

Dorenda D. Baker,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–29132 Filed 11–19–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–CE–50–AD; Amendment 39–12951; AD 2002–23–07]

RIN 2120–AA64

Airworthiness Directives; Cameron Balloons Ltd. (Sky Balloons) Mk1 (BR1) & Mk2 (Mistral) Burners

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to all aircraft (specifically balloons) that incorporate certain Cameron Balloons Ltd. (Sky Balloons) Mk1 (BR1) & Mk2 (Mistral) burners. This AD requires you to replace the valve stems of the main blast, liquid fire, and pilot light valves. This AD is the result of mandatory continuing airworthiness information (MCAI)

issued by the airworthiness authority for the United Kingdom. The actions specified by this AD are intended to correct the mechanical failure of the valve stem/seat pinned joint, which could result in a propane vapor leak. Such failure could lead to a propane explosion and fire.

DATES: This AD becomes effective on January 7, 2003.

The Director of the **Federal Register** approved the incorporation by reference of certain publications listed in the regulations as of January 7, 2003.

ADDRESSES: You may get the service information referenced in this AD from Cameron Balloons Ltd. (Sky Balloons), St. Johns Street, Bedminster, Bristol; BS3 4NH; telephone: +44 (0)117 9637216; facsimile: +44 (0)177 966168; or Cameron Balloons, PO Box 3672, Ann Arbor, Michigan 46106; telephone: (734) 426–5525; facsimile: (734) 426–5026. You may view this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–CE–50–AD, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Roger Chudy, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4140; facsimile: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Discussion

What Events Have Caused This AD?

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on aircraft (specifically balloons) that incorporate certain Cameron Balloons Ltd. (Sky Balloons) Mk1 (BR1) & Mk2 (Mistral) burners. The CAA reports there have been reports of mechanical failure of the valve stem/seat pinned joint. This could result in a propane vapor leak.

What Is the Potential Impact if FAA Took No Action?

This condition, if not corrected, could lead to a propane explosion and fire.

Has FAA Taken Any Action to This Point?

We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all aircraft (specifically balloons) that incorporate certain Cameron Balloons Ltd. (Sky Balloons) Mk1 (BR1) & Mk2 (Mistral) burners. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on September 13, 2002 (67 FR 57992). The NPRM proposed to require you to replace the valve stems in the main blast, liquid fire, and pilot light valves.

Was the Public Invited To Comment?

The FAA encouraged interested persons to participate in the making of this amendment. We did not receive any comments on the proposed rule or on our determination of the cost to the public.

FAA's Determination

What Is FAA's Final Determination on This Issue?

After careful review of all available information related to the subject presented above, we have determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. We have determined that these minor corrections:

—Provide the intent that was proposed in the NPRM for correcting the unsafe condition; and

—Do not add any additional burden upon the public than was already proposed in the NPRM.

Cost Impact

How Many Aircraft Does This AD Impact?

We estimate that this AD affects 100 aircraft (specifically balloons) in the U.S. registry.

What Is the Cost Impact of This AD on Owners/Operators of the Affected Aircraft?

We estimate the following costs to accomplish the modification:

Labor cost	Parts cost	Total cost per aircraft	Total cost on U.S. operators
1 workhour × $60 per hour = $60	$35 per burner	$60 + $35 = $95	$95 × 100 = $9,500

Why Is a Compliance of 20 Hours Time-in-Service (TIS) Used for the Actions of This AD?

Normally, FAA uses a 20-hour TIS compliance time for urgent safety of flight conditions. However, balloon operation varies among operators. It might take operators between 3 months to 12 months or more to accumulate 20 hours TIS. For this reason, FAA has determined that compliance time of this AD should be 20 hours TIS to ensure this condition is corrected in a timely manner but does not unduly penalize operators.

Regulatory Impact

Does This AD Impact Various Entities?

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

Does This AD Involve a Significant Rule or Regulatory Action?

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. FAA amends § 39.13 by adding a new AD to read as follows:

2002–23–07 Cameron Balloons Ltd. (Sky Balloons): Amendment 39–12951; Docket No. 2000–CE–50–AD.

(a) *What aircraft are affected by this AD?* This AD affects any aircraft (specifically balloons), certificated in any category, that incorporate at least one of the following burners:

Model	Serial Nos.
Mk1 (BR1)	001 through 098, 100, and 101.
Mk2 (Mistral) ..	001 through 098, 100, and 101.

(b) *Who must comply with this AD?* Anyone who wishes to operate any aircraft (specifically balloons) with the equipment identified in paragraph (a) of this AD must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to correct the mechanical failure of the valve stem/seat pinned joint, which could result in a propane vapor leak. Such failure could lead to a propane explosion and fire.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Actions	Compliance	Procedures
(1) On the main blast, liquid fire, and pilot light valves of the Mk1 (BR1) and Mk2 (Mistral) burners, replace: (i) Valve stem part number (P/N) A4/BR1/2000/012 with a new improved-design valve, P/N CB6425; (ii) Valve stem P/N A4/BR2/2000/006 with a new improved-design valve, P/N CB6426; and (iii) Rubber sealing ring with O-ring P/N BS1806–008.	Within 20 hours time-in-service after January 7, 2003 (the effective date of this AD), unless already accomplished.	In accordance with Cameron Balloons LTD (Sky Balloons) Service Bulletin No. SB10, Issue A, dated May 12, 2000.
(2) Only install: (i) Valves that are P/N CB6425 and P/N CB6426, or FAA-approved equivalent P/Ns; and (ii) O-ring P/N BS1806–008, or FAA-approved equivalent P/N.	As of January 7, 2003 (the effective date of this AD).	Not Applicable.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

(1) Your alternative method of compliance provides an equivalent level of safety; and

(2) The Standards Office Manager, Small Airplane Directorate, approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Standards Office Manager.

Note 1: This AD applies to each aircraft (specifically balloons) with a Cameron Balloons Ltd. (Sky Balloons) Mk1 or Mk2 burner identified in paragraph (a) of this AD, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For aircraft (specifically balloons) that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Roger Chudy, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4140; facsimile: (816) 329–4090.

(g) *Are any service bulletins incorporated into this AD by reference?* Actions required by this AD must be done in accordance with Cameron Balloons LTD (Sky Balloons) Service Bulletin No. SB10, Issue A, dated May 12, 2000. The Director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You may get copies from Cameron Balloons Ltd. (Sky Balloons), St. Johns Street, Bedminster, Bristol; BS3 4NH; telephone: +44 (0)117 9637216; facsimile: +44 (0)177 966168; or Cameron Balloons, PO Box 3672, Ann Arbor, Michigan 46106; telephone: (734) 426–5525; facsimile: (734) 426–5026. You may view copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

Note 2: The subject of this AD is addressed in British AD 003–05–2000, dated May 31, 2000.

(h) *When does this amendment become effective?* This amendment becomes effective on January 7, 2003.

Issued in Kansas City, Missouri, on November 8, 2002.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–29131 Filed 11–19–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–SW–26–AD; Amendment 39–12947; AD 2002–23–03]

RIN 2120–AA64

Airworthiness Directives; MD Helicopters, Inc. Model MD900 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) for MD Helicopters, Inc. (MDHI) Model MD900 helicopters that requires inspecting and, if necessary, repairing the longitudinal drive link (drive link) and modifying certain nonrotating swashplate (swashplate) assemblies. This AD also requires recording compliance with the AD on a component history card or equivalent record. This amendment is prompted by reports of damage to the drive link assembly caused by the sharp inner edge of the bushing in the swashplate assembly. The actions specified by this AD are intended to prevent damage to the drive link, loss of control of the main rotor system, and subsequent loss of control of the helicopter.

DATES: Effective December 26, 2002.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 26, 2002.

ADDRESSES: The service information referenced in this AD may be obtained from MD Helicopters, Inc., Attn: Customer Support Division, 4555 E. McDowell Rd., Mail Stop M615–GO48, Mesa, Arizona 85215–9734, telephone 1–800–388–3378, fax 480–891–6782, or on the web at *www.mdhelicopters.com.* This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jon Mowery, Aviation Safety Engineer, FAA, Los Angeles Aircraft Certification Office, Airframe Branch, 3960 Paramount Blvd., Lakewood, California 90712, telephone (562) 627–5322, fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend 14 CFR part 39 to include an AD for certain MDHI Model MD900 helicopters was published in the **Federal Register** on May 29, 2002 (67 FR 37356). That action proposed to require modifying each swashplate assembly, part number (P/N) 900C2010192–105, –107, and –109. That action also proposed dye-penetrant inspecting for gouging and cracking and, if necessary, repairing the drive link assembly, P/N 900C2010212–101. Recording compliance with the AD on the component history card or equivalent record was also proposed.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed with minor changes in paragraph (b) and Note 2 to further clarify that the dye-penetrant inspection required after modifying the nonrotating swashplate is required before further flight. The dye-penetrant inspection is required whether the drive-link assembly has been dye-penetrant inspected previously. These changes will neither increase the economic burden on any operator nor increase the scope of the AD.

The FAA estimates that this AD will affect 28 helicopters of U.S. registry, that it will take approximately 2 work hours per helicopter to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $1164 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $35,952.

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

2002–23–03 MD Helicopters, Inc.: Amendment 39–12947. Docket No. 2001–SW–26–AD.

Applicability: Model MD900 helicopters, serial numbers 0008 through 0068, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated.

To prevent damage to the longitudinal drive link (drive link), loss of control of the main rotor system, and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 100 hours time-in-service (TIS) or 3 months, whichever occurs first, unless previously accomplished, modify the nonrotating swashplate assembly, part number (P/N) 900C2010192–105, –107, or –109, in accordance with the Accomplishment Instructions, paragraphs 2.A.(1). and 2.A.(2)., of MD Helicopters Service Bulletin SB900–078, dated April 23, 2001 (SB).

(b) After modifying the nonrotating swashplate assembly, P/N 900C2010192–105, –107 or –109, in accordance with paragraph (a) of this AD, before further flight, dye-penetrant inspect the drive link assembly, P/N 900C2010212–101, for gouging or cracking in accordance with the Accomplishment Instructions, paragraph 2.B.(1). and 2.B.(2). of the SB, except that returning cracked parts to MDHI is not required by this AD.

(1) If a crack is found, before further flight, replace the drive link assembly, P/N 900C2010212–101, with an airworthy drive link assembly.

(2) If gouging is found without a crack, before further flight, rework the drive link assembly, P/N 900C2010212–101, in accordance with the Accomplishment Instructions, paragraph 2.B.(3). of the SB.

Note 2: Even if you have previously dye-penetrant inspected the drive link assembly, you must accomplish the inspection required by paragraph (b) of this AD after modifying the swashplate assembly in accordance with paragraph (a) of this AD.

(c) Record compliance with this AD on the component history card or equivalent record for the nonrotating swashplate assembly.

(d) Accomplishing the actions required by paragraphs (a) and (b) of this AD is terminating action for the requirements of this AD.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Los Angeles Aircraft Certification Office.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles Aircraft Certification Office.

(f) Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the helicopter to a location where the requirements of this AD can be accomplished.

(g) The inspection and modification shall be done in accordance with the Accomplishment Instructions, paragraphs 2.A.(1)., 2.A.(2)., 2.B.(1)., 2.B.(2)., and 2.B.(3). of MD Helicopters Service Bulletin SB900–078, dated April 23, 2001 (SB). This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from MD Helicopters, Inc., Attn: Customer Support Division, 4555 E. McDowell Rd., Mail Stop M615–GO48, Mesa, Arizona 85215–9734, telephone 1–800–388–3378, fax 480–891–6782, or on the web at *www.mdhelicopters.com.* Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

(h) This amendment becomes effective on December 26, 2002.

Issued in Fort Worth, Texas, on November 6, 2002.

David A. Downey,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 02–29156 Filed 11–19–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–218–AD; Amendment 39–12949; AD 2002–23–05]

RIN 2120–AA64

Airworthiness Directives; Cessna Model 750 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Cessna Model 750 airplanes, that requires replacement of reset circuit breakers for the auxiliary hydraulic pump system and the King KHF 950 high frequency communication system(s) with new circuit breakers. This amendment is prompted by a report from the airplane manufacturer indicating that the trip levels for the reset circuit breakers installed in the auxiliary hydraulic pump system and the King KHF 950 high frequency system(s) are too high, which can prevent corresponding high current remote control circuit breakers from tripping when excessive electrical loads are present. The actions specified by this AD are intended to prevent overloading of the affected airplane electrical wiring and circuits, which could result in a fire.

DATES: Effective December 26, 2002.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 26, 2002.

ADDRESSES: The service information referenced in this AD may be obtained from Cessna Aircraft Co., PO Box 7706, Wichita, Kansas 67277. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas; or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jose Flores, Aerospace Engineer, Systems and Propulsion Branch, ACE–116W, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4133; fax (316) 946–4407.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Cessna Model 750 airplanes was published in the **Federal Register** on November 4, 1999 (64 FR 60136). That action proposed to require replacement of reset circuit breakers for the auxiliary hydraulic pump system and the King KHF 950 high frequency communication system(s) with new circuit breakers.

Comment

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comment received.

Request To Withdraw Proposed AD

One commenter, the airplane manufacturer, states that it has verified that 100 percent of the affected Cessna Model 750 airplanes have done the replacement required by the proposed AD per Cessna Service Bulletin SB750–24–15, dated May 7, 1999 (which is referenced as an acceptable means of compliance in the proposed AD). The commenter adds that ''production aircraft units; 750–0073 through 750–0100 received replacement circuit breakers by disposition,'' and that this change was serialized on airplanes having serial number 750–0101 in production, with the incorporation of the split bus.

From this comment, the FAA infers that the commenter is requesting that the proposed AD be withdrawn. We do not agree. The airplane manufacturer provided no data that all affected airplanes, worldwide, have had the required replacement incorporated; therefore, this AD is necessary to address the identified unsafe condition on the affected airplanes.

Because the language in Note 2 of the proposed AD is regulatory in nature, that note has been redesignated as paragraph (b) of this final rule.

Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change previously described. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

There are approximately 82 airplanes of the affected design in the worldwide fleet. The FAA estimates that 80 airplanes of U.S. registry will be affected by this AD, that it will take approximately 3 work hours per airplane to accomplish the required replacement, and that the average labor rate is $60 per work hour. The airplane manufacturer has committed previously to its customers that it will bear the cost of replacement parts. As a result, the costs of those parts are not attributable to this AD. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $14,400, or $180 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD, and that no operator would accomplish those actions in the future if this AD were not adopted. However, the FAA has been advised that manufacturer warranty remedies are available for parts and labor costs associated with accomplishing the actions required by this AD. Therefore, the future economic cost impact of this rule on U.S. operators may be less than the cost impact figure indicated above.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2002–23–05 Cessna Aircraft Company: Amendment 39–12949. Docket 99–NM–218–AD.

Applicability: Model 750 airplanes, serial numbers–0001 through–0100 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent overloading of certain airplane electrical wiring and circuits, which could result in a fire, accomplish the following:

Replacement

(a) Within 90 days after the effective date of this AD, replace the 5.0–ampere reset circuit breakers for the auxiliary hydraulic pump system and the King KHF 950 high frequency communication system(s) with 0.5–ampere reset circuit breakers, in accordance with Cessna Service Bulletin SB750–24–15, Revision 1, dated May 24, 1999.

(b) Circuit breaker replacement accomplished prior to the effective date of this AD in accordance with Cessna Service Bulletin SB750–24–15, dated May 7, 1999, is considered acceptable for compliance with the applicable action specified in this amendment.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Wichita Aircraft Certification Office, (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

Special Flight Permits

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(e) The replacement shall be done in accordance with Cessna Service Bulletin SB750–24–15, Revision 1, including Supplemental Data, Revision A, dated May 24, 1999. This incorporation by reference was approved by the Director of the **Federal Register** in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Cessna Aircraft Co., PO Box 7706, Wichita, Kansas 67277. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas; or at the Office of the **Federal Register**, 800 North Capitol Street, NW., Suite 700, Washington, DC.

Effective Date

(f) This amendment becomes effective on December 26, 2002.

Issued in Renton, Washington, on November 8, 2002.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–29119 Filed 11–19–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–NE–13–AD; Amendment 39–12946; AD 2002–23–02]

RIN 2120–AA64

Airworthiness Directives; General Electric Company CF34–8C1 Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness (AD), that is applicable to General Electric Company CF34–8C1 turbofan engines. This amendment requires revisions to the Airworthiness Limitations Section (ALS) of the manufacturer's Instructions for Continued Airworthiness (ICA) to include required enhanced inspection of selected critical life-limited parts at each piece-part exposure. This amendment also requires an air carrier's approved continuous airworthiness maintenance program to incorporate these inspection procedures. Air carriers with an approved continuous airworthiness maintenance program will be allowed to either maintain the records showing the current status of the inspections using the record keeping system specified in the air carrier's maintenance manual, or establish an acceptable alternate method of record keeping. This amendment is prompted by the need to require enhanced inspection of selected critical life-limited parts of CF34–8C1 turbofan engines at each piece-part exposure. The actions specified by this AD are intended to prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane.

DATES: Effective December 26, 2002.

ADDRESSES: The information contained in this AD may be examined, by appointment, at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Keith Mead, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7744; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that is applicable to General Electric Company CF34–8C1 turbofan engines was published in the **Federal Register** on July 10, 2002 (67 FR 45675). That action proposed to require an air carrier's approved continuous airworthiness maintenance program to incorporate these inspection procedures. That action also proposed that air carriers with an approved continuous airworthiness maintenance program would be allowed to either maintain the records showing the current status of the inspections using the record keeping system specified in the air carrier's maintenance manual, or establish an acceptable alternate method of record keeping.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comment received.

One commenter expresses concern that compliance with this amendment will require removal of coatings on four parts located in noncritical areas. These include the HPT outer torque coupling, HPT shaft, HPC aft shaft spool and the HPC discharge rotating seal listed in Table 805 of the proposal. The FAA agrees that it is unnecesssary to remove the coating on these four parts to meet the intent of the enhanced inspection procedures specified in this AD. Table 805 has been changed accordingly.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change described previously. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

Economic Analysis

Since this proposal was published in July of 2002, additional aircraft have been added to the domestic and worldwide fleet. Therefore, the numbers cited in the Economic Analysis have also increased.

There are approximately 104 General Electric Company CF34–8C1 turbofan engines of the affected design in the worldwide fleet. The FAA estimates that 60 engines installed on airplanes of U.S. registry will be affected by this AD, that it will take approximately 75 work hours per engine to perform the required actions, and that the average labor rate is $60 per work hour. Using average shop visitation rates, five engines are expected to be affected per year. Based on these figures, the total cost of the AD on U.S. operators is estimated to be $22,500 per year.

Regulatory Analysis

This final rule does not have federalism implications, as defined in Executive Order 13132, because it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the FAA has not consulted with state authorities prior to publication of this final rule.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

2002–23–02 General Electric Company: Amendment 39–12946. Docket No. 2002–NE–13–AD.

Applicability: This airworthiness directive (AD) is applicable to General Electric Company CF34–8C1 turbofan engines. These engines are installed on, but not limited to, Bombardier Aerospace CRJ700 airplanes.

Note 1: This AD applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Compliance with this AD is required as indicated, unless already done.

To prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane, do the following:

(a) Within the next 30 days after the effective date of this AD, revise the Time Limits Section (TLS) of the manufacturer's Engine Manual (EM), GEK 105091 and for air carrier operations revise the approved continuous airworthiness maintenance program, by adding the following:

''MANDATORY INSPECTIONS

(1) Perform inspections of the parts listed in the following Table 805 at each piece-part opportunity in accordance with the instructions provided in the applicable manual provisions:

TABLE 801.—MANDATORY INSPECTION REQUIREMENTS

Part nomenclature	Manual/Chapter Section /Subject	Mandatory Inspection
Fan Disk	72–21–15, INSPECTION	All areas (FPI).[1] Bores (ECI).[2]
Fan Drive Shaft	72–22–00, INSPECTION	All areas (FPI).[1]

TABLE 801.—MANDATORY INSPECTION REQUIREMENTS—Continued

Part nomenclature	Manual/Chapter Section /Subject	Mandatory Inspection
Stage 1 High Pressure Turbine (HPT) Rotor Disk	72–51–06, INSPECTION	All areas (FPI).[1] Bores (ECI).[2] Boltholes (ECI).[2] Air Holes (ECI).[2]
HPT Rotor Outer Torque Coupling	72–51–10, INSPECTION	All non-coated areas (FPI).[1] Bores (ECI).[2]
Stage 2 HPT Rotor Disk	72–51–14, INSPECTION	All areas (FPI).[1] Bores (ECI).[2]
HPT Shaft	72–51–03, INSPECTION	All non-coated areas (FPI).[1]
Stage 1 and Stage 2 High Pressure Compressor (HPC) Rotor Blisks.	72–33–01, INSPECTION	All areas (FPI).[1]
HPC Forward Shaft	72–33–02, INSPECTION	All areas (FPI).[1]
Stage 3 HPC Rotor Blisk	72–33–03, INSPECTION	All areas (FPI).[1]
HPC Aft Shaft Spool	72–33–05, INSPECTION	All non-coated areas (FPI).[1]
HPC Discharge Rotating Seal	72–33–08, INSPECTION	All non-coated areas (FPI).[1]
Stage 3 Low Pressure Turbine (LPT) Rotor Disk	72–57–10, INSPECTION	All areas (FPI).[1]
Stage 4 LPT Rotor Disk	72–57–16, INSPECTION	All areas (FPI).[1]
Rear LPT Shaft	72–57–23, INSPECTION	All areas (FPI).[1]
Stage 5 LPT Rotor Disk	72–57–20, INSPECTION	All areas (FPI).[1]
Stage 6 LPT Rotor Disk	72–57–28, INSPECTION	All areas (FPI).[1]

[1] FPI = Fluorescent Penetrant Inspection Method
[2] ECI = Eddy Current Inspection Method

(2) For the purposes of these mandatory inspections, piece-part opportunity means:

(i) The part is considered at ''piece-part opportunity'', when it is completely disassembled in accordance with the disassembly instructions in the manufacturer's engine manual; and

(ii) The part has accumulated more than 100 cycles in service since the last piece-part opportunity inspection, provided that the part was not damaged or related to the cause for its removal from the engine.''

(b) Except as provided in paragraph (c) of this AD, and notwithstanding contrary provisions in section 43.16 of the Federal Aviation Regulations (14 CFR 43.16), these mandatory inspections shall be performed only in accordance with the TLS of the GE CF34–8C1 EM.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office (ECO). Operators must submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, ECO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ECO.

Special Flight Permits

(d) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be done.

Continuous Airworthiness Maintenance Program

(e) FAA-certificated air carriers that have an approved continuous airworthiness maintenance program in accordance with the record keeping requirement of § 121.369 (c) of the Federal Aviation Regulations (14 CFR 121.369 (c)) must maintain records of the mandatory inspections that result from revising the CF34 Engine Maintenance Program and the air carrier's continuous airworthiness program. Alternatively, certificated air carriers may establish an approved system of record retention that provides a method for preservation and retrieval of the maintenance records that include the inspections resulting from this AD, and include the policy and procedures for implementing this alternate method in the air carrier's maintenance manual required by § 121.369 (c) of the Federal Aviation Regulations (14 CFR 121.369 (c)). However, the alternate system must be accepted by the appropriate PMI and require the maintenance records be maintained either indefinitely or until the work is repeated. Records of the piece-part inspections are not required under § 121.380 (a) (2) (vi) of the Federal Aviation Regulations (14 CFR 121.380 (a) (2) (vi)). All other operators must maintain the records of mandatory inspections required by the applicable regulations governing their operations.

Note 3: The requirements of this AD have been met when the engine manual changes are made and air carriers have modified their continuous airworthiness maintenance plans to reflect the Engine Maintenance Program requirements specified in the GE CF34–8C1 Engine Manual.

Effective Date

(f) This amendment becomes effective on December 26, 2002.

Issued in Burlington, Massachusetts, on November 7, 2002.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 02–29355 Filed 11–19–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM02–3–000; Order 627]

18 CFR Part 101,201, and 352

Accounting and Reporting of Financial Instruments, Comprehensive Income, Derivatives and Hedging Activities

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; notice of correction.

SUMMARY: The Federal Energy Regulatory Commission published in the **Federal Register** of November 6, 2002, a final rule amending its regulations to update its accounting and financial reporting requirements under its Uniform Systems of Accounts. The effective date is incorrect as published. This document corrects the effective date of the Final Rule to be December 6, 2002.

DATES: The date of the final rule published November 6, 2002, (67 FR 67692) is corrected from January 6, 2003 to December 6, 2002.

FOR FURTHER INFORMATION CONTACT: Mark Klose (Technical Information), Office of the Executive Director,

Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–8283.

Julia A. Lake (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–8370.

SUPPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission published in the **Federal Register** of November 6, 2002 a Final Rule amending its regulations to update its accounting and financial reporting requirements under its Uniform Systems of Accounts. The effective date is incorrect as published in the **Federal Register**. In the **Federal Register** Document 02–26809 published on November 6, 2002 (67 FR 67692) make the following correction: On page 67692, in the second column, correct the **EFFECTIVE DATE** section to read as follows:

''**EFFECTIVE DATE**: The rule will become effective December 6, 2002.''

Linwood A. Watson, Jr,

Deputy Secretary.

[FR Doc. 02–29571 Filed 11–19–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

[KY–237–FOR]

Kentucky Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; denial of approval of amendment.

SUMMARY: We are not approving a proposed amendment to the Kentucky regulatory program (the ''Kentucky program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Kentucky proposed to revise its program by creating a new section of KRS Chapter 350 to provide that a mining permit is not required of a landowner if coal extraction is incidental to and a necessary requirement of construction, under 5000 tons, and the coal or proceeds thereof are donated to charitable, governmental, or educational organizations.

EFFECTIVE DATE: November 20, 2002.

FOR FURTHER INFORMATION CONTACT: William J. Kovacic, Telephone: (859) 260–8400, Internet address: *bkovacic@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the Kentucky Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its State program includes, among other things, ''a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of the Act * * *; and rules and regulations consistent with regulations issued by the Secretary pursuant to the Act.'' See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Kentucky program on May 18, 1982. You can find background information on the Kentucky program, including the Secretary's findings, the disposition of comments, and conditions of approval in the Kentucky program in the May 18, 1982 **Federal Register** (47 FR 21404). You can also find later actions concerning Kentucky's program and program amendments at 30 CFR 917.11, 917.12, 917.13, 917.15, 917.16, and 917.17.

II. Submission of the Proposed Amendment

By letter dated April 12, 2002 (Administrative Record No. KY–1529), Kentucky sent us an amendment to its program, under SMCRA (30 U.S.C. 1201 *et seq.*). Kentucky sent the amendment on its own initiative.

The amendment proposed a new section of the Kentucky Revised Statutes at Chapter 350 and is referenced as Kentucky House Bill 405. In sum, the proposed amendment provides that a mining permit is not required of a landowner if coal extraction on ''private land'' is incidental to and a necessary requirement of construction, under 5000 tons, and the coal or proceeds thereof are donated to charitable, governmental, or educational organizations. ''Private land'' is defined as property owned by a not-for-profit organization or by a noncommercial private owner and subject to the construction of improvements. The amendment requires that the landowner seeking the permit exemption notify the cabinet when the coal is first encountered and prior to removal, and requires the cabinet to conduct an inspection and review of site plans, construction contracts, and other relevant information prior to deciding whether to grant the exemption. Finally, the amendment states that the cabinet may require implementation of any best management practices that are necessary to ensure compliance with stormwater discharge limits. The full text of the proposed amendment can be found in the proposed rule notice at 67 FR 38446 (June 4, 2002).

We announced receipt of the proposed amendment in the June 4, 2002 **Federal Register** (67 FR 38446). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the amendment's adequacy (Administrative Record No. KY–1537). We did not hold a public hearing or meeting because no one requested one. The public comment period ended on July 5, 2002. We received comments from the Kentucky Coal Association, the Mine Safety and Health Administration, the Fish and Wildlife Service, and the Kentucky Resources Council.

III. OSM's Findings

Following are the findings we made concerning the amendment under SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17. Based on these findings, we are declining to approve the amendment.

Kentucky's proposed amendment is inconsistent with and less stringent than SMCRA and less effective than its implementing regulations because it excludes from regulation certain surface coal mining operations specifically regulated under Federal law. Under SMCRA and Federal regulations, all surface coal mining and reclamation operations are subject to regulation unless an exemption applies. SMCRA section 528 and 30 CFR 700.11(a) list such exemptions.

First, SMCRA section 528(2) exempts ''the extraction of coal as an incidental part of Federal, State or local government-financed highway or other construction * * *'' Congress' intent regarding this exemption is clear. As discussed in a March 13, 1979, **Federal Register** notice, 44 FR 14949, the House/Senate Conference Committee explicitly limited exemptions for incidental coal removal to government financed construction projects. As originally added by the Senate, the exemption for incidental coal removal was not limited to government-financed construction. The Conference Committee modified the Senate language to ''limit(s) the exemption to

extraction of coal as an incidental part of government-funded construction only, rather than all construction as originally provided in the Senate language.'' Since Kentucky's proposed amendment involves privately financed construction, it directly contradicts Congress' intent and cannot be approved.

We have consistently maintained that the removal of coal incidental to development for commercial, industrial, residential, or civic use constitutes a surface coal mining operation. In 64 FR 6201 (February 9, 1999), we did not approve a proposed amendment by West Virginia which would have allowed a person to engage in surface coal mining incidental to the development of land for commercial, residential, industrial, or civic use after obtaining a special authorization from the State. In that **Federal Register** notice, we stated that ''in promulgating its definition of 'surface coal mining operations' at 30 CFR 700.5, OSM considered and rejected a provision that would have clarified that the definition did not apply to coal removal incidental to private construction * * * OSM found that such an exemption was inconsistent with Section 528 of SMCRA.'' 64 FR at 6204.

Rejecting West Virginia's proposed amendment, we also referred to two Interior Board of Land Appeals (IBLA) decisions supporting our decision: ''The [IBLA] * * * twice ruled that 'the extraction of coal as an incidental part of privately financed construction is not an activity excluded as such from the coverage of the * * * regulatory program.''' *Id.* On May 5, 2000 (65 FR 26130, 26133), we referred again to these decisions when declining to approve a similar proposal by West Virginia.

Second, 30 CFR 700.11(a)(2) exempts surface coal mining and reclamation operations that involve extraction of 250 tons of coal or less. Therefore, no exemption is permitted for the extraction of more than 250 tons of coal. Kentucky's proposal is inconsistent with and less effective than this Federal requirement because it exempts the extraction of up to 5000 tons of coal incidental to privately financed construction. For the foregoing reasons, the proposed amendment is inconsistent with and less effective than Federal law and cannot be approved.

IV. Summary and Disposition of Comments

Public Comments

We asked for public comments on the amendment (Administrative Record No. KY–1537), and received two. First, in a letter dated June 27, 2002 (Administrative Record No. KY–1543), the Kentucky Resources Council (KRC) commented that SMCRA does not provide an exemption allowing removal of over 250 tons of coal absent a permit unless another recognized exemption applies. As explained in the findings above and because no other exemption applies, we agree with KRC. We also agree with KRC that removing the quantity of coal that Kentucky's proposal seeks to exempt without advance planning, bonding, and reclamation requirements can result in significant off-site impacts that may not be remediated. Finally, KRC commented that the proposed amendment furthers the potential for ''sham'' operations because the exemption would be granted on the assumption that future construction would occur.

The second public comment received was from the Kentucky Coal Association (KCA). Although KCA urged OSM to approve the proposed amendment, it did not provide specific comments or reasons why the amendment should be approved. For the reasons set forth in the above findings, we are not approving the amendment.

Federal Agency Comments

Under 30 CFR 732.17(h)(11)(i) and section 503(b) of SMCRA, we requested comments on the amendment from various Federal agencies with an actual or potential interest in the Kentucky program (Administrative Record No. KY–1537). We received one comment from the Fish and Wildlife Service (FWS) and one from the Mine Safety and Health Administration (MSHA). In a letter dated July 9, 2002 (Administrative Record No. KY–1548), FWS stated that it believed the terms of the proposed amendment are appropriate given adequate implementation of best management practices to protect water quality. As discussed in the findings above, Kentucky's proposed amendment is inconsistent with SMCRA and its implementing regulations. Even given adequate implementation of best management practices to protect water quality, the proposed amendment would still exceed the Federal exemption limit of 250 tons. Thus, even if best management practices are followed, the amendment cannot be approved.

Comments from MSHA, submitted in a letter dated June 17, 2002 (Administrative Record No. KY–1541), simply stated MSHA does not have jurisdiction over incidental coal removal since the activity would not be functioning for the purpose of producing a mineral.

Environmental Protection Agency (EPA) Concurrence and Comments

Under 30 CFR 732.17(h)(11)(ii), we are required to get a written concurrence from EPA for those provisions of the program amendment that relate to air or water quality standards issued under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*).

None of the revisions that Kentucky proposed to make in this amendment pertain to air or water quality standards. Therefore, we did not ask EPA to concur on the amendment.

State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Under 30 CFR 732.17(h)(4), we are required to request comments from the SHPO and ACHP on amendments that may have an effect on historic properties. On June 12, 2002, we requested comments on Kentucky's amendment (Administrative Record No. KY–1537), but neither the SHPO nor the ACHP responded to our request.

V. OSM's Decision

Based on the above findings, we are not approving Kentucky's proposed amendment. The Federal regulations at 30 CFR Part 917 codifying decisions concerning the Kentucky program are being amended to implement this decision. Consistency of State and Federal standards is required by SMCRA.

Effect of OSM's Decision

Section 503 of SMCRA provides that a State may not exercise jurisdiction under SMCRA unless the State program is approved by the Secretary. Similarly, 30 CFR 732.17(a) requires that any change of an approved State program be submitted to OSM for review as a program amendment. The Federal regulations at 30 CFR 732.17(g) prohibit any changes to approved State programs that are not approved by OSM. In the oversight of the Kentucky program, we will recognize only the statutes, regulations, and other materials we have approved, together with any consistent implementing policies, directives, and other materials. We will require Kentucky to enforce only approved provisions.

VI. Procedural Determinations

Executive Order 12630—Takings

This rule does not have takings implications. This determination is

based on the analysis performed for the counterpart Federal regulation.

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments because each program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and the Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

Executive Order 13132—Federalism

This rule does not have Federalism implications. SMCRA delineates the roles of the Federal and State governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to ''establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations.'' Section 503(a)(1) of SMCRA requires that State laws regulating surface coal mining and reclamation operations be ''in accordance with'' the requirements of SMCRA, and section 503(a)(7) requires that State programs contain rules and regulations ''consistent with'' regulations issued by the Secretary pursuant to SMCRA.

Executive Order 13211—Regulations That Significantly Affect the Supply, Distribution, or Use of Energy

On May 18, 2001, the President issued Executive Order 13211 which requires agencies to prepare a Statement of Energy Effects for a rule that is (1) considered significant under Executive Order 12866, and (2) likely to have a significant adverse effect on the supply, distribution, or use of energy. Because this rule is exempt from review under Executive Order 12866 and is not expected to have a significant adverse effect on the supply, distribution, or use of energy, a Statement of Energy Effects is not required.

National Environmental Policy Act

This rule does not require an environmental impact statement because section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Hence, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule: (a) Does not have an annual effect on the economy of $100 million; (b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This determination is based upon the fact that the State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation was not considered a major rule.

Unfunded Mandates

This rule will not impose an unfunded mandate on State, local, or tribal governments or the private sector of $100 million or more in any given year. This determination is based upon the fact that the State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation did not impose an unfunded mandate.

List of Subjects in 30 CFR Part 917

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 17, 2002.

Michael K. Robinson,

Acting Regional Director, Appalachian Regional Coordinating Center.

For the reasons set out in the preamble, 30 CFR 917 is amended as set forth below:

PART 917—KENTUCKY

1. The authority citation for part 917 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 917.12 is amended by adding the following paragraph:

§ 917.12 State regulatory program and proposed program amendment provisions not approved.

* * * * *

(c) The amendment submitted by letter dated April 12, 2002, proposing a new section of the Kentucky Revised Statutes at Chapter 350 and referenced as Kentucky House Bill 405, is hereby not approved, effective November 20, 2002.

[FR Doc. 02–29305 Filed 11–19–02; 8:45 am]

BILLING CODE 4310–05–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[SIP NO. MT–001–0043, FRL–7397–4]

Approval and Promulgation of Air Quality Implementation Plans for the State of Montana; Revisions to the Administrative Rules of Montana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Governor of Montana on April 30, 2001. The April 30, 2001 submittal revises the State's Administrative Rules of Montana (ARM) by adding a Credible Evidence Rule. The intended effect of this action is to make the Credible Evidence Rule Federally enforceable. Finally, the Governor's April 30, 2001 submittal contains other SIP revisions which have been addressed separately. This action is being taken under section 110 of the Clean Air Act (CAA).

EFFECTIVE DATE: This final rule is effective December 20, 2002.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air and Radiation Program, Environmental Protection Agency, Region 8, 999 18th Street, Suite 300, Denver, Colorado 80202 and copies of the Incorporation by Reference material at the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, Room B–108 (Mail Code 6102T), 1301 Constitution Ave., NW., Washington, DC 20460. Copies of the State documents relevant to this action are available for public inspection at the Montana Department of Environmental Quality, Air and Waste Management Bureau, 1520 E. 6th Avenue, Helena, Montana 59620.

FOR FURTHER INFORMATION CONTACT: Laurel Dygowski , EPA, Region 8, (303) 312–6144.

SUPPLEMENTARY INFORMATION: On August 19, 2002 (67 FR 53765), EPA published a notice of proposed rulemaking (NPR) for the State of Montana. The NPR proposed approval of a State Implementation Plan (SIP) revision submitted by the Governor of Montana on April 30, 2001. The April 30, 2001 submittal revises the State's Administrative Rules of Montana (ARM) by adding a Credible Evidence Rule (ARM 17.8.132). The intended effect of this action is to make the Credible Evidence Rule Federally enforceable.

I. Final Action

Since we received no comment on the August 19, 2002 notice of proposed rulemaking, EPA is approving a State Implementation Plan (SIP) revision submitted by the Governor of Montana on April 30, 2001. The April 30, 2001 submittal revises the State's Administrative Rules of Montana (ARM) by adding a Credible Evidence Rule (ARM 17.8.132).

II. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 21, 2003. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: October 10, 2002.

Jack W. McGraw,

Acting Regional Administrator, Region 8.

40 CFR part 52, Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart BB—Montana

2. Section 52.1370 is amended by adding paragraph (c)(58) to read as follows:

§ 52.1370 Identification of plan.

* * * * *

(c) * * *

(58) On April 30, 2001, the Governor of Montana submitted a request to add a credible evidence rule to the Administrative Rules of Montana (ARM). ARM 17.8.132—''Credible Evidence'' has been approved into the SIP.

(i) Incorporation by reference.

(A) ARM 17.8.132 effective December 8, 2000.

[FR Doc. 02–29335 Filed 11–19–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IN145–1a; FRL–7398–5]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is approving revisions to particulate matter (PM) emissions regulations for Union Tank Car's railcar manufacturing facility located in Lake County, Indiana. The Indiana Department of Environmental Management (IDEM) submitted the revised regulations to EPA on April 30, 2002 and September 6, 2002 as an amendment to Indiana's State Implementation Plan (SIP). The revisions consist of relaxing the PM limits for one emissions unit; however, actual emissions will not increase, and the PM National Ambient Air Quality Standards (NAAQS) should be protected. EPA is approving revisions for Union Tank Car because complying with the current limits is infeasible, and because the revisions should not harm air quality.

DATES: This rule is effective on January 21, 2003, unless the EPA receives relevant adverse written comments by December 20, 2002. If EPA receives adverse comment, we will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: You should mail written comments to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

You may inspect copies of Indiana's submittal at: Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Matt Rau, Environmental Engineer, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, Telephone: (312) 886–6524, E-Mail: *rau.matthew@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' are used we mean the EPA.

Table of Contents

I. What Is the EPA Approving?

The EPA is approving revisions to the particulate matter emissions regulations for Union Tank Car, which operates a railcar manufacturing facility in Lake County, Indiana. IDEM submitted the revisions to EPA on April 30, 2002 and September 6, 2002 as an amendment to Indiana's SIP at 326 IAC 6–1–10.1.

II. What Are the Changes From the Current Rule?

IDEM changed the emission limits for particulate matter less than 10 μm in diameter (PM–10) at the grit blasting unit from 0.002 pounds per ton (lbs/ton) to 0.01 grains per dry standard cubic foot (gr/dscf), and from 0.020 to 9.9 pounds per hour (lb/hr). IDEM changed the units from pounds per ton to grains per dry standard cubic foot because grains per dry standard cubic foot can be measured directly. The new limit of 9.9 lb/hr results from the unit emitting 0.01 gr/dscf when operated at 117,000 actual cubic feet per minute (acf/min). IDEM revised emission limits because the previous limits were far more stringent than the limits for similar sources; and were not feasible.

III. What Is the EPA's Analysis of the Supporting Materials?

Indiana submitted a letter to EPA on May 6, 2002, in which it stated that meeting the current PM–10 limits is infeasible for the Union Tank Car grit blaster or any other similar sources. In that letter, Indiana noted that the present limit of 0.020 lb/hr is equivalent to 0.00039 gr/acf. Indiana stated that the Union Tank Car limits are 100 times more stringent than those that apply to similar Lake County, Indiana sources. The letter also indicated that the actual PM–10 emissions from Union Tank Car will not increase as a result of this regulatory change.

IV. What Are the Environmental Effects of These Actions?

Particulate matter interferes with lung function when inhaled. Exposure to PM can cause heart and lung disease. PM also aggravates asthma. Airborne particulate is the main source of haze that causes a reduction in visibility. It also is deposited on the ground and in the water. This harms the environment by changing the nutrient and chemical balance.

Although Union Tank Car's allowable PM–10 emission limits are being relaxed, its actual emissions will not increase. Indiana included the company's actual emissions in the Lake County PM–10 modeling analysis, which EPA approved on June 15, 1995 (60 FR 31412). In the Lake County modeling analysis, Indiana showed that the PM–10 NAAQS will be protected with Union Tank Car's current emission levels. Therefore, this SIP revision should not harm air quality.

V. What Rulemaking Actions Are the EPA taking?

The EPA is approving, through direct final rulemaking, revisions to the particulate matter emissions regulations for Union Tank Car in Lake County, Indiana. The new PM–10 emission limits for the grit blasting are 0.01 gr/dscf and 9.9 lb/hr.

We are publishing this action without a prior proposal because we view these as noncontroversial revisions and anticipate no adverse comments. However, in the ''Proposed Rules'' section of today's **Federal Register**, we are publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on January 21, 2003 without further notice unless we receive relevant adverse written comment by December 20, 2002.

If the EPA receives adverse written comment, we will publish a final rule informing the public that this rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. The EPA does not intend to institute a second comment period on this action. Any parties interested in commenting on these actions must do so at this time.

VI. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Effect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 21, 2003. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: October 15, 2002.

David A. Ullrich,

Acting Regional Administrator, Region 5.

For the reasons stated in the preamble, part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart P—Indiana

2. Section 52.770 is amended by adding paragraph (c)(153) to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(153) On April 30, 2002 and September 6, 2002, Indiana submitted revised particulate matter regulations for Union Tank Car's railcar manufacturing facility in Lake County, Indiana. The submittal amends 326 IAC 6–1–10.1. The revisions consist of relaxing the limits for the grit blaster. The new limits are 0.01 grains per dry standard cubic foot and 9.9 pounds per hour.

(i) Incorporation by reference.

Amendments to Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6: Particulate Rules, Rule 1: Non-attainment Area Limitations, Section 10.1: Lake County PM_{10} emission requirements. Filed with the Secretary of State on July 26, 2002 and effective on August 25, 2002. Published in 25 *Indiana Register* 4076 on September 1, 2002.

[FR Doc. 02–29473 Filed 11–19–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–2002–0291; FRL–7277–3]

Bacillus Cereus Strain BPO1; Exemption from the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of the *Bacillus cereus* strain BPO1 on raw and processed food when applied/used as a

foliar applied biological plant growth regulator intended to promote root mass growth, earlier fruit initiation, increased fruit retention, and increased nutrient utilization. Micro Flow Company submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of *Bacillus cereus* strain BPO1.

DATES: This regulation is effective November 20, 2002. Objections and requests for hearings, identified by docket ID number OPP–2002–0291, must be received on or before January 21, 2003.

ADDRESSES: Written objections and hearing requests may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit IX. of the **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Robyn Rose, Biopesticides and Pollution Prevention Division (7511C), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–9581; e-mail address: rose.robyn@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Industry (NACIS 111, 112, 311, 32532), e.g., Crop Production, Animal Production, Food Manufacturing, Pesticide Manufacturing.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket*. EPA has established an official public docket for this action under docket ID number OPP–2002–0291. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

2. *Electronic access*. You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at http://www.epa.gov/fedrgstr/. A frequently updated electronic version of 40 CFR part 180 is available at http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr180_00.html, a beta site currently under development. To access the OPPTS Harmonized Guidelines referenced in this document, go directly to the guidelines at http://www.epa.gov/opptsfrs/home/guidelin.htm.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at http://www.epa.gov/edocket/ to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the appropriate docket ID number.

II. Background and Statutory Findings

In the **Federal Register** of November 21, 2001 (66 FR 58481) (FRL–6802–1), EPA issued a notice pursuant to section 408 of the FFDCA, 21 U.S.C. 346a(e), as amended by FQPA (Public Law 104–170), announcing the filing of a pesticide tolerance petition (PP 1F6324) by Micro Flow Company, P.O. Box 5948 Lakeland, FL 33807–5948. This notice included a summary of the petition prepared by the petitioner Micro Flow Company. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.1181 be amended by establishing an exemption from the requirement of a tolerance for residues of *Bacillus cereus* strain BPO1.

III. Risk Assessment

New section 408(c)(2)(A)(i) of the FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(c)(2)(A)(ii) of the FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section of the FFDCA (b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .'' Additionally, section 408(b)(2)(D) of the FFDCA requires that the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides. Second, EPA examines exposure to the pesticide through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings.

IV. Toxicological Profile

Consistent with section 408(b)(2)(D) of the FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness, and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Acute mammalian toxicity/pathogenicity studies via oral, dermal, inhalation, eye, intratracheal, and

intravenous routes were conducted with *Bacillus cereus* strain BPO1. No pathogenicity was observed. BPO1 was also tested for entero toxin emetic-toxin production; no toxins were detected. *Bacillus cereus* has been implicated in nosocomial infections in rare instances and in food poisoning incidents. In the ELISA Analysis of Enterotoxin data submitted, there was no evidence of diarrhoeal type enterotoxin production in the culture filtrates of *Bacillus cereus* strain BOP1 or the end use product. In a blood agar hemolysis assay conducted with BPO1, weak alpha hemolysis was observed. Based on the results of the studies in this unit, subchronic, reproductive, teratology, chronic, and mutagenicity studies were not deemed necessary.

1. *Acute oral toxicity/pathogenicity* (OPPTS 870.1100; 152A–10 and 152B–10; MRIDs 4417737–05 and 441773–06). In the acute oral toxicity test, five male and five female rats were treated with a split dose, (10 milliliters/kilograms/dose) (mL/kg) for a total of 5,000 milligrams (mg)/kg of *Bacillus cereus* strain BP01; the second dose administered 1 hour after the first dose. Rats were weighed and observed for mortality or abnormalities for 14 days. No abnormalities were noted in body weight or weight gain throughout the study or upon necropsy. The oral lethal dose $(LD)_{50}$ *Bacillus cereus* strain BP01 was determined to be greater than 5,000 mg/kg body weight.

In the acute oral toxicity/pathogenicity test, 15 males and 15 females received a dose of 1.23×10^8 colony forming units (CFU) of the test substance by oral gavage; nine males and nine females were treated with 1.23×10^8 CFU killed test substance (by steam sterilization). Rats were weighed on days 0, 3, 7, 14, and 18 and signs of toxicity were observed daily. Randomly sampled rats from each sex and each test group were sacrificed on days 0, 3, 7, 14, and 18 and examined for any macroscopic abnormalities. Samples of the kidneys, liver, spleen, and stomach as well as feces were homogenized and plated to determine the number of typical *Bacillus cereus* colonies after incubation at 30 ^{0}C for at least 18 hours. No clinical sign were noted throughout the study and no abnormalities were noted in any animal at necropsy. Two males displayed a loss in body weight from day 0 to 3 and five females lost weight from day 7 to 14. No other abnormalities were noted in body weights or weight gain. *Bacillus cereus* strain BP01 is not toxic, pathogenic or infective when 1×10^8 CFU was administered orally. A distinct clearance pattern was observed throughout the study.

2. *Acute dermal toxicity* (OPPTS 870.1200; 152A–11; MRID 441773–07). Five male and five female rabbits were given a dose of 4.4×10^{10} CFU (2 grams (g)) dermally for 24 hours and observed after dosing for signs of toxicity and dermal irritation for 14 days. No clinical signs, except dermal irritation, were noted during the study and no abnormalities were noted upon necropsy. Two males and five females displayed a loss in body weight from day 0 to day 7. All animals displayed a weight gain through the end of the study. All males and females showed slight to well defined redness through day 4; very slight erythema was present in up to three males and three females through day 11. Dermal irritation was no longer apparent by day 12. Slight signs of edema were apparent in two males on day 3. Edema was no longer present by day 4. The LD_{50} of *Bacillus cereus* strain BP01 is greater than 2 grams per animal. Mild to moderate dermal irritation was noted and was no longer present by day 13.

3. *Acute intratracheal toxicity/pathogenicity* (OPPTS 885.3150; 152A–12; MRID 441773–08). Fifty female and fifty male rats received a single dose of 7×10^7 (males), or 9.33×10^7 CFU (females) of the test substance in a volume of 0.5 mL by intratracheal administration; fifty females and fifty males were treated with the same concentration of killed test substance (by steam sterilization); an additional fifty males and fifty females served as controls. Rats were weighed weekly and observed for signs of toxicity daily. Ten rats of each sex from each group were sacrificed on days 0, 7, 14, 21, and 36. Animals were examined for macroscopic abnormalities by necropsy. Lungs were evaluated by histopathological examination. Samples of the kidneys, liver, spleen, brain, mesenteric lymph nodes, blood, lungs, and caecum were homogenized, plated, and incubated for at least 18 hours then examined for typical *Bacillus cereus* colonies. Body weight losses were noted in females from the test substance group, one during the first, second and third weeks. No other abnormalities were noted in body weight or weight gain throughout the study. In the group treated with the test substance, three females displayed a rough hair coat, two females showed signs of labored respiration, and one female had hunched posture on day 0. Clinical signs were no longer apparent by day 2. Each treatment group had three males and females displaying mottled, dark red lungs on day 0. Red to tan lesions remained on the majority of animals through day 21. *Bacillus cereus* strain BP01 is not toxic, pathogenic or infective to rats at an intratracheal dose of either 7×10^8 or 9.33×10^8 CFU. A slow but typical clearance pattern was observed; slow clearance in the lung with distinct clearance pattern noted in the liver and spleen. The lesions present in the histopathology sections in both the killed and live test substance animals indicate an inflammatory response to the treatment due to the presence of particulate material.

4. *Acute intravenous toxicity* (OPPTS 885.3200; 152A–13; MRID 441773–09). Five male and five female rates were intravenously injected with either 0.5 mL of *Bacillus cereus*, 0.5 mL of the killed test substance, or kept as a naive control. The rats were weighed before initial dosing and weekly thereafter. Animals were observed for clinical signs twice daily for 14 days. All rats were examined by necropsy for any macroscopic abnormalities at the end of the study. One female displayed a loss in body weight from day 0 to day 17. No other abnormalities were noted in body weight or weight gain throughout the study. No clinical signs were reported by the testing facilty and no abnormalities were noted upon necropsy. Although *Bacillus cereus* strain BP01 is not toxic to rats at an intravenous dose of 2.0×10^7 CFU, the registrant failed to submit the clearance portion of the study. However, this study does not need to be repeated because the oral and intratracheal studies demonstrated distinct clearance patterns.

5. *Primary eye irritation* (OPPTS; 870.2400; 152A–14; MRID 441773–10). Three male and three female, young adult, New Zealnad White rabbits were given a single dose of 0.1g (equivalent to 2.2×10^9 CFU) of the microbial pest control agent (MPCA) in the everted lower right eyelid of each animal. The eye was gently held together for 2 seconds to prevent a loss of material. The left eye served as the control for each animal. The Draize Method was used to score ocular irritation and lesions at 1 hour, and 1, 2, 3, 4, and 7 days post dosing. A 2% fluorescein solution and ultraviolet light was used after 24 hours to evaluate corneal epithelial damage. Slight to moderate redness, chemosis, and occasional discharge was observed in all 6 animals within 1 hour post dosing. Clinical signs were no longer apparent by day 3. No abnormalities were observed in any control eye during the study. The primary irritation scores at 24 hours post dosing was 4.8 when a 0.1g (2×10^9 CFU) ocular dose was administered.

Ocular irritation was no longer present by day 3.

6. *Immunotoxicity* (OPPTS 880.3800). Immune response, teratogenicity, virulence enhancement, and mammalian mutagenicity (40 CFR 158.740(c)(2)(vi) through (xv), were not required since survival, replication, infectivity, toxicity, or persistence of the microbial agent was not observed in the test animals treated in the Tier I infectivity tests.

7. *Hypersensitivity* (OPPTS 870.2600; 152–15). Incidents of hypersensitivity must be reported to the Agency in a timely manner. There have been no reports of incidents of hypersensitivity to *Bacillus cereus* since it was registered.

V. Aggregate Exposures

In examining aggregate exposure, section 408 of the FFDCA directs EPA to consider available information concerning exposures from the pesticide residue in food and all other non-occupational exposures, including drinking water from ground water or surface water and exposure through pesticide use in gardens, lawns, or buildings (residential and other indoor uses).

A. Dietary Exposure

1. *Food.* While the suggested use pattern may result in dietary exposure with possible residues on food and feed, negligible risk is expected for both the general population, infants and children. Submitted acute toxicology tests confirm that based upon the use sites, use patterns, application method, use rates, low exposure, and lack of significant toxicology concerns, the potential risks, if any, to humans are considered negligible, therefore an exemption from the requirement of a tolerance is warranted. Acute exposure could occur from the proposed outdoor use sites but would be very low because of the low application rates of less than 48 fluid ounces of BP01/acre/year in cotton and less than 32 fluid ounces of BP01/acre/year in soybean. Considering the low application rates, lack of toxicity/pathogenicity, ubiquitous nature and natural occurrence of *Bacillius cereus*, no residue data were required.

2. *Drinking water exposure.* The microorganism *Bacillus cereus* is ubiquitous in many soils throughout the world. *Bacillus cereus* is not known as an aquatic bacterium and therefore is not expected to proliferate in aquatic habitats. The potential exists for *Bacillus cereus* strain BPO1 to enter ground water or other drinking water sources, after application. Both percolation through soil and municipal treatment of drinking water would reduce the possibility of exposure to *Bacillus cereus* through drinking water. Moreover, *Bacillus cereus* strain BPO1 is not considered to be a risk to drinking water. The Agency has no drinking water exposure concerns, because exposure is minimal to non-existent and the demonstrated lack of toxicity or pathogenicity for the *Bacillus cereus* Strain BP01 microbe.

B. Other Non-Occupational Exposure

The potential of non-dietary exposures to *Bacillus cereus* strain BPO1 pesticide residues for the general population, including infants and children, is unlikely since this is only an agricultural use pesticide. The Agency believes that the potential aggregate exposure, derived from dermal and inhalation exposure via mixing, loading, and applying *Bacillus cereus* strain BPO1, should fall well below the currently tested microbial safety levels.

1. *Dermal exposure*. Dermal exposure via the skin would be the primary route of exposure for mixer/loader applications. Unbroken skin is a natural barrier to microbial invasion of the human body. Dermal absorption could occur only if the skin were cut, if the microbe were a pathogen equipped with mechanisms for entry through or infection of the skin, or if metabolites were produced that could be dermally absorbed. Submitted acute dermal toxicity data confirmed a lack of dermal toxicity and mild to moderate dermal irritation was only observed until day 13 of the study.

2. *Inhalation exposure*. Inhalation would be the primary route of exposure for mixer/loader applications. Because the pulmonary study showed no adverse effects, the risks anticipated for the route of exposure are considered minimal.

VI. Cumulative Effects

The Agency has considered available information on the cumulative effects of such residues and other substances that have a common mechanism of toxicity. These considerations included the cumulative effects on infants and children of such residues and other substances with a common mechanism of toxicity. Because there is no indication of mammalian toxicity to this, the Agency is confident that there will not be cumulative effects from the registration of this product

VII. Determination of Safety for U.S. Population, Infants and Children

1. *U.S. population*. There is a reasonable certainty that no harm will result from aggregate exposure to the U.S. population from exposure to *Bacillus cereus*. This includes all anticipated dietary exposures and all other exposures for which there is reliable information. The Agency has arrived at this conclusion based on the very low levels of mammalian toxicity (no toxicity at the maximum doses tested, Toxicity Categories III and IV for irritation) associated with *Bacillus cereus* strain BP01 and the history of safe use of *Bacillus cereus*.

2. *Infants and children*. FFDCA section 408(b)(2)(C) provides that EPA shall apply an additional tenfold margin of exposure (safety) for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database unless EPA determines that a different margin of exposure (safety) will be safe for infants and children. Margins of exposure (safety) are often referred to as uncertainty (safety) factors. A battery of acute toxicity/pathogenicity studies is considered sufficient by the Agency to perform a risk assessment for microbial pesticides. Other strains of *Bacillus cereus* have been implicated in nosocomial infections in rare instances and in food poisoning incidents. In the ELISA Analysis of Enterotoxin test data submitted there was no evidence of diarrhoeal type enterotoxin production in the culture filtration of *Bacillus cereus* strain BPO1 or the end use product. Data relating to the post application die off of *Bacillus cereus* species *vs.* background soil population counts demonstrated that this organism is very stable in the soil and rhizosphere. Also, for food use of microbial pesticides, the acute toxicity/pathogenicity studies have allowed for the conclusion that an exemption from the requirement of a tolerance is appropriate and adequate to protect human health, including that of infants and children.

VIII. Other Considerations

A. Endocrine Disruptors

EPA is required under the FFDCA, as amended by FQPA, to develop a screening program to determine whether certain substances (including all pesticide active and other ingredients) ''may have an effect in humans that is similar to an effect produced by a naturally-occurring estrogen, or other such endocrine effects as the Administrator may designate.'' Following the recommendations of its Endocrine Disruptor Screening and Testing Advisory Committee (EDSTAC), EPA determined that there is no

scientific basis for including, as part of the program, the androgen and thyroid hormone systems in addition to the estrogen hormone system. EPA also adopted EDSTAC's recommendation that the program include evaluations of potential effects in wildlife. For pesticide chemicals, EPA will use FIFRA and, to the extent that effects in wildlife may help determine whether a substance may have an effect in humans, FFDCA authority to require wildlife evaluations. As the science develops and resources allow, screening of additional hormone systems may be added to the Endocrine Disruptor Screening Program (EDSP). When the appropriate screening and/or testing protocols being considered under the Agency's EDSP have been developed, *Bacillus cereus* may be subjected to additional screening and/or testing to better characterize effects related to endocrine disruption.

Based on available data, no endocrine system-related effects have been identified with consumption of *Bacillus cereus* strain BP01. It is a naturally occurring bacteria. To date, there is no evidence to suggest that *Bacillus cereus* affects the immune system, functions in a manner similar to any known hormone, or that it acts as an endocrine disruptor.

B. Analytical Method(s)

The Agency proposes to establish an exemption from the requirement of a tolerance without any numerical limitation based upon the lack of mammalian toxicity of *Bacillus cereus* and the lack of exposure with the plant growth regulator use pattern. For the same reasons, the Agency has concluded that an analytical method is not required for enforcement purpose for *Bacillus cereus.*

C. Codex Maximum Residue Level

There are no Codex harmonization consideration since there is currently no codex tolerance for *Bacillus cereus* residues.

IX. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) of the FFDCA provides essentially the same process for persons to ''object'' to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d) of the FFDCA, as was provided in the old sections 408 and 409 of the FFDCA. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number OPP–2002–0291 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before January 21, 2003.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900C), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001. You may also deliver your request to the Office of the Hearing Clerk in Rm.104, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (703) 603–0061.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it ''Tolerance Petition Fees.''

EPA is authorized to waive any fee requirement ''when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection.'' For additional information regarding the waiver of these fees, you may contact James Tompkins by telephone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit IX.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.1. Mail your copies, identified by docket ID number OPP–2002–0291, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.1. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of

the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

X. Regulatory Assessment Requirements

This final rule establishes an exemption from the tolerance requirement under section 408(d) of the FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this rule has been exempted from review under Executive Order 12866 due to its lack of significance, this rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.,* or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of the FFDCA, such as the exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of the FFDCA. For these same reasons, the Agency has determined that this rule does not have any ''tribal implications'' as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications '' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.'' This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

XI. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: October 31, 2002.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346(a) and 374.

2. Section 180.1181 is revised to read as follows:

§ 180.1181 Bacillus cereus strain BPO1; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance for residues of the *Bacillus cereus* strain BPO1 in or on all raw agricultural commodities when applied/used in accordance with label directions.

[FR Doc. 02–29331 Filed 11–19–02; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02–2231, MB Docket No. 02–223, RM–10520]

Digital Television Broadcast Service; Avalon, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Pappas Southern California License, LLC., and pursuant to Section 531 of the Public Health, Security and Bioterrorism Preparedness and Reponse Act of 2002, allots DTV channel 47c at Avalon, California. DTV channel 47c can be allotted to Avalon at the

coordinates 34–13–35 N. and 118–3–58 W.

With this action, this proceeding is terminated.

DATES: This document will become effective 60 days after concurrence of the Mexican government is obtained. The FCC will publish a document announcing when the concurrence has been obtained, and also give that effective date.

FOR FURTHER INFORMATION CONTACT: Joyce Bernstein, Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MB Docket No. 02–223, adopted September 10, 2002, and released September 17, 2002. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., CY–B402, Washington, DC 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.*

List of Subjects in 47 CFR Part 73

Digital television broadcasting, Television.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Allotments under California, is amended by adding Avalon, DTV channel 47c.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Division, Media Bureau.

[FR Doc. 02–29381 Filed 11–19–02; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 600 and 660

[Docket No. 011231309–2090–03; I.D. 111302A]

Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Trip Limit Adjustments; Correction

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Inseason trip limit adjustments and correction; request for comments.

SUMMARY: NMFS announces trip limit changes in the Pacific Coast groundfish fisheries for flatfish sub-limits in the exempted trawl fishery for California halibut and trip limit corrections for minor nearshore and widow rockfish in the limited entry trawl fisheries. These actions, which are authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP), will allow fisheries access to healthy groundfish stocks while protecting overfished and depleted stocks.

DATES: Effective 0001 hours local time November 20, 2002 until the 2003 annual specifications and management measures are effective, unless modified, superseded, or rescinded through a publication in the **Federal Register**.

ADDRESSES: Submit comments to D. Robert Lohn, Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115–0070; or Rod McInnis, Acting Administrator, Southwest Region, NMFS, 501 West Ocean Blvd, Suite 4200, Long Beach, CA 90802–4213.

FOR FURTHER INFORMATION CONTACT: Carrie Nordeen (Northwest Region, NMFS), phone: 206–526–6140; fax: 206–526–6736; and e-mail: *carrie.nordeen@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Electronic Access

This **Federal Register** document is available on the Government Printing Office's Web site at:*http://www.access.gpo.gov/su__docs/ca/docs/aces/aces140.html.* Background information and documents are available at the NMFS Northwest Region Web site at: *http://www.nwr.noaa.gov/1sustfsh/gdfsh01.htm* and at the Pacific Fishery Management Council's Web site at: *http://www.pcouncil.org.*

Background

The Pacific Coast Groundfish FMP and its implementing regulations at 50 CFR part 660, subpart G, regulate fishing for over 80 species of groundfish off the coasts of Washington, Oregon, and California. Annual groundfish specifications and management measures are initially developed by the Pacific Fishery Management Council (Pacific Council), and are implemented by NMFS. The specifications and management measures for the current fishing year (January 1–December 31, 2002) were initially published in the **Federal Register** as an emergency rule for January 1–February 28, 2002 (67 FR 1540, January 11, 2002), as a proposed rule for all of 2002 (67 FR 1555, January 11, 2002), and as a final rule effective March 1, 2002 (67 FR 10490, March 7, 2002). The final rule was subsequently amended at 67 FR 15338, April 1, 2002; at 67 FR 18117, April 15, 2002; at 67 FR 30604, May 7, 2002; at 67 FR 40870, June 14, 2002; at 67 FR 44778, July 5, 2002; at 67 FR 48571, July 25, 2002; at 67 FR 50835, August 6, 2002; at 67 FR 55166, August 28, 2000; at 67 FR 56497, September 4, 2002; at 67 FR 57973, September 13, 2002; at 67 FR 62204, October 4, 2002; at 67 FR 62401, October 7, 2002; and at 67 FR 64826, October 22, 2002.

The following changes to current groundfish management measures were recommended by the Pacific Council, in consultation with Pacific Coast Treaty Tribes and the States of Washington, Oregon, and California, at its October 29–November 1, 2002, meeting in Foster City, CA. Pacific Coast groundfish landings will be monitored throughout the year, and further adjustments will be made as necessary to allow achievement of or to avoid exceeding the 2002 optimum yields (OYs) and allocations.

Limited Entry Trawl Small Footrope Limits for Nearshore Rockfish and Widow Rockfish North of 40°10′ N. lat.

On September 10, 2002, NMFS implemented an emergency rule to establish new depth-based management measures in the Pacific Coast groundfish fishery north of 40°10′ N. lat. for September-December 2002 (67 FR 57973, September 13, 2002). This emergency rule created the Darkblotched Rockfish Conservation Area (DBCA) to protect darkblotched rockfish, an overfished species, and re-opened areas outside the DBCA to limited entry trawl harvest of healthy groundfish stocks that otherwise would have been foregone to protect

darkblotched rockfish. Fishing with limited entry trawl large footrope gear has been permitted seaward of the DBCA September-December and fishing with limited entry small footrope gear has been permitted shoreward of the DBCA during October-December.

When setting rockfish incidental catch allowance recommendations for the area shoreward of the DBCA in October's inseason action (67 FR 62401, October 7, 2002), the Pacific Council overlooked allowances for nearshore rockfish and widow rockfish. After discussing this issue at its October/November meeting, instead of prohibiting retention of nearshore and widow rockfish, the Pacific Council recommended limited entry trawl small footrope limits of 300 lb (136 kg) per month for nearshore rockfish and 500 lb (227 kg) per month for widow rockfish for the November-December cumulative period north of 40°10' N. lat. These incidental catch allowances will decrease the discard of rockfish incidentally taken with nearshore flatfish species, but are not expected to cause the 2002 OYs for any rockfish species or species group to be exceeded.

Exempted California Trawl Sub-limit for Flatfish South of 40°10' N. lat.

Another incidental catch allowance issue brought to the Pacific Council's attention at their October/November meeting was that of groundfish retention in the exempted trawl fishery for California halibut. Since July 1, 2002 (67 FR 44778), all groundfish retention with exempted trawl gear south of 40°10' N. lat. has been prohibited to protect bocaccio. In addition to slowing the catch of bocaccio, prohibiting the retention of all groundfish species taken with exempted trawl gear has resulted in the discard of small amounts of valuable flatfish species in the trawl fishery for California halibut. Because flatfish species are taken incidentally with California halibut at depths shallower than where bocaccio are typically found (less than 40 fm (73 m)), an incidental catch allowance for nearshore flatfish is not expected to result in additional catch of bocaccio rockfish. Therefore, the Pacific Council recommended a California halibut exempted trawl flatfish sub-limit of up to 100 lb (45 kg) per day, provided that flatfish are landed with at least one California halibut, and an exempted trawl flatfish limit of between 100 lb (45 kg) and 300 lb (136 kg) per day, not to exceed 3,000 lb (1,361 kg) per month, provided the amount of flatfish landed does not exceed the amount of California halibut landed. Because of the small size of this incidental catch allowance and the variability of California halibut catch rates, the Pacific Council recommended suspension of the previous requirement that groundfish poundage not exceed non-groundfish poundage for flatfish landings of less than 100 lb (45 kg). These low incidental catch allowances are not expected to result in an effort shift whereby vessels would be targeting flatfish.

NMFS Actions

For the reasons stated herein, NMFS concurred with the Pacific Council's recommendations and hereby announces the following changes to the 2002 specifications and management measures:

1. On page 10517 in the March 7, 2002, issue of the **Federal Register**, in section IV., under B. Limited Entry Fishery, at the end of paragraph (1), Table 3 is revised to read as follows:

BILLING CODE 3510–22–S

IV. NMFS Actions

B. Limited Entry Fishery

(1) * * *

Table 3. Trip Limits[1/] and Gear Requirements[2/] for Limited Entry Trawl Gear
Other Limits and Requirements Apply -- Read Sections IV. A. and B. NMFS Actions before using this table

line	Species/groups	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	****** NOTE FOR **NORTH OF 40°10' N. LAT.**: ALL TRAWLING WITH GROUNDFISH GEAR IS PROHIBITED WITHIN THE DBCA[11/]. ALL TRAWLING IS PROHIBITED SHOREWARD OF THE DBCA DURING SEPTEMBER. SMALL FOOTROPE GEAR[5/] IS REQUIRED SHOREWARD OF THE DBCA OCT-DEC, AND LARGE FOOTROPE GEAR IS PERMITTED SEAWARD OF THE DBCA SEP-DEC.						
1	**Minor slope rockfish**						
2	North	1,800 lb/ 2 months				600 lb / 2 months	1,800 lb / 2 months
3	South						
4	40°10' - 36° N. lat.	50,000 lb/ 2 months		5,000 lb/ 2 months			
5	South of 36° N. lat.	50,000 lb/ 2 months				25,000 lb/ 2 months	40,000 lb/ 2 months
6	**Splitnose - South**[6/]						
7	40°10' - 36° N. lat.	25,000 lb/ 2 months		5,000 lb/ 2 months		1,800 lb / 2 months	
8	South of 36° N. lat.	25,000 lb/ 2 months				25,000 lb/ 2 months	40,000 lb/ 2 months
9	**Pacific ocean perch - North**[6/]	2,000 lb/ month		4,000 lb/ month		4,000 lb/ 2 months	2,000 lb / month
10	**Chilipepper - South**[6/]						
11	mid-water trawl	25,000 lb/ 2 months					
12	small footrope trawl	7,500 lb/ 2 months		4,000 lb/ 2 months		CLOSED[7/]	
13	large footrope trawl	500 lb/ trip, not to exceed small footrope cumulative 2-month limits at any time during the year.					
14	**DTS complex - North**						
15	Sablefish	6,000 lb/ 2 months		3,500 lb/ 2 months	3,000 lb/ 2 months	In times and areas where open - 3,500 lb/ 2 months	2,600 lb/ 2 months
16	Longspine thornyhead	10,000 lb/ 2 months		6,000 lb/ 2 months	1,500 lb/ 2 months	In times and areas where open - 10,000 lb/ 2 months	8,000 lb/ 2 months
17	Shortspine thornyhead	2,600 lb/ 2 months		2,000 lb/ 2 months	1,500 lb/ 2 months	In times and areas where open - 2,600 lb/ 2 months	2,200 lb/ 2 months
18	Dover sole	30,000 lb/ 2 months	28,000 lb/ 2 months	14,000 lb/ 2 months		In times and areas where open - 20,000 lb/ 2 months	22,000 lb/ 2 months providing that only large footrope or midwater trawl gear is used to land any groundfish species during entire limit period. If small footrope bottom trawl is used at any time in any area (North or South) dunn the entire limit period, then 12,000 lb/ 2 months.
19	**DTS complex - South**						
20	Sablefish[8/]	4,500 lb/ 2 months					
21	Longspine thornyhead	10,000 lb/ 2 months					
22	Shortspine thornyhead	2,600 lb/ 2 months					
23	Dover sole	22,000 lb/ 2 months					
24	**Flatfish - North**						
25	All other flatfish [3/]	LARGE FOOTROPE: 1,000 lb/trip, not to exceed small footrope cumulative monthly limits, includes arrowtooth flounder.		LARGE FOOTROPE: 1,000 lb/trip, not to exceed small footrope cumulative monthly limits. Retention of **petrale and rex sole** prohibited if large footrope gear is onboard.	SMALL FOOTROPE REQUIRED: 40,000 lb/ month, no more than 15,000 of which may be petrale sole	In times and areas where open - 25,000 lb/ month, no more than 10,000 of which may be petrale sole.	50,000 lb/ month, no more than 20,000 lb / month of which may be petrale
		SMALL FOOTROPE:		SMALL FOOTROPE:			
		15,000 lb/ month	35,000 lb/ month	30,000 lb/ month, no more than 10,000 of which may be petrale sole			
26	Petrale sole	Not limited, large footrope allowed					
27	Rex sole						
28	Arrowtooth flounder	LARGE FOOTROPE: included in "all other flatfish" limit.		SMALL FOOTROPE REQUIRED: 7,500 lb/ trip, no more than 30,000 lb/ month; large footrope prohibited		In times and areas where open - 3,500 lb/ trip, no more than 15,000 lb/ month.	30,000 lb/ trip
		SMALL FOOTROPE: 30,000 lb/ trip					
29	**Flatfish - South**						
30	All other flatfish [3/]	LARGE FOOTROPE: 1,000 lb/trip, not to exceed small footrope cumulative monthly limits, includes arrowtooth flounder.		LARGE FOOTROPE: 1,000 lb/trip, not to exceed small footrope cumulative monthly limits. Retention of **petrale and rex sole** prohibited if large footrope gear is onboard.	CLOSED[7/] With the exception of 1,000 lb/ trip of rex sole, petrale sole, English sole, and arrowtooth flounder combined when landed with DTS complex. The amount of per trip flatfish landings must not exceed the amount of DTS landed. Landings may be made with small or large footrope gear.		CLOSED[7/] With the following exceptions: Petrale sole 30,000 lb/ 2 months; Rex sole 2,000 lb/ trip; and 1,000 lb/ trip of English sole and arrowtooth flounder combined when landed with DTS complex or Petrale sole. The amount of per trip flatfish landings (Rex sole, English sole, and arrowtooth flounder) must not exceed the amount of DTS and Petrale sole landed. Landings ma be made with small or large footrope gear.
		SMALL FOOTROPE: 70,000 lb/ month, no more than 40,000 lb of which may be species other than Pacific sanddabs.		SMALL FOOTROPE: 70,000 lb/ month, no more than 40,000 lb of which may be species other than Pacific sanddabs. Of the species other than Pacific sanddabs, no more than 15,000 lb may be petrale sole.			
31	Petrale sole	Not limited, large footrope allowed					
32	Rex sole						
33	Arrowtooth flounder	LARGE FOOTROPE: included in "all other flatfish" limit.		SMALL FOOTROPE REQUIRED: 7,500 lb/ trip, no more than 30,000 lb/ month; large footrope prohibited			
		SMALL FOOTROPE: 30,000 lb/ trip					
34	**Whiting**[4/]	20,000 lb/ trip		Primary Season		CLOSED[7/]	

Table 3. (CONTINUED) Trip Limits[1/] and Gear Requirements[2/] for Limited Entry Trawl Gear
Other Limits and Requirements Apply -- Read Sections IV. A. and B. NMFS Actions before using this table

line	Species/groups	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
**	NOTE FOR **NORTH OF 40°10' N. LAT.**: ALL TRAWLING WITH GROUNDFISH GEAR IS PROHIBITED WITHIN THE DBCA[11/]. ALL TRAWLING IS PROHIBITED SHOREWARD OF THE DBCA DURING SEPTEMBER. SMALL FOOTROPE GEAR[5/] IS REQUIRED SHOREWARD OF THE DBCA OCT-DEC, AND LARGE FOOTROPE GEAR IS PERMITTED SEAWARD OF THE DBCA SEP-DEC.						
35	**Minor shelf rockfish**						
36	North	300 lb/ month		1,000 lb/ month, no more than 300 lb of which may be yelloweye rockfish		CLOSED[7/]	300 lb / month
37	South	500 lb/ month		1,000 lb/ month, no more than 300 lb of which may be yelloweye rockfish	CLOSED[7/]		
38	**Canary rockfish**						
39	North[11/]	200 lb/ 2 months		600 lb/ 2months	600 lb/ 2 months	CLOSED[7/]	200 lb / month
40	South				CLOSED[7/]		CLOSED[7/]
41	**Widow rockfish**						
42	North						
43	mid-water trawl[12/]	CLOSED[7/]		During primary whiting season, in trips of at least 10,000 lb of whiting: combined widow and yellowtail limit of 500 lb/ trip, cumulative widow limit of 1,500 lb/ month		CLOSED[7/]	13,000 lb/ 2 months; no more than 2 trips per vessel per 2 month period
44	small footrope trawl	1,000 lb/ month				CLOSED[7/]	500 lb / month
45	South						
46	mid-water trawl	CLOSED[7/]		During primary whiting season, in trips of at least 10,000 lb of whiting: combined widow and yellowtail limit of 500 lb/ trip, cumulative widow limit of 1,500 lb/ month	CLOSED[7/]		
47	small footrope trawl	1,000 lb/ month			CLOSED[7/]		
48	**Yellowtail - North[6/]**						
49	mid-water trawl[12/]	CLOSED[7/]		During primary whiting season, in trips of at least 10,000 lb of whiting: combined widow and yellowtail limit of 500 lb/ trip, cumulative yellowtail limit of 2,000 lb/ month		CLOSED[7/]	20,000 lb/ 2 months; no more than 2 trips per vessel per 2 month period
50	small footrope trawl	In landings without flatfish, 1,000 lb/ month. As flatfish bycatch, per trip limit is the sum of 33% (by weight) of all flatfish except arrowtooth flounder, plus 10% (by weight) of arrowtooth flounder. Combined with and without flatfish, not to exceed 30,000 lb/ 2 months.				CLOSED[7/]	As flatfish bycatch, per trip limit is the sum of 33% (by weight) of all flatfish except arrowtooth flounder, plus 10% (by weight) of arrowtooth flounder not to exceed 4,500 lb/ month.
51	**Bocaccio - South[6/]**	600 lb/ 2 months		1,000 lb/ 2 months	CLOSED[7/]		
52	**Cowcod**	CLOSED[7/]					
53	**Minor nearshore rockfish**						
54	North	300 lb/ month				CLOSED[7/]	300 lb / month
55	South	300 lb/ month			CLOSED[7/]		
56	**Lingcod[8/]**						
57	North	800 lb/ 2 months		1,000 lb/ 2 months		500 lb / month	
58	South			1,000 lb/ 2 months	CLOSED[7/]		
59	**Other Fish[10/]**						
60	North	Not limited			Grenadier retention permitted		Not limited, except spiny dogfish prohibited with large footrope gear.
61	South						CLOSED[7/], except grenadier retention permitted.

1/ Trip limits apply coastwide unless otherwise specified. "North" means 40°10' N. lat. to the U.S.-Canada border. "South" means 40°10' N. lat. to the U.S.-Mexico border. 40°10' N. lat. is about 20 nm south of Cape Mendocino, CA.

2/ Gear requirements and prohibitions are explained above. See IV.A.(14).

3/ "Other" flatfish means all flatfish at 50 CFR 660.302 except those in this Table 3 with species specific management measures, including trip limits.

4/ The whiting "per trip" limit in the Eureka area shoreward 100 fm is 10,000 lb/ trip from January 1 - August 31, 2002. From September 1 - December 31, 2002, the whiting fishery is closed.

5/ Small footrope trawl means a bottom trawl net with a footrope no larger than 8 inches (20 cm) in diameter. In areas where trawl gear is restricted, only one type of trawl gear is allowed on board at any one time. See above.

6/ Yellowtail rockfish in the south and bocaccio and chilipepper rockfishes in the north are included in the trip limits for minor shelf rockfish in the appropriate area. POP in the south and splitnose rockfish in the north are included in the trip limits for minor slope rockfish in the appropriate area.

7/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See IV.A.(7).

8/ The minimum size limit for lingcod is 24 inches (61 cm) total length.

9/ The minimum size requirement for sablefish is 20 inches (51 cm) total length and no more than 500 lb of undersized sablefish may be landed per trip.

10/ Other fish are defined at 50 CFR 660.302, as those groundfish species or species groups for which there is no trip limit, size limit, quota, or harvest guideline.

11/ All trawling is prohibited within the DBCA (between approximately 100 and 250 fathoms north of 40°10' N. lat.); gear must be covered and stowed when transiting through the area. See IV.A.(22).

12/ The states of Washington and Oregon require a declaration of intent prior to fishing with midwater trawl gear in the DBCA (between approximately 100 and 250 fathoms north of 40°10' N. lat.). Contact the appropriate state enforcement officials for details. Fishing for widow and yellowtail rockfish with midwater trawl gear is permitted in the DBCA during Nov-Dec as noted in the Table 3.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

* * * * *

2. On page 10520 in the same issue, in section IV., under C. Trip Limits in the Open Access Fishery, at the end of paragraph (1), Table 5 is revised to read as follows:

IV. NMFS Actions

C. Trip Limits in the Open Access Fishery

(1) * * *

Table 5. Trip Limits[1/] for Open Access Gears
Other Limits and Requirements Apply -- Read Sections IV. A. and C. NMFS Actions before using this table
Exceptions for exempted gears at Section IV.C.

line	Species/groups	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
1	**Minor slope rockfish**						
2	North	Per trip, no more than 25% of weight of the sablefish landed					
3	South						
4	40°10' - 36° N. lat.	10,000 lb/ 2 months		5,000 lb/ 2 months		1,800 lb/ 2 months	
5	South of 36° N. lat.	10,000 lb/ 2 months					
6	**Splitnose - South[4/]**	200 lb/ month					
7	**Pacific ocean perch - North[4/]**	100 lb/ month					
8	**Sablefish**						
9	North of 36° N. lat.[7/]	300 lb/ day, or 1 landing per week of up to 800 lb, not to exceed 2,400 lb/ 2 months					300 lb/ day, or 1 landing per week of up to 900 lb, not to exceed 2,700 lb/ 2 months
10	South of 36° N. lat.	350 lb/ day, or 1 landing per week of up to 1,050 lb		300 lb/ day, or 1 landing per week of up to 900 lb			
11	**Thornyheads**						
12	North of 34° 27' N. lat.	CLOSED[3/]					
13	South of 34° 27' N. lat.	50 lb/ day, no more than 2,000 lb/ 2 months					
14	**Dover sole**	3,000 lb/ month, no more than 300 lb of which may be species other than Pacific sanddabs			North of 40°10': 3,000 lb/ month, no more than 300 lb of which may be species other than Pacific sanddabs. South of 40°10': Shoreward of 20 ftm, 3,000 lb/ month, no more than 300 lb of which may be species other than Pacific sanddabs, otherwise CLOSED[3/]		
15	**Arrowtooth flounder**						
16	**Petrale sole**						
17	**Rex sole**						
18	**All other flatfish[2/]**						
19	**Whiting**	300 lb/ month				CLOSED[3/]	
20	**Shelf rockfish, including minor shelf rockfish, widow and yellowtail rockfish[4/]**						
21	North	200 lb/ month					
22	South						
23	40°10' - 34°27' N. lat.	200 lb/ month	CLOSED[3/]	Shoreward of 20 ftm depth, 200 lb/ month, otherwise CLOSED[3/]	CLOSED[3/]		
24	South of 34°27' N. lat.	CLOSED[3/]	500 lb/ month				
25	**Canary rockfish**	CLOSED[3/]					
26	**Yelloweye rockfish**	CLOSED[3/]					
27	**Cowcod**	CLOSED[3/]					
28	**Bocaccio - South[4/]**						
29	40°10' - 34°27' N. lat.	200 lb/ month	CLOSED[3/]		CLOSED[3/]		
30	South of 34°27' N. lat.	CLOSED[3/]	200 lb/ month				
31	**Chilipepper - South[4/]**						
32	40°10' - 34°27' N. lat.	500 lb/ month	CLOSED[3/]		CLOSED[3/]		
33	South of 34°27' N. lat.	CLOSED[3/]	2,500 lb/ month				
34	**Minor nearshore rockfish**						
35	North	3,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black or blue rockfish[5/]		6,000 lb/ 2 months, no more than 3,000 lb of which may be species other than black or blue rockfish[5/]			7,000 lb/ 2 months no more than 3,000 lb of which may be species other than black or blue rockfish[5/]
36	South						
37	40°10' - 34°27' N. lat.	1,200 lb/ 2 months	CLOSED[3/]	Shoreward of 20 ftm depth, 1,200 lb/ 2 months, otherwise CLOSED[3/]	Shoreward of 20 ftm depth, 1,200 lb/ 2 months, otherwise CLOSED[3/]	CLOSED[3/]	
38	South of 34°27' N. lat.	CLOSED[3/]	1,200 lb/ 2 months				
39	**Lingcod[6/]**						
40	North	CLOSED[3/]		300 lb/ month			CLOSED[3/]
41	South						
42	40°10' - 34°27' N. lat.	CLOSED[3/]		Shoreward of 20 ftm depth, 300 lb/ month, otherwise CLOSED[3/]	Shoreward of 20 ftm depth, 300 lb/ month, otherwise CLOSED[3/]	CLOSED[3/]	
43	South of 34°27' N. lat.			300 lb/ month			
44	**Other Fish[8/]**						
45	North	Not limited			Grenadier retention permitted		Not limited, except spiny dogfish prohibited.
46	South						CLOSED[3/], except grenadier retention permitted.
47	**CALIFORNIA HALIBUT EXEMPTED TRAWL GEAR**						
48	North	CLOSED[3/] (groundfish retention prohibited)					
49	South	For November - December: Vessels using groundfish gear to target California halibut south of 38°57'30" N. lat. are allowed to (1) land up to 100 lb of flatfish per day, provided that flatfish are landed with at least one California halibut, and (2) land between 100 lb and 300 lb of flatfish per day, not to exceed 3,000 lb per month, provided the amount of flatfish landed does not exceed the amount of California halibut landed.					

1/ Trip limits apply coastwide unless otherwise specified. "North" means 40°10' N. lat. To the U.S.-Canada border. "South" means 40°10' N. lat. To the U.S.-Mexico border. 40°10' N. lat. is about 20 nm south of Cape Mendocino, CA.

2/ "Other flatfish" means all flatfish at 50 CFR 660.302 except those in this Table 5 with species specific management measures, including trip limits.

3/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See IV.A.(7).

4/ Yellowtail rockfish in the south and bocaccio and chilipepper rockfishes in the north are included in the trip limits for minor shelf rockfish in the appropriate area. Pop in the south and splitnose rockfish in the north are included in the trip limits for minor slope rockfish in the appropriate area.

5/ For black rockfish north of Cape Alava (48°09'30" N.lat.), and between Destruction Island (47°40'00" N.lat.) and Leadbetter Point (46°38'10" N.lat.), there is an additional limit of 100 lbs or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip.

6/ The size limit for lingcod is 24 inches (61 cm) total length.

7/ The minimum size requirement for sablefish is 20 inches (51 cm) total length between 40°10' N. lat. and 36° N. lat.

8/ Other fish are defined at 50 CFR 660.302, as those groundfish species or species groups for which there is no trip limit, size limit, quota, or harvest guideline.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

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3. On page 10521, in column 1, section IV., under C. Trip Limits in the Open Access Fishery, paragraph (2)(a) is revised to read as follows:

(a) Trip limits. (i) North of 40°10' N. lat. The trip limit is 300 lb (136 kg) of groundfish per fishing trip. Limits in Table 5 also apply and are counted toward the 300 lb (136 kg) groundfish limit. In any landing by a vessel engaged in fishing for spot prawns with exempted trawl gear, the amount of groundfish landed may not exceed the amount of the target species landed. The daily trip limits for sablefish may not be multiplied by the number of days of the fishing trip.

(ii) South of 40°10' N. lat. ''It is prohibited to take and retain, possess, or land any groundfish species with exempted trawl gear with the following exceptions: vessels participating in the California halibut fishery south of 38°57'30'' N. lat. are allowed to land up to 100 lb (45 kg) of flatfish per day, provided that flatfish are landed with at least one California halibut, and vessels participating in the California halibut fishery south of 38°57'30'' N. lat. are allowed to land between 100 lb (45 kg) and 300 lb (136 kg) of flatfish per day, not to exceed 3,000 lb (1,361 kg) per month provided that the amount of flatfish landed does not exceed the amount of California halibut landed.''

* * * * *

Classification

These actions are authorized by the Pacific Coast groundfish FMP and its implementing regulations, and are based on the most recent data available. The aggregate data upon which these actions are based are available for public inspection at the Office of the Administrator, Northwest Region, NMFS, (see **ADDRESSES**) during business hours.

The Assistant Administrator for Fisheries (AA), NMFS, finds good cause to waive the requirement to provide prior notice and opportunity for public comment on this action pursuant to 5 U.S.C. 553(b)(B), because providing prior notice and opportunity for comment would be impracticable. It would be impracticable because the trip limit adjustments are for the November-December cumulative trip limit period and affording prior notice and opportunity for public comment would not allow fishers to take advantage of this harvest opportunity. This would impede the agency's function of managing fisheries to approach without exceeding the OY for federally managed species. The AA is also waiving the 30-day delay in effectiveness requirement under 5 U.S.C. 553(d)(1) because this rule relieves a restriction. Delaying implementation of these trip limit adjustments may cause unnecessary hardship among the West Coast groundfish fleets. In 2002, the West coast groundfish fleet has suffered severe cutbacks in season lengths, areas, and species available to be fished in an effort by the Pacific Council to primarily protect darkblotched and bocaccio rockfish, both overfished species. Both of the trip limit adjustments in this document are increases from the status quo. Increases to trip limits for healthy stocks must be implemented in a timely manner to alleviate some of the economic and social burden fishermen and fishing communities have to bear to protect overfished and depleted groundfish species. Delaying implementation of these trip limit adjustments would restrict fishermen to the reduced trip limits put in place by the July and October inseason actions.

These actions are taken under the authority of 50 CFR 660.323(b)(1) and are exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 et. seq.

Dated: November 14, 2002.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 02–29510 Filed 11–19–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 011029263–2255–02; I.D. 010201A]

RIN 0648–AO93

Atlantic Highly Migratory Species; Quotas and Fishing Areas; Trade Monitoring

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to amend the regulations governing the Atlantic swordfish fishery to implement recommendations adopted at the 2000 meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT). To facilitate a future 400 metric ton (mt), one-time quota transfer to Japan and to amend the procedures by which any reserve quota will be appropriated to other fishing categories, NMFS establishes a reserve quota for North Atlantic swordfish. This final rule also maintains the status quo South Atlantic swordfish, North Atlantic albacore, and South Atlantic albacore quotas for 2001; and prohibits imports of Atlantic bigeye tuna harvested by certain countries. NMFS also reinstates regulations inadvertently removed during regulatory consolidation that would prohibit persons and vessels subject to the jurisdiction of the United States from possessing fish taken in violation of ICCAT recommendations or from violating another country's fisheries regulations pertaining to species managed by ICCAT. Finally, NMFS corrects existing trade restrictions to facilitate the enforcement of the swordfish dead discard allowance and to better monitor the importation of swordfish from designated countries. The intent of these actions is to improve the conservation of Atlantic highly migratory species (HMS) and to improve management of the fisheries targeting these species, while allowing harvest and trade consistent with recommendations of ICCAT.

DATES: All provisions of this final rule are effective December 20, 2002.

ADDRESSES: Copies of the Environmental Assessment/Regulatory Impact Review supporting this action may be obtained from Tyson Kade, Highly Migratory Species Management Division, F/SF1, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 or on the Web site at *www.nmfs.noaa.gov/sfa/hmspg.html*.

FOR FURTHER INFORMATION CONTACT: Tyson Kade, by phone: 301–713–2347; by fax: 301–713–1917.

SUPPLEMENTARY INFORMATION: The U.S. Atlantic swordfish fishery and the tuna fisheries are managed under the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (HMS FMP) and regulations at 50 CFR part 635 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq*. and the Atlantic Tunas Convention Act (ATCA), 16 U.S.C. 971 *et seq*. Regulations issued under the authority of ATCA carry out the recommendations of ICCAT. The November 15, 2001, proposed rule (66 FR 57409) contains the background information for these promulgated measures and that information is not repeated here.

The 2000 ICCAT recommendation relating to the Atlantic bigeye tuna import prohibitions for Belize, Cambodia, Equatorial Guinea, and St.

Vincent and the Grenadines is implemented herein. The recommendation indicates that the import prohibition on Atlantic bigeye tuna and its products in any form from Honduras shall take effect on January 1, 2002, unless ICCAT decided otherwise at its 2001 meeting. In 2001, ICCAT did not come to consensus to not impose the import prohibitions scheduled to go in effect in January 2002. There was no decision concerning whether Honduras had brought its fishing practices into conformity with ICCAT conservation and management measures and whether trade restrictions on Honduras should be removed. At the 2002 ICCAT meeting, it was recommended that the ban on imports of bigeye tuna from Honduras be lifted. Pending a review of the 2002 ICCAT recommendations and an assessment of the need for further rulemaking, NOAA Fisheries is not finalizing the trade sanctions with regards to Honduras that had been included in the proposed rule.

Comments and Responses

NMFS held three public hearings in November and December 2001 in Fort Lauderdale, FL; Fairhaven, MA; and Barnegat Light, NJ. Comments were received from fishery participants and other members of the public regarding the proposed regulations. In addition, two written comments were submitted to NMFS during the 45–day comment period. The comments are summarized here together with responses.

Reserve Quota

Comment 1: One commenter supports the 400–mt quota transfer as a one-time transfer from the Incidental category to a reserve quota as a short-term solution for the United States to retain its unharvested quota under U.S. authority. Several commenters opposed the establishment of a reserve for under-harvested quota. One commenter was disappointed that the quota to fill the new reserve would be unused directed fishery quota instead of incidental quota which was agreed to by industry at the 2000 ICCAT meeting.

Response: NMFS will carry over unused directed and incidental quota as is currently authorized in the regulations, except if a reserve quota is needed for a specific reason. Recently, NMFS carried over unused 1999 directed and incidental quota and allocated it to the incidental quota for the 2001 fishing year. Because the directed fishery is not harvesting its allocated quota, it will not affect fishery participants to fill the reserve quota with unused directed quota from the past.

Comment 2: We should not transfer quota free of charge for use by other ICCAT countries. We should sell them quota, as is currently being done elsewhere.

Response: As part of its allocation criteria, ICCAT prohibits participating countries from trading or selling their quota allocation. Goodwill transfers such as this one may result in increased research and cooperation with respect to all ICCAT-managed species. Further, the environmental benefits are substantial because they facilitate maintaining compliance with the ICCAT rebuilding plan.

Comment 3: The regulations need to clarify if establishing a reserve quota category is intended to represent a one-time quota transfer or if the reserve category would be replenished in the future by unused quota from other categories (e.g, unused incidental quota).

Response: The reserve category is established permanently and could, but would not necessarily, be replenished in the future. This rule does not place a standard amount of quota into that category annually.

Comment 4: Underharvests in the incidental catch quota category should be transferred to the directed fishery quota.

Response: NMFS will consider the need for underharvests of the incidental catch quota to be allocated to the directed fishery following each fishing year. Because the directed fishery is currently not catching its quota allocation, transferring unused quota to that category may only serve to increase the amount of quota left unharvested. By transferring unharvested quota to the reserve quota category, NMFS could apply the unused quota to the incidental catch or directed catch categories as necessary or for other purposes consistent with ICCAT recommendations and objectives of the HMS FMP.

South Atlantic Swordfish

Comment 5: NMFS should interpret ICCAT's recommendations in a manner similar to the way other countries implement those recommendations. If underharvests are being carried over by other countries, NMFS should also utilize such a process to benefit U.S. fishermen.

Response: ICCAT authorizes quota to be carried over for North Atlantic swordfish, but fails to mention any authorization with respect to carryover of South Atlantic swordfish. NMFS does not believe this to be an oversight and therefore interprets the recommendation as stated: no carry over of unused South Atlantic swordfish quota.

Comment 6: NMFS should clarify that U.S. fishermen may land their catch in foreign ports and that these landings will be counted against the U.S. quota.

Response: As required by ATCA, U.S. fishermen on U.S. vessels that offload in foreign ports will have their landings count against the U.S. quota. NMFS adds that fishermen, regardless of port of offloading must complete all logbooks within 48 hours of completing that day's activities and, for a 1–day trip, before offloading. The owner or operator of the vessel must submit the logbooks to NMFS within 7 days of offloading, 50 CFR 635.5(a)(1). Further, NMFS reminds fishermen that all swordfish, sharks, and tunas must be sold to a U.S.-permitted dealer, 50 CFR 635.31(d)(1), who is also required to report purchases from U.S. vessels on a regular basis, 50 CFR 635.5(b)(1).

Authorized Fishing Areas

Comment 7: NMFS should clarify that vessels fishing under charter/contract for another nation's quota must adhere to the contract nation's regulations.

Response: U.S.-flagged vessels must comply with all U.S. regulations wherever they fish. Vessels under contract may apply for an exempted fishing permit if they provide NMFS with information regarding specific regulations from which they would like to be exempt. NMFS will consider submitted information and issue exempted fishing permits on a case-by-case basis. NMFS cannot exempt U.S. vessels from regulations which may be inconsistent with U.S. fishery management goals.

Comment 8: One commenter strongly opposes the measure to authorize fishing areas at this time. There is concern that this action is not recommended by ICCAT.

Response: This regulation serves to clarify the existing regulations concerning U.S. vessels targeting eastern stock bluefin tuna. In the proposed rule, NOAA Fisheries proposed to prohibit retention of bluefin tuna caught in the east Atlantic Ocean because the United States has not been allocated quota for bluefin tuna in that area. However, the United States has been allocated quota for North Atlantic swordfish and bluefin tuna are caught incidentally to swordfish fishing. A retention prohibition for bluefin tuna from the east Atlantic Ocean would likely result in increased dead discards of bluefin tuna caught by U.S. vessels fishing for North Atlantic swordfish, inconsistent with HMS FMP objectives. Accordingly, NOAA Fisheries has modified the final

rule to clarify allowable fishing areas for highly migratory species (HMS) fisheries by prohibiting bluefin tuna fishing in the Mediterranean Sea by U.S. vessels, consistent with the ICCAT agreement to prevent transfer of fishing effort for bluefin tuna from the west Atlantic to the east Atlantic. NOAA Fisheries will count all bluefin tuna caught incidentally to swordfish fishing in the east Atlantic against the west Atlantic U.S. bluefin tuna quota to ensure that those catches are monitored and appropriately accounted for. Furthermore, bycatch in the east Atlantic bluefin tuna fishery may be discussed at ICCAT in 2002.

Comment 9: NMFS should alter the method by which landings and discards of bluefin tuna are submitted to ICCAT. These data should accurately report landings of east Atlantic bluefin tuna to ICCAT which would reflect historical participation in the fishery. This would allow for the United States to enter into quota negotiations.

Response: NMFS intends to evaluate the catch locations of bluefin tuna landings in order to revisit the procedure by which these data are submitted to ICCAT.

Comment 10: NMFS needs to report U.S. historic catches of eastern bluefin, bigeye, yellowfin and albacore tunas and sharks to ICCAT. Reporting forms need to be revised to specify eastern versus western bluefin tuna and to include more space for recording latitude and longitude.

Response: NMFS will examine the reporting forms and suggest alternatives as deemed necessary.

Trade Restrictions/Trade Documentation Programs

Comment 11: NMFS should extend the documentation program to include yellowfin tuna and should unilaterally prohibit the importation of HMS that is non-compliant with ICCAT recommendations.

Response: NMFS would propose extending statistical documentation requirements to bigeye tuna, yellowfin tuna, and swordfish if ICCAT recommends such a program. In 2001, ICCAT issued a recommendation requiring the implementation of the bigeye tuna statistical document program and NMFS is currently working on implementing it.

Other Issues

Comment 12: No action should be taken to implement the temporary U.S. share allocated by ICCAT for North Atlantic albacore.

Response: NMFS agrees and is not changing the regulations regarding this topic.

Changes From the Proposed Rule

This final rule contains several changes from the November 15, 2001, proposed rule (66 FR 57409) regarding the authorized fishing areas. To discourage unauthorized fishing, while trying to minimize dead discards, the proposed prohibition on the retention of bluefin tuna from the east Atlantic Ocean has been modified to prohibit the retention of bluefin tuna from the Mediterranean Sea. This modification is consistent with ICCAT agreements to prevent transfer of fishing effort for bluefin tuna from the west Atlantic to the east Atlantic, and vice versa, and is consistent with HMS FMP objectives to reduce dead discards of bluefin tuna. In addition, based on the 2002 ICCAT meeting, ICCAT recommended that the ban on imports of bigeye tuna from Honduras be lifted. Pending a review of the 2002 ICCAT recommendations and an assessment of the need for further rulemaking, NOAA Fisheries is not finalizing the trade sanctions with regards to Honduras that had been included in the proposed rule. The regulatory text of the final rule has been modified to reflect this decision. Other minor editorial changes to the regulatory text were also made to ensure consistency with existing regulations.

Classification

This final rule is published under the authority of the Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.*, and ATCA, 16 U.S.C. 971 *et seq.* The Assistant Administrator for Fisheries, NOAA, has determined that the regulations contained in this final rule are necessary to implement the recommendations of ICCAT and to manage the domestic Atlantic HMS fisheries. The objective of this final rule is to improve conservation and management of Atlantic swordfish and tunas. Under 5 U.S.C. 553(d), the regulations promulgated by this final rule will enter into effect not less than 30 days after its publication date.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

On September 7, 2000, NMFS reinitiated formal consultation for all HMS commercial fisheries under section 7 of the Endangered Species Act. A new Biological Opinion (BiOp) was issued on June 14, 2001, which found that the continued existence of the HMS pelagic longline fishery jeopardizes the continued existence of loggerhead and leatherback sea turtles. On July 9, 2002, NMFS promulgated a final rule (67 FR 45393) that implemented the measures required by the BiOp for the pelagic and bottom longline and shark gillnet fisheries. These regulations are necessary to alleviate the jeopardy situation for HMS fisheries. No irreversible or irretrievable commitments of resources are expected from this final action as the measures implemented by this final rule are not expected to alter fishery interactions with endangered species.

NMFS has determined that these regulations will be implemented in a manner consistent to the maximum extent practicable with the enforceable policies of those coastal states in the Atlantic, Gulf of Mexico, and Caribbean that have approved coastal zone management programs. All of the states that replied to the letter regarding compliance of the proposed rule with the Coastal Zone Management Act found NMFS' proposed actions to be consistent with their coastal zone management programs. NMFS presumes that the remaining states that did not respond also concur.

NMFS has prepared a regulatory impact review that examines the impacts of the selected alternatives, discussed previously in this rulemaking. The preparation of an initial regulatory flexibility analysis was not required as the Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Association that this rule would not have a significant economic impact on a substantial number of small entities. During the proposed rule stage of this rulemaking, NMFS received no comments regarding the economic impact of this rule. As a result a Final Regulatory Flexibility Analysis was not prepared. The commercial fishery is composed of fishermen who hold a swordfish directed, incidental, or handgear permit and the related industries including processors, bait houses, and equipment suppliers, all of which NMFS considers to be small entities. In October 2001, there were approximately 208 fishermen with a directed swordfish limited access permit, 112 fishermen with an incidental swordfish limited access permit, and 100 fishermen with a handgear limited access permit for swordfish. The formation of a reserve quota category for the North Atlantic swordfish fishery will not have any impact on the amount of fish that can be harvested by U.S. swordfish fishermen. When NMFS makes the one-time transfer of 400 mt (300.8 mt dw) of previously unused swordfish quota to this category, it is not expected to have

an impact on U.S. fishermen considering the amounts of recent quota underages, the impacts of recent management actions, and the recent levels of effort present in this fishery. The 400 mt (300.8 mt dw) of swordfish would have a value of $2.3 million if it was caught by U.S. fishermen; however, the quota has no value to fishermen until the swordfish are landed and sold. As previously mentioned, it is unlikely given the current level of effort that the amount to be transferred will be caught now or in the near future by U.S. fishermen. Thus, the current economic impact of establishing a reserve quota category is negligible. The other regulations promulgated by this rule to maintain existing quotas, reinstate or clarify previous regulations, and improve trade monitoring also will have no significant impacts on U.S. fishermen.

List of Subjects in 50 CFR Part 635

Fisheries, Fishing, Management, Reporting and recordkeeping requirements, Treaties.

Dated: November 15, 2002

Rebecca J. Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 635 is amended as follows:

PART 635—ATLANTIC HIGHLY MIGRATORY SPECIES

1. The authority citation for part 635 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.*; 16 U.S.C. 1801 *et seq.*

2. A new § 635.25 is added to read as follows:

§ 635.25 Fishing areas.

(a) *General.* Persons on board fishing vessels subject to the jurisdiction of the United States are authorized to fish for, catch, retain, or land species governed by an international catch sharing agreement implemented under this part only in or from those management areas for which the United States has received an allocation.

(b) *Exemptions.* Persons and vessels subject to the jurisdiction of the United States intending to fish for regulated species in fishing areas not otherwise authorized under this part, whether for the purposes of scientific research or commercial fishing under a chartering arrangement, must have a permit from NMFS issued under § 635.32.

(c) *Atlantic bluefin tuna.* No person aboard a U.S. fishing vessel shall fish for bluefin tuna in, or possess on board that fishing vessel a bluefin tuna taken from, the Mediterranean Sea.

3. In § 635.27, paragraph (c) is revised to read as follows:

§ 635.27 Quotas.

* * * * *

(c) *Swordfish.* (1) *Categories.* Consistent with ICCAT recommendations, the fishing year's total amount of swordfish that may be caught, retained, possessed, or landed by persons and vessels subject to U.S. jurisdiction is divided into quotas for the North Atlantic swordfish stock and the South Atlantic swordfish stock. The quota for the North Atlantic swordfish stock is further divided into equal semi-annual directed fishery quotas, an annual incidental catch quota for fishermen targeting other species and, as needed, a reserve category. In addition, a dead discard allowance is established for the North Atlantic swordfish stock.

(i) *North Atlantic swordfish.* (A) A swordfish from the North Atlantic swordfish stock caught prior to the directed fishery closure by a vessel for which a directed fishery permit or a handgear permit for swordfish has been issued is counted against the directed fishery quota. The annual directed fishery quota for the North Atlantic swordfish stock is 1,919 mt dw for each fishing year beginning June 1, 2000. The annual directed fishery quota is subdivided into two equal semiannual quotas of 959.5 mt dw, one for June 1 through November 30, and the other for December 1 through May 31 of the following year.

(B) A swordfish from the North Atlantic swordfish stock landed by a vessel for which an incidental catch permit for swordfish has been issued, landed by fishermen without swordfish permits consequent to recreational fishing, or caught after the effective date of a closure of the directed fishery from a vessel for which a directed fishery permit or a handgear permit for swordfish has been issued is counted against the incidental catch quota. The annual incidental catch quota for the North Atlantic swordfish stock is 300 mt dw.

(C) The dead discard allowance for the North Atlantic swordfish stock is: 320 mt ww for the fishing year beginning June 1, 2000; 240 mt ww for the fishing year beginning June 1, 2001; and 160 mt ww for the fishing year beginning June 1, 2002. All swordfish discarded dead from U.S. fishing vessels, regardless of whether such vessels are permitted under this part, shall be counted against the allowance.

(D) A portion of the total allowable catch of North Atlantic swordfish may be held in reserve for inseason adjustments to fishing categories, to compensate for projected or actual overharvest in any category, for fishery independent research, or for other purposes consistent with management objectives.

(ii) *South Atlantic swordfish.* The annual directed fishery quota for the South Atlantic swordfish stock is 289 mt dw. The entire quota for the South Atlantic swordfish stock is reserved for pelagic longline vessels for which a directed fishery permit for swordfish has been issued; retention of swordfish caught incidental to other fishing activities or with other fishing gear is prohibited in the Atlantic Ocean south of 5° N. lat.

(2) *Inseason adjustments.* (i) NMFS may adjust the December 1 through May 31 semiannual directed fishery quota or, as applicable, the reserve category, to reflect actual directed fishery and incidental fishing category catches during the June 1 through November 30 semiannual period.

(ii) If NMFS determines that the annual incidental catch quota will not be taken before the end of the fishing year, the excess quota may be allocated to the directed fishery quota or to the reserve.

(iii) If NMFS determines that it is necessary to close the directed swordfish fishery prior to the scheduled end of a semi-annual fishing season, any estimated overharvest or underharvest of the directed fishery quota for that semi-annual season will be used to adjust the annual incidental catch quota or the reserve as necessary to maintain landings and discards within the required annual limits.

(iv) NMFS will file with the Office of the Federal Register for publication notification of any inseason swordfish quota adjustment and its apportionment to fishing categories or to the reserve made under this paragraph (c)(2) of this section.

(3) *Annual adjustments.* (i) Except for the carryover provisions of paragraphs (c)(3)(ii) and (iii) of this section, NMFS will file with the Office of the Federal Register for publication notification of any adjustment to the annual quota necessary to meet the objectives of the Fishery Management Plan for Atlantic Tunas, Swordfish and Sharks. NMFS will provide at least 30 days opportunity for public comment.

(ii) If consistent with applicable ICCAT recommendations, total landings above or below the specific North Atlantic or South Atlantic swordfish annual quota shall be subtracted from, or added to, the following year's quota for that area. As necessary to meet

management objectives, such carryover adjustments may be apportioned to fishing categories and/or to the reserve. Any adjustments to the 12–month directed fishery quota will be apportioned equally between the two semiannual fishing seasons. NMFS will file with the Office of the Federal Register for publication notification of any adjustment or apportionment made under this paragraph (c)(3)(ii).

(iii) The dressed weight equivalent of the amount by which dead discards exceed the allowance specified at paragraph (c)(1)(i)(C) of this section shall be subtracted from the landings quota in the following fishing year or from the reserve category. NMFS will file with the Office of the Federal Register for publication notification of any adjustment made under this paragraph (c)(3)(iii).

4. Section 635.45 is revised to read as follows:

§ 635.45 Products denied entry.

(a) All shipments of Atlantic swordfish, or its products, in any form, harvested by a vessel under the jurisdiction of Belize or Honduras will be denied entry into the United States.

(b) All shipments of Atlantic bluefin tuna, or its products, in any form, harvested by a vessel under the jurisdiction of Belize, Honduras, or Equatorial Guinea will be denied entry into the United States.

(c) All shipments of Atlantic bigeye tuna, or its products, in any form, harvested by a vessel under the jurisdiction of Belize, Cambodia, Equatorial Guinea, or St. Vincent and the Grenadines will be denied entry into the United States. It is a rebuttable presumption that any shipment containing bigeye tuna or its products offered for entry or imported into the United States has been harvested by a vessel or vessels of the exporting nation.

5. Section 635.47 is revised to read as follows:

§ 635.47 Ports of entry.

NMFS shall monitor imported shipments of bluefin tuna, bigeye tuna, and swordfish into the United States. If NMFS determines that the diversity of handling practices at certain ports at which any of these species is being imported into the United States allows for circumvention of the bluefin tuna statistical document, swordfish Certificate of Eligibility requirements, or trade restrictions for these species or for Atlantic bigeye tuna, NMFS may designate, after consultation with the U.S. Customs Service, those ports at which these species may be lawfully imported into the United States. NMFS shall announce the names of such designated ports and the effective dates of entry restrictions through publication of a notice in the **Federal Register.**

6. In § 635.71,paragraphs (a)(24) and (a)(29) are revised, and a new paragraph (a)(38) is added, to read as follows:

§ 635.71 Prohibitions.

* * * * *

(a) * * *

(24) Import, or attempt to import, any fish or fish products regulated under this part in a manner contrary to any import requirements or import restrictions specified at §§ 635.40, 635.41, 635.45, and 635.46, or at other than an authorized port of entry designated by NMFS under § 635.47.

* * * * *

(29) Land, transship, ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control:

(i) Any fish that the person knows, or should have known, was taken, retained, possessed, or landed contrary to this part, without regard to the citizenship of the person or registry of the fishing vessel that harvested the fish.

(ii) Any fish of a species regulated pursuant to a recommendation of ICCAT that was harvested, retained, or possessed in a manner contrary to the regulations of another country.

* * * * *

(38) Fish for, or possess on board a fishing vessel, species regulated under this part in unauthorized fishing areas as specified in § 635.25.

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[FR Doc. 02–29509 Filed 11–19–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 020313058–2094–02; I.D. 111302H]

Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Commercial Annual Quota Harvested

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure; commercial fishery.

SUMMARY: NMFS announces that the annual spiny dogfish commercial quota available to the coastal states from Maine through Florida for the fishing year, May 1, 2002 - April 30, 2003, has been harvested. Federally permitted commercial vessels may no longer land spiny dogfish for the duration of the fishing year (through April 30, 2003). Regulations governing the spiny dogfish fishery require publication of this notification to advise the coastal states from Maine through Florida that the quota has been harvested and to advise vessel permit holders and dealer permit holders that no commercial quota is available for landing spiny dogfish in these states.

DATES: Effective 0001 hrs local time, November 21, 2002, through 2400 hrs local time, April 30, 2003.

FOR FURTHER INFORMATION CONTACT: Hannah Goodale, Supervisory Fishery Policy Analyst, at (978) 281–9101.

SUPPLEMENTARY INFORMATION: Regulations governing the spiny dogfish fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota, which is allocated into two quota periods based upon percentages of the annual quota. The commercial quota is distributed to the coastal states from Maine through Florida as described in § 648.230.

The initial total commercial quota for spiny dogfish for the 2002 fishing year was 4,000,000 lb (1,814 mt) (67 FR 30614, May 7, 2002). The commercial quota is allocated into two periods (May 1 through October 31, and November 1 through April 30), with trip limits intended to preclude directed fishing. Quota period 1 was allocated 2,316,000 lb (1,050 mt) and quota period 2 was allocated 1,684,000 lb (764 mt) of the commercial quota, respectively. The total quota cannot be exceeded, so landings in excess of the amount allocated to quota period 1 have the effect of reducing the quota available to the fishery during quota period 2.

The Administrator, Northeast Region, NMFS (Regional Administrator) monitors the commercial spiny dogfish quota for each quota period and, based upon dealer reports, state data and other available information, determines when the total commercial quota has been harvested. NMFS is required to publish a notification in the **Federal Register** advising and notifying commercial vessels and dealer permit holders that, effective upon a specific date, the spiny dogfish commercial quota has been harvested and no commercial quota is available for landing spiny dogfish for the remainder of a given quota period. The Regional Administrator has determined, based upon dealer reports and other available information, that the

2002 annual commercial quota for spiny dogfish has been harvested.

Section 648.4(b) provides that Federal spiny dogfish permit holders agree, as a condition of the permit, not to land spiny dogfish in any state after NMFS has published notification in the **Federal Register** that the commercial quota has been harvested and that no commercial quota for the spiny dogfish fishery is available. Therefore, effective 0001 hrs local time, November 21, 2002, landings of spiny dogfish in coastal states from Maine seb 29355 through Florida by vessels holding commercial Federal fisheries permits are prohibited through April 30, 2003, 2400 hrs local time. The fishing year 2003 quota for quota period 1 will be available for commercial spiny dogfish harvest on May 1, 2003. Effective November 21, 2002, through April 30, 2003, federally permitted dealers are also advised that they may not purchase spiny dogfish from vessels issued Federal spiny dogfish permits that land in coastal states from Maine through Florida.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: November 14, 2002.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 02–29504 Filed 11–15–02; 3:32 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 67, No. 224
Wednesday, November 20, 2002

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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 1001

RIN 3206–AJ 69

OPM Employee Responsibilities and Conduct

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management (OPM) is proposing a plain language rewrite of its regulations regarding the standards that govern OPM employee responsibilities and conduct as part of a broader review of OPM's regulations. The purpose of the revisions is to make the regulations more readable.

DATES: Comments must be submitted on or before January 21, 2003.

ADDRESSES: Send or deliver written comments to Wade Plunkett, Principal Deputy Ethics Official, Office of the General Counsel, Office of Personnel Management, Room 7532, 1900 E St., NW., Washington, DC 20415, FAX: 202–606–0082 or e-mail them to *wmplunke@opm.gov.*

FOR FURTHER INFORMATION CONTACT: Wade Plunkett, by telephone at 202–606–1700; by FAX at 202–606–0082; or by e-mail at *wmplunke@opm.gov.*

SUPPLEMENTARY INFORMATION: OPM is revising part 1001, which deals with OPM employee responsibilities and conduct, as part of a larger review of OPM regulations for plain language purposes. The purpose of this revision to part 1001 is not to make substantive changes, but rather to make part 1001 more readable. The proposed regulations have been converted to a question-and-answer format and we have made minor changes to the wording to enhance clarity.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will affect only Federal employees.

E.O. 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with E.O. 12866.

List of Subjects in 5 CFR Part 1001

Conflicts of Interest.

Office of Personnel Management.

Kay Coles James,

Director.

Accordingly, OPM proposes to revise part 1001 as follows:

Subchapter C—Regulations Governing Employees of the Office of Personnel Management

PART 1001—OPM EMPLOYEE RESPONSIBILITIES AND CONDUCT

Sec.

Authority: 5 U.S.C. 552a, 7301.

§ 1001.101 In addition to this part, what other rules of conduct apply to Office of Personnel Management employees?

In addition to the regulations contained in this part, employees of the Office of Personnel Management (OPM) should refer to:

(a) The Executive Branch Financial Disclosure, Qualified Trusts, and Certificates of Divestiture regulations at 5 CFR part 2634;

(b) The Standards of Ethical Conduct for Employees of the Executive Branch at 5 CFR part 2635;

(c) The Limitations on Outside Earned Income, Employment and Affiliations for Certain Noncareer Employees regulations at 5 CFR part 2636;

(d) Regulations Concerning Post Employment Conflict of Interest at 5 CFR part 2637;

(e) Post-employment Conflict of Interest Restrictions regulations at 5 CFR part 2641;

(f) The OPM regulations at 5 CFR part 4501, which supplement the executive branch-wide standards;

(g) The Employee Responsibilities and Conduct regulations at 5 CFR part 735;

(h) The restrictions upon use of political referrals in employment matters at 5 U.S.C. 3303.

§ 1001.102 What are the Privacy Act rules of conduct?

(a) An employee shall avoid any action that results in the appearance of using public office to collect or gain access to personal data about individuals beyond that required by or authorized for the performance of assigned duties.

(b) An employee shall not use any personal data about individuals for any purpose other than as is required and authorized in the performance of assigned duties. An employee shall not disclose any such information to other agencies or persons not expressly authorized to receive or have access to such information. An employee shall make any authorized disclosures in accordance with established regulations and procedures.

(c) Each employee who has access to or is engaged in any way in the handling of information subject to the Privacy Act, 5 U.S.C. 552a, shall be familiar with the regulations of this subsection as well as the pertinent provisions of the Privacy Act relating to the treatment of such information.

[FR Doc. 02–29439 Filed 11–19–02; 8:45 am]
BILLING CODE 6325–48–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150–AH–05

List of Approved Spent Fuel Storage Casks: VSC–24 Revision

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations revising the Pacific Sierra Nuclear Associates VSC–24 system listing within the ''List of Approved Spent Fuel Storage Casks'' to include Amendment No. 4 to the Certificate of Compliance. Amendment No. 4 would modify the present cask system design to permit the storage of different specific fuel control elements as integral components to fuel assemblies under a general license. Also, Technical Specification (TS) 1.1.1 would be amended to change the flood condition velocity from 7.62 meters per

second (m/s) [25 feet per second (ft/s)] to 5.39 m/s (17.7 ft/s); TS 1.2.1, 1.2.4., and 1.2.6 would be amended to address the additional fuel control elements approved for storage; and TS 1.2.10 would de deleted to eliminate redundant requirements for controlling moderator density.

DATES: Comments on the proposed rule must be received on or before December 20, 2002.

ADDRESSES: Submit comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001, Attn: Rulemakings and Adjudications Staff.

Deliver comments to 11555 Rockville Pike, Rockville, MD, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

Certain documents related to this rulemaking, as well as all public comments received on this rulemaking, may be viewed and downloaded electronically via the NRC's rulemaking website at *http://ruleforum.llnl.gov.* You may also provide comments via this website by uploading comments as files (any format) if your web browser supports that function. For information about the interactive rulemaking site, contact Ms. Carol Gallagher (301) 415–5905; e-mail *CAG@nrc.gov.*

Certain documents related to this rule, including comments received by the NRC, may be examined at the NRC Public Document Room 11555 Rockville Pike, Rockville, MD. For more information, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by e-mail to *pdr@nrc.gov.*

Documents created or received at the NRC after November 1, 1999, are also available electronically at the NRC's Public Electronic Reading Room on the Internet at *http://www.nrc.gov/reading-rm/adams.html.* From this site, the public can gain entry into the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. An electronic copy of the proposed Certificate of Compliance (CoC) and preliminary Safety Evaluation Report (SER) can be found under ADAMS Accession No. ML 022490171. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC PDR Reference staff at 1–800–397–4209, 301–415–4737 or by e-mail to *pdr@nrc.gov.*

FOR FURTHER INFORMATION CONTACT: Jayne M. McCausland, telephone (301) 415–6219, e-mail, *jmm2@nrc.gov* of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule published in the final rules section of this **Federal Register**.

Procedural Background

This rule is limited to the changes contained in Amendment 4 to CoC No. 1007 and does not include other aspects of the VSC–24 system design. The NRC is using the ''direct final rule procedure'' to issue this amendment because it represents a limited and routine change to an existing CoC that is expected to be noncontroversial. Adequate protection of public health and safety continues to be ensured.

Because NRC considers this action noncontroversial and routine, the proposed rule is being published concurrently as a direct final rule. The direct final rule will become effective on February 3, 2003. However, if the NRC receives significant adverse comments by December 20, 2002, then the NRC will publish a document that withdraws this action and will address the comments received in response to the proposed amendments published elsewhere in this issue of the **Federal Register**. A significant adverse comment is a comment where the commenter explains why the rule would inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, in a substantive response:

(a) The comment causes the NRC staff to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC staff.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC staff to make a change (other than editorial) to the CoC or TS.

These comments will be addressed in a subsequent final rule. The NRC will not initiate a second comment period on this action.

List of Subjects In 10 CFR Part 72

Administrative practice and procedure, Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 553, the NRC is proposing to adopt the following amendments to 10 CFR part 72.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

1. The authority citation for part 72 continues to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102–486, sec. 7902, 106 Stat. 3123 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97–425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100–203, 101 Stat. 1330–232, 1330–236 (42 U.S.C. 10162(b), 10168(c), (d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(20, 2(15), 2(19), 117(a), 141(h), Pub. L. 97–425, 96 Stat. 2202, 2203, 2204, 2222, 2224, (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

2. In § 72.214, Certificate of Compliance 1007 is revised to read as follows:

§ 72.214 List of approved spent fuel storage casks.

* * * * *

Certificate Number: 1007.

Initial Certificate Effective Date: May 7, 1993.
Amendment Number 1 Effective Date: May 30, 2000.
Amendment Number 2 Effective Date: September 5, 2000.
Amendment Number 3 Effective Date: May 21, 2001.
Amendment Number 4 Effective Date: February 3, 2003.
SAR Submitted by: Pacific Sierra Nuclear Associates.
SAR Title: Final Safety Analysis Report for the Ventilated Storage Cask System.
Docket Number: 72–1007.
Certificate Expiration Date: May 7, 2013.
Model Number: VSC–24.

* * * * *

Dated at Rockville, Maryland, this 1st day of November, 2002.

For the Nuclear Regulatory Commission.

William D. Travers,

Executive Director for Operations.

[FR Doc. 02–29486 Filed 11–19–02; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–127380–02]

RIN 1545–BA79

Outbound Liquidations to Foreign Corporations

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains proposed regulations that provide guidance regarding the application of section 367(e)(2) to certain outbound liquidations. The regulations amend the anti-abuse rule of § 1.367(e)–2(d) by narrowing the scope of the rule to apply only to outbound transfers to a foreign corporation in a complete liquidation of a domestic corporation in which a principal purpose of the liquidation is the avoidance of U.S. tax. This document also provides a notice of a public hearing on these proposed regulations.

DATES: Written or electronic comments must be received by February 18, 2003. Requests to speak and outlines of topics to be discussed at the public hearing scheduled for March 3, 2003, at 10 a.m. must be received by February 11, 2003.

ADDRESSES: Send submissions to CC:ITA:RU (REG–127380–02), room 5226, Internal Revenue Service, PO Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday between the hours of 8 am and 5 pm to: CC:ITA:RU (REG–127380–02), Courier's desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20044. Alternatively, taxpayers may submit comments electronically directly to the IRS Internet site at *www.irs.gov/regs.* The public hearing will be held in room 4718, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Aaron A. Farmer (202) 622–3860; concerning submissions of comments, the hearing, and/or to be placed on the building access list to attend the hearing, Lanita Van Dyke, (202) 622–7180 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

Generally, a liquidating corporation does not recognize gain or loss under section 337(a) on a distribution of any property to an 80-percent distributee (as defined in section 337(c)) in a complete liquidation to which section 332 applies. Section 367(e)(2) provides that, in the case of any liquidation to which section 332 applies, section 337(a) and (b)(1) shall not apply where the 80-percent distributee is a foreign corporation except as provided in regulations. The purpose of section 367(e)(2) generally is to prevent the removal of appreciated assets from U.S. taxing jurisdiction without the imposition of a U.S. corporate level tax. *See* H.R. Conf. Rep. No. 99–841, at II–202 (1986).

On August 9, 1999, the IRS and Treasury published final regulations (TD 8834 in the **Federal Register** at 64 FR 43072) under section 367(e)(2) regarding distributions of property in a complete liquidation under section 332 by a domestic corporation to a foreign parent corporation (outbound liquidation) and by a foreign corporation to a foreign parent corporation (foreign-to-foreign liquidations).

With regard to foreign-to-foreign liquidations, § 1.367(e)–2(c) generally provides that nonrecognition treatment applies under section 337(a) and (b)(1) when a foreign corporation (foreign liquidating corporation) makes a distribution of property in complete liquidation under section 332 to a foreign corporation that meets the ownership requirements of section 332(b). The regulations require gain to be recognized in a foreign-to-foreign liquidation if the foreign liquidating corporation makes a distribution of property which either is used by the foreign liquidating corporation in the conduct of a trade or business within the United States (a U.S. trade or business) at the time of the distribution or which ceased to be used in the conduct of a U.S. trade or business within the ten-year period ending on the date of distribution and would have been subject to section 864(c)(7) had it been disposed. The final regulations include an exception to this gain recognition rule in certain circumstances where the property is distributed to a foreign corporation that uses such property in a U.S. trade or business for the ten-year period following the distribution, provided that certain requirements are satisfied. § 1.367(e)–2(c)(2).

The final regulations included an anti-abuse rule providing that the Commissioner may require a foreign or domestic liquidating corporation to recognize gain (or treat the liquidating corporation as if it had recognized a loss) on a liquidating distribution if a principal purpose of the liquidation is the avoidance of U.S. tax. The final regulations further provide that a liquidation may have a principal purpose of tax avoidance even though the tax avoidance purpose is outweighed by other purposes (taken together or separately).

The preamble to the final regulations states that the anti-abuse rule would apply, for example, if a principal purpose of a liquidation is the distribution of a domestic liquidating corporation's earnings and profits without a U.S. withholding tax. The preamble to the final regulations also states that, in certain circumstances, the IRS is also concerned about a liquidation of a domestic corporation into a U.S. branch of a foreign corporation in a manner that facilitates the avoidance of U.S. tax, including the inappropriate use of attributes such as net operating losses. The preamble does not address the potential application of the anti-abuse rule to foreign-to-foreign liquidations.

Explanation of Provisions

Since the final regulations were issued, various commentators have expressed concern that the anti-abuse rule is overly broad because it is not limited by its express terms to outbound liquidations. Specifically, it has been brought to the attention of Treasury and the IRS that uncertainty regarding the potential application of the anti-abuse rule is preventing taxpayers from

engaging in legitimate business transactions involving foreign-to-foreign liquidations. Although the preamble to the final regulations does not address any circumstances in which the anti-abuse rule would apply to a foreign-to-foreign liquidation, the rule by its express terms could so apply. Application of this rule to require gain recognition in a foreign-to-foreign liquidation is not consistent with the approach of the final regulations that require gain recognition in the case of a foreign-to-foreign liquidation only in particular and limited circumstances. Accordingly, these proposed regulations would amend the anti-abuse rule to limit its application only to outbound liquidations.

The proposed regulations also would clarify what constitutes a principal purpose of tax avoidance for purposes of the anti-abuse rule. The proposed regulations similarly would clarify the anti-abuse rule in § 1.367(e)–2(b)(2)(iii)(C)(1).

Effective Date

These regulations are proposed to apply to distributions occurring on or after September 7, 1999, or to distributions in taxable years ending after August 8, 1999, if the taxpayer has elected to apply the final regulations to such distributions. The IRS intends that, prior to the publication of these regulations in final form, the Commissioner will exercise its authority under the anti-abuse rules in § 1.367(e)–2(b)(2)(iii)(C)(1) and (d) in a manner that is consistent with these proposed regulations.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments (a signed original and eight copies) that are submitted timely to the IRS. Alternatively, taxpayers may submit comments electronically directly to the IRS Internet site at *www.irs.gov/regs.* The IRS and Treasury Department request comments on the clarity of the proposed rules and how they can be made easier to understand. All comments will be available for public inspection and copying.

A public hearing has been scheduled for March 3, 2003, beginning at 10 a.m. in room 4718, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Due to building security procedures, visitors must enter at the Constitution Avenue entrance. In addition, all visitors must present photo identification to enter the building. Because of access restrictions, visitors will not be admitted beyond the immediate entrance area more than 30 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** portion of this preamble.

The rules of 26 CFR 601.601(a)(3) apply to the hearing. Persons who wish to present oral comments must submit written comments and an outline of the topics to be discussed and the time to be devoted to each topic (a signed original and eight (8) copies) by February 11, 2003. A period of 10 minutes will be allotted to each person for making comments. An agenda showing the scheduling of the speakers will be prepared after the deadline for reviewing outlines has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting Information

The principal author of these proposed regulations is Aaron A. Farmer of the Office of the Associate Chief Counsel (International), IRS. However, other personnel from the Treasury and the IRS participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

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

Authority: 26 U.S.C. 7805 * * *

2. Section 1.367(e)–2, is amended as follows:

1. Paragraph (b)(2)(iii)(C)(*1*) is amended by removing the parenthetical ''(taken together or separately)'' and adding ''when taken together'' in its place.

2. Paragraph (d) is revised.

The revision reads as follows:

§ 1.367(e)–2 Distributions described in section 367(e)(2).

* * * * *

(d) *Anti-abuse rule.* The Commissioner may require a domestic liquidating corporation to recognize gain on a distribution in liquidation described in paragraph (b) of this section (or treat the liquidating corporation as if it had recognized loss on a distribution in liquidation), if a principal purpose of the liquidation is the avoidance of U.S. tax (including, but not limited to, the distribution of a liquidating corporation's earnings and profits with a principal purpose of avoiding U.S. tax). A liquidation may have a principal purpose of tax avoidance even though the tax avoidance purpose is outweighed by other purposes when taken together.

* * * * *

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

[FR Doc. 02–29508 Filed 11–19–02; 8:45 am]

BILLING CODE 4830–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 242–0328; FRL–7410–8]

Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a limited approval and limited disapproval to a revision to the Imperial County Air Pollution Control District (ICAPCD) portion of the California State Implementation Plan (SIP) concerning particulate matter (PM–10) emissions from emission units, electrical generation units, and fuel burning equipment. We are also proposing to approve a revision to the ICAPCD portion of the California SIP concerning oxides of nitrogen (NO_X) emissions from fuel burning equipment. We are proposing action on local rules that regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by December 20, 2002.

ADDRESSES: Mail comments to Andy Steckel, Rulemaking Office Chief (AIR–4), U.S. Environmental Protection

Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

You can inspect copies of the submitted rule revisions and EPA's technical support documents (TSDs) at our Region IX office during normal business hours. You may also see copies of the submitted rule revisions at the following locations:

Air and Radiation Docket and Information Center (6102T), U.S. Environmental Protection Agency, Room B–102, 1301 Constitution Avenue, NW., Washington, DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 ''I'' Street, Sacramento, CA 95814.

Imperial County Air Pollution Control District, 150 South 9th Street, El Centro, CA 92243.

A copy of the rule may also be available via the Internet at *http://www.arb.ca.gov/drdb/drdbltxt.htm.* Please be advised that this is not an EPA website and may not contain the same version of the rule that was submitted to EPA.

FOR FURTHER INFORMATION CONTACT: Al Petersen, Rulemaking Office (AIR–4), U.S. Environmental Protection Agency, Region IX; (415) 947–4118.

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

Table of Contents

I. The State's Submittal

A. What Rules Did the State Submit?

Table 1 lists the rules addressed by this proposal with the dates that they were adopted by local air agencies and submitted by the California Air Resources Board (CARB).

TABLE 1.—SUBMITTED RULES

Local agency	Rule No.	Rule title	Adopted	Submitted
ICAPCD	403	General Limitations on the Discharge of Air Contaminants	07/24/01	10/30/01
ICAPCD	400	Fuel Burning Equipment—Oxides of Nitrogen	09/14/99	05/26/00

On January 18, 2002 and October 6, 2000, respectively, these rule submittals were found to meet the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review.

B. Are There Other Versions of These Rules?

We approved versions of Rule 403 into the SIP on May 31, 1972 (37 FR 10842) as Rule 131, on February 3, 1989 (54 FR 5448) as Rule 403, and on January 27, 1981 (46 FR 8471) as Rules 404 and 406. We approved a version of Rule 400 into the SIP on May 31, 1972 (37 FR 10842) as Rule 131.

C. What Are the Changes in the Submitted Rules?

The significant changes to SIP Rule 131 are as follows:

- The limitation to not emit more than 200 pounds per hour of sulfur dioxide was moved to submitted Rule 405.B.4.a.2, which was approved by EPA on February 7, 2002 (67 FR 5727).
- The limitation to not emit more than 10 pounds per hour of combustion contaminants from fuel burning equipment was moved to submitted Rule 403.B.5.
- The limitation to not emit more than 140 pounds per hour of nitrogen oxides (NO_2) was moved to submitted Rule 400.B.

SIP Rule 404 would be superseded by submitted Rule 403.B.1. SIP Rule 406 would be superseded by submitted Rule 403.B.3.

Additional changes in submitted Rule 403 relative to all of the SIP rules are as follows:

- 403.B.1: The limitation on the mass discharge of particulate matter from emission units was made more stringent.
- 403.B.2: A limitation on the discharge concentration of air contaminants from emission units was added.
- 403.B.4: A very stringent limitation on the discharge concentration of combustion contaminants from electrical utility generating units was added.
- 403.C: Compliance test methods were added.

An additional change in submitted Rule 400 relative to SIP Rule 131 is as follows:

- 400.C: Compliance test methods, monitoring requirements, and a records retention period were added.

The TSDs have more information about these rules.

II. EPA's Evaluation and Action

A. How Is EPA Evaluating the Rules?

Generally, PM–10 SIP rules must be enforceable (see section 110(a) of the Act) and must not relax existing requirements (see sections 110(l) and 193).Sections 172(c)(1) and 189(a) of the CAA require moderate PM–10 nonattainment areas with significant PM–10 sources to adopt reasonably available control measures (RACM), including reasonably available control technology (RACT). RACM/RACT is not required for source categories that are not significant (*de minimis*) and do not have major sources. *See Addendum to the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,* 59 FR 41998 (August 16, 1994). Based on the latest emissions inventory data contained in *Imperial County PM–10 State Implementation Plan Attainment Demonstration,* Draft Report (July 2001), Imperial County has at least three major PM sources: Santa Fe Pacific Gold Corp (541 tpy), U.S. Gypsum (Plaster City) (156 tpy), and American Girl Mine (136 tpy). Therefore, we conclude that submitted rule 403 must meet RACT in the absence of a demonstration by the State that these major sources do not contribute significantly to PM–10 levels which exceed the PM–10 NAAQS in the area. We also note that ICAPCD's Draft Report, which formed a basis for our 2001 attainment finding, refers to Rule 403 as one of the controls that should be considered RACT for stationary sources in Imperial County (see pages 37–38 of that report).

Generally, NO_X SIP rules must be enforceable (see section 110(a) of the Act), must require Reasonably Available Control Technology (RACT) for major sources in ozone nonattainment areas (see sections 182(a)(2)(A) and 182(f)), and must not relax existing requirements (see sections 110(l) and 193). However, the ICAPCD regulates a section 185A transitional ozone nonattainment area (see 40 CFR 81.305). Section 185A of the Act exempts transitional areas from all subpart 2

requirements until December 31, 1991, and that exemption continues until EPA redesignates the area as attainment or designates the area as nonattainment under section 107(d)(4). See 57 FR 13498, at 13525 (April 16, 1992). Submitted Rule 400 improves upon the SIP by adding test methods, monitoring requirements, and a record retention period, all of which improve the practical enforceability of the NO_X emissions limits contained in the rule.

Guidance and policy documents that we used to define specific enforceability and RACM/RACT requirements include the following:

- *Requirements for Preparation, Adoption, and Submittal of Implementation Plans,* U.S. EPA, 40 CFR part 51.
- *General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,* 57 FR 13498, 13540 (April 16, 1992).
- *Addendum to the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,* 59 FR 41998 (August 16, 1994).
- *PM–10 Guideline Document* (EPA–452/R–93–008).
- *Imperial County PM–10 State Implementation Plan Attainment Demonstration,* Draft Report (July 2001).
- *State Implementation Plans (SIPs): Policy Regarding Excess Emissions During Malfunctions, Startup, and Shutdown,* Steven A. Herman, memorandum (September 20, 1999).
- *Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations; Clarification to Appendix D of November 24, 1987 Federal Register Notice,* (Blue Book), notice of availability published in the May 25, 1988 **Federal Register**.
- *State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990* (the ''NO_X Supplement to the General Preamble''), U.S. EPA, 57 FR 55620 (November 25, 1992).

B. Do the Rules Meet the Evaluation Criteria?

Rule 403 improves the SIP by establishing more stringent PM–10 emission limits and by adding test methods. This rule is largely consistent with the relevant policy and guidance regarding enforceability, RACT and SIP relaxations. Rule provisions which do not meet the evaluation criteria are summarized below and discussed further in the TSD.

Rule 400 improves the SIP by adding test methods, monitoring requirements, and a record retention period, all of which improve the practical enforceability of the NO_X emissions limits contained in the rule. This rule is consistent with the relevent policy regarding enforceability, RACT, and SIP relaxations. These issues are discussed further in the TSD.

C. What Are the Rule Deficiencies?

The following are deficiencies that preclude full approval:

- Rule 403 should have monitoring and recordkeeping requirements in order to assure compliance with PM emission standards.
- Rule 403 should have some limitation on the period or conditions allowed for the exemption from PM emission standards during start-up and load changes.

D. Proposed Action and Public Comment

As authorized in sections 110(k)(3) and 301(a) of the Act, EPA is proposing a limited approval of submitted ICAPCD Rule 403 to improve the SIP. If finalized, this action would incorporate the submitted rule into the SIP, including those provisions identified as deficient. This approval is limited because EPA is simultaneously proposing a limited disapproval of the rule under section 110(k)(3). If this disapproval is finalized, sanctions will be imposed under section 179 of the Act unless EPA approves subsequent SIP revisions that correct the rule deficiencies within 18 months. These sanctions would be imposed according to 40 CFR 52.31. A final disapproval would also trigger the federal implementation plan (FIP) requirement under section 110(c). Note that the submitted rule has been adopted by the ICAPCD, and EPA's final limited disapproval would not prevent the local agency from enforcing it.

We are proposing full approval of submitted ICAPCD Rule 400 because we believe it fulfills all relevant requirements. We will accept comments from the public on the proposed limited approval/limited disapproval of ICAPCD Rule 403 and proposed full approval of ICAPCD Rule 400 for the next 30 days.

III. Background Information

A. Why Were These Rules Submitted?

PM–10 harms human health and the environment. Section 110(a) of the CAA requires states to submit regulations that control PM–10 emissions. Table 2 lists some of the national milestones leading to the submittal of local agency PM–10 rules.

TABLE 2.—PM–10 NONATTAINMENT MILESTONES

Date	Event
March 3, 1978	EPA promulgated a list of total suspended particulate (TSP) nonattainment areas under the Clean Air Act, as amended in 1977. 43 FR 8962; 40 CFR 81.305.
July 1, 1987 ...	EPA replaced the TSP standards with new PM standards applying only up to 10 microns in diameter (PM–10). 52 FR 24672.
November 15, 1990.	Clean Air Act Amendments of 1990 were enacted, Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671*q*.
November 15, 1990.	PM–10 areas meeting the qualifications of section 107(d)(4)(B) of the CAA were designated non-attainment by operation of law and classified as moderate pursuant to section 188(a). States are required by section 110(a) to submit rules regulating PM–10 emissions in order to achieve the attainment dates specified in section 188(c).

NO_X helps produce ground-level nitrogen dioxide, ozone, smog, and particulate matter which harm human health and the environment. Section 110(a) of the CAA requires states to submit regulations that control NO_X emissions. Table 3 lists some of the national milestones leading to the submittal of these local agency NO_X rules.

TABLE 3.—OZONE NONATTAINMENT MILESTONES

Date	Event
March 3, 1978	EPA promulgated a list of ozone nonattainment areas under the Clean Air Act as amended in 1977. 43 FR 8962; 40 CFR 81.305.
May 26, 1988	EPA notified Governors that parts of their SIPs were inadequate to attain and maintain the ozone standard and requested that they correct the deficiencies (EPA's SIP- Call). See section 110(a)(2)(H) of the pre-amended Act.
November 15, 1990.	Clean Air Act Amendments of 1990 were enacted. Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671*q*.

TABLE 3.—OZONE NONATTAINMENT MILESTONES—Continued

Date	Event
May 15, 1991	Section 182(a)(2)(A) requires that ozone nonattainment areas correct deficient RACT rules by this date.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866, Regulatory Planning and Review.

B. Executive Order 13211

This proposed rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 Fed. Reg. 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866.

C. Executive Order 13045

Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13132

Executive Order 13132, entitled Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612, Federalism and 12875, Enhancing the Intergovernmental Partnership. Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This proposed rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely acts on a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this proposed rule.

E. Executive Order 13175

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 6, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.''

This proposed rule does not have tribal implications. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule. In the spirit of Executive Order 13175, and consistent with EPA policy to promote communications between EPA and tribal governments, EPA specifically solicits additional comment on this proposed rule from tribal officials.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This proposed rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply act on requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

EPA's proposed disapproval of the state request under section 110 and subchapter I, part D of the Clean Air Act does not affect any existing requirements applicable to small entities. Any pre-existing federal requirements remain in place after this disapproval. Federal disapproval of the state submittal does not affect state enforceability. Moreover, EPA's disapproval of the submittal does not impose any new Federal requirements. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA,* 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

G. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that

may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the proposed action does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This proposed Federal action acts on pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

H. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use ''voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

EPA believes that VCS are inapplicable to today's proposed action because it does not require the public to perform activities conducive to the use of VCS.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen oxides, Ozone, Particulate matter, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: October 29, 2002.

Alexis Strauss,

Acting Regional Administrator, Region IX.

[FR Doc. 02–29477 Filed 11–19–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IN145–1b; FRL–7398–6]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve revisions to particulate matter (PM) emissions regulations for Union Tank Car of Lake County, Indiana. The Indiana Department of Environmental Management (IDEM) submitted the revised regulations on April 30, 2002 and September 6, 2002 as an amendment to its State Implementation Plan (SIP). The revisions consist of relaxing the PM limits for one emissions unit; however, actual emissions will not increase, and the PM National Ambient Air Quality Standards (NAAQS) should be protected. EPA is approving revisions for Union Tank Car because complying with the current limits is infeasible, and because the revisions should not harm air quality.

DATES: The EPA must receive written comments on this proposed rule by December 20, 2002.

ADDRESSES: You should mail written comments to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

You may inspect copies of Indiana's submittal at: Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Matt Rau, Environmental Engineer, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, Telephone Number: (312) 886–6524, E-Mail Address: *rau.matthew@epa.gov*.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. What Action Is EPA Taking Today?

The EPA is proposing to approve revisions to particulate matter emissions regulations for Union Tank Car's railcar manufacturing facility in Lake County, Indiana. IDEM submitted the revised regulations to EPA on April 30, 2002 and September 6, 2002 as an amendment to its SIP.

The revisions consist of relaxing the limits for one emissions unit; however, actual emissions will not increase, and the PM NAAQS should be protected. EPA is proposing approving revisions for Union Tank Car because complying with the current limits is infeasible, and because the revisions should not harm air quality.

II. Where Can I Find More Information About This Proposal and the Corresponding Direct Final Rule?

For additional information see the direct final rule published in the rules section of this **Federal Register**.

Dated: October 15, 2002.

David A. Ullrich,

Acting Regional Administrator, Region 5.

[FR Doc. 02–29474 Filed 11–19–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–2002–0280; FRL–7278–3]

Pesticides; Minimal Risk Tolerance Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes to reorganize certain existing tolerance exemptions. All of these chemical substances were reviewed as part of the tolerance reassessment process required under the Food Quality Protection Act of 1996 (FQPA). As a result of that review, certain chemical substances are now classified as ''minimal risk,'' and are therefore being shifted to the section of 40 CFR part 180 that holds minimal risk chemical substances. The Agency is merely moving certain tolerance exemptions from one section of the CFR to another section: No tolerance exemptions are lost as a result of this action.

DATES: Comments, identified by docket ID number OPP–2002–0280, must be received on or before January 21, 2003.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Kathryn Boyle, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–6304; fax number: (703) 305–0599; e-mail address: boyle.kathryn@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

You may be potentially affected by this action if you formulate or market pesticide products or if you market certain pesticides that have been exempted from the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) pursuant to section 25(b) of FIFRA. Potentially affected categories and entities may include, but are not limited to:

- Crop production (NAICS 111)
- Animal production (NAICS 112)
- Food manufacturing (NAICS 311)
- Pesticide manufacturing (NAICS 32532)
- Antimicrobial pesticides (NAICS 32561)

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of This Document and Other Related Information?

1. *Docket*. EPA has established an official public docket for this action under docket identification (ID) number OPP–2002–0280. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

2. *Electronic access*. You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at http://www.epa.gov/fedrgstr/. A frequently updated electronic version of 40 CFR part 180 is available at http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr180_00.html, a beta site currently under development.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at http://www.epa.gov/edocket/ to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

C. How and To Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically*. If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets*. Your use of EPA's electronic public docket to submit

comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at http://www.epa.gov/edocket, and follow the online instructions for submitting comments. Once in the system, select ''search,'' and then key in docket ID number OPP–2002–0280. The system is an ''anonymous access'' system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail*. Comments may be sent by e-mail to opp-docket@epa.gov, Attention: Docket ID Number OPP–2002–0280. In contrast to EPA's electronic public docket, EPA's e-mail system is not an ''anonymous access'' system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM*. You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit I.C.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By mail*. Send your comments to: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC, 20460–0001, Attention: Docket ID Number OPP–2002–0280.

3. *By hand delivery or courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, Attention: Docket ID Number OPP–2002–0280. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.A.1.

D. How Should I Submit CBI to the Agency?

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at your estimate.

5. Provide specific examples to illustrate your concerns.

6. Offer alternatives.

7. Make sure to submit your comments by the comment period deadline identified.

8. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your response. It would also be helpful if you provided the name, date, and **Federal Register** citation related to your comments.

II. What Action is the Agency Taking?

In the **Federal Register** published on May 24, 2002 (67 FR 36534) (FRL–6834–8) EPA established a new § 180.950 to list the pesticide chemical substances that are exempted from the requirement of a tolerance based on the Agency's determination that these chemical substances are of ''minimal risk.'' As the first step in populating this section, the Agency shifted the existing tolerance exemptions for commonly consumed food commodities, animal feed items, and edible fats and oils to this section.

This proposed rule shifts existing tolerance exemptions for certain inert ingredients that have been classified by the Agency as List 4A, ''minimal risk,'' to 40 CFR 180.950. The decision documents supporting the minimal risk, List 4A-Classification, are in the docket.

The following tolerance exemptions are being shifted from 40 CFR 180.2: Citric acid, fumaric acid, lime, sodium chloride, and sulfur. The following tolerance exemptions are being shifted from 40 CFR 180.1001(c): Animal glue; bentonite; calcareous shale; calcite; calcium carbonate; calcium citrate; calcium silicate; α-cellulose; citric acid; coffee grounds; corn dextrin; dextrin; dolomite; graphite; guar gum; gypsum; hydroxyethyl cellulose; hydroxypropyl methylcellulose; iron oxide; kaolinite-type clay; lecithin; licorice root; magnesium carbonate; magnesium-lime; magnesium oxide; magnesium silicate; magnesium sulfate; methylcellulose; mica; montmorillonite-type clay; potassium aluminum silicate; potassium chloride; potassium citrate; potassium sulfate; silica, hydrated; silicon dioxide, fumed, amorphous; sodium acetate; sodium alginate; sodium aluminum silicate; sodium bicarbonate; sodium carboxymethylcellulose; sodium chloride; sodium sulfate; vermiculite; xanthan gum; zeolite (hydrated alkali aluminum silicate); and zinc oxide.

The following tolerance exemptions are being shifted from 40 CFR 180.1001(d): Cellulose acetate; graphite; hydroxypropylcellulose; locust bean gum; paper fiber, deinked or recycled; paper fiber, produced by the kraft (sulfate) or sulfite pulping processes; silicon dioxide, fumed, amorphous; soap bark (quillaja); sodium citrate; and wool fat (anhydrous lanolin). The following tolerance exemptions are being shifted from 40 CFR 180.1001(e): Calcium carbonate; calcium silicate (hydrated calcium silicate); calcium sulfate; castor oil, u.s.p.; α-cellulose; citric acid; dextrin; graphite; iron oxide; kaolinite-type clay; magnesium carbonate; methylcellulose; montmorillonite-type clay; potassium citrate; silica, amorphous, fumed (crystalline free); silica, hydrated silica; silica aerogel; sodium carboxymethylcellulose, sodium sulfate; sulfur; xanthan gum; and zinc oxide.

The following tolerance exemptions are also being shifted from: § 180.1036: Hydrogenated castor oil, § 180.1176: Sodium bicarbonate, § 180.1177: Potassium bicarbonate, and § 180.1180: Kaolin. Because this action merely moves certain tolerance exemptions from one section of the CFR to another section, it will have no substantive or procedural effect on the moved tolerance exemptions. No tolerance

exemptions are lost as a result of this action.

III. What is the Agency's Authority for Taking this Action?

This proposed rule is issued under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, as amended by the FQPA (Public Law 104–170). Section 408(e) of FFDCA authorizes EPA to establish, modify, or revoke tolerances, or exemptions from the requirement of a tolerance for residues of pesticide chemical substances in or on raw agricultural commodities and processed foods.

IV. What is ''Minimal Risk?''

The term ''minimal risk'' has been used by EPA for over 10 years, and has generally meant List 4A inert ingredient chemical substances. On April 22, 1987 (52 FR 13305), EPA created a series of four lists as part of an initiative to address the risks potentially posed by inert ingredients in pesticide products. At that time all List 4 inert ingredients were classified as ''inerts of minimal concern.'' The 4A Inert Ingredient List was created on November 22, 1989 (54 FR 48314) by subdividing List 4 into Lists 4A and 4B. List 4B inert ingredients are ''inerts for which EPA has sufficient information to reasonably conclude that the current use pattern in pesticide products will not adversely affect public health or the environment.'' List 4A inert ingredients are ''minimal risk inert ingredients.'' Only substances on List 4A are permitted to be used as inert ingredients in certain pesticides that have been exempted from FIFRA, 7 U.S.C. 136 *et seq.*, pursuant to section 25(b) of FIFRA, 7 U.S.C. 136w(b).

Minimal risk does not imply no risk under any circumstances. Every substance can present some risk in certain circumstances. Minimal risk is used to indicate a substance for which there is no information to indicate that there is a basis for concern. Many minimal risk or List 4A substances are naturally occurring substances to which some refinement has occurred, such as beeswax, limestone, red cedar chips, salt, and sugar. The determination that a chemical substance is minimal risk would be based on a recognition of the overall safety of the chemical (such as very low toxicity or practically non-toxic) considering the widely available information on the chemical substances known properties, and a history of safe use under reasonable circumstances. Minimal risk (List 4A) chemical substances are recognized as safe for use in all pesticide products subject only to good agricultural practices or good manufacturing practices. Classification as a List 4A, minimal risk, chemical substance is a high standard to meet. As an example, chemical substances of high acute toxicity are usually not considered for classification to List 4A. The critical distinction between List 4A minimal risk chemical substances and other chemical substances, is that the Agency does not define how, where, when or in what manner the chemical substance can be used. Any reasonably foreseeable use of these chemical substances in a pesticide product is not expected to present a risk to humans. Accordingly, there should not be any unreasonable adverse effects from the inclusion of a List 4A chemical substance in a pesticide product to the person applying a pesticide product in and around their home, to a child in a daycare center, or when ingesting a food commodity that has been treated. A List 4A chemical substance used as an inert ingredient, incorporated into a 25(b) product (meeting all the appropriate exemption criteria) is subject to no Federal regulation under FIFRA except as provided in 40 CFR 152.25(g).

The Agency must give consideration to all routes of exposure to determine that a chemical substance used in a pesticide product can be classified as minimal risk. Several of the chemical substances being shifted to the new section are naturally occurring materials that have been referred to as weathered materials. Weathered materials is the term that the Agency is using to describe a group of substances that could also be referred to as rocks and minerals. Generally, weathered materials are decayed or weathered rocks that are mostly unrefined, i.e., not altered or manufactured by man. When referring to weathered materials as mostly unrefined, the Agency is including the mechanical grinding of larger rocks into smaller pieces that are essentially the same, but not the chemical or physical alteration of the rock into a different substance. Naturally occurring materials such as these can contain impurities such as asbestos or silica which can lead to health effects including pneumoconiosis, silicosis, or kaolinosis. To evaluate these effects, the Agency conducted a screening-level assessment on weathered materials that compared an estimated residential exposure to the OSHA threshold limit value (TLV). A TLV is a limit on inhalation exposure in the workplace. Only those chemical substances that passed this screening level assessment were considered for List 4A status.

V. Nomenclature Changes

For some of the chemical substances that are being shifted to 40 CFR 180.950, EPA is making minor changes to the chemical substance names that were previously used. Additionally, the Agency has attempted to identify each of the listed chemical substances using the Chemical Abstracts Service Registry Number (CAS No.). The CAS No. provides one of the most distinct and universally accepted means of identifying chemical substances. The lack of a CAS No. will not preclude the Agency from including substances in 40 CFR 180.950. Generally, there will be only one CAS No. per listed substance; however, it is possible that more than one CAS No. may be appropriate for some substances, such as when there is both a hydrated and anhydrous form. EPA has both broadened and consolidated names to account for differing terminologies and current usage status. Also, additional information to better define the impurities in some naturally occurring substances and thus limit the inhalation concerns that can occur with naturally-occurring materials in a respirable form may have been added.

VI. Issues for Future Agency Actions

A. Chemical Substances Being Transferred From List 4A to List 4B

The proposed rule published in the **Federal Register** of January 15, 2002 (67 FR 1925) (FRL–6807–8) indicated that several allergen-containing food commodities would be moved from List 4A to List 4B. The Agency has now determined that there are additional chemical substances that no longer meet the criteria of List 4A. These chemical substances are acetic acid, activated charcoal, attapulgite clay, gum arabic, and granite. These chemical substances will be transferred from the Agency's 4A list to the 4B list. Pesticide products containing these inert ingredients will no longer be considered exempt under FIFRA section 25(b) once that transfer is made. Manufacturers of such products will have the option of either reformulating their product, substituting a different List 4A inert ingredient, or of registering the product with the Agency. It is noted that vinegar (maximum of 8% acetic acid in solution), a commonly consumed food commodity, is still classified as List 4A.

B. Chemical Substances That Have Been Classified as List 4A

The Agency has classified more chemical substances as List 4A, and is likely to classify additional chemical substances as List 4A. Shifting the

existing tolerance exemptions for all of these chemical substances to 40 CFR 180.950 is a multi-step process that will continue. Additionally, on its own initiative, the Agency will propose to establish tolerance exemptions in 40 CFR 180.950 for some chemical substances that are currently classified as List 4A, but do not have tolerance exemptions. At the conclusion of this multi-step process, all chemical substances classified as List 4A will be included in 40 CFR 180.950 and will thus have tolerance exemptions.

VII. Regulatory Assessment Requirements

This proposed rule merely reorganizes existing exemptions in 40 CFR part 180. This has no substantive effect and hence causes no impact. The Agency is acting on its own initiative under FFDCA section 408 (e) in shifting these existing tolerance exemptions to a new section. Under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' subject to review by the Office of Management and Budget (OMB). Because the proposed rule has been exempted from review under Executive Order 12866 due to its lack of significance, this proposed rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001).

This proposed rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4).

Nor does it require any special considerations under Executive Order 12898 entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994) or require OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note).

Pursuant to section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Agency hereby certifies that these proposed actions will not have significant negative economic impact on a substantial number of small entities. As noted in this unit, this action will have no substantive or procedural effect on the tolerance exemptions affected. However, by grouping tolerance exemptions that have qualified as minimal risk inerts in one location in the CFR, this action will make it easier for small entities to efficiently use EPA's tolerance regulations.

In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This proposed rule directly regulates growers, food processors, food handlers, and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4).

For these same reasons, the Agency has determined that this proposed rule does not have any ''tribal implications'' as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.'' This proposed rule will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this proposed rule.

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: October 27, 2002.

Debra Edwards,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR chapter I be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 would continue to read as follows:

Authority: 21 U.S.C. 321(q), 346(a) and 374.

§ 180.2 [Amended]

2. In § 180.2, paragraph (a), is amended by removing ''citric acid,'' ''fumaric acid,'' ''lime,'' ''sodium chloride,'' and ''sulfur.''

3. In § 180.950, paragraph (e) is amended by alphabetically adding the following chemical substances to read as follows:

§ 180.950 Tolerance exemptions for minimal risk active and inert ingredients.

* * * * *

(e) * * *

Chemical substances	CAS No.
Acetic acid, sodium salt	127–09–3
Animal glue	None
Bentonite	1302–78–9
Bentonite, sodian	85049–30–5
Calcium oxide silicate ($Ca_3O(SiO_4)$)	12168–85–3
Carbonic acid, calcium salt, (limestone) (marble) (chalk) (mollusc/bivalve shells) (no asbestos and less than 1% crystalline silica)	1317–65–3
Carbonic acid, calcium salt (calcite) (no asbestos and less than 1% crystalline silica)	13397–26–7

Chemical substances	CAS No.
Carbonic acid, calcium salt (1:1), (no asbestos and less than 1% crystalline silica)	471–34–1
Carbonic acid, calcium salt (1:1), hexahydrate	15634–14–7
Carbonic acid, magnesium salt (1:1) (less than 1% crystalline silica)	546–93–0
Carbonic acid, monopotassium salt	298–14–6
Carbonic acid, monosodium salt	144–55–8
Carob gum (locust bean gum)	9000–40–2
Castor oil	8001–79–4
Castor oil, hydrogenated	8001–78–3
Cellulose	9004–34–6
Cellulose acetate	9004–35–7
Cellulose, carboxy methyl ether, sodium salt	9004–32–4
Cellulose, 2-hydroxyethyl ether	9004–62–0
Cellulose, 2-hydroxypropyl ether	9004–64–2
Cellulose, 2-hydroxypropyl methyl ester	9004–65–3
Cellulose, methyl ether	9004–67–5
Cellulose, mixture with cellulose carboxymethyl ether, sodium salt	51395–75–6
Cellulose, pulp	65996–61–4
Cellulose, regenerated	68442–85–3
Citric acid	77–92–9
Citric acid, calcium salt	7693–13–2
Citric acid, calcium salt (2:3)	813–94–5
Citric acid, dipotassium salt	3609–96–9
Citric acid, disodium salt	144–33–2
Citric acid, monohydrate	5949–29–1
Citric acid, monopotassium salt	866–83–1
Citric acid, monosodium salt	18996–35–5
Citric acid, potassium salt	7778–49–6
Citric acid, sodium salt	994–36–5
Citric acid, tripotassium salt	866–84–2
Citric acid, tripotassium salt monohydrate	6100–05–6
Citric acid, trisodium salt	68–04–2
Citric acid, trisodium salt, dihydrate	6132–04–3
Citric acid, trisodium salt, pentahydrate	6858–44–2
Coffee grounds	68916–18–7
Dextrins	9004–53–9
Dolomite ($CaMg(CO_3)_2$) (no asbestos and less than 1% crystalline silica)	16389–88–1
Feldspar - group minerals (no asbestos and less than 1% crystalline silica)	68476–25–5
Fuller's earth	8031–18–3
Fumaric acid	110–17–8
Graphite (no asbestos and less than 1% crystalline silica)	7782–42–5
Guar gum	9000–30–0
Gypsum (sulfuric acid, calcium salt, dihydrate) (no asbestos and less than 1% crystalline silica)	13397–24–5
Iron oxide (FeO)	1345–25–1
Iron oxide (Fe_2O_3)	1309–37–1
Iron oxide (Fe_2O_3), hydrate	12259–21–1
Iron oxide (Fe_3O_4)	1317–61–9
Kaolin (no asbestos and less than 1% crystalline silica)	1332–58–7
* * * * *	
Lanolin	8006–54–0
Lecithins	8002–43–5
Lecithins, soya	8030–76–0
Licorice Extract	68916–91–6
Lime (chemical) dolomitic (magnesium and calcium carbonate) (magnesium-lime)	12001–27–3
Magnesium oxide	1309–48–4
Magnesium silicon oxide ($Mg_2Si_3O_8$)	14987–04–3
Maltodextrin	9050–36–6
Mica - group minerals (no asbestos and less than 1% crystalline silica)	12001–26–2
Montmorillonite	1318–93–0
Paper	None
Perlite (no asbestos and less than 1% crystalline silica)	130885–09–5
Perlite, expanded (no asbestos and less than 1% crystalline silica)	93763–70–3
Plaster of Paris (sulfuric acid, calcium salt, hemihydrate); (no asbestos and less than 1% crystalline silica)	26499–65–0
Potassium chloride	7447–40–7
Silica aerogel	
Silica, amorphous, diatomaceous earth (Kieselguhr)(less than1% crystalline silica)	61790–53–2
Silica, amorphous, fumed (crystalline free)	112945–52–5
Silica, amorphous, perlite,	
Silica, amorphous, precipitated and gel	7699–41–4
Silica (crystalline-free forms only)	7631–86–9
Silica gel	63231–67–4
Silica gel, precipitated, crystalline-free	112926–00–8
Silica, hydrate	10279–57–9
Silica, vitreous	60676–86–0
Silicic acid, aluminum potassium salt	1327–44–2
Silicic acid, aluminum salt	1327–36–2
Silicic acid, aluminum salt, hydrate	1335–30–4
Silicic acid, aluminum sodium salt (1:1:1)	12003–51–9
Silicic acid, aluminum sodium salt	1344–00–9
Silicic acid, calcium salt	1344–95–2
Silicic acid, calcium salt, (wollastonite) (no asbestos and less than 1% crystalline silica)	13983–17–0
Silicic acid, magnesium salt	1343–88–0
Silicic acid, magnesium salt, hydrate	1343–90–4
Silicic acid, magnesium salt (1:1)	13776–74–4
Soapbark (Quillaja saponin)	1393–03–9
Sodium alginate	9005–38–3
Sodium chloride (table salt)	7647–14–5
Sulfur	7704–34–9

Chemical substances	CAS No.
Sulfuric acid, calcium salt (1:1) ...	7778–18–9
Sulfuric acid, calcium salt, dihydrate (1:1)	10101–41–4
Sulfuric acid, calcium salt, hydrate (2:2:1)	10034–76–1
Sulfuric acid, magnesium salt, (1:1)	7487–88–9
Sulfuric acid, magnesium salt (1:1) heptahydrate	10034–99–8
Sulfuric acid, magnesium salt (1:1) monohydrate	14168–73–1
Sulfuric acid, monopotassium salt	7646–93–7
Sulfuric acid, dipotassium salt	7778–80–5
Sulfuric acid, disodium salt	7757–82–6
Sulfuric acid, disodium salt, decahydrate	7727–73–3
Sulfuric acid, disodium salt, heptadydrate	13472–39–4
Vermiculite (no asbestos and less than 1% crystalline silica)	1318–00–9
Xanthan gum	11138–66–2
Zeolites (excluding erionite; CAS No. 12510–42–8)	1318–02–1
Zinc oxide	1314–13–2

§ 180.1001 [Amended]

4. In § 180.1001 the table in paragraph (c) is amended by removing the following entries: ''Animal glue;'' ''Bentonite;'' ''Calcareous shale;'' ''Calcite;'' ''Calcium carbonate;'' ''Calcium citrate;'' ''Calcium silicate;'' ''α-Cellulose;'' ''Citric acid;'' ''Coffee grounds;'' ''Corn dextrin;'' ''Dextrin;'' ''Dolomite;'' ''Graphite;'' ''Guar gum;'' ''Gypsum;'' ''Hydroxyethyl cellulose;'' ''Hydroxypropyl methylcellulose;'' ''Iron oxide;'' ''Kaolinite-type clay;'' ''Lecithin;'' ''Licorice root;'' ''Magnesium carbonate;'' ''Magnesium-lime;'' ''Magnesium oxide;'' ''Magnesium silicate;'' ''Magnesium sulfate;'' ''Methylcellulose;'' ''Mica;'' ''Montmorillonite-type clay;'' ''Potassium aluminum silicate;'' ''Potassium chloride;'' ''Potassium citrate;'' ''Potassium sulfate;'' ''Silica, hydrated;'' ''Silicon dioxide, fumed, amorphous;'' ''Sodium acetate; ''Sodium alginate;'' ''Sodium aluminum silicate;'' ''Sodium bicarbonate;'' ''Sodium carboxymethylcellulose;'' ''Sodium chloride;'' ''Sodium sulfate;'' ''Vermiculite;'' ''Xanthan Gum;'' ''Zeolite (hydrated alkali aluminum silicate;'' ''Zinc oxide.''

5. In § 180.1001 the table in paragraph (d) is amended by removing the following inert ingredients: ''Cellulose acetate (CAS Reg. No. 9004–35–7), minimum number average molecular weight, 28,000; ''Graphite;'' ''Hydroxypropyl cellulose;'' ''Locust bean gum;'' ''Paper fiber, deinked or recycled, conforming to 21 CFR 109.30(a)(9) and 21 CFR 176.260;'' ''Paper fiber, produced by the kraft (sulfate) or sulfite pulping processes;'' ''Silicon dioxide, fumed, amorphous;'' ''Soap bark (quillaja);'' ''Sodium citrate;'' ''Wool fat (anhydrous lanolin).''

6. In § 180.1001 the table in paragraph (e) is amended by removing the following inert ingredients: ''Calcium carbonate;'' Calcium silicate (hydrated calcium silicate);'' Calcium sulfate;'' ''Castor oil, U.S.P.;'' ''α-Cellulose;'' ''Citric acid;'' ''Dextrin (CAS Reg. No. 9004–53–9);'' ''Graphite;'' ''Iron Oxide (CAS Reg. No. 1309–37–1);'' ''Kaolinite-type clay;'' ''Magnesium carbonate;'' ''Methylcellulose;'' ''Montmorillonite-type clay;'' ''Potassium citrate (CAS Reg. No. 866–84–2);'' ''Silica, amorphous, fumed (crystalline free) (CAS Reg. No. 112945–52–5);'' ''Silica, hydrated silica,;'' ''Silica aerogel (finely powdered microcellular silica foam having a minimum silica content of 89.5%);'' ''Sodium carboxymethylcellulose;'' ''Sodium sulfate;'' ''Sulfur (CAS Reg. No. 7704–34–9);'' ''Xanthan gum;'' ''Zinc oxide.''

§ 180.1036 [Removed]

7. Section 180.1036 is removed.

§ 180.1176 [Removed]

8. Section 180.1176 is removed.

§ 180.1177 [Removed]

9. Section 180.1177 is removed.

§ 180.1180 [Removed]

10. Section 180.1180 is removed.

[FR Doc. 02–29172 Filed 11–19–02; 8:45 am]
BILLING CODE 6560–50–S

Notices

Federal Register
Vol. 67, No. 224
Wednesday, November 20, 2002

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Intergovernmental Advisory Committee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Intergovernmental Advisory Committee (IAC) will meet on December 4, 2002, at the Doubletree Hotel-Lloyd Center, located at 1000 NE Multnomah in Portland, Oregon 97220. The primary purpose of the meeting is to continue with discussions on implementation of the Northwest Forest Plan (NWFP). IAC members are invited to meet at the hotel prior to the meeting for lunch at 12 noon. The meeting is scheduled to begin at 1 p.m. and continue until 5 p.m. Agenda items for the meeting include, but are not limited to: Introductions of new members, potential NWFP improvements, future IAC agenda topics, and recent court rulings related to the NWFP. The meeting is open to the public and is fully accessible for people with disabilities. Interpreters are available upon request at least 10 days in advance of the meeting. Written comments may be submitted for the record at the meeting. A time slot for oral public comments during the meeting is scheduled. Interested persons are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Questions regarding this meeting may be directed to Steve Odell, Executive Director, Regional Ecosystem Office, 333 SW First Avenue, PO Box 3623, Portland, OR 97208 (Phone: 503–808–2165).

Dated: November 12, 2002.

Stephen J. Odell,

Designated Federal Official.

[FR Doc. 02–29411 Filed 11–19–02; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Columbia County Resource Advisory Committee (RAC)

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committees Act (Pub. L. 92–463), the Southeast Washington Resource Advisory Committee (RAC) will meet on November 20, 2002, in Pomeroy, Washington. The purpose of the meeting is to discuss the selection of title II projects under Public Law 106–393, H.R. 2389, the Secure Rural Schools and Community Self-Determination Act of 2000, also called the ''Payments to States'' Act, for Fiscal Year 2002 and outyears.

DATES: The meeting will be held on November 20, 2002, from 6 p.m. to 8 p.m.

ADDRESSES: The meeting will be held at the Forest Service office located at 71 West Main Street, Pomeroy, Washington.

FOR FURTHER INFORMATION CONTACT: Monte Fujishin, Designated Federal Official, USDA, Umatilla National Forest, Pomeroy Ranger District, 71 West Main Street, Pomeroy, WA 99347. Phone: (509) 843–1891.

SUPPLEMENTARY INFORMATION: This will be the first meeting of the Committee for several months, so a review of duties and responsibilities will be needed before discussing title II projects.

The meeting is open to the public. Public input opportunity will be provided and individuals will have the opportunity to address the committee at that time.

Dated: November 12, 2002.

Monte Fujishin,

Designated Federal Official.

[FR Doc. 02–29379 Filed 11–19–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Notice of Proposed Changes to Section IV of the Field Office Technical Guide (FOTG) of the Natural Resources Conservation Service in Indiana

AGENCY: Natural Resources Conservation Service (NRCS), USDA.

ACTION: Notice of availability of proposed changes in section IV of the FOTG of the NRCS in Indiana for review and comment.

SUMMARY: It is the intention of NRCS in Indiana to issue three revised conservation practice standards in section IV of the FOTG. The revised standards are: Hedgerow Planting (422), Stream Crossing (578) and Heavy Use Area Protection (561). These practices may be used in conservation systems that treat highly erodible land and/or wetlands.

DATES: Comments will be received for a 30-day period commencing with this date of publication.

ADDRESSES: Address all requests and comments to Jane E. Hardisty, State Conservationist, Natural Resources Conservation Service (NRCS), 6013 Lakeside Blvd., Indianapolis, Indiana 46278. Copies of this standard will be made available upon written request. You may submit your electronic requests and comments to *darrell.brown@in.usda.gov.*

FOR FURTHER INFORMATION CONTACT: Jane E. Hardisty, 317–290–3200.

SUPPLEMENTARY INFORMATION: Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 states that after enactment of the law, revisions made to NRCS state technical guides used to carry out highly erodible land and wetland provisions of the law, shall be made available for public review and comment. For the next 30 days, the NRCS in Indiana will receive comments relative to the proposed changes. Following that period, a determination will be made by the NRCS in Indiana regarding disposition of those comments and a final determination of changes will be made.

Dated: November 4, 2002.

Jane E. Hardisty,

State Conservationist, Indianapolis, Indiana.

[FR Doc. 02–29462 Filed 11–19–02; 8:45 am]

BILLING CODE 3416–16–P

DEPARTMENT OF COMMERCE

Census Bureau

Questionnaire for Building Permit Official

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before January 21, 2003.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dhynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Erica Filipek, Census Bureau, Room 2105, FOB 4, Washington, DC 20233–6900, (301) 763–5161.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau uses the Computer-Assisted Personal Interviewing (CAPI) electronic questionnaire SOC–QBPO to collect information from state and local building permit officials, such as (1) the types of permits they issue, (2) the length of time a permit is valid, (3) how they store permits, and (4) the geographic coverage of the permit system. We need this information to carry out the sampling for the Survey of Housing Starts, Sales, and Completions (OMB number 0607–0110), also known as Survey of Construction (SOC). The SOC provides widely used measures of construction activity, including the economic indicators Housing Starts, Housing Completions, and New Housing Sales.

We plan no changes to the information collection methodology. In addition, there are no plans to change the sample size.

II. Method of Collection

The Census Bureau uses its field representatives to obtain information on the operating procedures of a permit office. The field representative visits the permit office, conducts the interview, and completes the electronic form.

III. Data

OMB Number: 0607–0125.

Form Number: SOC–QBPO.

Type of Review: Regular review.

Affected Public: State and local governments.

Estimated Number of Respondents: 900.

Estimated Time Per Response: 15 minutes.

Estimated Total Annual Burden Hours: 225 hours.

Estimated Total Annual Cost: The estimated cost to the respondent is $4,230 based on an average hourly salary of $18.80 for state and local government employees. This estimate was taken from the Census Bureau's Annual Survey of State and Local Government Employment, 2001.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, section 182.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: November 14, 2002.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 02–29377 Filed 11–19–02; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Submission For OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: Quarterly Survey of the Finances Of Public-Employee Retirement Systems.

Form Number(s): F–10.

Agency Approval Number: 0607–0143.

Type of Request: Revision of a currently approved collection.

Burden: 300 hours.

Number of Respondents: 100.

Avg Hours Per Response: 45 minutes.

Needs and Uses: The Census Bureau requests continued OMB clearance of the Quarterly Survey of the Finances of Public Employee Retirement Systems. Over 2.1 trillion dollars in public-employee retirement system assets in the financial markets are controlled by a small number of large systems. The 1997 Census of Governments identified 2,276 state and local government administered public-employee retirement systems. The 100 largest systems, as measured by the system assets, account for about 90 percent of the total assets of all systems. This survey is used to collect financial data from these 100 systems for policy makers and economists to follow the changing characteristics of these funds.

We are proposing significant revisions to the survey form to make the form easier to complete. These changes pertain to decreasing the number of data items for the respondent to complete from forty-one to nineteen and the use of market value of assets. Previously, data on market and book values was collected but in light of the fact that most retirement systems use market in keeping with General Accounting Board Standards (GASB) rules, book has been removed from form F–10.

This survey was initiated by the Census Bureau at the request of both the Council of Economic Advisors and the Federal Reserve Board. The most important information this survey provides is the quarterly change in composition of the securities holdings of the public employee retirement systems component of the economy. The Federal Reserve Board uses these data to track the public sector portion of the flow of funds accounts. The Bureau of Economic Analysis uses the quarterly retirement information on corporate

stock holdings to estimate dividends received by state and local government retirement systems that, in turn, are used in preparing the national income and product accounts. Additionally, these data are a significant part of the information base needed to analyze investment trends and help in the formulation of governmental economic policies and investment decisions.

Affected Public: State, local or Tribal government.

Frequency: Quarterly.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C., section 182.

OMB Desk Officer: Susan Schechter, (202) 395–5103.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dhynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Susan Schechter, OMB Desk Officer either by fax (202–395–7245) or email (*susan_schechter@omb.eop.gov*).

Dated: November 14, 2002.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 02–29378 Filed 11–19–02; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket Number 010209034–2251–07]

Qualifying Urban Areas for Census 2000; Correction

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice.

SUMMARY: On May 1, 2002 (67 FR 21962), the Bureau of the Census (Census Bureau) published a **Federal Register** Notice listing the areas that qualified as urbanized areas and urban clusters based on the results of Census 2000. The Census Bureau is correcting the lists of urbanized areas and urban clusters.

EFFECTIVE DATE: November 20, 2002.

FOR FURTHER INFORMATION CONTACT: Robert W. Marx, Chief, Geography Division, U.S. Census Bureau, 4700 Silver Hill Road, Stop 7400, Washington, DC 20233–7400; telephone (301) 457–2131; e-mail at: *ua@geo.census.gov.*

SUPPLEMENTARY INFORMATION: On May 1, 2002 (67 FR 21962), the Census Bureau published a **Federal Register** Notice listing the areas that qualified as urbanized areas and urban clusters based on the results of Census 2000. The Census Bureau is correcting the lists of urbanized areas and urban clusters. The corrections contained in this Notice are in addition to the corrections that were published in a **Federal Register** Notice on August 23, 2002 (67 FR 54630). These corrections do not affect the earlier correction Notice.

The Census Bureau is providing the following corrections to the original Notice.

Page 21963, Column 3, Section A., *Significant Urbanized Area Changes,* Number 4, the Census Bureau is removing Section A.4 that reads as follows: ''One 1990 census urbanized area failed to qualify as a Census 2000 urbanized area: Cumberland, MD–WV.'' The Census Bureau is removing this Section as a result of a correction to the ''Urban Area Criteria for Census 2000'' Notice (67 FR 11663; March 15, 2002) that creates a Census 2000 urbanized area for the Cumberland, MD–WV–PA area. The criteria correction is being published in a separate Notice in this issue of the **Federal Register**.

Page 21965, Column 3, Section B., *List of Urbanized Areas,* the Census Bureau is adding ''Cumberland, MD–WV–PA 52,115'' to the list of urbanized areas, as the 28th list item in Column 3 following Corvallis, OR. The Cumberland, MD–WV–PA, Urbanized Area includes the area in the previously published Census 2000 Cumberland, MD–WV–PA, Urban Cluster and the Frostburg, MD, Urban Cluster. This correction is being made as a result of a correction to the Urban Area Criteria for Census 2000. The former separate urban clusters of Cumberland, MD–WV–PA, and Frostburg, MD, are no longer recognized.

Executive Order 12866

This Notice is not significant for purposes of Executive Order 12866.

Administrative Procedure and Regulatory Flexibility Acts

Because a Notice and opportunity for public comment are not required by 5 U.S.C. 553, or any other law, for lists of urbanized areas, this Notice is not subject to the analytical requirements of the Regulatory Flexibility Act. Thus, a Regulatory Flexibility Analysis is not required and none has been prepared (5 U.S.C. 603(a)).

Paperwork Reduction Act

This Notice does not represent a collection of information subject to the requirements of the Paperwork Reduction Act, Title 44, U.S.C., Chapter 35.

Dated: November 15, 2002.

Charles Louis Kincannon,

Director, Bureau of the Census.

[FR Doc. 02–29464 Filed 11–19–02; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket Number 010209034–2252–08]

Urban Area Criteria for Census 2000; Correction

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice.

SUMMARY: On March 15, 2002 (67 FR 11663), the Bureau of the Census (Census Bureau) published a **Federal Register** Notice of Final Program Criteria announcing its criteria for defining urban and rural territory based on the results of Census 2000. The Census Bureau is correcting the final criteria as they apply to 1990 urbanized areas that did not qualify as part of a Census 2000 urbanized area.

EFFECTIVE DATE: November 20, 2002.

FOR FURTHER INFORMATION CONTACT: Robert W. Marx, Chief, Geography Division, U.S. Census Bureau, 4700 Silver Hill Road, Stop 7400, Washington, DC 20233–7400; telephone (301) 457–2131; e-mail at: *ua@geo.census.gov.*

SUPPLEMENTARY INFORMATION: On March 15, 2002 (67 FR 11663), the Census Bureau published a **Federal Register** Notice of Final Program Criteria announcing its criteria for defining urban and rural territory based on the results of Census 2000. The Census Bureau is correcting the final criteria as they apply to 1990 urbanized areas that did not qualify as part of a Census 2000 urbanized area. The corrections contained in this Notice are in addition to the corrections that were published in a **Federal Register** Notice on August 23, 2002 (67 FR 54631). These corrections do not affect the earlier correction Notice.

The Census Bureau is providing the following correction to the original Notice.

Page 11667, Column 1, Section I, *Census 2000 Urbanized Area (UA) and Urban Cluster (UC) Definitions,* the

Census Bureau is adding a new paragraph, between the first and second paragraphs of this Section, to read as follows: ''In addition, the Census Bureau will designate a Census 2000 UA when all the territory in a previously existing 1990 UA is not included in any other Census 2000 UA, contains two or more clusters of urban population that reside in more than half the territory of the previously existing UA, and the combined population of the clusters totals 50,000 or greater.''

Executive Order 12866

This Notice has been determined to be not significant for purposes of Executive Order 12866.

Administrative Procedure and Regulatory Flexibility Acts

Notice and comment are not required under the Administrative Procedure Act (5 U.S.C. 553), or any other law, for rules of agency organization, procedure or practice (5 U.S.C. 553(b)(A)). Because notice and comment are not required, a Regulatory Flexibility Analysis is not required and has not been prepared (5 U.S.C. 603(a)).

Paperwork Reduction Act

This program Notice does not represent a collection of information subject to the requirements of the Paperwork Reduction Act, Title 44,U.S.C., Chapter 35.

Dated: November 15, 2002.

Charles Louis Kincannon,

Director, Bureau of the Census.

[FR Doc. 02–29463 Filed 11–19–02; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1258]

Expansion of Foreign-Trade Zone 135, Palm Beach, Florida

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Port of Palm Beach District, grantee of Foreign-Trade Zone 135, submitted an application to the Board for authority to include an additional site at the Palm Beach Park of Commerce (Site 8) in Palm Beach, Florida, within the West Palm Beach Customs port of entry (FTZ Docket 19–2002; filed April 11, 2002);

Whereas, notice inviting public comment was given in the **Federal Register** (67 FR 19393, April 19, 2002) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that the proposal is in the public interest;

Now, therefore, the Board hereby orders:

The application to expand FTZ 135 is approved, subject to the Act and the Board's regulations, including § 400.28.

Signed at Washington, DC, this 8th day of 2002.

Faryar Shirzad,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 02–29497 Filed 11–19–02; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1256]

Grant of Authority for Subzone Status GE Engine Services Distribution LLC (Gas Turbine Engines), Erlanger, KY

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act provides for ''* * * the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and when the activity results in a significant public benefit and is in the public interest;

Whereas, the Greater Cincinnati Foreign Trade Zone, Inc./Northern Kentucky Foreign Trade Zone, Inc., grantee of Foreign-Trade Zone 47, has made application to the Board for authority to establish special-purpose subzone status at the manufacturing and distribution facilities (gas turbine engines) of GE Engine Services Distribution LLC, located in Erlanger, Kentucky (FTZ Docket 25–2002, filed May 28, 2002);

Whereas, notice inviting public comment has been given in the **Federal Register** (67 FR 38638–38639, June 5, 2002); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that approval of the application would be in the public interest;

Now, therefore, the Board hereby grants authority for subzone status at the gas-turbine engine manufacturing facilities of GE Engine Services Distribution LLC located in Erlanger, Kentucky (Subzone 47C), at the location described in the application, subject to the FTZ Act and the Board's regulations, including § 400.28.

Signed in Washington, DC, this 8th day of November, 2002.

Faryar Shirzad,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 02–29502 Filed 11–19–02; 8:45 am]

BILLING CODE 3510–DS–U

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 51–2002]

Foreign-Trade Zone 124—Gramercy, LA; Application for Subzone Status: J. Ray McDermott, Inc. (Offshore Drilling Platforms)

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Port of South Louisiana Commission, grantee of FTZ 124, requesting special-purpose subzone status for the offshore drilling platform manufacturing facilities of J. Ray McDermott, Inc. (JRM), in Amelia, Louisiana. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on November 12, 2002.

The proposed subzone would consist of two sites leased by JRM in Amelia, Louisiana: Site 1 (589 acres)—''East/Southeast Yard'', 2317 Highway 662 South (Assumption Parish), and Site 2 (50 acres)—''West Yard'', 539 Degravelle Road (St. Mary Parish), located about 50 miles southwest of New Orleans. The

facilities (1,440 employees) are used for the construction, fabrication, and repair of offshore floating and fixed oil drilling platforms and components thereof for domestic and international customers. Foreign components that may be used at the JRM yards (representing about 20% of finished platform value) may include gas turbines, gas compressors, generator sets, steel mill products, valves, pumps, centrifuges, flexible tubing, electrical flow control systems, and generators (2002 general duty rate range: free—5.0%, *ad valorem*).

FTZ procedures would exempt JRM from Customs duty payments on the foreign components (except steel mill products) used in export activity. On its domestic sales, the company would not be required to pay applicable Customs duties on the foreign components, or it would be able to choose the duty rate that applies to finished offshore drilling platforms (duty free) for the foreign-origin components noted above except for steel mill products. The manufacturing activity conducted under FTZ procedures would be subject to the ''standard shipyard restriction'' applicable to foreign-origin steel mill products (*e.g.*, angles, pipe, plate), which requires that full Customs duties be paid on such items. The application indicates that the savings from FTZ procedures would help improve the facility's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the following addresses:

1. Submissions via Express/Package Delivery Services: Foreign-Trade Zones Board, U.S. Department of Commerce, Franklin Court Building-Suite 4100W, 1099 14th Street, NW., Washington, DC 20005; or,

2. Submissions via the U.S. Postal Service: Foreign-Trade Zones Board, U.S. Department of Commerce, FCB–4100W, 1401 Constitution Ave., NW., Washington, DC 20230.

The closing period for their receipt is January 21, 2003. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to February 3, 2003.

A copy of the application will be available for public inspection at the Office of the Foreign-Trade Zones Board's Executive Secretary at address No. 1 listed above and at the U.S. Department of Commerce Export Assistance Center, Suite 1170, 365 Canal Street, New Orleans, LA 70130.

Dated: November 12, 2002.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 02–29498 Filed 11–19–02; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 50–2002]

Foreign-Trade Zone 2—New Orleans, LA; Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Board of Commissioners of the Port of New Orleans (the Port), grantee of FTZ 2, requesting authority to expand its zone in the New Orleans, Louisiana area, within the New Orleans Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on November 6, 2002

FTZ 2 was approved by the Board on July 16, 1946 (Board Order 12, 11 FR 8235, July 31, 1946). The zone has since been expanded four times (Board Orders 245, 331, 544 & 1000) and currently consists of seven sites (1,035 acres) in the New Orleans, Louisiana area:

Site 1 (4 Parcels, 19 acres total) as follows:

—8 acres at 100 Napoleon Avenue
—7 acres at 500 Louisiana Avenue (expires 12/1/02)
—1 acre at 500 N. Cortez Street
—3 acres at 720 Richard Street (expires 12/1/02);

Site 2 (76 acres) within the Almonaster-Michoud Industrial District (AMID) on the Inner Harbor Navigation Canal and the Mississippi River Gulf Outlet;

Site 3 (573 acres)—within the Newport Industrial Park, adjacent to AMID;

Site 4 (4 acres, 159,000 sq. ft.) at 200 Crofton Road, adjacent to the New Orleans International Airport, Kenner (Jefferson Parish);

Site 5 (21 parcels (some temporary), 111 acres total) at public/LME warehouse facilities at or adjacent to the Port of New Orleans as follows:

—7 acres at 5200 Coffee Drive, operated by Port Cargo Services, Inc. (PCS)
—2 acres at 601 Market Street, operated by PCS
—2 acres at 1601 Tchoupitoulas Street, operated by Neeb-Kearney, & Company, Inc. (NKI)
—12 acres at 5630 Douglas Street, owned and operated by Dupuy Storage and Forwarding Corporation (DSFC)
—9 acres at 6230 Bienvenue Street, operated by Metro International Trade Services, Inc. (MITSI)
—7 acres at 1400 Montegut Street, owned and operated by DSFC
—1 acre at 1645 Tchoupitoulas Street, operated by PCS
—1 acre at 1770 Tchoupitoulas Street, operated by Pacorini USA, Inc. (PUI)
—9 acres at 1930 Japonica Street, operated by MITSI
—2 acres at 2941 Royal Street, operated by NKI
—2 acres at 600 Market Street, operated by MITSI
—1 acre at 3101 Charters Street, operated by MITSI
—1 acre at 2601 Decatur Street, operated by DSFC
—1 acre at 2520 Decatur Street, operated by DSFC
—13 acres at 5300 Old Gentilly Boulevard, operated by DSFC
—8 acres at 4400 Florida Avenue, operated by PCS
—2 acres at 410, 420 & 440 Josephine Street and 427 Jackson Avenue, operated by PUI
—12 acres at 701/801 Thayer Street & 700/800 Atlantic Street operated by PCS
—9 acres at 500 Edwards Avenue, Harahan, operated by PCS
—9 acres at 14100 Chef Menteur Highway, New Orleans; operated by NKI; and,
—1 acre at 2114–2120 Rousseau Street, operated by PCS.

Site 6 (136 acres)—Arabi Terminal and Industrial Park, at Mile Point 90.5 on the Mississippi River, Arabi, owned and operated by the St. Bernard Port Harbor and Terminal District; and,

Site 7 (216 acres)—Chalmette Terminal and Industrial Park, one mile down river from the Arabi Terminal, owned and operated by the St. Bernard Port Harbor and Terminal District.

The applicant is now requesting authority to update, expand and reorganize the zone as described below. The proposal seeks to reorganize the site plan and site designations, to extend zone status to parcels with temporary authority, to restore zone status to parcels previously deleted from the zone in earlier changes, and to expand existing Site 5 by adding 8 new public/LME warehouse facilities.

Site 1 will be reduced to include only the 8-acre site at 100 Napoleon Avenue, New Orleans with the three other parcels being shifted to Site 5;

Site 3 will be reorganized to reinstate the 112 acres previously deleted through the approval of temporary modifications. The reorganized site would cover 685 acres within the Newport Industrial Park, Paris Road, Chalmette;

Site 5 will be reorganized and expanded to include all parcels listed above on a permanent basis, to include the three parcels from Site 1 on a permanent basis, and to include 8 new parcels at additional public/LME warehouse facilities at or adjacent to the Port of New Orleans (49 acres total) as follows:

—10 acres at 1000 Burmaster Street, New Orleans, operated by NKI;
—7 acres at 6025 River Road, New Orleans, operated by MITSI;
—17 acres at 620/640 River Road, Westwego, operated by PCS;
—1 acre at 1806 Religious Street, New Orleans, operated by James P. Stoyanoff;
—3 acres at 1050 S. Jeff Davis Parkway, New Orleans, operated by The Delivery Network, Inc.;
—2 acres at 1600 Annunciation Street, New Orleans, operated by PCS;
—5 acres at 402 Alabo Street, New Orleans, operated by the the Port; and,
—4 acres at 4400 N. Galvez Street, New Orleans, operated by NKI.

Site 5, as proposed, will consist of a total of 171 acres total.

No specific manufacturing requests are being made at this time. Such requests would be made to the Board on a case-by case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is January 21, 2003. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period February 3, 2003.

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

Office of the Port Director, U.S. Customs Service, 423 Canal Street, New Orleans, LA 70130.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, FCB—Suite 4100 W, 1099 14th St. NW., Washington, DC 20005.

Dated: November 13, 2002.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 02–29499 Filed 11–19–02; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1255]

Grant of Authority for Subzone Status; General Electric Aircraft Engines (Gas Turbine Engines), Research Triangle Park/Durham, NC

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act provides for ''* * * the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and when the activity results in a significant public benefit and is in the public interest;

Whereas, the Triangle J Council of Governments, grantee of Foreign-Trade Zone 93, has made application to the Board for authority to establish special-purpose subzone status at the manufacturing and distribution facilities (gas turbine engines) of General Electric Aircraft Engines, located in Research Triangle Park/Durham, North Carolina (FTZ Docket 24–2002, filed May 28, 2002);

Whereas, notice inviting public comment has been given in the **Federal Register** (67 FR 38940–38941, June 6, 2002); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that approval of the application would be in the public interest;

Now, therefore, the Board hereby grants authority for subzone status at the gas-turbine engine manufacturing facilities of General Electric Aircraft Engines located in Research Triangle Park/Durham, North Carolina (Subzone 93F), at the location described in the application, subject to the FTZ Act and the Board's regulations, including § 400.28.

Signed at Washington, DC, this 8th day of November 2002.

Faryar Shirzad,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 02–29501 Filed 11–19–02; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1254]

Grant of Authority for Subzone Status General Electric Aircraft Engines (Gas Turbine Engines), Cincinnati, OH

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act provides for * * * the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and when the activity results in a significant public benefit and is in the public interest;

Whereas, the Greater Cincinnati Foreign Trade Zone, Inc., grantee of Foreign-Trade Zone 46, has made application to the Board for authority to establish special-purpose subzone status at the manufacturing and distribution facilities (gas turbine engines) of General Electric Aircraft Engines, located in Cincinnati, Ohio (FTZ Docket 23–2002, filed May 28, 2002);

Whereas, notice inviting public comment has been given in the **Federal Register** (67 FR 38639–38640, June 5, 2002); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that approval of the application would be in the public interest;

Now, therefore, the Board hereby grants authority for subzone status at the gas-turbine engine manufacturing facilities of General Electric Aircraft Engines located in Cincinnati, Ohio (Subzone 46A), at the location described in the application, subject to the FTZ Act and the Board's regulations, including § 400.28.

Signed in Washington, DC, this 8th day of November, 2002.

Faryar Shirzad,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 02–29500 Filed 11–19–02; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1257]

Grant of Authority for Subzone Status; Kiewit Offshore Services, Ltd. (Offshore Drilling Platforms), Ingleside, TX

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, by an Act of Congress approved June 18, 1934, an Act ''To provide for the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' as amended (19 U.S.C. 81a–81u) (the FTZ Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and when the activity results in a significant public benefit and is in the public interest;

Whereas, an application from the Port of Corpus Christi Authority, grantee of FTZ 122, for authority to establish special-purpose subzone status for the offshore drilling platform manufacturing facility of Kiewit Offshore Services, Ltd., in Ingleside, Texas, was filed by the Board on June 3, 2002, and notice inviting public comment was given in the **Federal Register** (FTZ Docket 26–2002, 67 FR 40269, June 12, 2002); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations would be satisfied, and that approval of the application would be in the public interest if approval were given subject to the standard shipyard restriction on foreign steel mill products;

Now, therefore, the Board hereby grants authority for subzone status at the offshore drilling platform manufacturing facility of Kiewit Offshore Services, Ltd. (KOS), in Ingleside, Texas (Subzone 122P), at the location described in the application, subject to the FTZ Act and the Board's regulations, including Section 400.28, and subject to the following special conditions:

1. Any foreign steel mill product admitted to the subzone, including plate, angles, shapes, channels, rolled steel stock, bars, pipes and tubes, not incorporated into merchandise otherwise classified, and which is used in manufacturing, shall be subject to Customs duties in accordance with applicable law, unless the Executive Secretary determines that the same item is not then being produced by a domestic steel mill.

2. In addition to the annual report, KOS shall advise the Board's Executive Secretary (§ 400.28(a)(3)) as to significant new contracts with appropriate information concerning foreign purchases otherwise dutiable, so that the Board may consider whether any foreign dutiable items are being imported for manufacturing in the subzone primarily because of subzone status and whether the Board should consider requiring Customs duties to be paid on such items.

Signed at Washington, DC, this 8th day of November 2002.

Faryar Shirzad,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 02–29503 Filed 11–19–02; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

[Docket No. 020904209–2209–01]

Protocol Additional to the Agreement Between the United States of America and the International Atomic Energy Agency Concerning the Application of Safeguards in the United States of America (short title ''U.S. Additional Protocol'')

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Notice of inquiry.

SUMMARY: On May 9, 2002, the President transmitted the Protocol Additional to the Agreement Between the United States and the International Atomic Energy Agency (IAEA) for the Application of Safeguards in the United States of America (hereinafter referred to as the U.S. Additional Protocol), signed by the United States in 1998, to the Senate for its advice and consent to ratification. The requirements of the U.S. Additional Protocol would supplement the existing Agreement Between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States (U.S.–IAEA Safeguards Agreement) by expanding the declaration, reporting and on-site access requirements of the U.S.–IAEA Safeguards Agreement to capture elements of the domestic nuclear fuel-cycle additional to those covered by the present U.S.–IAEA Safeguards Agreement. These elements include mining and milling of nuclear materials, nuclear-related equipment manufacturing, nuclear-related imports and exports, nuclear fuel cycle research and development not involving nuclear material, and forms of nuclear material not currently subject to the U.S.–IAEA Safeguards Agreement. The Department of Commerce, in consultation with other Executive Branch agencies, is working to reach an understanding of the universe of commercial locations that would be affected by implementation of the Additional Protocol. This Notice of Inquiry is part of an effort to collect information to estimate the potential impact that the implementation of the U.S. Additional Protocol will have on U.S. industry and to gain a better understanding of the universe of locations that may be affected by implementation, should the Additional Protocol enter into effect.

DATES: Comments are due on or before January 21, 2003.

ADDRESSES: Written comments (four copies) should be submitted to Willard Fisher, Regulatory Policy Division, Office of Exporter Services, Bureau of Industry and Security, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue, NW., Room 2705, Washington, DC 20230. In order to meet the due date for comments, single copies may be faxed to (202) 482–3355, provided that you follow up by submitting the appropriate number (four copies) of written comments.

FOR FURTHER INFORMATION CONTACT: For questions on the U.S. Additional Protocol, contact Brandon Williams, Treaty Compliance Division, Office of Nonproliferation Controls and Treaty Compliance, Bureau of Industry and Security, U.S. Department of Commerce, Phone: (703) 605–4400. For questions on the submission of comments, contact Willard Fisher, Regulatory Policy Division, Office of Exporter Services, Bureau of Industry and Security, U.S. Department of Commerce, Phone: (202) 482–2440.

SUPPLEMENTARY INFORMATION:

Background

The requirement for a comprehensive international safeguards system to prevent the spread of nuclear weapons was first established by the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). The NPT was signed by the United States on July 1, 1968, and entered into force on March 5, 1970. The treaty banned nuclear weapon states (NWS) from transferring nuclear weapons to non-nuclear weapon states (NNWS) or assisting NNWS to acquire such weapons, and stipulated that each non-nuclear weapon State Party to the NPT would undertake to accept safeguards as set forth in an agreement to be negotiated and concluded with the IAEA. Although the NPT required the establishment of safeguards, the formulation of detailed provisions for a model NPT Safeguards Agreement was not completed by the IAEA until 1971. These safeguards were designed to provide assurance that the nuclear material of States Parties which had not already developed nuclear weapons would not be diverted from peaceful use to making nuclear weapons.

During deliberations of the NPT, several major industrialized nations expressed concern that the absence of requirements for IAEA safeguards in NWS would place NNWS at a commercial and industrial disadvantage in developing nuclear energy for peaceful purposes. Specifically, the NNWS were concerned that application of safeguards would interfere with the efficient operations of their commercial activities and would possibly compromise industrial and trade secrets as a result of access by IAEA inspectors to their facilities and records. In order to allay these concerns, the United States voluntarily offered in 1967 to permit the IAEA to apply safeguards to all nuclear facilities in the United States except only for those associated with activities of direct national security significance. Since then, the other four NWS recognized under the NPT (China, France, the Russian Federation and the United Kingdom) have also agreed to subject all or part of their civil nuclear activities to IAEA safeguards.

The U.S.–IAEA Safeguards Agreement was signed on November 18, 1977, and entered into force on December 9, 1980. At that time the United States submitted to the IAEA a list of more than 200 eligible facilities for which safeguards could be applied if selected by the IAEA. This list included facilities licensed by the NRC and eligible Department of Energy facilities. The United States has added additional facilities to the eligible facilities list since that time. Under the U.S.–IAEA Safeguards Agreement, about a dozen commercial facilities have been selected for inspection since 1980.

Although the U.S.-IAEA Safeguards Agreement is based on the model safeguards agreement developed by the IAEA, the terms of the U.S. offer and the obligations of NNWS party to the NPT differ in several respects. First, the U.S. offer excludes nuclear facilities associated with activities of direct national security significance and does not contain any limitations on use of nuclear material by the United States. Also, the United States decides which U.S. facilities are eligible for safeguards and the IAEA decides which eligible facilities will be selected for application of safeguards, although the IAEA need not select any. Furthermore, the United States has made separate commitments to provide to the IAEA, for safeguards purposes, information on exports of nuclear material.

In the aftermath of the 1991 Persian Gulf War, international inspectors determined that Iraq had been engaged in a clandestine nuclear weapon development program at locations not directly subject to IAEA safeguards, despite inspections. The international community determined that the safeguards system needed to be strengthened and negotiated a model Additional Protocol to amend existing bilateral safeguards agreements. The model Additional Protocol requires enhanced information collection and access to provide IAEA inspectors with greater ability to detect clandestine nuclear activities in NNWS, and covers almost all of a state's nuclear fuel cycle. The United States, as a NWS party to the NPT, is not obligated to accept IAEA safeguards on its nuclear activities. However, the United States voluntarily signed the U.S. Additional Protocol on June 12, 1998. By submitting itself to the same safeguards on all of its civil nuclear activities that NNWS parties to the NPT are subject to, the United States intends to demonstrate that adherence to the model Additional Protocol does not place other countries at a commercial disadvantage. In this Additional Protocol, the United States accepts all of the measures of the Model Protocol except where their application would result in access by the IAEA to activiites with direct national security significance to the United States or to locations or information associated with such activities.

On May 9, 2002, the President transmitted the U.S. Additional Protocol to the Senate for its advice and consent to ratification. The U.S. Additional Protocol will not enter into force until the United States notifies the IAEA that the statutory and constitutional requirements for entry into force have been met. These requirements include ratification, implementing legislation, and issuance of regulations.

Declarations submitted under the U.S. Additional Protocol would provide the IAEA with information about additional aspects of the U.S. nuclear fuel cycle, including mining and milling of nuclear materials, nuclear-related equipment manufacturing, nuclear-related imports and exports, research and development not involving nuclear material, and other nuclear material activities not currently subject to the U.S.-Safeguards Agreement. There are no routine inspections under the Additional Protocol, but IAEA inspectors may be provided access (referred to as ''complementary access'') to the U.S. nuclear fuel cycle where there is a question or an inconsistency about the completeness or correctness of the U.S. declaration, which could relate to declared or undeclared industrial locations. Access to industrial locations is predicated upon an IAEA request for clarification of a declaration and may be exercised by the IAEA with a minimum of 24-hours notice. As with the U.S.-IAEA Safeguards Agreement, the IAEA would not be required to seek access to any U.S. locations. In carrying out responsibilities delegated to it for implementation of the U.S. Additional Protocol, the Department would apply a philosophy of ensuring compliance while minimizing intrusion and the burden on commercial activities.

Discussion and Request for Comments

The U.S. Additional Protocol is based on the model Additional Protocol (INFCIRC/540) which is organized into eighteen different Articles. INFCIRC/540 is available on the IAEA website (www.iaea.org). Article 2 describes the information required in a U.S. declaration to be submitted to the IAEA and in periodic reports and updates. The Department recognizes that some of this information is already being reported by commercial entities to U.S. Government agencies under U.S. Government regulations but is seeking to gain a better understanding of the number and type of locations that may be impacted by the declaration requirements of the U.S. Additional Protocol in order to refine estimates of the potential burden on U.S. industry and design future information collection systems. Where practical, the intent is to avoid redundancy in reporting required under an existing legislative mandate. However, in some of these instances, the

Additional Protocol may require more information than is currently being provided, such as mining capacity or the scale of operations of equipment manufactured but not exported. Such cases would require additional submission of information. Also, for example, in cases where the data has been previously collected by voluntary survey, submissions to the Department would be mandated under the U.S. Additional Protocol. Data submissions related to activities such as public and private research and development are expected to comprise predominantly information previously unreported under any existing regulatory authority. There are some instances, such as the U.S. right to exclude activities or locations with direct national security significance under the U.S. Additional Protocol, where the model Additional Protocol, designed for NNWS, does not have relevance in the United States. This notice takes those instances into account.

It is the intent of the Department, by publishing this Notice of Inquiry, to gauge the scope of the impact of the Additional Protocol, both in newly reportable entities and additional impacts on those already reporting similar information under existing regulations. Information received will be used by the Executive Branch agencies who are given responsibility to implement the Additional Protocol a better understanding of the universe of commercial locations that will be affected. It would be most useful for the Department to receive comments on: (1) Estimated numbers of commercial locations that would be subject to reporting under the specific declaration elements and (2) whether this information is already reported to U.S. Government agencies and if so, to whom. For the purpose of this Notice of Inquiry, commercial locations are those not owned by or leased to the U.S. Government. The Department also welcomes discussion regarding: (1) Any concerns with the potential release of proprietary or confidential business information; (2) what information should not be subject to disclosure; (3) the type of information that could best satisfy the Additional Protocol requirements; (4) redundancy of reporting and data requirements; (5) the degree to which impacted companies would have new reporting requirements; and (6) the burden, including cost estimates, represented by requirements for companies to collect and report new information both initially and for annual updates. The specific elements to be reported to the IAEA in the U.S. declaration and a general discussion of the expected sources of this information are described below.

1. Research and Development Activities (Public and Private)

Article 2.a(i) of the model Additional Protocol requires a general description and information specifying the location of nuclear fuel cycle-related research and development activities not involving nuclear material, carried out anywhere, that are funded, specifically authorized or controlled by, or carried out on behalf of, the government of the United States. Article 2.b(i) requires this information for nuclear fuel cycle-related research and development activities not involving nuclear material that are not funded, specifically authorized or controlled by, or carried out on behalf of, the government of the United States. General description requirements are expected to include brief information regarding the fuel cycle stage to which the project is related, title of the project, the project number or other unique designation, description of work being performed, objectives of the project, degree of project completion, and intended application of the project results.

For the purpose of the Additional Protocol, ''nuclear material'' is defined as any source or special fissionable material (*i.e.*, enriched, natural, and depleted uranium and thorium—processed beyond the raw ore stage; *i.e.*, mill products and subsequent materials) it does not include ore or ore residue. ''Nuclear fuel cycle-related research and development activities'' are defined in the Additional Protocol as those activities which are specifically related to any process or system development aspect of any of the following: conversion (from one chemical species to another) of nuclear material, enrichment of nuclear material, nuclear fuel fabrication, reactors, critical facilities, reprocessing of nuclear fuel, processing (not including repackaging or conditioning not involving the separation of elements, for storage or disposal) of intermediate or high-level waste containing plutonium, high enriched uranium or uranium-233.

Declaration requirements exclude activities related to theoretical or basic scientific research or to research and development on industrial radioisotope applications, medical, hydrological and agricultural applications, health and environmental effects and improved maintenance.

2. Operational Activities of Safeguards Relevance

Article 2.a(ii) of the model Additional Protocol requires information identified by the IAEA on operational activities of safeguards relevance at facilities and locations outside facilities where nuclear material is customarily used. In the United States, this element will apply only at nuclear facilities where the IAEA is applying safeguards in the United States and where agreed to by the United States Government. At the present time, only four facilities are subject to safeguards. Examples of such operational activities include, but are not limited to, nuclear material transfers, empty spent fuel cask transfers, crane movement records, reactor fuel production, isotope production, and maintenance activities. A ''facility'' is defined in the Additional Protocol as a reactor, critical facility, conversion plant, fabrication plant, reprocessing plant, isotope separation plant or separate storage installation, or any location where nuclear material in amounts greater than one effective kilogram is customarily used.

The Department expects that these activities are subject to license by the NRC and the collection of this information will be the responsibility of the NRC.

3. Nuclear Facility Site Descriptions and Site Maps

Article 2.a(iii) of the model Additional Protocol requires a general description of each building on a site, including the building's use and, if not apparent from that description, its contents. In the United States, this element will apply only in instances where the United States has provided to the IAEA the relevant design information. Under the terms of the U.S.–IAEA Safeguards Agreement, the U.S. has provided such information on the nuclear facilities that have been inspected in the United States. The description is expected to include a building number or other unambiguous identification, approximate size of the building (*i.e.*, number of floors and total area), use of the building, and the main contents of the building. A map of the site is also required.

A ''site'' is defined in the model Additional Protocol as that area delimited by the United States in the relevant design information for a facility, including a closed-down facility, and in the relevant information on a location outside facilities where nuclear material is customarily used, including a closed-down location outside facilities where nuclear material

was customarily used (this is limited to locations with hot cells or where activities related to conversion, enrichment, fuel fabrication or reprocessing were carried out). A ''site'' also includes all installations, co-located with the facility or location, for the provision or use of essential services, including: hot cells for processing irradiated materials not containing nuclear material; installations for the treatment, storage and disposal of waste; and buildings associated with specified activities identified by the United States under Article 2.a(iv) (see discussion below under Equipment Manufacturers).

The Department expects that the collection of information pertaining to facilities licensed by the NRC will be the responsibility of the NRC. However, the definition of ''site'' extends beyond areas involving nuclear material activities.

4. Equipment Manufacturers

Article 2.a(iv) of the model Additional Protocol requires a description of the scale of operations for each location engaged in certain nuclear-related manufacturing and/or assembly activities described in detail in Annex I to the model Additional Protocol and listed below (items a–s). The activities relate to equipment and non-nuclear material listed in Annex II to the model Additional Protocol. Scale of operations could mean, for example, approximate production capacity and capacity utilization during a declaration period. Although information is already being reported to the U.S. Government on the export of such equipment, the Department is not aware of any regulatory authorities currently collecting information on the scale of operations for manufacturing such equipment.

The model Additional Protocol requires declaration and reporting for the following nuclear-related manufacturing activities which are focused primarily on the manufacture of items ''especially designed or prepared'' for uranium enrichment (a-k) or other items related to the nuclear fuel cycle:

(a) The manufacture of centrifuge rotor tubes or the assembly of gas centrifuges that are especially designed or prepared for the separation of isotopes of uranium;

(b) The manufacture of gaseous diffusion barriers with thin, porous filters which are especially designed or prepared for the enrichment of uranium;

(c) The manufacture or assembly of laser-based isotope separation systems especially designed or prepared for enrichment of uranium;

(d) The manufacture or assembly of electromagnetic isotope separators especially designed or prepared for enrichment of uranium;

(e) The manufacture or assembly of columns or extraction equipment especially designed or prepared for enrichment of uranium;

(f) Uranium oxidation systems (chemical exchange) especially designed or prepared for enrichment of uranium;

(g) Fast-reacting ion exchange resins/adsorbents (ion exchange) especially designed or prepared for enrichment of uranium;

(h) Ion exchange columns (ion exchange) for isotope separation especially designed or prepared for enrichment of uranium;

(i) Ion exchange reflux systems (ion exchange) for isotope separation especially designed or prepared for enrichment of uranium;

(j) The manufacture of aerodynamic separation nozzles or vortex tubes especially designed or prepared for enrichment of uranium;

(k) The manufacture or assembly of uranium plasma generation systems especially designed or prepared for enrichment of uranium;

(l) The manufacture of zirconium tubes especially designed or prepared for use in a reactor;

(m) The manufacture or upgrading of heavy water or deuterium in which the ration of deuterium to hydrogen atoms exceeds 1:5000;

(n) The manufacture of nuclear grade graphite at a purity level better than 5 parts per million boron equivalent and with a density greater than 1.50 g/cm ^{3}

(o) The manufacture of flasks for irradiated fuel;

(p) The manufacture of reactor control rods especially designed or prepared for the control of the reaction rate in a nuclear reactor;

(q) The manufacture of criticality safe tanks and vessels especially designed or prepared for use in a reprocessing plant;

(r) The manufacture of irradiated fuel element chopping machines especially designed or prepared for use in a reprocessing plant; and

(s) The construction of hot cells with a cell or interconnected cells totaling at least 6 cubic meters in volume with shielding equal to or greater than the equivalent of 0.5 meters of concrete, with a density of 3.2 g/cm ^{3} or greater, outfitted with equipment for remote operations.

5. Uranium and Thorium Mines and Mills

Article 2.a(v) of the model Additional Protocol requires information on the location, operational status and the estimated annual production capacity of uranium mines and concentration plants and thorium concentration plants, and the current annual production of such mines and concentration plants in the United States. Uranium and thorium concentration plants engage in the processing and milling of ore. Currently, the Department of Energy collects information via the Energy Information Agency regarding uranium mines. This includes some but not all of the required information regarding ore processing. The NRC licenses uranium and thorium mills, and the Department expects the collection of this information to be the responsibility of the NRC. Information on mine production capacity represents new reporting requirements under the Additional Protocol.

6. Source Material Not Suitable for Fuel Fabrication or Isotopic Enrichment

Article 2.a(vi) of the model Additional Protocol requires information on natural and depleted uranium in quantities greater than 10 metric tons or on thorium in quantities greater than 20 metric tons. The Department expects that these activities are subject to license by the NRC and the collection of this information will be the responsibility of the NRC.

7. Nuclear Material Exempted From Safeguards

Article 2.a(vii) of the model Additional Protocol requires information on nuclear material declared by the United States but exempted from safeguards by arrangement with the IAEA. There is no such material in the United States. If there were, the Department expects that the nuclear material would be subject to license by the NRC, and the collection of this information would be the responsibility of the NRC.

8. Waste for Which Safeguards Have Been Terminated

Article 2.a(viii) of the model Additional Protocol requires information on the location or further processing of intermediate or high-level waste containing plutonium, high-enriched uranium or uranium-233 on which IAEA safeguards have been terminated. High-enriched uranium means uranium containing 20 percent or more of the isotope uranium-235. There is no nuclear material in the United States on which IAEA safeguards have been terminated.

9. Export and Import of Specified Equipment and Non-Nuclear Material

Article 2.a(ix) of the model Additional Protocol requires information on the export and import of certain nuclear-related equipment and non-nuclear material listed in Annex II to the model Additional Protocol and listed below (items a-m). These items are subject to export license by the NRC and the Department expects the collection of this information will be the responsibility of the NRC. The Department is not aware of any current regulatory authority for collecting information on imports of such equipment and non-nuclear material. There will be no routine reporting requirements for import data since the submission of import data is upon specific request by the IAEA. The equipment and non-nuclear material subject to Article 2.a(ix) are described in Annex II to the U.S.-IAEA Additional Protocol and include:

(a) Reactors and equipment including complete nuclear reactors, and specially designed reactor pressure vessels, reactor fuel charging and discharging machines, reactor control rods, reactor pressure tubes, zirconium tubes, primary coolant pumps;

(b) Non-nuclear materials for reactors including deuterium and nuclear grade graphite;

(c) Specially designed irradiated fuel element chopping machines, dissolvers, solvent extractors and solvent extraction equipment, chemical holding or storage vessels, plutonium nitrate to oxide conversion system, plutonium oxide to metal production system;

(d) Specially designed equipment that seals the nuclear material within the cladding, and any other which normally comes in direct contact with, or directly processes, or controls, the production flow of nuclear material;

(e) Specially designed gas centrifuges and assemblies and components especially designed or prepared for use in gas centrifuges;

(f) Specially designed gas diffusion assemblies and components especially designed or prepared for use in gas diffusion enrichment;

(g) Specially designed or prepared systems, equipment and components especially designed for use in aerodynamic enrichment plants;

(h) Specially designed or prepared systems, equipment and components for use in chemical exchange or ion exchange enrichment plants;

(i) Specially designed or prepared systems, equipment and components for use in laser-based enrichment plants;

(j) Specially designed or prepared systems, equipment and components for use in plasma separation enrichment plants;

(k) Specially designed or prepared systems, equipment and components for use in electromagnetic enrichment plants;

(l) Specially designed or prepared equipment for plants for the production of heavy water, deuterium and deuterium compounds; and

(m) Specially designed or prepared systems for the conversion of uranium ore concentrates to UO_3, conversion of UO_3 to UF_6, conversion of UO_3 to UO_2, conversion of UO_2 to UF_4, conversion of UF_4 to UF_6, conversion of UF_4 to U metal, conversion of UF_6 to UO_2, and conversion of UF_6 to UF_4.

10. Ten-Year General Plans

Article 2.a(x) of the model Additional Protocol requires information regarding general plans for the succeeding ten-year period relevant to the development of the nuclear fuel cycle (including planned nuclear fuel cycle-related research and development activities) when approved by the appropriate authorities in the United States. The Department expects that the Department of Energy will be the approving authority for these plans and will be responsible for the collection of such data.

11. Activities Related to a ''Site''

Article 2.b(ii) requires, upon specific request by the IAEA, a general description of activities and the identity of the person or entity carrying out activities at a particular location which has not been included as part of a ''site'' but which the IAEA considers may be functionally related to the activities on a ''site'' declared under 2(a)(iii) The U.S. Government will review such requests on a case-by-case basis. This provision relates only to element 3 above, where the United States has provided site descriptions and site maps.

Submission of Comments

All comments must be submitted to the address indicated in this notice. The Department requires that all comments be submitted in written form.

The Department encourages interested persons who wish to comment to do so at the earliest possible time. The period for submission of comments will close January 21, 2003. The Department will consider all comments received before the close of the comment period. Comments received after the end of the comment period will be considered, if possible, but their consideration cannot be assured. The Department will not accept comments accompanied by a request that a part or all of the material be treated confidentially because of its business proprietary nature or for any other reason. The Department will return such comments and materials to the persons submitting the comments and will not consider them. All comments submitted in response to this notice will be a matter of public record and will be available for public inspection and copying.

The Office of Administration, Bureau of Industry and Security, U.S. Department of Commerce, displays public comments on the BIS Freedom of Information Act (FOIA) web site at *http://www.bis.doc.gov/foia.* This office does not maintain a separate public inspection facility. If you have technical difficulties accessing this web site, please call BIS's Office of Administration, at (202) 482–0637, for assistance.

Dated: November 14, 2002.

James J. Jochum,

Assistant Secretary for Export Administration.

[FR Doc. 02–29513 Filed 11–19–02; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570–874]

Notice of Amended Preliminary Determination of Sales at Less Than Fair Value: Certain Ball Bearings and Parts Thereof From the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Amended Preliminary Determination.

EFFECTIVE DATE: November 20, 2002.

FOR FURTHER INFORMATION CONTACT: James Terpstra or Cindy Lai Robinson, AD/CVD Enforcement, Office 6, Group II, Import Administration, International Trade Administration, US Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone:(202) 482–3965 and (202) 482–3797, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citationsto the Department

of Commerce's (the Department's) regulations are to the provisions codified at 19 CFR part 351 (2001).

Significant Ministerial Errors

The Department is amending the preliminary determination of sales at less than fair value in the antidumping duty investigation of certain ball bearings and parts thereof from the People's Republic of China (PRC) to reflect the correction of several ministerial errors made in that determination's margin calculations, pursuant to 19 CFR 341.224(g)(1) and (g)(2).

A ministerial error is defined as an error in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial. *See* 19 CFR 351.224(f). A significant ministerial error is defined as an error, the correction of which, singly or in combination with other errors, would result in (1) a change of at least five absolute percentage points in, but not less than 25 percent of, the weighted-average dumping margin calculated in the original (erroneous) preliminary determination; or (2) a difference between a weighted-average dumping margin of zero or *de minimis* and a weighted-average dumping margin of greater than *de minimis* or vice versa. *See* 19 CFR 351.224(g). In this case, correction of the ministerial errors results in a change in the margin considered significant within the meaning of 19 CFR 351.224(g)(1). We are publishing this amendment to the preliminary determination pursuant to 19 CFR 351.224(e). As a result of this amended preliminary determination, we have revised the antidumping rates for two of the respondents and the weight-averaged rate applied to the cooperative exporters who were not selected as mandatory respondents.[1]

Scope of Investigation

For purposes of this investigation, the products covered are ball bearings and parts thereof. For a comprehensive description of the scope of this investigation, please see the preliminary determination in this proceeding. *See Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Certain Ball Bearings and Parts Thereof From the People's Republic of China*, 67 FR 63609 (October 15, 2002) (*Preliminary Determination*).

Ministerial-Errors Allegation

On October 15, 2002, the Department published its preliminary determination in this proceeding. *See Preliminary Determination*. On October 15, 2002, the Department received timely allegations of ministerial errors in the *Preliminary Determination*, in accordance with section 351.224(c)(2) of the Department's regulations, from the petitioner, a domestic producer/interested party, and each of the three mandatory respondents.

The Department has reviewed the preliminary calculations, and, while disagreeing with several of the allegations, agrees that there are errors in the *Preliminary Determination* that constitute ministerial errors within the meaning of 19 CFR 351.224(f). Furthermore, we determine that the change in Wanxiang and Cixing's margins, as well as the change in the rate applied to the un-investigated cooperative exporters, resulting from the correction of these errors, is significant pursuant to 19 CFR 351.224(g)(1). We are amending the *Preliminary Determination* to reflect the correction of these ministerial errors pursuant to 19 CFR 351.224(e). For a detailed discussion of specific ministerial error allegations and Department responses *see Memorandum From Melissa Skinner to Bernard Carreau: Ministerial Error Memorandum* dated November 13, 2002, on file in the Central Records Unit (CRU), room B-099 of the main Commerce building.

The collection of bonds or cash deposits and suspension of liquidation will be revised accordingly and parties will be notified of this determination, in accordance with sections 733(d) and (f) of the Act.

Amended Preliminary Determination

As a result of our correction of the ministerial errors, we have determined that the following dumping margins apply. In accordance with section 733(d)(2) of the Act, we are directing the Customs Service to continue to suspend liquidation of all imports of subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. We will instruct the Customs Service to require a cash deposit or the posting of a bond equal to the weighted-average amounts as indicated in the chart below. These suspension-of-liquidation instructions will remain in effect until further notice. The percentage weighted-average dumping margins are as follows:

Manufacturer/exporter	Weighted-Average Margin (percent)
Xinchang Peer Bearing Company Ltd.	2.39
Wanxiang Group Corporation	2.50
Ningbo Cixing Group Corp and CW Bearings USA, Inc.	2.32
B&R Bearing Co.	2.41
Changshan Import & Export Company, Ltd.	2.41
Changzhou Daya Import and Export Corporation Limited	2.41
China Huanchi Bearing Group Corp. AND Ningbo Huanchi Import & Export Co. Ltd.	2.41
China National Automotive Industry Guizhou Import & Export Corp.	2.41
China National Machinery & Equipment Import & Export Wuxi Co., Ltd.	2.41
Chongqing Changjiang Bearing Industrial Corporation	2.41
CSC Bearing Company Limited	2.41
Dongguan TR Bearing Corporation, Ltd.	2.41
Fujian Nanan Fushan Hardware Machinery Electric Co., Ltd.	2.41
Guangdong Agricultural Machinery Import & Export Company	2.41
Harbin Bearing Group AND Heilongjiang Machinery and Equipment Import and Export Corporation	2.41

[1] Specifically, the amended rate for Ningbo Cixing Group Corp. (''Cixing'') is now 2.32, changed from 32.69 in our *Preliminary Determination*; the amended rate for Wanxiang Group Corporation (''Wanxiang'') is 2.50, changed from 39.93; and the amended weighted-average rate is 2.41, changed from 22.99. The revised rate for Xinchang Peer Bearing Company Ltd. (''Peer'') is 7.11, compared with 2.39; however, the overall effect on the weighted-average dumping margin is not significant and therefore does not warrant amendment of the *Preliminary Determination* with respect to Peer. Moreover, because we are not amending Peer's margin at this time, we have not included Peer's revised dumping margin in the re-calculated weighted-average dumping margin for the cooperative exporters who were not selected as mandatory respondents; rather, we used Peer's original *Preliminary Determination* margin.

Manufacturer/exporter	Weighted-Average Margin (percent)
Jiangsu CTD Imports & Exports Co., Ltd.	2.41
Jiangsu General Ball & Roller Co., Ltd.	2.41
Jiangsu Hongye Intl. Group Industrial Development Co., Ltd.	2.41
Jinrun Group Ltd. Haining	2.41
Ningbo Cixi Import Export Co.	2.41
Ningbo Economic and Technological Development Zone AND Tiansheng Bearing Co. Ltd AND TSB Group USA Inc. AND TSB Bearing Group America, Co. (TSB Group)	2.41
Ningbo General Bearing Co., Ltd.	2.41
Ningbo Jinpeng Bearing Co., Ltd. AND Ningbo Mikasa Bearing Co. Ltd. AND Ningbo Cizhuang Bearing Co. Tahsleh Development Zone	2.41
Ningbo MOS Group Corporation, Ltd.	2.41
Norin Optech Co., Ltd.	2.41
Premier Bearing & Equipment, Ltd.	2.41
Sapporo Precision Inc./Shanghai Precision Bearing Co., Ltd.	2.41
Shaanxi Machinery & Equipment Import & Export Corp.	2.41
Shandong Machinery Import & Export Group Corp.	2.41
Shanghai Bearing (Group) Company Limited	2.41
Shanghai Foreign Service and Economic Cooperation Co. Ltd.	2.41
Shanghai General Pudong Bearing Co., Ltd.	2.41
Shanghai Hydraulics & Pneumatics Corp.	2.41
Shanghai Nanshi Foreign Economic Cooperation & Trading Co., Ltd.	2.41
Shanghai SNZ Bearings Co., Ltd.	2.41
Shanghai Zhong Ding I/E Trading Co., Ltd. AND Shanghai Li Chen Bearings	2.41
Shaoguan Southeast Bearing Co. Ltd.	2.41
Sin NanHwa Bearings Co. Ltd. AND Sin NanHwa Co. Ltd.	2.41
TC Bearing Manufacturing Co. Ltd.	2.41
Wafangdian Bearing Company Ltd.	2.41
Wholelucks Industrial Limited	2.41
Wuxi New-way Machinery Co., Ltd.	2.41
Zhejiang Rolling Bearing Co. Ltd.	2.41
Zhejiang Shenlong Bearing Co. Ltd.	2.41
Zhejiang Wanbang Industrial Co., Ltd.	2.41
Zhejiang Xinchang Xinzhou Industrial Co. Ltd.	2.41
Zhejiang Xinchun Bearing Co. Ltd.	2.41
Zhejiang ZITIC Import & Export Co. Ltd.	2.41
PRC-Wide Rate	59.30

International Trade Commission Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our amended preliminary determination. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of the preliminary determination or 45 days after our final determination whether these imports are materially injuring, or threaten material injury to, the US industry.

Public Comment

Case briefs for this investigation must be submitted to the Department no later than seven days after the date of the final verification report issued in this proceeding. Rebuttal briefs must be filed five days from the deadline date for case briefs. A list of authorities used, a table of contents, and an executive summary of issues should accompany any briefs submitted to the Department. Executive summaries should be limited to five pages total, including footnotes. Section 774 of the Act provides that the Department will hold a public hearing to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs, provided that such a hearing is requested by an interested party. If a request for a hearing is made in this investigation, the hearing will tentatively be held two days after the rebuttal-brief deadline date at the US Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, US Department of Commerce, Room 1870, within 30 days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs.

We will make our final determination no later than February 26, 2003.

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act.

Dated: November 13, 2002.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 02–29496 Filed 11–19–02; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570–504]

Petroleum Wax Candles From the People's Republic of China (PRC): Notice of Extension of Time Limit of Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: November 20, 2002.

FOR FURTHER INFORMATION CONTACT: Mark Hoadley or Brett Royce, Office of AD/CVD Enforcement VII, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230;

telephone: (202) 482–3148 or (202) 482–4106, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the Tariff Act of 1930, as amended (the Act). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR part 351(2001).

Background

On August 28, 1986, the Department of Commerce (the Department) published the antidumping duty order on petroleum wax candles from the PRC (51 FR 30686). On August 1, 2001, the Department published an opportunity to request an administrative review of the order (66 FR 39729). On August 31, 2001, the Department received a request from Dongguan Fay Candle Co., Ltd. (Fay Candle) to conduct an administrative review of the antidumping duty order on petroleum wax candles from the PRC. On October 1, 2001, the Department published a notice of initiation of this administrative review covering the period of August 1, 2000 through July 31, 2001 (66 FR 49924). On April 18, 2002, the Department extended the due date for the preliminary results of this review (67 FR 19159). On September 10, 2002, the Department published the preliminary results of this review (67 FR 57384). On October 4, 2002, Fay Candle, requested an extension of the due date for the case and rebuttal briefs and any hearing requests. On October 17, 2002, the Department extended the case brief and hearing request due date to November 25, 2002, and the rebuttal brief due date to December 9, 2002.

Extension of Time Limit for Final Results

Pursuant to section 751(a)(3)(A) of the Act, the Department may extend the deadline for completion of the final results of an administrative review if it determines that it is not practicable to complete the final results within the statutory time limit of 120 days from the date on which the preliminary results were published. The Department has determined that it is not practicable to complete the final results of this review within the statutory time limit. During the course of this review, numerous issues have been raised concerning the applicability of facts available. Due to the complexity of the issues involved, it is not practicable to complete this review within the time limits mandated by section 751(a)(3)(A) of the Act and section 19 CFR 351.213(h)(1) of the Department's regulations.

Therefore, the Department is extending the time limits for the final results by an additional 60 days (180 days from the date of publication of the preliminary results pursuant to section 19 CFR 351.213(h)(2)), until no later than March 10, 2003 (the calculated due date is March 9, 2003; however, since March 9, falls on a weekend, the due date will fall on the next business day, March 10). This notice is published in accordance with section 751(1)(3)(A) of the Act and section 19 CFR 351.213(h)(2) of the Department's regulations.

Dated: November 13, 2002.

Barbara E. Tillman,

Acting Deputy Assistant Secretary for Import Administration, Group III.

[FR Doc. 02–29495 Filed 11–19–02; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

Environmental Technologies Trade Advisory Committee (ETTAC)

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of open meeting.

Date: December 6, 2002.

Time: 9 a.m. to 12 p.m and 2:30 to 3:30 p.m.

Place: U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, Room 3407.

SUMMARY: The Environmental Technologies Trade Advisory Committee (ETTAC) will hold a plenary meeting on December 6, 2002 at the U.S. Department of Commerce.

The ETTAC will discuss administrative and trade issues including the status of trade negotiations in regards to environmental technologies trade liberalization. Time will be permitted for public comment. The meeting is open to the public.

Written comments concerning ETTAC affairs are welcome anytime before or after the meeting. Minutes will be available within 30 days of this meeting.

The ETTAC is mandated by Public Law 103–392. It was created to advise the U.S. government on environmental trade policies and programs, and to help it to focus its resources on increasing the exports of the U.S. environmental industry. ETTAC operates as an advisory committee to the Secretary of Commerce and the interagency Environmental Trade Working Group (ETWG) of the Trade Promotion Coordinating Committee (TPCC). ETTAC was originally chartered in May of 1994. It was most recently rechartered until May 30, 2004.

For further information phone Corey Wright, Office of Environmental Technologies Industries (ETI), International Trade Administration, U.S. Department of Commerce at (202) 482–5225. This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to ETI.

Dated: November 2, 2002.

Carlos F. Montoulieu,

Director, Office of Environmental Technologies Industries.

[FR Doc. 02–29435 Filed 11–19–02; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Patent Processing (Updating); Proposed Collection; Comment Request

ACTION: Proposed collection; comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the continuing and proposed information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before January 21, 2003.

ADDRESSES: Direct all written comments to Susan K. Brown, Records Officer, Office of Data Architecture and Services, Data Administration Division, USPTO, Suite 310, 2231 Crystal Drive, Washington, DC 20231; by telephone at 703–308–7400; by e-mail at *susan.brown@uspto.gov*; or by facsimile at 703–308–7407.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the attention of Robert J. Spar, Director, Office of Patent Legal Administration, United States Patent and Trademark Office (USPTO), Washington, DC 20231; by telephone at 703–308–5107; or by electronic mail at *bob.spar@uspto.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

The United States Patent and Trademark Office (USPTO) is required by 35 U.S.C. 131 to examine an application for patent and, when appropriate, issue a patent. Also, the USPTO is required to publish patent applications, with certain exceptions, promptly after the expiration of a period of eighteen months from the earliest filing date for which a benefit is sought under Title 35, United States Code (''eighteen-month publication''). Certain situations may arise which require that additional information be supplied in order for the USPTO to further process the patent or application. The USPTO administers the statutes through various sections of the rules of practice in 37 CFR part 1.

The kind of information generally needed by the USPTO to continue to process the patent or application, or for regulatory compliance, is outlined below:

- Each individual associated with the filing and prosecution of a patent application has a duty to disclose all information known to be material to the patentability of that application.
- All applicants for patents are required to pay statutory fees. Applicants with small entity status are entitled to a 50% reduction in the fees.
- Applicants who want to establish small entity status must assert a claim to small entity status, which may be payments of a small entity filing fee.
- Applicants should identify the type of information they are submitting, the person or representative submitting the information, and complete a certificate of mailing to ensure the timely filing of the information in the USPTO.
- A petition and extension fee is required when an applicant wants an extension to respond beyond a nonstatutory or shortened statutory time.
- An applicant must request in writing the abandonment of an application, if and when an express abandonment is desired.
- Disclaimers are required when an applicant or assignee wants or needs to disclaim or dedicate to the public the term, or any part of the term (or at least one complete claim that is deemed invalid without deceptive intent), of a patent or a patent to be granted.
- A notice of appeal must be filed when an applicant appeals the decision of the examiner to the Board of Patent Appeals and Interferences.
- An information disclosure citation may be filed during the enforceability of a patent, when a person cites prior art consisting of patents and printed publications which the person states to be pertinent and applicable to the patent and believes to have a bearing on the patentability of any claim of a particular patent.
- Petitions are required for revival of applications for patent that were unavoidably or unintentionally abandoned.
- An applicant, counsel of record, or the assignee, must provide written authorization to grant permission to designated individuals to inspect and make copies of an application when the application is required to be kept confidential by 35 U.S.C. 122.
- Deposit account information is needed when a customer wishes to order and pay for articles or services from the USPTO (other than copies of printed patents) with a deposit account.
- Certificate of mailing statements (PTO/SB/92/97) are necessary when an applicant relies upon the date of deposit with the U. S. Postal Service or the date of facsimile transmission of correspondence as proof of the timely filing of that correspondence.
- A request to not publish the application (PTO/SB/35) is required upon filing of the application if the applicant meets certain conditions as set forth in 35 U.S.C. 122.
- A request for voluntary publication, republication, or publication of a redacted application must be filed along with a copy of the application to be published via the USPTO's electronic filing system.

This information can be used by the USPTO to continue the processing of the patent or application or to ensure that applicants are complying with the patent regulations. The USPTO also uses the information to assist in the printing of patents, to calculate the correct fees, to route the correspondence to the correct departments, and to process orders. Other forms assist the USPTO in determining whether applications have been expressly abandoned, to expedite examination of design applications if so requested, and to assure that only those individuals who are authorized can access and copy applications.

The USPTO is adding a new form to this collection, PTO/SB/24A, Petition for Express Abandonment to Avoid Publication Under 37 CFR 1.138(c). This petition was originally part of the Express Abandonment Form (PTO/SB/24). When the petition option was selected on the form, the form had to be processed at a different office at the USPTO than other options on the express abandonment form. Therefore, to improve the efficiency and effectiveness of processing, it was decided to create a new form for the petition to ensure that the petition is correctly and promptly directed to the proper office for a decision.

The paper copy of the application for publication is being deleted from this collection. This requirement was never implemented, as the Electronic Filing System (EFS) was determined to be fully operable and reliable to only require an electronic copy of an application for purposes of voluntary publication, redacted publication, or republication of a patent application. There is no form associated with this requirement.

A Change Worksheet was approved by the Office of Management and Budget (OMB) on February 14, 2002, that deleted two forms from this collection, PTO/SB/61/PCT Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unavoidable under 37 CFR 1.137(a) and PTO/SB/64/PCT Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally under 37 CFR 1.137(b), and moved them into information collection 0651–0021 Patent Cooperation Treaty. The USPTO believes that these two forms more appropriately belong in 0651–0021 in the interest of uniformity and because the information contained in these two forms specifically applies to international applications. The values for these two forms were changed accordingly on the OMB Inventory listing for these two collections, but the forms were never physically moved out of 0651–0031 into 0651–0021. Therefore, forms PTO/SB/61/PCT and PTO/SB/64/PCT are now part of collection 0651–0021.

II. Method of Collection

By mail, facsimile, or hand delivery to the USPTO. The eIDS (electronic information disclosure statements) and the electronic filing system (EFS) copy of application for publication may be submitted electronically over the Internet.

III. Data

OMB Number: 0651–0031.

Form Number(s): PTO/SB/08A/08B/21/22/23/24/24A/25/26/27/30/31/32/35/36/37/42/43/61/62/63/64/67/68/91/92/96/97, PTO–2053–A/B, PTO–2054–A/B, PTO–2055–A/B, and electronic version of Information Disclosure Statements (eIDS).

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or households; business or other for-profit; not-for-profit institutions; farms; the

Federal Government; and state, local or tribal governments.

Estimated Number of Respondents: 2,202,764 responses per year.

Estimated Time Per Response: The USPTO estimates that it will take the public between 1 minute, 48 seconds (0.03 hours) to four hours, depending upon the complexity of the situation, to gather, prepare, and submit the various documents in this information collection. There are 30 forms associated with this collection.

Estimated Total Annual Respondent Burden Hours: 824,677 hours per year.

Estimated Total Annual Respondent Cost Burden: $151,736,520 per year. The USPTO expects that the transmittal form; the petition for extension of time under 37 CFR 1.136(a); express abandonment; requests to access, inspect and copy; deposit account order form; certificates of mailing; electronic filing system (EFS) copy of application for publication; copy of the applicant or patentee's record of the application (including copies of the correspondence, list of the correspondence, and statements verifying whether the record is complete or not); and the petition for express abandonment to avoid publication under 37 CFR 1.138(c) forms will be prepared by paraprofessionals. Using the paraprofessional rate of $30 per hour, the USPTO estimates that the respondent cost burden will be $7,578,660. The USPTO estimates that the other items in this collections will be prepared by associate attorneys in private firms. Using the professional hourly rate of $252 per hour for associate attorneys in private firms, the USPTO estimates $144,157,860 per year for salary costs associated with respondents for the other items in this information collection. The total respondent cost burden is $151,736,520 per year.

Item	Estimated time for response	Estimated annual responses	Estimated annual burden hours
Information Disclosure Statements—Paper	2 hours	265,300	530,600
eIDS (Information Disclosure Statements) filed	1 hour	14,000	14,000
Transmittal Form	12 minutes	1,039,500	207,900
Petition for Extension of Time under 37 CFR 1.138(a)	6 minutes	189,000	18,900
Petition for Extension of Time under 37 CFR 1.138(b)	30 minutes	54	27
Express Abandonment	12 minutes	13,825	2,765
Disclaimers	12 minutes	15,000	3,000
Request for Expedited Examination of a Design Application	12 minutes	130	26
Notice of Appeal	12 minutes	16,500	3,300
Information Disclosure Citation	2 hours	1,830	3,660
Petitions to Revive Unintentionally or Unavoidably Abandoned Applications	1 hour	4,940	4,940
Requests to Access, Inspect and Copy	12 minutes	18,650	3,730
Deposit Account Order Form	12 minutes	1,160	232
Certificates of Mailing	1 minute, 48 seconds	543,000	16,290
Statement Under 37 CFR 3,73(b)	12 minutes	19,450	3,890
Non-publication Request	6 minutes	31,500	3,150
Rescission of Non-publication Request	6 minutes	525	53
Electronic Filing System (EFS) Copy of Application for Publication	2 hours, 30 minutes	1,000	2,500
Copy of File Content Showing Redactions	4 hours	12	48
Copy of the Applicant or Patentee's Record of the Application (including copies of the correspondence, list of the correspondence, and statements verifying whether the record is complete or not)	1 hour	235	235
Request for Continued Examination (RCE)	12 minutes	26,000	5,200
Request for Oral Hearing Before the Board of Patent Appeals and Interferences	12 minutes	750	150
Request for Deferral of Examination 37 CFR 1.103(d)	12 minutes	53	11
Petition for express abandonment to avoid publication under 37 CFR 1.138(c)	12 minutes	350	70
Total	.....	2,202,764	824,677

Estimated Total Annual Nonhour Respondent Cost Burden: $141,055,924. There are no maintenance costs associated with this information collection. However this collection does have capital start-up costs, record keeping costs, postage fees, and filing fees.

The capital start-up costs are associated with the information disclosure statements (IDS) that only cite U.S. patent documents which may be filed electronically via EFS and also with the republication, voluntary publication, early publication, or redacted publication of patent applications, which must be submitted to the USPTO via EFS. When an IDS or a republication, voluntary publication, early publication, or redacted publication of a patent application is completed electronically using ePAVE, the supporting attachments must be prepared in TIFF format, which may require a scanner if the supporting documents are not already in digital form. The average cost of a scanner is $200. The scanned or saved image files can be converted into standard TIFF format using image processing software. The electronic forms are prepared and submitted using the free ePAVE software from the USPTO, and the XML documents created by ePAVE can be viewed or printed with the free Internet Explorer version 5.5 browser. There are no costs to the applicant associated with the authoring software or ePave. The USPTO provides this software to the applicant after he or she applies to the USPTO for a digital certificate and is approved. Therefore, there is a total of $200 in capital start-up costs associated with this collection.

The public may submit the paper forms and petitions in this collection to the USPTO by mail through the United States Postal Service. If the submission is sent by first-class mail, the public may also include a signed certification of the date of mailing in order to receive credit for timely filing. The USPTO estimates that the average first-class postage cost for a mailed submission

will be 49 cents, and that customers filing the documents associated with this information collection may choose to mail their submissions to the USPTO. Therefore, the USPTO estimates that up to 2,187,764 submissions per year may be mailed to the USPTO at an average first-class postage cost of 49 cents, for a total postage cost of $1,072,004.

A record keeping cost of $450 is being added into this collection for the eIDS as well as for the EFS submissions. The applicant is strongly urged to retain a copy of the file submitted to the USPTO as evidence of authenticity in addition to keeping the acknowledgment receipt as clear evidence that on the date noted the file was received by the USPTO. The USPTO estimates that it will take 5 seconds (0.001 hours) to print and retain a copy of the eIDS and EFS submissions and that approximately 15,000 (14,000 eIDS and 1,000 EFS) submissions per year will use this option, for a total of 15 hours per year for printing this receipt. Using the paraprofessional rate of $30 per hour, the USPTO estimates that the record keeping cost associated with this collection will be $450 per year.

There is also annual nonhour cost burden in the way of filing fees associated with this collection. Since the filing fees have not previously been included in this collection for all items, the total number of filings is being used to calculate these costs. The submission of an Information Disclosure Statement (IDS) normally does not have any fees associated with it, unless it is submitted in the time frame defined by 37 CFR 1.97(c) or (d). When an IDS is submitted under 37 CFR 1.97(c) or (d), it is submitted late in the prosecution of the application, and a fee of $180 is required. It is estimated that 30,450 out of the total estimated 279,300 IDS filings per year will be filed under 37 CFR 1.97(c) or (d). When filing a request for deferral of examination, the applicant must pay the processing fee of $130 indicated by 37 CFR 1.17(i) and the publication fee of $300 indicated by 37 CFR 1.18(d). The combined filing cost of $430 for each request results in a total annual nonhour cost burden of $21,500 associated with this form.

The total estimated filing costs for this collection of $139,983,270 are calculated in the accompanying chart.

Item	Responses (a)	Filing fee ($) (b)	Total non-hour cost burden (a) × (b)
Submission of an Information Disclosure Statement (IDS) under 37 CFR 1.97(c) or (d)	30,450	$180.00	$5,481,000.00
Transmittal forms	1,039,500	None	0
One month extension of time under 37 CFR 1.136(a)	60,270	150.00	9,040,500.00
One month extension of time under 37 CFR 1.136(a) (small entity)	23,503	75.00	1,762,725.00
Two month extension of time under 37 CFR 1.136(a)	31,225	540.00	16,861,500.00
Two month extension of time under 37 CFR 1.136(a) (small entity)	12,891	270.00	3,480,570.00
Three month extension of time under 37 CFR 1.136(a)	32,724	1,240.00	40,577,760.00
Three month extension of time under 37 CFR 1.136(a) (small entity)	16,413	620.00	10,176,060.00
Four month extension of time under 37 CFR 1.136(a)	3,370	1,940.00	6,537,800.00
Four month extension of time under 37 CFR 1.136(a) (small entity)	2,267	970.00	2,198,990.00
Five month extension of time under 37 CFR 1.136(a)	2,163	2,640.00	5,710,320.00
Five month extension of time under 37 CFR 1.136(a) (small entity)	4,174	1,320.00	5,509,680.00
Extension of time under 37 CFR 1.136(b)	54	None	0
Express Abandonment	13,825	None	0
Petition for express abandonment to avoid publication under 37 CFR 1.138(c)	350	130.00	45,500.00
Statutory Disclaimer	11,250	110.00	1,237,500.00
Statutory Disclaimer (small entity)	3,750	55.00	206,250.00
Requests for Expedited Examination of a design application	130	900.00	117,000.00
Notice of Appeal	12,570	600.00	7,542,000.00
Notice of Appeal (small entity)	3,930	300.00	1,179,000.00
Request for an Oral Hearing	600	460.00	276,000.00
Request for an Oral Hearing (small entity)	150	230.00	34,500.00
Information Disclosure Citations	1,830	None	0
Petition to Revive Unavoidably Abandoned Application	170	110.00	18,700.00
Petition to Revive Unavoidably Abandoned Application (small entity)	235	55.00	12,925.00
Petition to Revive Unintentionally Abandoned Application	2,690	1,280.00	3,443,200.00
Petition to Revive Unintentionally Abandoned Application (small entity)	1,845	640.00	1,180,800.00
Requests to Access, Inspect and Copy	18,650	None	0
Deposit Account Order Form	1,160	None	0
Certificates of Mailing	543,000	None	0
Statement Under 37 CFR 3.73(b)	19,450	None	0
Non-publication Request	31,500	None	0
Rescission of Non-publication Request	525	None	0
Electronic Filing System (EFS) Copy of Application for Publication	1,000	None	0
Copy of File Content Showing Redactions	12	None	0
Copy of the Applicant or Patentee's Record of the Application (including copies of the correspondence, list of the correspondence, and statements verifying whether the record is complete or not)	235	None	0
Request for Continued Examination (RCE)	20,800	740.00	15,392,000.00
Request for Continued Examination (RCE) (small entity)	5,200	370.00	1,924,000.00
Processing fee for deferral of examination	53	130.00	6,890.00
Request for voluntary publication or republication	70	430.00	30,100.00
Total	1,953,984	.....	139,983,270.00

The USPTO estimates that the total non-hour respondent cost burden for this collection in the form of capital start-up costs, record keeping costs, postage costs, and filing fees is 141,055,924.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: November 13, 2002.

Susan K. Brown,

Records Officer, USPTO, Office of Data Architecture and Services, Data Administration Division.

[FR Doc. 02–29380 Filed 11–19–02; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

ACTION: Correction notice/extension of comment period.

SUMMARY: On November 8, 2002, the Department of Education published two 30-day public comment period notices in the **Federal Register** (page 68110, column 1 and page 68110, column 3) for the information collections, ''Federal PLUS Program Master Promissory Note,'' and ''Federal Direct PLUS Loan Applications and Master Promissory Note (PLUS MPN), and Endorser Addendum.'' Because of a system software error, the contents of *http://edicsweb.ed.gov* were not updated to reflect the materials submitted to OMB. The Leader, Regulatory Management Group, Office of the Chief Information Officer, sincerely apologizes for any inconvenience caused by this error and hereby extends the public comment period through December 15, 2002.

While the contents of *http://edicsweb.ed.gov* have been updated to reflect the correct information, written requests for information should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651 or to the e-mail address *Vivian.Reese@ed.gov.* Requests may also be faxed to 202–708–9346. Please specify the complete title of the information collection when making your request. Comments regarding burden and/or the collection activity requirements should be directed to Lew Oleinick at *Lew.Oleinick@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

FOR FURTHER INFORMATION CONTACT: Lew Oleinick at his e-mail address *Lew.Oleinick@ed.gov.*

Dated: November 14, 2002.

John D. Tressler,

Leader, Regulatory Management Group, Office of the Chief Information Officer.

[FR Doc. 02–29402 Filed 11–19–02; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–556–001]

Algonquin Gas Transmission Company; Notice of Compliance Filing

November 14, 2002.

Take notice that on November 8, 2002, Algonquin Gas Transmission Company (Algonquin) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, Sub Second Rev Second Rev Sheet No. 651, effective October 25, 2002.

Algonquin states that the purpose of this filing is to comply with the letter order issued by the Commission on October 24, 2002 in Docket No. RP02–556–000 (October 24 Order). Algonquin states that on September 24, 2002, it filed a revised tariff sheet (September 24 Filing) with proposed changes to the capacity release provisions of the General Terms and Conditions of its tariff. Algonquin states that the Commission's October 24 Order accepted the proposed changes subject to Algonquin making certain further revisions to the tariff sheet within 15 days of the October 24 Order. Algonquin states that the tariff sheet included herewith includes the required revisions in compliance with the October 24 Order.

Algonquin states that copies of its filing have been mailed to all affected customers, interested state commissions, and all parties listed on the Official Service List compiled by the Secretary of the Commission in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. 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.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–29422 Filed 11–19–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–557–001]

Algonquin LNG, LP; Notice of Compliance Filing

November 14, 2002.

Take notice that on November 8, 2002, Algonquin LNG, LP (ALNG) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets, effective October 25, 2002:

Sub Fifth Revised Sheet No. 66
Original Sheet No. 66A

ALNG states that the purpose of this filing is to comply with the letter order issued by the Commission on October 24, 2002 in Docket No. RP02–557–000 (October 24 Order). ALNG states that on

September 24, 2002, it filed revised tariff sheets (September 24 Filing) with proposed changes to the capacity release provisions of the General Terms and Conditions of its tariff. ALNG states that the Commission's October 24 Order accepted the proposed changes subject to ALNG making certain further revisions to the tariff sheets within 15 days of the October 24 Order. ALNG states that the tariff sheets included herewith include the required revisions in compliance with the October 24 Order.

ALNG states that copies of its filing have been mailed to all affected customers, interested state commissions, and all parties listed on the Official Service List compiled by the Secretary of the Commission in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. 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.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–29423 Filed 11–19–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–42–001]

Distrigas of Massachusetts L.L.C.; Notice of Compliance Filing

November 14, 2002.

Take notice that on November 8, 2002, Distrigas of Massachusetts LLC (DOMAC), tendered for filing in the above-captioned proceeding an errata to its October 24, 2002, filing of a modified Storage Service Agreement by and between DOMAC and Boston Gas Company (Boston Gas) redesignating Third Revised Sheet No. 87 as Fourth Revised Sheet No. 87.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's rules and regulations. All such protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. 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.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–29427 Filed 11–19–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–558–001]

East Tennessee Natural Gas Company; Notice of Compliance Filing

November 14, 2002.

Take notice that on November 8, 2002, East Tennessee Natural Gas Company (East Tennessee) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, effective October 25, 2002:

Sub First Rev Original Sheet No. 147A
Sub Fifth Revised Sheet No. 155
Sub Original Sheet No. 155A

East Tennessee states that the purpose of this filing is to comply with the letter order issued by the Commission on October 24, 2002 in Docket No. RP02–558–000 (October 24 Order). East Tennessee states that on September 24, 2002, it filed revised tariff sheets (September 24 Filing) with proposed changes to the capacity release provisions of the General Terms and Conditions of its tariff. East Tennessee states that the Commission's October 24 Order accepted the proposed changes subject to East Tennessee making certain further revisions to the tariff sheets within 15 days of the October 24 Order. East Tennessee states that the tariff sheets included herewith include the required revisions in compliance with the October 24 Order.

East Tennessee states that copies of its filing have been mailed to all affected customers, interested state commissions, and all parties listed on the Official Service List compiled by the Secretary of the Commission in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. 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.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–29424 Filed 11–19–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP03–12–000]

Egan Hub Partners, L.P.; Notice of Application

November 14, 2002.

Take notice that on November 5, 2002, Egan Hub Partners, L.P. (Egan Hub), 5400 Westheimer Court, Houston, Texas 77056, filed in the above referenced docket an application, pursuant to section 7(c) of the Natural Gas Act (NGA) and the Commission's regulations thereunder, for a certificate of public convenience and necessity authorizing the expansion of its existing storage facility at the Jennings Salt Dome in Acadia Parish, Louisiana (Egan Storage Facility Expansion). This application is on file with the Commission and open to public inspection. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Currently, Egan Hub has three salt caverns at its storage facility. Egan Hub seeks authorization to expand its existing salt dome storage facility working gas capacity from 16.0 Bcf to 24.0 Bcf and its maximum aggregate operating capacity from 21.0 Bcf to 31.5 Bcf. No new surface facilities are proposed. In addition, Egan Hub states that the proposed increase in operating capacity will not affect Egan Hub's existing maximum deliverability capability of 1,500 MMcfd, nor will it change the existing maximum injection capability of 800 MMcfd.

Egan Hub also proposes to continue charging market-based rates. As a result, Egan Hub requests waivers of certain of the Commission's regulations that are required when an applicant seeks cost-based rate authority.

Egan Hub states that it requests approval of its application on or before January 22, 2003, in order to meet the anticipated future market needs of its customers.

Any questions regarding this application should be directed to Steven E. Tillman, General Manager—Regulatory Affairs, Egan Hub Partners, L.P., PO Box 1642, Houston, Texas 77251–1642 at (713) 627–5113 or by fax at (713) 627–5947.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before December 5, 2002, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.214 or 385.211) and the regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission may issue a preliminary determination on non-environmental issues prior to the completion of its review of the environmental aspects of the project. This preliminary determination typically considers such issues as the need for the project and its economic effect on existing customers of the applicant, on other pipelines in the area, and on landowners and communities. For example, the Commission considers the extent to which the applicant may need to exercise eminent domain to obtain rights-of-way for the proposed project and balances that against the non-environmental benefits to be provided by the project. Therefore, if a person has comments on community and landowner impacts from this proposal, it is important either to file comments or to intervene as early in the process as possible.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying a certificate will be issued.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–29415 Filed 11–19–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–559–001]

Egan Hub Partners, L.P.; Notice of Compliance Filing

November 14, 2002.

Take notice that on November 8, 2002, Egan Hub Partners, L.P. (Egan Hub) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1,

Sub Original Sheet No. 70A, with an effective date of October 25, 2002.

Egan Hub states that the purpose of this filing is to comply with the letter order issued by the Commission on October 24, 2002 in Docket No. RP02–559–000 (October 24 Order). Egan Hub states that on September 24, 2002, it filed a tariff sheet (September 24 Filing) with proposed changes to the capacity release provisions of the General Terms and Conditions of its tariff. Egan Hub states that the Commission's October 24 Order accepted the proposed changes subject to Egan Hub making certain further revisions to the tariff sheet within 15 days of the October 24 Order. Egan Hub states that the tariff sheet included herewith include the required revisions in compliance with the October 24 Order.

Egan Hub states that copies of its filing have been mailed to all affected customers, interested state commissions, and all parties listed on the Official Service List compiled by the Secretary of the Commission in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's rules and regulations. All such protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. 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.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–29425 11–19–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP00–466–003 and RP00–618–004]

Enbridge Offshore Pipelines (UTOS) LLC; Notice of Compliance Filing

November 14, 2002.

Take notice that on November 8, 2002, Enbridge Offshore Pipelines (UTOS) LLC (UTOS) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, Substitute First Revised Sheet No. 125, effective October 1, 2002.

UTOS states that the filing is being made in compliance with the Commission's November 1, 2002, letter order in the captioned proceedings:

UTOS states that a complete copy of its filing is being mailed to all of the parties on the Commission's Official Service list for these proceedings, all of its jurisdictional customers, and applicable State Commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's rules and regulations. All such protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. 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.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–29419 Filed 11–19–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ES03–14–000]

ISO New England Inc.; Notice of Application

November 14, 2002.

Take notice that on November 8, 2002, ISO New England Inc. (ISO New England) submitted an application pursuant to section 204 of the Federal Power Act seeking authorization to issue long-term debt securities in an amount not to exceed $20 million pursuant to one or more credit facilities.

ISO New England also requests a waiver of the Commission's competitive bidding and negotiated placement requirements under 18 CFR 34.2.

Any person desiring to intervene or to protest this filing should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's web site at *http://www.ferc.gov*, using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number filed to access the document. For assistance, call (202) 502–8222 or TTY, (202) 208–1659. Protests and interventions may be filed electronically via the Internet in lieu of paper; *see* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Comment Date: December 2, 2002.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–29417 Filed 11–19–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–81–014]

Kinder Morgan Interstate Gas Transmission LLC; Notice of Negotiated Rate

November 14, 2002.

Take notice that on November 12, 2002, Kinder Morgan Interstate Gas Transmission LLC (KMIGT) tendered for filing of the following tariff sheets, to be effective November 1, 2002:

Fourth Revised Volume No. 1–A
Ninth Revised Sheet No. 4G
Second Revised Sheet No. 4H
Third Revised Sheet No. 4I

The above-referenced tariff sheets reflect a negotiated rate contract effective November 1, 2002. The tariff sheets are being filed pursuant to Section 36 of KMIGT's FERC Gas Tariff Fourth Revised Volume No. 1-B, and the procedures prescribed by the Commission in its December 31, 1996 ''Order Accepting Tariff Filing Subject to Conditions'', in Docket No. RP97–81 (77 FERC ¶ 61,350) and the Commission's Letter Orders dated March 28, 1997 and November 30, 2000 in Docket Nos. RP97–81–001, and RP01–70–000, respectively.

KMIGT states that a copy of this filing has been served upon all parties to this proceeding, KMIGT's customers and affected state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. Comments, protests and interventions 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.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–29431 Filed 11–19–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–560–001]

Maritimes & Northeast Pipeline, L.L.C.; Notice of Compliance Filing

November 14, 2002.

Take notice that on November 8, 2002, Maritimes & Northeast Pipeline, L.L.C. (Maritimes) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Sub Original Sheet No. 259A, effective October 25, 2002.

Maritimes states that the purpose of this filing is to comply with the letter order issued by the Commission on October 24, 2002 in Docket No. RP02–560–000 (October 24 Order). Maritimes states that on September 24, 2002, it filed a tariff sheet (September 24 Filing) with proposed changes to the capacity release provisions of the General Terms and Conditions of its tariff. Maritimes states that the Commission's October 24 Order accepted the proposed changes subject to Maritimes making certain further revisions to the tariff sheet within 15 days of the October 24 Order. Maritimes states that the tariff sheet included herewith includes the required revisions in compliance with the October 24 Order.

Maritimes states that copies of its filing have been mailed to all affected customers, interested state commissions, and all parties listed on the Official Service List compiled by the Secretary of the Commission in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's rules and regulations. All such protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. Comments, protests and interventions 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.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–29426 Filed 11–19–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–6–001]

Maritimes & Northeast Pipeline, L.L.C.; Notice of Compliance Filing

November 14, 2002.

Take notice that on November 8, 2002, Maritimes & Northeast Pipeline, L.L.C. (Maritimes) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Sub 2nd First Revised Sheet No. 265 to become effective on November 1, 2002.

Maritimes proposes to comply with the Commission's October 31, 2002 Order in Docket No. RP03–6–000 by revising Tariff Sheet No. 265 to include the phrase ''subject to refund'' following the phrase ''interim period.'' In addition, Maritimes has revised the tariff sheet at issue to subtract the cost of fuel in the calculation of the Index Price.

Maritimes states that copies of this filing were mailed to all affected customers of Maritimes and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to

the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. 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.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–29428 Filed 11–19–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

PG&E Gas Transmission, Northwest Corporation; Notice of Proposed Changes in FERC Gas Tariff

[Docket No. RP03–70–000]

Federal Energy Regulatory Commission

November 14, 2002.

Take notice that on November 8, 2002, PG&E Gas Transmission, Northwest Corporation (GTN) tendered for filing to be part of its FERC Gas Tariff, Second Revised Volume No. 1–A, certain tariff sheets as listed in Appendix A to the filing.

GTN indicates that these Tariff sheets are being submitted in order to clarify creditworthiness provisions in its General Terms & Conditions to more clearly articulate its existing creditworthiness policies and to update its policies to be consistent with the current market environment.

GTN states further that a copy of this filing has been served on GTN's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. Comments, protests and interventions 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.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–29430 Filed 11–19–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP00–397–005, et al.]

Questar Pipeline Company; Notice of Compliance Filing

November 14, 2002.

Take notice that on November 12, 2002, Questar Pipeline Company (Questar), tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets to be effective as indicated on each tariff sheet:

Substitute Seventh Revised Sheet No. 44, effective December 1, 2002
Substitute Eighth Revised Sheet No. 45, effective December 1, 2002
Substitute Tenth revised Sheet No. 46, effective December 1, 2002
Substitute Sixth revised Sheet No. 46A, effective December 1, 2002
Fourth Revised Sheet No. 56A, effective December 1, 2002
Substitute Sixth Revised Sheet No. 60B, effective October 1, 2002
First Revised Sheet No. 60C, effective October 1, 2002
Substitute Fourth Revised Sheet No. 71A, effective December 1, 2002
First Revised Fourth Revised Sheet No. 165, effective July 7, 2002
Substitute Fifth Revised Sheet No. 165, effective August 1, 2002
First Revised Fifth Revised Sheet No. 167, effective July 7, 2002
Substitute Sixth Revised Sheet No. 167, effective August 1, 2002
First Revised Original Sheet No. 167A, effective July 7, 2002
First Revised Sheet No. 167A, effective August 1, 2002
First Revised Third Revised Sheet No. 171, effective July 7, 2002
Substitute Fourth Revised Sheet No. 171, effective August 1, 2002
First Revised Sixth Revised Sheet No. 172, effective July 7, 2002
Second Substitute Seventh Revised Sheet No. 172, effective August 1, 2002

Questar states that this filing combines the approved language from three proceedings in Docket Nos. RP00–397, *et al.*, RP02–357, *et al.* and RP02–459–000 that were simultaneously pending approval. The tariff language approved in each docket was previously independently filed in compliance with individual orders. This filing (1) rectifies tariff sheet pagination so that effective dates are in chronological order and (2) combines conforming language. In addition, several minor clarifications have been made to integrate the three sets of tariff revisions.

Questar states that copies of this filing were served upon Questar's customers, the Public Service Commission of Utah and the Public Service Commission of Wyoming.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's rules and regulations. All such protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. 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.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–29418 Filed 11–19–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–555–001]

Texas Eastern Transmission, LP; Notice of Compliance Filing

November 14, 2002.

Take notice that on November 8, 2002, Texas Eastern Transmission, LP (Texas Eastern) tendered for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1, the following tariff sheets, to be effective October 25, 2002:

Sub First Revised Original Sheet No. 539
Original Sheet No. 539A
Sub First Revised Sheet No. 540

Texas Eastern states that the purpose of this filing is to comply with the letter order issued by the Commission on October 24, 2002 in Docket No. RP02–555–000 (October 24 Order). Texas Eastern states that on September 24, 2002, it filed revised tariff sheets (September 24 Filing) with proposed changes to the capacity release provisions of the General Terms and Conditions of its tariff. Texas Eastern states that the Commission's October 24 Order accepted the proposed changes subject to Texas Eastern making certain further revisions to the tariff sheets within 15 days of the October 24 Order. Texas Eastern states that the tariff sheets included herewith include the required revisions in compliance with the October 24 Order.

Texas Eastern states that copies of its filing have been mailed to all affected customers, interested state commissions, and all parties listed on the Official Service List compiled by the Secretary of the Commission in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. 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.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–29421 Filed 11–19–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–490–002]

Transwestern Pipeline Company; Notice of Compliance Filing

November 14, 2002.

Take notice that on November 12, 2002, Transwestern Pipeline Company (Transwestern) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1), the following tariff sheets to become effective January 1, 2003:

Fourth Revised No. 9A
Tenth Revised Sheet No. 20
Second Revised No. 20D
Fourth Revised Sheet No. 27
Twenty-Third Revised Sheet No. 37
Third Revised Sheet No. 37A
Eleventh Revised Sheet No. 38
Original Sheet No. 38A
Sixth Revised Sheet Nos. 39–40
Twenty-first Revised Sheet No. 48
Ninth Revised Sheet No. 51B
Seventh Revised No. 70
Eighth Revised Sheet No. 80B
Second Revised Sheet No. 81D
Fifth Revised Sheet No. 92C
Fifth Revised Sheet No. 92D
Third Revised Sheet No. 92E
Fourth Revised Sheet No. 92F
Eighth Revised Sheet No. 95B.01
Eighth Revised No. 95L
First Revised Sheet No. 98
First Revised Sheet No. 99
Ninth Revised Sheet No. 147
Third Revised Sheet No. 148
Fourth Revised Sheet No. 149
First Revised Sheet No. 151
First Revised Sheet No. 154
First Revised Sheet No. 155
Original Sheet No. 157
Original Sheet No. 158
Original Sheet No. 159
Original Sheet No. 160
Original Sheet No. 161
Original Sheet No. 162

Transwestern states that these tariff revisions are being filed in compliance with the Commission's October 10, 2002 Order in the instant docket.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. 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.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–29420 Filed 11–19–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–69–000]

Vector Pipeline L.P.; Notice of Proposed Changes in FERC Gas Tariff

November 14, 2002.

Take notice that on November 8, 2002, Vector Pipeline L.P. (Vector), tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, First Revised Sheet No. 157, with an effective date of January 1, 2003.

Vector states that the filing is being made to reflect the Commission's determination to remove the five year matching term from the right of first refusal rights available to recourse shippers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the

Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. Comments, protests and interventions 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.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–29429 Filed 11–19–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC03–16–000, et al.]

Power Contract Finance, L.L.C., et al.; Electric Rate and Corporate Filings

November 13, 2002.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. Power Contract Finance, L.L.C.

[Docket Nos. EC03–16–000 and ER02–1485–002]

Take notice that on November 7, 2002, Power Contract Finance, L.L.C. (PCF) (the Applicant), filed with the Federal Energy Regulatory Commission (the Commission) an application pursuant to section 203 of the Federal Power Act seeking authorization for the transfer of certain jurisdictional facilities that will result from the sale of all of the membership interests in PCF to Morgan Stanley Capital Group Inc. (MSCG). PCF, a limited liability company formed under the laws of Delaware, is a power marketer. PCF does not own any generating facilities. PCF also requests that the Commission accept the filing as a notice of change in status in its rate docket.

Comment Date: November 29, 2002.

2. Morgan Stanley Capital Group Inc.

[Docket Nos. EC03–17–000]

Take notice that on November 7, 2002, Morgan Stanley Capital Group Inc. (MSCG or the Applicant) filed with the Federal Energy Regulatory Commission (the Commission) an application pursuant to section 203 of the Federal Power Act seeking authorization to purchase all of the membership interests in Power Contract Finance, L.L.C. (PCF). MSCG and PCF are FERC-authorized power marketers.

Comment Date: November 29, 2002.

3. Central Illinois Generation, Inc.

[Docket No. ER02–1688–003]

Take notice that, on November 8, 2002, Central Illinois Generation, Inc. (CIGI) filed in compliance with the Commission's October 25, 2002, order in this proceeding. CIGI's compliance filing includes (1) a revised market-based rate tariff; (2) a revised Power Supply Agreement between CIGI and Central Illinois Light Company (CILCO); and (3) an Interconnection Agreement (IA) between CIGI and CILCO filed in accordance with Order No. 614.

Comment Date: November 29, 2002.

4. American Electric Power Service Corporation

[Docket No. ER03–166–000]

Take notice that on November 6, 2002, American Electric Power Service Corporation (AEPSC) tendered for filing pursuant to section 35.15 of the Federal Energy Regulatory Commission's (Commission) regulations, a notice of cancellation of service agreement no. 334 between Indiana Michigan Power Company and Duke Energy Vigo, LLC under American Electric Power Operating Companies' Open Access Transmission Tariff (OATT).

AEPSC requests an effective date of January 4, 2002 for the cancellation. AEPSC served copies of the filing upon Duke Energy Vigo, LLC c/o Duke Energy North America, LLC.

Comment Date: November 27, 2002.

5. The Empire District Electric Company

[Docket No. ER03–167–000]

Take notice that on November 6, 2002, The Empire District Electric Company filed a proposal to cancel parts of its Open Access Transmission Tariff and to substitute an Ancillary Services Form of Agreement. The Empire District Electric Company filed this proposal in order to accommodate the administration of the Open Access Transmission Tariff of the Resulting Company from the consolidation of the Midwest Independent Transmission System Operator, Inc. and the Southwest Power Pool. The proposed effective date for this filing is January 6, 2003.

Comment Date: November 27, 2002.

6. Morgan Stanley Capital Group Inc.

[Docket No.ER03–168–000]

Take notice that on November 7, 2002, Morgan Stanley Capital Group Inc. (MSCG) tendered for filing a revised Wholesale Market-Based Rate Schedule updating the format of the rate schedule and certain language. MSCG requests an effective date of November 15, 2002.

Comment Date: November 29, 2002.

7. Tampa Electric Company

[Docket No. ER03–169–000]

Take notice that on November 7, 2002, Tampa Electric Company (TEC) tendered for filing pursuant to section 205 of the Federal Power Act an executed Interconnection and Operating Agreement between TEC and Cargill Fertilizer, Inc. as a service agreement under TEC's open access transmission tariff.

Comment Date: November 29, 2002.

8. Entergy Services, Inc.

[Docket No. ER03–171–000]

Take notice that on November 7, 2002, Entergy Services, Inc., on behalf of Entergy Mississippi, Inc., tendered for filing a unilaterally executed Interconnection and Operating Agreement with South Mississippi Electric Power Association (SMEPA), a Generator Imbalance Agreement with SMEPA, and New Delivery Point Agreements.

Comment Date: November 29, 2002.

9. PJM Interconnection, L.L.C.

[Docket No. ER03–173–000]

Take notice that on November 8, 2002, PJM Interconnection, L.L.C. (PJM), submitted for filing a revised interconnection service agreement between PJM and Reliant Energy Services, Inc. (Reliant). The agreement is revised to remove and replace the specifications pages for two generating units that have been retired.

PJM requests a waiver of the Commission's 60-day notice requirement to permit a November 4, 2002, effective date for the revised agreement. Copies of this filing were served upon Reliant and the state regulatory commissions within the PJM region.

Comment Date: November 29, 2002.

Standard Paragraph

Any person desiring to intervene or to protest this filing should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's web site at *http://www.ferc.gov*, using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number filed to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866)208–3676, or for TTY, contact (202)502–8659. Protests and interventions may be filed electronically via the Internet in lieu of paper; *see* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–29416 Filed 11–19–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting Notice

November 13, 2002.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. 94–409), 5 U.S.C. 552B:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: November 20, 2002, 10 a.m.

PLACE: Room 2C, 888 First Street, NE., Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note: Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Magalie R. Salas, secretary, telephone (202) 502–8400, for a recording listing items stricken from or added to the meeting, call (202) 502–8627.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the reference and information center.

811TH—Meeting November 20, 2002, Regular Meeting, 10 A.M.

Administrative Agenda

A–1. Docket# AD02–1, 000, Agency Administrative Matters
A–2. Docket# AD02–7, 000, Customer Matters, Reliability, Security and Market Operations

Markets, Tariffs and Rates—Electric

E–1. Omitted
E–2. Docket# EC02–96, 000, Ameren Services Company on behalf of Ameren's Public Utility Company Subsidiaries
E–3. Omitted
E–4. Docket# ER02–2595, 000, Midwest Independent Transmission System Operator, Inc.
E–5. Omitted
E–6. Docket# ER03–13, 000, New York Independent System Operator, Inc.
E–7. Docket# ER03–42, 000, Sithe/Independence Power Partners, L.P.
E–8. Omitted
E–9. Docket# ER98–3760, 000, California Independent System Operator Corporation
Other#s EC96–19, 009, Pacific Gas and Electric Company, San Diego Gas & Electric Company and Southern California Edison Company
ER96–1663, 010, Pacific Gas and Electric Company, San Diego Gas & Electric Company and Southern California Edison Company
EC96–19, 030, California Independent System Operator Corporation
ER96–1663, 031, California Independent System Operator Corporation
E–10. Docket# ER02–854, 000, Florida Power and Light Company
Other#s ER02–854, 003, Florida Power and Light Company
E–11. Docket# ER02–170, 002, Boston Edison Company
Other#s ER02–170, 003 Boston Edison Company
ER02–170, 004, Boston Edison Company
E–12. Docket# ER02–2598, 000, Commonwealth Edison Company
E–13. Omitted
E–14. Docket# ER02–1266, 002, Niagara Mohawk Power Corporation
Other#s ER02–1266, 003, Niagara Mohawk Power Corporation
E–15. Docket# ER01–3149, 003, Nevada Power Company
E–16. Docket# EL01–50, 002, *KeySpan-Ravenswood, Inc.* v. *New York Independent System Operator, Inc.*
E–17. Docket# EL96–17, 003, Citizens Communications Company
Other#s ER95–1586, 006, Citizens Communications Company
ER95–1586, 007, Citizens Communications Company
ER95–1586, 008, Citizens Communications Company
ER95–1586, 009, Citizens Communications Company
OA96–184, 004, Citizens Communications Company
OA96–184, 005, Citizens Communications Company
EL01–20, 000, Citizens Communications Company
E–18. Docket# ER98–1440, 000, Central Vermont Public Service Corporation
E–19. Docket# ER02–2609, 000, Sierra Pacific Power Company and Nevada Power Company
E–20. Omitted
E–21. Docket# RT01–15, 005, Avista Corporation, Nevada Power Company, Portland General Electric Company and Sierra Pacific Power Company
Other#s ER02–323, 001, TransConnect, LLC
E–22. Docket# EL99–58, 001, *Village of Freeport, New York* v. *Consolidated Edison Company of New York*
E–23. Docket# EL00–114, 001, *Dynegy Power Marketing, Inc.* v. *Ameren Services Company*
E–24. Docket# EL02–86, 001, *Exelon Generation Company LLC,* v. *Southwest Power Pool, Inc.*
E–25. Omitted
E–26. Docket# ER02–108, 006, Midwest Independent Transmission System Operator, Inc.
Other#s ER02–108, 007, Midwest Independent Transmission System Operator, Inc.
E–27. Docket# ER02–1710, 001, Southwest Power Pool, Inc.
E–28. Omitted
E–29. Omitted
E–30. Docket# ER02–1817, 001, American Electric Power Service Corporation
Other#s ER02–1817, 002, American Electric Power Service Corporation
E–31. Omitted
E–32. Docket# ER02–1834, 001, California Independent System Operator Corporation
Other#s ER02–1835, 001, California Independent System Operator Corporation
E–33. Docket# ER02–2651, 000, PJM Interconnection L.L.C.
E–34. Omitted
E–35. Docket# EL02–41, 000, Pittsfield Generating Company, L.P.
Other#s QF88–21, 009, Pittsfield Generating Company, L.P.
E–36. Docket# EL02–72, 000, PPL Large Scale Distribution Generation II, LLC and PPL Midwest Finance, LLC
E–37. Docket# EL02–126, 000, *City of Corona, California* v. *Southern California Edison Company*
E–38. Docket# EL02–110, 000, *New England Coalition on Nuclear Pollution and Citizens Awareness Network* v. *Vermont Yankee Nuclear Power Corporation, New England Power Company, Green*

Mountain Power Company, Central Vermont Public Service Corporation, Central Maine Power Company, Cambridge Electric Light Company, Northeast Utilities (through its affiliates and operating companies Western Massachusetts Electric Company, Connecticut Light and Power Company, and Public Service Company of New Hampshire) and Entergy Nuclear Vermont Yankee, LLC

E–39. Docket# EL01–100, 000, *Corn Belt Energy Corp.,* v. *Soyland Power Cooperative, Inc.*
Other#s EL01–107, 000, *Corn Belt Energy Corp.,* v. *Soyland Power Cooperative, Inc.*
EL01–108, 000, *Monroe County Electric Cooperative* v. *Soyland Power Cooperative, Inc.*

E–40. Docket# EL03–9, 000, *Alternate Power Source, Inc.,* v. *Western Massachusetts Electric Company and Northeast Utilities System*

E–41. Omitted

E–42. Docket# ER01–889, 011, California Independent System Operator Corporation
Other#s EL00–95, 059, *San Diego Gas & Electric Company* v. *Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator and the California Power Exchange*
EL00–95, 060, *San Diego Gas & Electric Company* v. *Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator and the California Power Exchange*
ER01–889, 012, California Independent System Operator Corporation
ER01–889, 013, California Independent System Operator Corporation
ER01–3013, 003, California Independent System Operator Corporation
ER01–3013, 004, California Independent System Operator Corporation
ER01–3013, 005, California Independent System Operator Corporation

E–43. Docket# ER02–2126, 000, Consolidated Edison Company of New York, Inc.
Other#s ER02–2126, 001, Consolidated Edison Company of New York, Inc.
ER02–2126, 002, Consolidated Edison Company of New York, Inc.
ER02–2126, 003, Consolidated Edison Company of New York, Inc.

E–44. Docket# EL02–87, 000, *Cities of Anaheim, Azusa, Banning, Colton and Riverside, California and the City of Vernon, California* v. *California Independent System Operator Corporation*

E–45. Docket# EL02–127, 000, PPL Electric Utilities

E–46. Docket# EL00–66, 000, *Louisiana Public Service Commission and the Council of the City of New Orleans* v. *Entergy Corporation*
Other#s EL95–33, 002, *Louisiana Public Service Commission* v. *Entergy Services, Inc.*
ER00–2854, 000, Entergy Services, Inc.

E–47. Docket# EL02–23, 001, *Consolidated Edison Company of New York* v. *Public Service Electric and Gas Company, PJM Interconnection, L.L.C., and New York Independent System Operator, Inc.*

E–48. Docket# ER02–863, 002, Midwest Independent Transmission System Operator, Inc.
Other#s ER02–330, 002, Alliant Energy Corporate Services, Inc.

E–49. Docket# EL02–112, 000, *FirstEnergy Solutions Corp.,* v. *PJM Interconnection, L.L.C.*
Other#s EL02–120, 000, *Edison Mission Energy* v. *PJM Interconnection, L.L.C.*

E–50. Docket# ER02–1451, 001, Ameren Energy Marketing Company

E–51. Docket# EL03–8, 000, LMB Funding, Limited Partnership

E–52. Docket# ER03–37, 000, Sierra Pacific Power Company and Nevada Power Company
Other#s ER02–2609, 000, Sierra Pacific Power Company and Nevada Power Company

E–53. Docket# ER02–2613, 000, American Electric Power Service Corporation

E–54. Docket# ER02–10, 000, Duke Energy Oakland, LLC and Duke Energy South Bay, LLC
Other#s ER98–496, 000, Duke Energy South Bay, LLC
ER02–10, 002, Duke Energy Oakland, LLC and Duke Energy South Bay, LLC
ER02–10, 001, Duke Energy Oakland, LLC and Duke Energy South Bay, LLC
ER02–10, 003, Duke Energy Oakland, LLC and Duke Energy South Bay, LLC
ER02–239, 003, Duke Energy South Bay, LLC
ER02–239, 000, Duke Energy South Bay, LLC
ER02–239, 001, Duke Energy South Bay, LLC
ER02–239, 002, Duke Energy South Bay, LLC
ER02–240, 000, Duke Energy Oakland, LLC
ER02–240, 001, Duke Energy Oakland, LLC
ER02–240, 002, Duke Energy Oakland, LLC
ER02–240, 003, Duke Energy Oakland, LLC
ER02–1478, 001, Duke Energy Oakland, LLC
ER02–1478, 000, Duke Energy Oakland, LLC
ER02–1478, 002, Duke Energy Oakland, LLC

E–55. Docket# ER02–711, 002, American Electric Power Service Corporation

E–56. Omitted

E–57. Docket# EL00–95, 000, *San Diego Gas & Electric Company* v. *Sellers of Energy and Ancillary Services into Markets Operated by the California Independent System Operator Corporation and the California Power Exchange*
Other#s EL00–95, 048, *San Diego Gas & Electric Company* v. *Sellers of Energy and Ancillary Services into Markets Operated by the California Independent System Operator Corporation and the California Power Exchange*
EL00–98, 000, Investigation of Practices of California Independent System Operator Corporation & California Power Exchange
EL00–98, 042, Investigation of Practices of California Independent System Operator Corporation & California Power Exchange

Miscellaneous Agenda

M–1. Docket# PL02–5, 000, Statement of Administrative Policy on Separation of Functions

Markets, Tariffs and Rates—Gas

G–1. Omitted
G–2. Omitted
G–3. Omitted
G–4. Omitted
G–5. Omitted
G–6. Omitted
G–7. Docket# RP03–32, 000, Stingray Pipeline Company, L.L.C.
G–8. Omitted
G–9. Omitted
G–10. Docket# RP00–404, 000, Northern Natural Gas Company
Others#s RP00–404, 002, Northern Natural Gas Company
RP00–404, 005, Northern Natural Gas Company
RP00–627, 000, Northern Natural Gas Company
RP00–627, 001, Northern Natural Gas Company

G–11. Docket# RP02–153, 000, Horizon Pipeline Company, L.L.C.
Other#s RP02–153, 001, Horizon Pipeline Company, L.L.C.

G–12. Docket# RP02–356, 000, Canyon Creek Compression Company

G–13. Omitted

G–14. Docket# RP00–409, 000, Natural Gas Pipeline Company of America
Other#s RP00–409, 001, Natural Gas Pipeline Company of America
RP00–631, 000, Natural Gas Pipeline Company of America
RP00–631, 002, Natural Gas Pipeline Company of America

G–15. Docket# RP98–206, 009, Atlanta Gas Light Company

G–16. Docket# RP00–329, 002, Great Lakes Gas Transmission Limited Partnership

G–17. Omitted

G–18. Docket# RP97–288, 025, Transwestern Pipeline Company
Other#s RP01–507, 001, Transwestern Pipeline Company

G–19. Docket# RP00–533, 003, Algonquin Gas Transmission Company

G–20. Docket# RP01–265, 001, Colorado Interstate Gas Company
Other#s RP01–441, 000, Colorado Interstate Gas Company
RP01–574, 000, Colorado Interstate Gas Company
RP02–102, 000, Colorado Interstate Gas Company
RP02–195, 000, Colorado Interstate Gas Company
RP02–348, 000, Colorado Interstate Gas Company
RP02–528, 000, Colorado Interstate Gas Company

G–21. Docket# RP00–472, 002, USG Pipeline Company
Other#s RP01–31, 002, USG Pipeline Company

G–22. Docket# RP00–535, 003, Texas Eastern Transmission, LP

G–23. Docket# IS01–441, 000, Olympic Pipe Line Company

G–24. Docket# RP02–340, 002, ANR Pipeline Company

Other#s RP02–340, 001, ANR Pipeline Company
G–25. Docket# RP02–307, 001, Texas Gas Transmission Corporation
G–26. Docket# RP02–252, 002, Columbia Gulf Transmission Company
G–27. Docket# RP02–254, 002, Columbia Gas Transmission Corporation
G–28. Docket# RP02–248, 002, Kern River Gas Transmission Co.
G–29. Omitted
G–30. Docket# RP02–448, 001, National Fuel Gas Supply Corporation
Other#s RP02–448, 002, National Fuel Gas Supply Corporation
G–31. Docket# RM96–1, 024, Standards for Business Practices of Interstate Natural Gas Pipelines
G–32. Docket# RP03–16, 000, *Pan-Alberta Gas (U.S.) Inc., and Mirant Americas Energy Marketing, L.P.* v. *Northern Border Pipeline Company*
G–33. Omitted
G–34. Omitted
G–35. Omitted
G–36. Docket# GT02–15, 002, Horizon Pipeline Company, L.L.C.
Other#s GT02–15, 001, Horizon Pipeline Company, L.L.C.
G–37. Docket# CP00–6, 006, Gulfstream Natural Gas System, L.L.C.
G–38. Docket# RP00–411, 002, Iroquois Gas Transmission System, L.P.
Other#s RP01–44, 004, Iroquois Gas Transmission System, L.P.

Energy Projects—Hydro

H–1. Docket# DI99–2, 003, Alaska Power & Telephone Company
H–2. Omitted
H–3. Omitted
H–4. Docket# P–2114, 106, The Yakama Nation v. Public Utility District No. 2 of Grant County, WA
H–5. Docket# P–2727, 046, PPL Maine, LLC
H–6. Docket# P–1862, 085, City of Tacoma, Washington

Energy Projects—Certificates

C–1. Docket# CP02–379, 000, Southern LNG Inc.
Other#s CP02–380, 000, Southern LNG Inc.
C–2. Docket# CP02–155, 000, Gulf South Pipeline Company, LP
C–3. Docket# CP02–90, 000, AES Ocean Express LLC
Other#s CP02–90, 001, AES Ocean Express LLC
CP02–91, 000, AES Ocean Express LLC
CP02–92, 000, AES Ocean Express LLC
CP02–93, 000, AES Ocean Express LLC
C–4. Omitted
C–5. Docket# CP02–428, 000, Ozark Gas Transmission, LLC
C–6. Docket# CP01–415, 001, East Tennessee Natural Gas Company
Other#s CP01–375, 000, East Tennessee Natural Gas Company
CP01–415, 000, East Tennessee Natural Gas Company
CP01–415, 002, East Tennessee Natural Gas Company
CP01–415, 003, East Tennessee Natural Gas Company
C–7. Docket# RM01–6, 000, Assignment of Firm Capacity on Upstream Interstate Pipelines

Magalie R. Salas,

Secretary.

[FR Doc. 02–29535 Filed 11–15–02; 4:20 pm]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Meeting, Notice of Vote, Explanation of Action Closing Meeting and List of Persons to Attend

November 13, 2002.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. 94–409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: November 20, 2002 (Within a relatively short time before or after the regular Commission Meeting).

PLACE: Hearing Room 5, 888 First Street, NE., Washington, DC 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Non-public investigations and inquiries and enforcement related matters.

CONTACT PERSON FOR MORE INFORMATION: Magalie R. Salas, Secretary, Telephone (202) 502–8400.

Chairman Wood and Commissioners Massey, Breathitt and Brownell voted to hold a closed meeting on November 20, 2002. The certification of the General Counsel explaining the action closing the meeting is available for public inspection in the Commission's Public Reference Room at 888 First Street, NE., Washington, DC 20426.

The Chairman and the Commissioners, their assistants, the Commission's Secretary and her assistant, the General Counsel and members of her staff, and a stenographer are expected to attend the meeting. Other staff members from the Commission's program offices who will advise the Commissioners in the matters discussed will also be present.

Magalie R. Salas,

Secretary.

[FR Doc. 02–29536 Filed 11–15–02; 4:20 pm]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7410–6]

Agency Information Collection Activities: Proposed Collection; Comment Request; Approval of State Coastal Nonpoint Pollution Control Programs; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; extension of comment period.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), on October 25, 2002, EPA published a notice in the **Federal Register** (67 FR 65563) announcing that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): Approval of State Coastal Nonpoint Pollution Control Programs, EPA ICR Number 1569.05, OMB Control Number 2040–0153, expiring on April 30, 2003. This notice extends the comment period 30 days to December 26, 2002, to solicit comments on the proposed information collection.

DATES: Comments must be submitted on or before December 26, 2002.

ADDRESSES: Comments should be sent to, and copies of the ICR may be obtained without charge from, the Nonpoint Source Control Branch, Assessment and Watershed Protection Division (4503–T), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC. 20460.

FOR FURTHER INFORMATION CONTACT: Stacie Craddock at EPA by phone at (202) 566–1204, by fax at (202) 566–1545, by email at *craddock.stacie@epa.gov,* or download a copy of the ICR off the Internet at *http://www.epa.gov/icr* and refer to EPA ICR No. 1569.05.

Dated: November 13, 2002.

Robert H. Wayland III,

Director, Office of Wetlands, Oceans, and Watersheds.

[FR Doc. 02–29476 Filed 11–19–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7410–7]

Proposed Consent Decree, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed Consent Decree; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended (''Act''), 42 U.S.C. 7413(g), notice is hereby given of a proposed Consent Decree. On November 13, 2002, the American Lung Association and eight other public interest groups filed a complaint pursuant to section 304(a) of the Act, 42 U.S.C. 7604(a), alleging that the United States Environmental Protection Agency (''EPA'') failed to meet its mandatory duty to designate areas for the 8-hour ozone national ambient air quality standard (''NAAQS''). *American Lung Association, et al.* v. *EPA,* No. 02–2239 (D.D.C.). On November 13, 2002, EPA lodged the Consent Decree with the United States District Court for the District of Columbia Circuit. The Consent Decree establishes a time frame for EPA to promulgate designations for the 8-hour ozone NAAQS.

DATES: Written comments on the proposed consent decree must be received by December 20, 2002.

ADDRESSES: Written comments should be sent to Jan M. Tierney, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Copies of the proposed Consent Decree are available from Phyllis J. Cochran, (202) 564–5566. On November 13, 2002, a copy of the proposed consent decree was lodged with the Clerk of the United States District Court for the District of Columbia.

SUPPLEMENTARY INFORMATION: The American Lung Association and eight other public interest groups [1] (collectively referred to as ''American Lung Association'') allege that EPA failed to promulgate designations for the 8-hour ozone NAAQS by the Congressionally-enacted deadline.

On July 18, 1997, EPA promulgated a revised 8-hour ozone NAAQS. 62 FR 38856 38856. The revised ozone NAAQS was challenged and on May 14, 1999, the United States Court of Appeals for the District of Columbia Circuit (''D.C. Circuit'') determined that EPA's interpretation of its authority to establish the NAAQS resulted in an unconstitutional delegation of authority. The Court also determined that EPA's implementation scheme was flawed because the CAA mandated that a revised ozone standard be implemented in accordance with specific provisions (''subpart 2'') of the Act, which EPA had indicated would not apply. The Court remanded the rule to EPA. *American Trucking Assoc.* v. *EPA,* 175 F.3d 1027 (D.C. Cir. 1999) reh'g denied American Trucking Assoc. v. EPA, 195 F.3d 4 (D.C. Cir. 1999). Both EPA and the petitioners sought review in the Supreme Court of several aspects of the D.C. Circuit's decision.[2]

On February 27, 2001, the Supreme Court issued a decision, holding that EPA's interpretation of its authority to promulgate the 8-hour ozone NAAQS did not constitute an unconstitutional delegation of power. *Whitman* v. *American Trucking Assoc.,* 121 S.Ct. 903 (2001). The Court also remanded the implementation issue to the Agency to develop a reasonable interpretation that provides a role for subpart 2 in implementing the 8-hour ozone NAAQS.

Section 107(d)(1) of the CAA provides that EPA must designate areas for a revised NAAQS no later than two years following promulgation of the standard. It also provides for the Agency to take an additional year for designating areas if ''insufficient information'' is available. In June 1998, as part of the Transportation Equity Act for the 21st Century, Public Law 105–178, Congress enacted legislation that expressly provided EPA with three years to promulgate designations for the 8-hour ozone NAAQS. In the fall of 2000, as part of the appropriations bill for EPA, Congress precluded EPA from spending funds to designate areas for the 8-hour ozone NAAQS until the earlier of June 15, 2001 or a ruling by the Supreme Court in the litigation concerning the NAAQS. The Supreme Court issued its decision on February 27, 2001.

The Consent Decree provides that EPA will sign a notice promulgating designations for the 8-hour ozone NAAQS no later than April 15, 2004. It further provides that EPA will submit the designation notice to the Office of **Federal Register** no later than five days following signature. Finally, it provides for EPA to publish a notice of availability of the promulgated designations no later than April 30, 2004.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed Consent Decree from persons who were not named as parties or interveners to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed Consent Decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determine, following the comment period, that consent is inappropriate, the Consent Decree will be final.

Dated: November 14, 2002.

Lisa K. Friedman,

Associate General Counsel.

[FR Doc. 02–29475 Filed 11–19–02; 8:45 am]

BILLING CODE 6560–50–P

[1] The other eight plaintiffs are: Environmental Defense, Natural Resources Defense Council, Sierra Club, Alabama Environmental Council, Clean Air Council, Michigan Environmental Council, Ohio Environmental Council and Southern Alliance for Clean Energy.

[2] The Court also remanded the rule to EPA because EPA had not considered whether ground-level ozone had beneficial health effects. In particular, some petitioners argued that EPA had ignored whether higher levels of ground-level ozone acted as a shield from the harmful effects of ultraviolet radiation. EPA did not seek Supreme Court review of this issue.

ENVIRONMENTAL PROTECTION AGENCY

[FRL –7411–2]

EPA Science Advisory Board Executive Committee Teleconference; Notification of Public Advisory Committee Meeting

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Executive Committee of the U.S. EPA Science Advisory Board (SAB) will meet on Thursday, December 5, 2002, from 11 a.m.–2 p.m. eastern time. The meeting will be coordinated through a conference call connection in Room 6013 in the USEPA, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. The public is encouraged to attend the meeting in the conference room noted above. However, the public may also attend through a telephonic link, to the extent that lines are available. Additional instructions about how to participate in the conference call can be obtained by calling Ms. Diana Pozun (*see* contact information below). The meeting is open to the public, however, seating is limited and available on a first come basis. *Important Notice:* Documents that are the subject of SAB reviews are normally available from the originating EPA office and are not available from the SAB Office—information concerning availability of documents from the relevant Program Office is included in the FR citations given below.

Purpose of the Meeting—In this meeting, the Executive Committee plans

to review reports from some of its Committees/Subcommittee, most likely including the following:

(a) *Executive Committee Subcommittee—Scientific and Technological Achievement Awards Subcommittee (STAA)*—Recommendations on the Agency's FY2001 Scientific and Technological Achievement Awards Program: An SAB Report (*see* 67 FR 44200 (July 1, 2002), for further details).

(b) *Environmental Economics Advisory Committee (EEAC)*—Affordability: An SAB Report (*see* 67 FR 46506 (July 15, 2002), for further details).

Please check with Ms. Diana Pozun (*see* contact information below) prior to the meeting to determine which reports will be on the agenda as last minute changes can take place.

Availability of Review Materials: Drafts of the SAB reports that will be reviewed at the meeting will be available to the public at the SAB website under the heading for the Executive Committee Public Teleconference, December 5, 2002, (*http://www.epa.gov/sab/whatsnew.htm*) approximately two weeks prior to the meeting.

Charge to the Executive Committee: The focus of the EC review of these reports will be on the following questions: (a) Has the SAB adequately responded to the questions posed in the Charge? (b) Are the statements and/or responses in the draft report clear? And (c) Are there any errors of fact in the report? (**Note:** In the case of the STAA report, the charge to the committee was to review over 100 scientific papers and make recommendations for awards. The draft report that will be available for comment at this meeting will only contain the description of the overall process and recommendations on that process. The actual award recommendations are embargoed until approved and processed by the Office of Research and Development. The final report that will be posted on the SAB website, once awards are announced, will include the complete list of recommended awards.)

In accord with the Federal Advisory Committee Act (FACA), the public and the Agency are invited to submit written comments on these three questions that are the focus of the review. Written comments should be received in the SAB Staff Office by November 27, 2002. Forward comments to Ms. Diana Pozun (*see* contact information below).

The SAB will have a brief period available for applicable public comment. Therefore, anyone wishing to make oral comments on the three focus questions above, but that are not duplicative of the written comments, should contact the Designated Federal Officer for the Executive Committee, Mr. A. Robert Flaak (*see* contact information below).

For Further Information—Any member of the public wishing further information concerning this meeting or wishing to submit brief oral comments (3 minutes or less) must contact Mr. A. Robert Flaak, Designated Federal Officer, EPA Science Advisory Board (1400A), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone (202) 564–4546; FAX (202) 501–0582; or via e-mail at *flaak.robert@epa.gov.* Requests for oral comments must be *in writing* (e-mail, fax or mail) and received by Mr. Flaak no later than noon eastern standard time on November 27, 2002. Written comments should be sent to: Ms. Diana Pozun, EPA Science Advisory Board, Mail Code 1400A, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460 (Telephone (202) 564–4544, FAX (202) 501–0323; or via e-mail at: *pozun.diana@epa.gov.* Submission by e-mail to Ms. Pozun will maximize the time available for review by the Executive Committee.

Providing Oral or Written Comments at SAB Meetings

It is the policy of the EPA Science Advisory Board to accept written public comments of any length, and to accommodate oral public comments whenever possible. The EPA Science Advisory Board expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements. *Oral Comments:* In general, each individual or group requesting an oral presentation at a face-to-face meeting will be limited to a total time of 10 minutes (unless otherwise indicated above). For teleconference meetings, opportunities for oral comment will usually be limited to no more than three minutes per speaker and no more than 15 minutes total. Deadlines for getting on the public speaker list for a meeting are given above. Speakers should bring at least 35 copies of their comments and presentation slides for distribution to the reviewers and public at the face-to-face meetings. *Written Comments:* Although the SAB accepts written comments until the date of the meeting (unless otherwise stated), written comments should be received in the SAB Staff Office at least one week prior to the meeting date so that the comments may be made available to the committee for their consideration. Comments should be supplied to the appropriate DFO at the address/contact information noted above in the following formats: one hard copy with original signature, and one electronic copy via e-mail (acceptable file format: WordPerfect, Word, or Rich Text files (in IBM–PC/Windows 95/98 format). Those providing written comments and who attend face-to-face meeting are also asked to bring 35 copies of their comments for public distribution.

General Information—Additional information concerning the EPA Science Advisory Board, its structure, function, and composition, may be found on the SAB Website (*http://www.epa.gov/sab*) and in The FY2001 Annual Report of the Staff Director which is available from the SAB Publications Staff at (202) 564–4533 or via fax at (202) 501–0256. Committee rosters, draft Agendas and meeting calendars are also located on our website.

Meeting Access—Individuals requiring special accommodation at this meeting, including wheelchair access to the conference room, should contact Mr. Flaak at least five business days prior to the meeting so that appropriate arrangements can be made.

Dated: November 13, 2002.

Vanessa Vu,

Director, EPA Science Advisory Board Staff Office.

[FR Doc. 02–29478 Filed 11–19–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPPT–2002–0306; FRL–7280–2]

The Association of American Pesticide Control Officials (AAPCO) State FIFRA Issues Research and Evaluation Group SFIREG; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The State Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), Issues Research and Evaluation Group (SFIREG) will hold a 2–day meeting, beginning on December 9, 2002 and ending December 10, 2002. This notice announces the location and times for the meeting, and sets forth the tentative agenda topics.

DATES: The meeting will be held on Monday, December 9, 2002, from 8:30 a.m. until 4 p.m. (A CLOSED SESSION 4 p.m. until 5 p.m.) and Tuesday, December 10, 2002 from 8:30 a.m. until noon.

ADDRESSES: The meeting will be held at Doubletree Hotel, 300 Army Navy Drive, Arlington, VA

FOR FURTHER INFORMATION CONTACT: Georgia McDuffie, Field and External Affairs Division (7506c), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 605–0195; fax number: (703) 308–1850; e-mail address: mcduffie.georgia@epa.gov. or Philip H. Gray, SFIREG Executive Secretary, P.O. Box 1249, Hardwick, VT 05843–1249; telephone number: (802) 472–6956; fax (802) 472–6957; e-mail address: aapco@plainfield.bypass.com.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of particular interest to ''those persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug and Cosmetic Act (FFDCA), or the FIFRA''. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. Can I Get Copies of this Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket ID number OPP–2002–0306. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although, a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

2. *Electronic access.* You may access this **Federal Register document electronically through the EPA Internet under the ''Federal Register**'' listings at http://www.epa.gov/fedrgstr/.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA dockets. You may use EPA dockets at http://www.epa.gov/edocket/ to view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although, not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select ''search,'' then key in the appropriate docket ID number.

II. Tentative Agenda:

1. Committee Business Issues.
2. Regional Reports & Introduction of Issue Papers/Action Items.
3. Comments to the Committee/Open Discussion with EPA Senior Managers (To be determined).
4. Worker Protection Standard (WPS) Program Element Review Update.
5. Non-English/Multiple Language Labels.
6. Tribal Pesticide Program Council (TPPC)/Section 18s & other Tribal Issues.
7. Update on Current OPP & OECA Activities.
8. SFIREG Issue Paper Status Report.
9. Closed Session.
10. Pesticide Regulatory Education Program (PREP) Briefing/Issues.
11. Soybean Rust Pest/Section 18s Requests.
12. Status (SLA) Label Improvement Project Proposals i.e. Mosquito Products/West Nile virus Issues
13. States Label Issue Tracking System (SLITS) Update
14. Certification Training Assessment Group (CTAG) Update & Discussion
15. Issue Papers/Past & Present

List of Subjects

Environmental protection, Pesticide and pests.

Dated: November 6, 2002.

Jay Ellenberger,

Associate Director, Field and External Affairs Division, Office of Pesticide Programs.

[FR Doc. 02–29171 Filed 11–19–02; 8:45 a.m.]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2002–0126; FRL–7184–7]

Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket ID number OPP–2002–0126, must be received on or before December 20, 2002.

ADDRESSESS: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket ID number OPP–2002–0126 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Joanne I. Miller, Registration Division, Office of Pesticide Programs, (7505C) Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–6224; e-mail address: miller.joanne@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop productionmption Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should examine the applicability provisions in OPP–2002–0126. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPP–2002–0126. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at http://www.epa.gov/fedrgstr/.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at http://www.epa.gov/edocket/ to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasable, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

C. How and to Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically.* If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any indentifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment,

i. *EPA Dockets.* Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at http://www.epa.gov/edocket, and follow the online instructions for submitting comments. Once in the system, select ''search,'' and then key in docket ID number OPP–2002–0126. The system is an ''anonymous access'' system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail.* Comments may be sent by e-mail to opp-docket@epa.gov, Attention: Docket ID Number OPP–2002–0126. In contrast to EPA's electronic public docket, EPA's email system is not an ''anonymous access'' system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM.* You may submit comments on a disk or CD ROM that

you mail to the mailing address identified in Unit I.C.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By mail.* Send your comments to: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001, Attention: Docket ID Number Opp–2002–0126.

3. *By hand delivery or courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, Attention: Docket ID Number OPP–2002–0126. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

D. How Should I Submit CBI to the Agency?

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM ckearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the notice or collection activity.

7. Make sure to submit your comments by the deadline in this document.

8. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: October 27, 2002.

Debra Edwards,

Acting Director, Registration Division, Office of Pesticide Programs.

Summary of Petition

The petitioner summary of the pesticide petition is printed below as required by section 408(d)(3) of the FFDCA. The summary of the petition was prepared by Nichino America Incorporated, and represents the view of Nichino America Incorporated. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues, or an explanation of why no such method is needed.

Nichino America Incorporated

PP 1F6428

EPA has received a pesticide petition (1F6428) from Nichino America Incorporated, 4550 New Linden Hill Road, Suite 501, Wilmington, DE 19808 proposing, pursuant to section 408(d) of the FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR part 180, by establishing a tolerances for combined residues of pyraflufen-ethyl (ethyl 2-chloro-5-(4-chloro-5-difluoromethoxy-1-methylpyrazol-3-yl)-4-fluorophenoxyacetate) and its acid metabolite, E–1, (2-chloro-5-(4-chloro-5-difluoromethoxy-1-methylpyrazol-3-yl)-4-fluorophenoxyacetic acid) expressed as the ester equivalent in or on the raw agricultural commodities (RACs) derived from cotton; undelinted seed at 0.05 parts per million (ppm); and gin byproducts at 1.5 ppm; in or on the RAC potato at 0.02 ppm; in or on the RACs corn grain, corn stover, corn forage, soybean seed, soybean forage, and soybean hay at 0.01 ppm; wheat forage, wheat hay, wheat straw, and wheat grain at 0.01 ppm. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Plant metabolism*. The qualitative nature of the residues of pyraflufen-ethyl (ET–751) in cotton, potatoes, corn, soybeans, and wheat is adequately understood. The metabolism of pyraflufen-ethyl has been studied in cotton, wheat, and potato. Metabolism in the plant involves ester hydrolysis, de-methylation on the pyrazole ring and further degradation of the phenoyxyacetate moiety to bound polar metabolites. The nature of the residue is adequately understood and the residues of concern are the parent, pyraflufen-ethyl, and the acid metabolite, E–1, only.

2. *Analytical method*. The enforcement analytical method utilizes gas chromatography/mass spectrophotometry with selected ion monitoring for detecting and measuring levels of pyraflufen-ethyl and the acid metabolite with a general limit of quantification (LOQ) of 0.02 ppm (combined E–1 and parent). This method allows detection of residues at or above the proposed tolerances. The method has undergone independent laboratory validation as required by PR Notices 88–5 and 96–1.

3. *Magnitude of residues in crops*—i. *Potato.* No apparent residues of pyraflufen-ethyl were observed in potato at or above 0.02 ppm (the LOQ

for the analytical method). The field studies, conducted at 3x the highest intended label use rate, in 16 trials in 11 states, clearly support the proposed tolerances of 0.02 ppm (combined E–1 and parent). No detectable residues of parent or the acid metabolite were observed in any processed potato fraction at 5x the maximum proposed application rate and proposed pre-harvest interval (PHI) in a field study, with the LOQ of 0.02 ppm (combined E–1 and parent). The tolerance that is being proposed for the use of pyraflufen-ethyl plus the acid metabolite on potato is 0.02 ppm.

ii. *Cotton.* Twelve field residue trials were conducted in seven different states. Applications in the trials were 3x the proposed label directions for use and at the proposed PHI of 7 days. Analysis of the treated samples showed that the residues of pyraflufen-ethyl (ethyl 2-chloro-5-(4-chloro-5-difluoromethoxy-1-methylpyrazol-3-yl)-4-fluorophenoxyacetate) plus its acid metabolite, E–1, (2-chloro-5-(4-chloro-5-difluoromethoxy-1-methylpyrazol-3-yl)-4-fluorophenoxyacetic acid) expressed as the ester equivalent at the exaggerated rate, were below the proposed tolerance of 0.05 ppm in cotton seed at the proposed labeled PHI in all samples. No residues were seen in the processed fractions of meal, hull, and oil, when one trial was run in a typical cotton growing area. The application rate for this processing study was 15x the maximum proposed application rate and at the proposed PHI. This indicates that there is no concentration of pyraflufen-ethyl (ethyl 2-chloro-5-(4-chloro-5-difluoromethoxy-1-methylpyrazol-3-yl)-4-fluorophenoxyacetate) plus its acid metabolite, E–1, (2-chloro-5-(4-chloro-5-difluoromethoxy-1-methylpyrazol-3-yl)-4-fluorophenoxyacetic acid), expressed as the ester equivalent in any of the processed fractions. Low residues seen in the undelinted cottonseed were consistent with the magnitude of residue trials. Combined residues of pyraflufen-ethyl (ethyl 2-chloro-5-(4-chloro-5-difluoromethoxy-1-methylpyrazol-3-yl)-4-fluorophenoxyacetate) plus its acid metabolite, E–1 (2-chloro-5-(4-chloro-5-difluoromethoxy-1-methylpyrazol-3-yl)-4-fluorophenoxyacetic acid) in cotton gin byproducts from applications at 3x the proposed application rate ranged from 0.125 ppm to 1.314 ppm, and averaged 0.035 ppm from applications made at 1x the proposed application rate. The proposed tolerance of 0.05 ppm for pyraflufen-ethyl (ethyl 2-chloro-5-(4-chloro-5-difluoromethoxy-1-methylpyrazol-3-yl)-fluorophenoxyacetate) plus its acid metabolite, E–1, (2-chloro-5-(4-chloro-5-difluoromethoxy-1-methylpyrazol-3-yl)-4-fluorophenoxyacetic acid) in cotton seed and 1.5 ppm in cotton gin byproducts are supported by the field residue data.

iii. *Corn.* Three exaggerated rate residue trials were conducted in three different states on different soil types. Applications in the trials were 5x to 10x the proposed label directions for use as a pre-plant burndown herbicide. Analysis of the treated samples showed zero residues of pyraflufen-ethyl (ethyl 2-chloro-5-(4-chloro-5-difluoromethoxy-1-methylpyrazol-3-yl)-4-fluorophenoxyacetate) plus its acid metabolite, E–1, (2-chloro-5-(4-chloro-5-difluoromethoxy-1-methylpyrazol-3-yl)-4-fluorophenoxyacetic acid) expressed as the ester equivalent at the exaggerated rate. The LOQ for the parent and the metabolite was 0.005 ppm in each case. Since no residues were observed at exaggerated rates in RACs, no processing studies were conducted.

iv. *Soybean.* Three exaggerated rate residue trials were conducted in three different states on different soil types. Applications in the trials were 5x to 10x the proposed label directions for use as a pre-plant burndown herbicide. Analysis of the treated samples showed zero residues of pyraflufen-ethyl (ethyl 2-chloro-5-(4-chloro-5-difluoromethoxy-1-methylpyrazol-3-yl)-4-fluorophenoxyacetate) plus its acid metabolite, E-1, (2-chloro-5-(4-chloro-5-difluoromethoxy-1-methylpyrazol-3-yl)-4-fluorophenoxyacetic acid) expressed as the ester equivalent at the exaggerated rate. The LOQ for the parent and the metabolite was 0.005 ppm in each case. Since no residues were observed at exaggerated rates in RACs, no processing studies were conducted.

v. *Wheat.* Three exaggerated rate residue trials were conducted in three different states on different soil types. Applications in the trials were 5x to 10x the proposed label directions for use as a pre-plant burndown herbicide. Analysis of the treated samples showed zero residues of pyraflufen-ethyl (ethyl 2-chloro-5-(4-chloro-5-difluoromethoxy-1-methylpyrazol-3-yl)-4-fluorophenoxyacetate) plus its acid metabolite, E–1, (2-chloro-5-(4-chloro-5-difluoromethoxy-1-methylpyrazol-3-yl)-4-fluorophenoxyacetic acid) expressed as the ester equivalent at the exaggerated rate. The LOQ for the parent and the metabolite was 0.005 ppm in each case. Since no residues were observed at exaggerated rates in RACs, no processing studies were conducted.

4. *Magnitude of the residue in animals.*—i. *Ruminants.* The maximum dietary burden in beef and dairy cows results from a diet comprised of undelinted cottonseed, cotton meal, cotton hulls, cotton gin byproducts, potato culls, potato waste, and from grain (seed), forage, hay, stover (fodder), silage, meal, hulls, straw, aspirated grain fractions, and milled byproducts of corn, soybeans, and wheat for a total dietary burden that is significantly lower than levels that would require the proposal of tolerances in ruminants. This conclusion is based on exaggerated rate animal metabolism studies carried out on pyraflufen-ethyl and its significant metabolites. Therefore, an exemption from tolerances in milk, meat, and meat by-products under 40 CFR 180.6(a)(3) and (b) is proposed as it is not possible to establish with certainty whether finite residues will be incurred, but there is no reasonable expectation of finite residues.

ii. *Poultry.* The maximum poultry dietary burden results from a diet comprised of cotton meal, corn grain, corn milled byproducts, soybean seed, soybean meal, soybean hulls, wheat grain, and wheat milled byproducts for a total dietary burden that is significantly lower than the levels that would require the proposal of tolerances in poultry. This conclusion is based on the exaggerated rate metabolism studies carried out on pyraflufen-ethyl and its acid metabolite. Therefore, an exemption from tolerances in poultry meat, meat byproducts, fat, and eggs under 40 CFR 180.6(a)(3) and (b) is proposed as it is not possible to establish with certainty whether finite residues will be incurred, but there is no reasonable expectation of finite residues.

B. Toxicological Profile

1. *Acute toxicity.* Pyraflufen-ethyl technical is considered to be nontoxic (toxicity category IV) to the rat by the oral route of exposure. In an acute oral toxicity study conducted in rats, the oral LD_{50} value for technical pyraflufen-ethyl was determined to be >5,000 milligrams/kilograms body weight (mg/kg bwt). The results from the acute dermal toxicity study in rabbits indicate that pyraflufen-ethyl is slightly toxic (toxicity category III) to rabbits by the dermal route of exposure. The dermal LD_{50} value of technical pyraflufen-ethyl was determined to be >2,000 mg/kg for both male and female rabbits. Pyraflufen-ethyl technical is considered to be nontoxic (toxicity category IV) to the rat by the respiratory route of exposure. Inhalation exposure of rats to pyraflufen-ethyl technical resulted in an

LC_{50} >5.53 milligrams/Liter (mg/L) (analytical) for both males and females. Pyraflufen-ethyl technical was shown to be non-irritating to rabbit skin (toxicity category IV). Pyraflufen-ethyl technical was shown to be slightly irritating to rabbit eyes (toxicity category III). Application of technical material to the rabbit eye resulted in iris and conjunctival irritation from 1 to 24 hours, which was clear by 72 hours. Based on the results of a dermal sensitization study, pyraflufen-ethyl technical is not considered a sensitizer in guinea pigs.

2. *Genotoxicity.* Pyraflufen-ethyl technical was not mutagenic in any of the following genotoxicity studies. Point mutations in bacteria in an Ames study with *Salmonella typhimurium,* and *Escherichia coli;* negative in chromosome aberrations *in vitro* human lymphocytes, and in the mouse micronucleus; negative for DNA repair in *in vitro* and *in vivo* rat liver hepatocyte assays and *Bacillus subtillis.* For mammalian gene mutation, in one *in vitro* mouse lymphoma mutation assay, no evidence of mutagenicity was seen in the absence of metabolic activation. With S9 activation at levels up to 200 ìg/Liter, equivocal results were seen. The study report provided no criteria for positive or negative responses. When this *in vitro* study was repeated, no positive or equivocal results in the presence of activation with S9 at levels of S9 up to 350 ìg/Liter were seen. These levels of activation were greater than those tested in the earlier study and both small and large colonies were counted. The overall weight of evidence indicates that pyraflufen-ethyl is not genotoxic.

3. *Reproductive and developmental toxicity.* The developmental toxicity study in rats conducted with pyraflufen-ethyl technical showed no evidence of teratogenic effects in fetuses and no evidence of developmental toxicity. Thus, pyraflufen-ethyl is neither a developmental toxicant nor a teratogen in the rat. Pyraflufen-ethyl was administered by gavage during gestation and showed no adverse effects on dams or fetuses at dose levels of 0, 100, 300, up to and including a limit dose of 1,000 mg/kg/day. The maternal and developmental toxicity no observe adverse effects (NOAELs) were both >1,000 mg/kg/day. Results from a developmental toxicity study in rabbits conducted with pyrafluflen-ethyl technical also indicated no evidence of teratogenicity or developmental toxicity. Thus, pyraflufen-ethyl technical is neither a developmental toxicant nor a teratogen in the rabbit. Rabbits fed pyraflufen-ethyl at 0, 20, 60, or 150 mg/kg/day, resulted in severe maternal toxicity, including lethality, from gastrointestinal irritation at doses of 60 and 150 mg/kg/day. The maternal NOAEL was 20 mg/kg/day. The NOAEL for the offspring was 60 mg/kg/day, based on increased post-implantation loss observed at 150 mg/kg/day. Neither the rat nor the rabbit developmental study showed evidence of unique fetal susceptibility to pyraflufen-ethyl.

In a multigeneration rat reproduction study conducted at dietary concentrations of 0, 100, 1,000 and 10,000 ppm, pyraflufen-ethyl had no effect on reproductive parameters, including mating indices, fertility index, gestation index, duration of gestation, numbers of implantation sites, numbers and morphology of epididymal sperm, and estrous cycle at any dose level. Reproductive performance was not affected by pyraflufen-ethyl at the highest dose level of 10,000 ppm (male 721 to 844 mg/kg/day and female 813 to 901 mg/kg/day). The pup NOAEL was 1,000 ppm, based on decreased body weight in the F1 and F2 male and female pups on day 17 at the 10,000 ppm dose level. Results from the reproduction study and the developmental toxicity studies conducted with pyraflufen-ethyl technical show no increased sensitivity to developing offspring as compared to parental animals, because the NOAELs for growth and development of offspring were equal to or greater than the NOAELs for parental or maternal toxicity.

4. *Subchronic toxicity.* A short-term (28–day) dermal study in rabbits was conducted with pyraflufen-ethyl technical. Pyraflufen-ethyl was administered dermally to rats for 28 days at dose levels of 0, 300, and 1000 mg/kg day. Slight, transient erythema was observed during week 3 in 3 treated males. This finding was not dose-related, was not considered to be adverse, and the relationship to the test material administration was unclear. The NOAEL was considered to be 1,000 mg/kg/day. A 90–day rat feeding study was conducted at dose levels of 0, 200, 1,000, 5,000, or 15,000 ppm pyraflufen-ethyl. The NOAEL in this study was considered to be 1,000 ppm (85.6 mg/kg/day for males and 95.4 mg/kg/day for females), based on slightly increased phosphorous concentrations in females and hepatocytic hypertrophy in males at 5,000 ppm. In addition, the highest dose of 15,000 ppm resulted in erythocyte toxicity, mitochondrial changes in the hepatocytes and the presence of Kupffer cells. Also, at the high dose level increased kidney weights in males and increased absolute and relative spleen weights in both sexes were observed.

In a 90–day oral toxicity study in dogs, pyraflufen-ethyl was administered via capsule at dose levels of 0, 40, 200, and 1,000 mg/kg/day. No treatment-related findings were observed and the NOAEL was determined to be >1,000 mg/kg/day. At the limit dose, no effects in body weight or organ weights, clinical chemistry, hematology, histopathology, and gross pathology were observed. To determine whether the test material was absorbed or not, plasma was collected 1–hour after administration of pyraflufen-ethyl during week 13. The detection of 2 major degradation products, E–1 and E–9, confirmed the adsorption and gastrointestinal and systemic exposure to pyraflufen-ethyl.

5. *Chronic toxicity.* A 1–year chronic dog study was conducted in Beagle dogs, with pyraflufen-ethyl administered orally by gelatin capsule at doses of 0, 40, 200, and 1,000 mg/kg/day. There were no mortalities and no clinical signs of toxicity. No treatment-related effects were noted on body weights, food consumption, hematology and clinical chemistry parameters, urinalysis, ophthmoscopy, and organ weights. No macrosopic or microscopic lesions were noted. The NOAEL was >1,000 mg/kg/day.

In a 2–year chronic toxicity/oncogenicity study, pyraflufen-ethyl was administered to CD rats at dietary levels of 0, 80, 400, 2,000, or 10,000 ppm (equivalent to 0, 3.4, 17.2, 86.7, and 468.1 mg/kg/day for males and 0, 4.4, 21.8, 111.5, and 578.5 mg/kg/day for females). Mortality was unaffected by treatment. Body weight gain was statistically significantly depressed for those rats fed 10,000 ppm at 1–year compared to the control. Treatment-related histopathology was seen in the kidney, liver, and bile duct at 10, 000 ppm. At 2,000 and 10,000 ppm, vacuoles within the mitochondria of centriacinar and periacinar hepatocytes were seen. Effects on urine volume, urine specific gravity, and kidney weights were seen at 2,000 ppm in males. The NOAEL was 17.2 mg/kg/day for males and 21.8 mg/kg/day for females. No evidence of carcinogenicity was observed.

In a 78–week carcinogenicity study, mice were fed pyraflufen-ethyl in the diet at levels of 0, 200, 1,000, or 5,000 ppm (equivalent to 0, 21, 110, 547 mg/kg/day for males and 0. 20, 98, 524 mg/kg/day for females). An maximum tolerance dose (MTD) was reached at 1,000 ppm, based on increased liver weight and liver histopathological changes (including necrosis) seen at this

feeding level. In the highest dose group, effects of pyraflufen-ethyl on hematological parameters were observed. The incidence of hepatocellular adenoma was increased in animals receiving 5,000 ppm, compared to controls. This benign tumor was likely induced by the adaptive response to the hepatocellular degeneration and not as a result of any genotoxic potential of pyraflufen-ethyl. In addition the response was observed only at a dose level that was in excess of an MTD.

6. *Animal metabolism*. The qualitative nature of the residues of pyraflufen-ethyl and its acid metabolite, E–1, in animals is adequately understood. Pyraflufen-ethyl is rapidly absorbed, metabolized, and excreted to feces and urine, with greater than 90% of the administered dose excreted within 24 hours in rats. Based on metabolism studies with goats, hens, and rats, there is no reasonable expectation that measurable pyraflufen-ethyl-related residues will occur in meat, milk, poultry, or eggs from the proposed use.

7. *Metabolite toxicology*. No toxicologically significant metabolites were detected in plant or animal metabolism studies for cotton or potatoes.

8. *Endocrine disruption*. Chronic, lifespan, and multigenerational bioassays in mammals and acute and subchronic studies on aquatic organisms and wildlife did not reveal any endocrine effects for pyraflufen-ethyl. Any endocrine related effects would have been detected in this comprehensive series of required tests. The probability of any such effect due to agricultural uses of pyraflufen-ethyl is negligible.

C. Aggregate Exposure

1. *Dietary exposure*. The potential dietary exposure to pyraflufen-ethyl has been calculated from the proposed tolerances for use on cotton, and potato. While tolerances at the LOQ are proposed for corn, soybean, and wheat, it is concluded that there is no potential for residues in these crops and thus no dietary exposure. These very conservative chronic dietary exposure estimates used the tolerance value for all the raw agricultural commodities. In addition these estimates assume that 100% of the cotton and potato crops contain pyraflufen-ethyl residues.

i. *Food*. The chronic population adjusted dose (cPAD) for the general population, based on residues at the tolerance levels and 100% of potato and cotton crops treated is expected to be approximately 0.000020 mg/kg bwt/day or <0.1% of the reference dose (RFD) (0.172 mg/kg/day). Of the standard subgroups analyzed by the dietary exposure evaluation model (DEEM), the subgroup with the highest exposures are children ages 1 to 6 years, with a cPAD of 0.000041 mg/kg/day or less than 0.1% of the RfD mg/kg/day. With children ages 7 to 12 with exposures of 0.000027 mg/kg/day, the exposure is less than 0.1% of the RfD.

ii. *Drinking water*. As a screening level assessment for aggregate exposure, EPA evaluates drinking water level of comparison (DWLOC), which is the maximum concentration of a chemical in drinking water that would be acceptable in terms of total aggregate exposure to that chemical. Based on the chronic RFD of 0.172 mg/kg/day, based on the NOAEL of 17.2 mg/kg/day observed in the chronic rat feeding study and an uncertainty factor (UF) of 100, and EPA's default factors for body weight and drinking water consumption, the DWLOCs have been calculated to assess the potential dietary exposure from residues of pyraflufen-ethyl and the acid metabolite, E–1, in water. For the adult population, the chronic DWLOC was 35,086 parts per billion (ppb) for the U.S. population, and for children 10,172 ppb.

Chronic drinking water exposure analyses were calculated using EPA screening models, screening concentration in ground water (SCI-GROW) for ground water and generic expected environmental concentration (GENEEC) for surface water). The calculated peak GENEEC value for the acid metabolite, E–1, the major degradation of pyraflufen-ethyl which is formed within an hour of addition to a water solution or to soil, is 0.3321 ppb and the SCI-GROW value is 0.00024 ppb. These values are very conservative estimates compared to the values derived from the parent. Nonetheless, for the U.S. adult population, the estimated exposures of the E–1 acid metabolite in surface water and ground water are approximately 0.00094% and 0.0000007%, respectively, of the DWLOC. For children, the estimated exposures of the acid metabolite in surface water and ground water are approximately 0.0033% and 0.000002%, respectively of the DWLOC. Therefore, the exposures to drinking water from the acid metabolite are negligible. Based on the dietary and drinking water assessments, aggregate exposure to residues of pyraflufen-ethyl and the acid metabolite in food and water can be considered to be negligible.

2. *Non-dietary exposure*. It is being proposed that pyraflufen-ethyl be registered in the following non-food sites: airports, commercial plants, fence lines, farmyards, and farm buildings; storage and lumber yards; barrier strips and firebreaks; equipment areas, nurseries and ornamental plantings; established ornamental turf; railroad, roadside, and utility rights-of-ways; dry ditches and ditch banks; fuel tank farms and pumping stations; other similar non-crop areas. Exposure to pyraflufen-ethyl for the mixer/loader/groundboom/aerial applicator was calculated using the Pesticides Handlers Exposure Database (PHED). These PHED assessments were based on a 70 kg operator treating 80 acres per day using ground boom equipment on both cotton and potato fields; an operator treating 1,200 acres per day using aerial equipment on cotton fields; and an operator treating 350 acres per day using aerial equipment on potato fields (EPA, 1999) at a maximum use rate of 0.009 pounds active ingredient per acre for potato and 0.0045 pounds active ingredient per acre for cotton. All workers were assumed to be wearing long pants and long-sleeved shirts. Mixer-loaders were assumed to be wearing gloves, while aerial and ground applicators and flaggers were not assumed to be wearing gloves. Margins of exposure (MOE) for acute and short-term exposure were calculated utilizing a dermal and inhalation NOAEL of 20 mg/kg/day, based on maternal toxicity seen in the rabbit teratology study at 60 mg/kg/day, and assuming 100% dermal absorption. MOEs for intermediate-term exposure were calculated utilizing a dermal endpoint of 250 mg/kg/day, the systemic NOAEL from the 28–day dermal toxicity study in the rat with the 2.5% EC formulation. This was the highest dose level in the study and no systemic effects were seen at this dose level. For the acute inhalation endpoint we used 86 mg/kg/day, based on a NOAEL of 1,000 ppm or 85.6 mg/kg/day in males in the 90–day oral feeding study in the rat. The combined MOE (inhalation plus dermal) for pyraflufen-ethyl was greater than 4,900 for acute and short-term exposure, while the intermediate-term total MOEs were all greater than 56,000. The results indicate that large margins of safety exist for the proposed uses of pyraflufen-ethyl.

D. Cumulative Effects

Pyraflufen-ethyl belongs to the protox inhibitor class of compounds, and chemically is a 3-phenylpyrazole. The herbicidal activity of protox inhibitors is due to the inhibition of protoporphyrinogen IX oxidase. All relevant toxicological data has been provided to EPA. Chemicals with a similar mode of action, i.e., the protox inhibitors, have different chemical

structures compared to pyraflufen-ethyl. Although other protox inhibitors have a similar herbicidal mode of action, there is no information available to suggest that these compounds exhibit a similar toxicity profile in the mammalian system. We are aware of no information to indicate or suggest that pyraflufen-ethyl has any toxic effects on mammals that would be cumulative with those of any other chemical. Since pyraflufen-ethyl is relatively non-toxic, cumulative effects of residues and other compounds are not anticipated. Therefore, for the purposes of this Food Quality Protection Act (FQPA) document, there should be no consideration of cumulative risk that would require assessment.

E. Safety Determination

1. *U.S. population*. Based on the chronic toxicity data, the RfD for pyraflufen-ethyl is considered to be 0.172 mg/kg/day. This value is based on the NOAEL of 17.2 mg/kg/day observed in the chronic rat feeding study and a safety (uncertainty) factor of 100, the worse case estimate of chronic dietary exposure of pyraflufen-ethyl from cotton, potatoes, corn, or soybean will utilize less than 0.1% of the RfD for the general U.S. population. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. The complete and reliable toxicity data and the conservative chronic exposure assumptions support the conclusion that there is a reasonable certainty of no harm from dietary (food) exposure to pyraflufen-ethyl and the acid metabolite residues. Moreover, as exposure to residues of pyraflufen-ethyl and the acid metabolite via water is negligible, there is a reasonable certainty of no harm from aggregate exposure to pyraflufen-ethyl and the acid metabolite residues.

2. *Infants and children.* The conservative estimates, as described above, indicate that chronic dietary exposure of pyraflufen-ethyl and the acid metabolite from cotton and potato will utilize less than 0.1% of the RfD for non-nursing infants, less than 0.1% of the RfD for children ages 1 to 6; and less than 0.1% of the RfD for all populations examined. No developmental, reproductive, or fetotoxic effects were noted at the highest doses of pyraflufen-ethyl tested in guideline reproductive or developmental toxicity studies. Based on the current toxicological data requirements, the data base relative to prenatal and postnatal effects for children is complete, valid and reliable. Results from the teratology studies and the 2–generation reproduction study support NOAELs for fetal/developmental effects or reproductive/offspring effects, respectively, equivalent to the highest concentrations tested. As such, there is no increased sensitivity of infants and children to residues of pyraflufen-ethyl. Therefore, an additional safety (uncertainty) factor is not warranted, and the RfD of 0.172 mg/kg/day, which utilizes a 100–fold safety factor, is appropriate to assure a reasonable certainty of no harm to infants and children.

F. International Tolerances

There is no Codex maximum residue level established for residues of pyraflufen-ethyl and the acid metabolite on any crops.

[FR Doc. 02–29330 Filed 11–19–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7410–5]

Notice of Availability of Enforcement and Compliance History Online Web Site for 60-Day Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of information availability and request for comments.

SUMMARY: The Office of Compliance (OC), within EPA's Office of Enforcement and Compliance Assurance (OECA), announces the availability of and invites comments on its new Web site, Enforcement and Compliance History Online (ECHO), which contains searchable, facility-level enforcement and compliance information.

DATES: Comments must be submitted no later than January 21, 2003.

ADDRESSES: The Web site is available at *http://www.epa.gov/echo*. Comments may be submitted to *echo@epa.gov* as a Word or WordPerfect file or mailed to Rebecca Kane, Environmental Protection Agency, Office of Enforcement and Compliance Assurance, MC 2222A, 1200 Pennsylvania Avenue NW., Washington, DC 20460. Specific data errors should be submitted using the error correction process on the ECHO site.

FOR FURTHER INFORMATION CONTACT: Rebecca Kane at *kane.rebecca@epa.gov* or (202) 564–5960.

SUPPLEMENTARY INFORMATION:

I. ECHO Background

EPA is committed to public access to environmental information and has worked to develop a format for providing Internet access to facility-level compliance and enforcement information contained in core EPA data systems. Though the data included within ECHO previously were available to the public primarily through Freedom of Information Act requests, the information was not available in a searchable Web format. This new e-government initiative makes it much easier for the public to obtain these data records on the Internet.

EPA has worked with State governments to develop the content of the site and ensure accurate data and has pilot tested Internet access. A Joint EPA-State Enforcement and Compliance Public Access Workgroup developed the template for the type, sources, and amount of data to be included within ECHO. This workgroup, developed in partnership with the Environmental Council of the States (ECOS), made its recommendations in June 2000. EPA has field tested the approach and the data through: the Sector Facility Indexing Project (*http://www.epa.gov/sfipmtn1/*), which shows data for a limited number of industrial sectors, and a four-State pilot in the Pacific Northwest (*http://www.epa.gov/idea/region10*). Public feedback and lessons learned from these projects contributed to the development of the ECHO site.

To prepare for launch of ECHO, EPA and the States conducted a comprehensive data review to ensure high quality information. ECHO also includes on the site an online error reporting process that allows users to alert EPA and the States to possible errors. This notice announces a 60-day comment period, which is being provided to give interested parties, particularly those responsible for facilities included within the database, the opportunity to review ECHO's content, design, and accuracy of data.

II. ECHO Data

ECHO provides integrated compliance and enforcement information for approximately 800,000 regulated facilities nationwide. The site allows users to find facility-level inspection, violation, enforcement action, and penalty information for the past two years. Facilities regulated under the Clean Air Act (CAA) Stationary Source Program, Clean Water Act (CWA) National Pollutant Elimination Discharge System (NPDES), and Resource Conservation and Recovery Act (RCRA) are included. ECHO reports provide a snapshot of a facility's environmental record, showing dates and types of violations, as well as the State or Federal government's response.

ECHO reports also contain demographic information from the National Census.

Data included are drawn from the Aerometric Information Retrieval System (AIRS) Facility Subsystem (AFS), Permit Compliance System (PCS), Resource Conservation and Recovery Act Information System (RCRAInfo), and, for Federal enforcement actions, the Integrated Compliance Information System (ICIS), as well as Facility Registry System (FRS) and U.S. Census data. EPA, State, and local environmental agencies and the facilities collect/report the data that are submitted to these Agency databases.

III. Specific Questions for Consideration

EPA is soliciting comments on the usability of the site as well as the accuracy of the data. EPA is specifically asking for responses to the following questions:

(1) Does the site provide meaningful and useful information about the compliance and enforcement program?

(2) Is the site easy to navigate?

(3) Does the help text adequately explain the data?

(4) What additional features, content, and/or modifications would improve the site?

(5) For members of the regulated community:

A. Were your facility reports accurate?

B. If you did need to submit an online error report, was the error reporting process easy to use?

Please note that comments are requested for the project in general; specific data errors should be reported through the error correction process on ECHO. (This feature is on every facility report—click on the red button on the top right of the page.) Also, please include question numbers in responses.

IV. Response to Comments

EPA will analyze comments received and will use these to guide any modifications to this site.

Dated: November 13, 2002.

Michael M. Stahl,

Director, Office of Compliance.

[FR Doc. 02–29471 Filed 11–19–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPPT–2002–0070; FRL–7281–8]

Certain New Chemicals; Receipt and Status Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture (defined by statute to include import) a new chemical (*i.e.*, a chemical not on the TSCA Inventory) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a premanufacture notice (PMN) or an application for a test marketing exemption (TME), and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from October 19, 2002, to November 1, 2002, consists of the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

DATES: Comments identified by the docket ID number OPPT– 2002–0070 and the specific PMN number or TME number, must be received on or before December 20, 2002.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Barbara Cunningham, Acting Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics (7408M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 554–1404; e-mail address: *TSCA-Hotline@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter of the premanufacture notices addressed in the action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of This Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPPT–2002–0070. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the EPA Docket Center, Rm. B102-Reading Room, EPA West, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The EPA Docket Center Reading Room telephone number is (202) 566–1744 and the telephone number for the OPPT Docket, which is located in EPA Docket Center, is (202) 566–0280.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select ''search,'' then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the

system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

C. How and To Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number and specific PMN number or TME number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e- mail to submit CBI or information protected by statute.

1. *Electronically*. If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets*. Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at *http://www.epa.gov/edocket*, and follow the online instructions for submitting comments. Once in the system, select'' search,'' and then key in docket ID number— OPPT–2002–0070. The system is an'' anonymous access'' system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail*. Comments may be sent by e-mail to *oppt.ncic@epa.gov*, Attention: Docket ID Number OPPT–2002–0070 and PMN Number or TME Number. In contrast to EPA's electronic public docket, EPA's e-mail system is not an ''anonymous access'' system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM*. You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit I.C.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By mail*. Send your comments to: Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

3. *By hand delivery or courier*. Deliver your comments to: OPPT Document Control Office (DCO) in EPA East Building Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. Attention: Docket ID Number OPPT–2002–0070 and PMN Number or TME Number. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564–8930.

D. How Should I Submit CBI To the Agency?

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the notice or collection activity.

7. Make sure to submit your comments by the deadline in this document.

8. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action and the specific PMN number you are commenting on in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Why is EPA Taking this Action?

Section 5 of TSCA requires any person who intends to manufacture (defined by statute to include import) a new chemical (*i.e.*, a chemical not on the TSCA Inventory to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a PMN or an application for a TME and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from October 19, 2002, to November 1, 2002, consists of the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. Receipt and Status Report for PMNs

This status report identifies the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. If you are interested in information that is not included in the following tables, you may contact EPA as described in Unit II. to access additional non-CBI information that may be available.

In Table I of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the PMNs received by EPA during this period: the EPA case number assigned to the PMN; the date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer; the potential uses identified by the manufacturer in the PMN; and the chemical identity.

I. 46 PREMANUFACTURE NOTICES RECEIVED FROM: 10/19/02 TO 11/01/02

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–03–0046	10/22/02	01/20/03	Marchem Technologies	(S) Oilfield foamer	(S) 1-propanaminium, 3-amino-n-(carboxymethyl)-n,n-dimethyl-, n-soya acyl derivs., inner salts
P–03–0047	10/22/02	01/20/03	Marchem Technologies	(S) Oilfield corrosion inhibitor	(S) Benzenemethanaminium, n-(3-aminopropyl)-n,n-dimethyl-, n-soya acyl derivs., chlorides
P–03–0048	10/22/02	01/20/03	CBI	(G) Polymer for waterborne paints	(G) Modified styrenated acrylated methacrylate polymer
P–03–0049	10/23/02	01/21/03	Hi-tech Color, Inc.	(S) Polyurethane paint for plastics	(G) Polyurethane polymer
P–03–0050	10/23/02	01/21/03	Degussa Corporation	(S) Mechanical rubber goods	(S) Thiocyanic acid, 3-(triethoxysilyl)propyl ester, reaction products with silica
P–03–0051	10/21/02	01/19/03	Cook Composites and Polymers Co.	(S) Reinforced structural plastics resin	(G) 2-butenedioic acid (2e)-, polymer with 1,2-alkanediol, 2,5-furandione and 2,2′-oxybis[ethanol], 2,3,3a,4,7,7a-hexahydro-4,7-methano-1h-indene-1(or 2)-yl ester
P–03–0052	10/24/02	01/22/03	CBI	(S) Anionic electrocoat	(G) Hydroxy functional acrylic resin salted with an organic amine
P–03–0053	10/24/02	01/22/03	CBI	(S) Anionic electrocoat	(G) Hydroxy functional acrylic resin salted with an organic amine
P–03–0054	10/24/02	01/22/03	CBI	(S) Anionic electrocoat	(G) Hydroxy functional acrylic resin salted with an organic amine
P–03–0055	10/24/02	01/22/03	CBI	(S) Anionic electrocoat	(G) Hydroxy functional acrylic resin salted with an organic amine
P–03–0056	10/24/02	01/22/03	CBI	(S) Anionic electrocoat	(G) Hydroxy functional acrylic resin salted with an organic amine
P–03–0057	10/24/02	01/22/03	CBI	(S) Anionic electrocoat	(G) Hydroxy functional acrylic resin salted with an organic amine
P–03–0058	10/24/02	01/22/03	Rhein Chemie Corporation	(G) High density crosslinked polymer in resins composites and adhesives	(G) Aromatic polycarbodiimide
P–03–0059	10/24/02	01/22/03	Degussa Corporation	(S) Monomer in the production of a polymer	(G) Alkylamino functional silane
P–03–0060	10/25/02	01/23/03	Degussa Corporation	(S) Crosslinking agent for systems used in the metal and/or gas industry	(G) Meko blocked prepolymer of cycloaliphatic isocyanate and hydroxyalkane carboxylic acid, neutralized with aminoalkanol
P–03–0061	10/28/02	01/26/03	Chemfirst Electronic Materials LP	(S) High density crosslinker polymer in resins, composites, and adhesives	(G) Aromatic epoxy ether
P–03–0062	10/28/02	01/26/03	Johnson Polymer	(G) Open, non-dispersive use.	(G) Acrylic resin
P–03–0063	10/24/02	01/22/03	CBI	(G) Binder for graphic arts coatings and printing inks.	(G) 2,5-furandione, polymer with ethenylbenzene,4-[(1-oxo-2-propenyl)oxy]butyl propyl ester, compound with ammonia and amine

I. 46 PREMANUFACTURE NOTICES RECEIVED FROM: 10/19/02 TO 11/01/02—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–03–0064	10/24/02	01/22/03	CBI	(G) Binder for graphic arts coatings and printing inks.	(G) 2,5-furandione, polymer with ethenylbenzene,4-[(1-oxo-2-propenyl)oxy]butyl propyl ester, compound with ammonia and amine
P–03–0065	10/24/02	01/22/03	CBI	(G) Binder for graphic arts coatings and printing inks.	(G) 2,5-furandione, polymer with ethenylbenzene,4-[(1-oxo-2-propenyl)oxy]butyl propyl ester, compound with ammonia and amine
P–03–0066	10/24/02	01/22/03	CBI	(G) Binder for graphic arts coatings and printing inks.	(G) 2,5-furandione, polymer with ethenylbenzene,4-[(1-oxo-2-propenyl)oxy]butyl propyl ester, compound with ammonia and amine
P–03–0067	10/29/02	01/27/03	CBI	(G) Paint additive	(G) Fluoroalkene substitutedalkene polymer
P–03–0068	10/29/02	01/27/03	CBI	(S) Resin for inks, coatings	(G) Polyester polyurethane dispersion
P–03–0069	10/29/02	01/27/03	CBI	(G) Polymer additive	(G) Alkylaminoethylcarboxylic acid ester
P–03–0070	10/29/02	01/27/03	CBI	(S) Internal intermediate; insulating gel component	(G) Organomodified siloxane
P–03–0071	10/29/02	01/27/03	CBI	(G) Industrial specialty coating	(S) 2-propenoic acid, 2-hydroxyethyl ester, adduct with 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane (1:1), reaction products with ethoxylated reduced me ethers of reduced polymd. oxidized tetrafluoroethylene
P–03–0072	10/31/02	01/29/03	CBI	(G) Descaler additive	(G) Aminocarboxylic acid potassium salt
P–03–0073	10/31/02	01/29/03	Essential Industries	(S) Raw material for wood coatings	(G) Aliphatic polyurethane dispersion
P–03–0074	10/31/02	01/29/03	CIBA Specialty Chemicals Corporation	(S) Wetting and leveling agent for solvent-based paints, coatings and inks	(G) Polymeric fluorocarbon
P–03–0075	10/31/02	01/29/03	Zeon Chemicals L.P.	(S) Polymerization monomer	(G) Aliphatic ester
P–03–0076	10/30/02	01/28/03	Hi-Tech Color, Inc.	(S) Thermal - transfer sheet (black coating agent)	(G) Polyurethane - silicone
P–03–0077	11/01/02	01/30/03	3M Company	(S) Cure catalyst	(S) Phosphonium, tributyl(2-methoxypropykl)-, salt with 1,1,2,2,3,3,4,4,4-nonafluoro-n-methyl-1-butanesulfonamide (1:1)
P–03–0078	11/01/02	01/30/03	CBI	(G) Colourant	(G) Sulphonated azo dye
P–03–0079	11/01/02	01/30/03	CBI	(G) Colourant	(G) Sulphonated azo dye
P–03–0080	11/01/02	01/30/03	CBI	(S) Epoxy crosslinking agent for industrial coating applications over metal and concrete substrates.	(G) Polymer of diethylenetriamine with polyepoxy functional polymers
P–03–0081	11/01/02	01/30/03	Meadwestvaco Corporation - Specialty Chemicals Division	(S) Asphalt emulsifier salt	(G) Amines, polyethylenepoly-, reaction products with 5 (or6)-carboxy-4-hexyl-2-cyclohexene-1-octanoic acid, pentaethylenehexamine and substituted ethyleneamines, hydrochlorides
P–03–0082	11/01/02	01/30/03	Meadwestvaco Corporation - Specialty Chemicals Division	(S) Asphalt emulsifier salt	(G) Amines, polyethylenepoly-, reaction products with 5 (or6)-carboxy-4-hexyl-2-cyclohexene-1-octanoic acid, pentaethylenehexamine and substitued ethyleneamines, acetates
P–03–0083	11/01/02	01/30/03	Meadwestvaco Corporation - Specialty Chemicals Division	(S) Asphalt emulsifier salt	(G) Amines, polyethylenepoly-, reaction products with 5 (or6)-carboxy-4-hexyl-2-cyclohexene-1-octanoic acid, pentaethylenehexamine and substituted ethyleneamines, phosphates
P–03–0084	11/01/02	01/30/03	Meadwestvaco Corporation - Specialty Chemicals Division	(S) Asphalt emulsifier salt	(G) Amines, polyethylenepoly-, reaction products with 5 (or6)-carboxy-4-hexyl-2-cyclohexene-1-octanoic acid, pentaethylenehexamine and substituted ethyleneamines, hydrochlorides

I. 46 PREMANUFACTURE NOTICES RECEIVED FROM: 10/19/02 TO 11/01/02—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–03–0085	11/01/02	01/30/03	Meadwestvaco Corporation - Specialty Chemicals Division	(S) Asphalt emulsifier salt	(G) Amines, polyethylenepoly-, reaction products with 5 (or6)-carboxy-4-hexyl-2-cyclohexene-1-octanoic acid, pentaethylenehexamine and substituted polyamines, acetates
P–03–0086	11/01/02	01/30/03	Meadwestvaco Corporation - Specialty Chemicals Division	(S) Asphalt emulsifier salt	(G) Amines, polyethylenepoly-, reaction products with 5 (or6)-carboxy-4-hexyl-2-cyclohexene-1-octanoic acid, pentaethylenehexamine and substitued polyamines, phosphates
P–03–0087	11/01/02	01/30/03	Meadwestvaco Corporation - Specialty Chemicals Division	(S) Asphalt emulsifier	(G) Amines, polyethylenepoly-, reaction products with 5 (or6)-carboxy-4-hexyl-2-cyclohexane-1-octanoic acid, pentaethylenehexamine and substituted ethylenemines
P–03–0088	11/01/02	01/30/03	Meadwestvaco Corporation - Specialty Chemicals Division	(S) Asphalt emulsifier	(G) Amines, polyethylenepoly-, reaction products with 5 (or6)-carboxy-4-hexyl-2-cyclohexane-1-octanoic acid, pentaethylenehexamine and substituted polyamines
P–03–0089	11/01/02	01/30/03	CBI	(G) Use as adhesives component. non-dispersive use.	(G) Naphtha (petroleum), light steam-cracked, debenzenized, polymers, hydrogenated polymers with carbomonocyclic diketone.
P–03–0090	11/01/02	01/30/03	CBI	(G) Open, non-dispersive use.	(G) Acrylic resin
P–03–0091	11/01/02	01/30/03	CBI	(G) Antioxidant	(G) Sulfurized alkenes

In Table II of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the Notices of Commencement to manufacture received:

II. 19 NOTICES OF COMMENCEMENT FROM: 10/19/02 TO 11/01/02

Case No.	Received Date	Commencement/Import Date	Chemical
P–01–0011	10/31/02	10/23/02	(G) Pentaerythritol ester of branched and linear fatty acids
P–01–0748	10/23/02	10/11/02	(G) Phenol, reaction products with an aromatic amine and an isocyanate
P–01–0756	10/29/02	10/11/02	(G) Amine salted polyurethane
P–02–0004	10/21/02	10/07/02	(G) Aqueous polyurethane dispersion
P–02–0005	10/21/02	09/18/02	(G) Aqueous polyurethane dispersion
P–02–0197	10/21/02	09/11/02	(G) Carboxylated amine
P–02–0300	10/24/02	09/24/02	(G) Glycerides, animal, reaction products with polyamines, hydrochlorides
P–02–0454	10/29/02	10/10/02	(G) Amine functional epoxy resin salted with an organic acid
P–02–0468	10/24/02	09/30/02	(S) Amides, C_{16-18} and C_{18}-unsaturated, branched and linear, n,n-bis(hydroxyethyl), phosphates (esters)
P–02–0564	10/21/02	09/09/02	(G) Isophorone diisocyanate, polymer with polyethylene- propyleneoxide bisphenol a epichlorohydrin copolymer
P–02–0645	10/22/02	09/30/02	(S) Fatty acids, C_{16-18} and C_{18}-unsaturated, branched and linear, diesters with polyethylene glycol
P–02–0652	10/29/02	10/20/02	(G) Polyurethane derivative
P–02–0698	10/22/02	09/24/02	(G) Treated metal oxide
P–02–0735	10/30/02	10/11/02	(G) Acid functional polyester resin amine salted
P–02–0757	10/23/02	09/25/02	(G) Rosin modified phenolic resin
P–02–0759	10/30/02	10/07/02	(G) Silsesquioxane, siloxane
P–02–0766	10/30/02	10/07/02	(G) Polyphosphoric acids, amine salt
P–02–0800	10/21/02	10/09/02	(G) Aromatic polyester polyol
P–02–0835	10/31/02	10/15/02	(G) Polyester modified polyurethane amine salted

List of Subjects

Environmental protection, Chemicals, Premanufacturer notices.

Dated: November 12, 2002.

Carolyn Thornton,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 02–29479 Filed 11–19–02; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, NW., Room 940. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 011794–001.

Title: COSCON/KL/YMUK/Hanjin/Senator Worldwide Slot Allocation & Sailing Agreement.

Parties:

COSCO Container Lines Company, Limited
Kawasaki Kisen Kaisha, Ltd.
Yangming (UK), Ltd.
Hanjin Shipping Co., Ltd.
Senator Lines GmbH.

Synopsis: The proposed amendment revises the slot allocations among the parties, revises the number of vessels contributed by the parties, and expands the geographic scope to worldwide. The amendment also conforms the agreement to European Union requirements, makes various editorial changes, and republishes the agreement in a second edition. Several existing space sharing and sailing agreements between some or all of the parties will be cancelled.

Agreement No.: 011832.

Title: Contship/CMA CGM–UASC Space Charter Agreement.

Parties:

Contship Containerlines
CMA CGM, S.A.
United Arab Shipping Co. S.A.G.

Synopsis: The agreement authorizes Contship and CMA CGM to charter space to United Arab Shipping in the trade between United States East Coast ports, on the one hand, and ports in India, Sri Lanka, and South East Asia (Bangladesh to Philippines range) and ports bordering the Mediterranean and Red Seas, on the other hand.

Agreement No.: 201140.

Title: NYSA–ILA Tonnage Assessment Agreement.

Parties:

New York Shipping Association, Inc.
International Longshoremen's Association.

Synopsis: This agreement replaces and supersedes the current NYSA–ILA Assessment Agreement, FMC Agreement No. 200063 and all amendments thereto, and updates and revises the assessment programs for the funding of obligations arising under NYSA–ILA collective bargaining agreements.

By Order of the Federal Maritime Commission.

Dated: November 15, 2002.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 02–29505 Filed 11–19–02; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Reissuances

Notice is hereby given that the following Ocean Transportation Intermediary licenses have been reissued by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, 46 CFR 515.

License No.	Name/address	Date reissued
17642N	Direct Shipping, Corp. dba Direct Shipping Line, 1371 South Santa Fe Avenue, Compton, CA 90221.	September 29, 2002.
16321N	Express Consolidation Systems Corp., 253 Academy Street, Jersey City, NJ 07306.	September 28, 2002.
9867N	Harro Schumacher dba Schumacher Cargo Lines, 2205 E. Carson Street, Unit B–4, Long Beach, CA 90810.	September 29, 2002.
17613N	Utopia Logistic New York, Inc., 149–35 177th Street, #104, Jamaica, NY 11434.	September 26, 2002.

Sandra L. Kusumoto,

Director, Bureau of Consumer Complaints and Licensing.

[FR Doc. 02–29507 Filed 11–19–02; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for license as a Non-Vessel Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

Non-Vessel Operating Common Carrier Ocean Transportation Intermediary Applicants

World Connection Express, Inc., 400 S. Atlantic Blvd., Suite 311, Monterey Park, CA 91754. Officer: Melody Juanzhi Hoong, C.E.O. (Qualifying Individual).

Trans Global Auto Logistics, Inc., 2454 NW Dallas Street, Grand Prairie, TX 75050. Officer: Sandra Kay Lester, President, (Qualifying Individual).

International Port Services, Inc. dba Interport, 8390 NW 53 Street, Suite 220, Miami, FL 33166. Officers: Anthony J. Pupo, Managing Director (Qualifying Individual), Esteban A. Szalay, President.

JP Express Shipping, 1894 Washington Avenue, Bronx, NY 10457. Officer: Felipe Vasquez, President, (Qualifying Individual).

Airmar Cargo Services, Inc., 8376 NW 64th Street, Miami, FL 33166. Officer:

Herman Cordero, President, (Qualifying Individual).
J.G. River Shipping, 948 Columbus Avenue, New York, NY 10025–3109. Juan Garcia, Sole Proprietor.

Non-Vessel Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants:

Sea-Line-Cargo, Inc. 135 Post Avenue, 1st Floor, New York, NY 10034. Officer: Edickson Burgos, President, (Qualifying Individual).
OWS Logistics, Inc., 1000 Corporate Center Dr., Suite 120, Monterey Park, CA 91754. Officers: Danny Tam, Secretary, (Qualifying Individual), Hoi-Sing Tong, President.
Marisol International LLC, 1645 W Republic Road, Suite B–2, Springfield, MO 65807, Officers: Arthur C. Vogt, President, (Qualifying Individual), James T. Simmons, Vice President.
American Baggage & Box Transport, 236 Pleasant Street, Methuen, MA 01844. Officer: Harry Gibley, President, (Qualifying Individual).

Ocean Freight Forwarder—Ocean Transportation Intermediary Applicant:

GIF Services, Inc., 2525 Brunswick Avenue, Linden, NJ 07036. Officers: John Callea, Vice President, (Qualifying Individual), Lynne Callea, President.

Dated: November 15, 2002.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 02–29506 Filed 11–19–02; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than December 5, 2002.

A. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. John Mark McLaughlin, San Angelo, Texas; to acquire voting shares of Texas Bancorp, Inc., San Angelo, Texas, and thereby indirectly acquire voting shares of Texas State Bank, San Angelo, Texas.

Board of Governors of the Federal Reserve System, November 15, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–29493 Filed 11–19–02; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 13, 2002.

A. Federal Reserve Bank of Atlanta (Sue Costello, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30303:

1. Neighbors Bancshares, Inc., Roswell, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Neighbors Bank, Roswell, Georgia (in organization).

Board of Governors of the Federal Reserve System, November 14, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–29382 Filed 11–19–02; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Sunshine Meeting Notice

TIME AND DATE: 11 a.m., Monday, November 25, 2002.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

FOR MORE INFORMATION CONTACT: Michelle A. Smith, Assistant to the Board; 202–452–2955.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at *http://www.federalreserve.gov* for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: November 15, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–29560 Filed 11–15–02; 5:06 pm]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Information Collection Activities: Submission for OMB Review; Comment Request

The Department of Health and Human Services, Office of the Secretary

publishes a list of information collections it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35) and 5 CFR 1320.5. The following are those information collections recently submitted to OMB.

1. Responsibilities of Awardees and Applicant Institutions for Reporting Possible Misconduct in Science (42 CFR part 50 subpart A)—0937–0198—Revision—As required to section 493 of the Public Health Service Act, the Secretary by regulation shall require that applicant and awardee institutions receiving PHS funds must investigate and report instances of alleged or apparent misconduct in science. *Respondents:* State or local governments, businesses or other for-profit, non-profit institutions—Reporting Burden Information—*Number of Respondents:* 3,330; *Number of Annual Responses:* 3,430—*Average Burden per Response:* .273 hours; *Total Reporting Burden:* 938 hours—Disclosure Burden—*Number of Respondents:* 3,330; *Number of Annual Responses:* 3,390; *Average Burden per Response:* .5 hours; *Total Disclosure Burden:* 1,695 hours—Recordkeeping Burden Information—*Number of Respondents:* 40; *Number of Annual Responses:* 140; *Average Burden per Response:* 7.77 hours; *Total Recordkeeping Burden:* 1,088 hours—Total Burden—3,721 hours.

OMB Desk Officer: Allison Herron Eydt.

Copies of the information collection packages listed above can be obtained by calling the OS Reports Clearance Officer on (202) 690–6207. Written comments and recommendations for the proposed information collection should be sent directly to the OMB desk officer designated above at the following address: Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street, NW., Washington, DC 20503.

Comments may also be sent to Cynthia Agens Bauer, OS Reports Clearance Officer, Room 503H, Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201. Written comments should be received within 30 days of this notice.

Dated: November 7, 2002.

Kerry Weems,

Deputy Assistant Secretary, Budget.

[FR Doc. 02–29395 Filed 11–19–02; 8:45 am]

BILLING CODE 4150–31–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Health Care Policy and Research Special Emphasis Panel; Notice of Meeting

In accordance with section 10(d) of the Federal Advisory Committee Act (5 U.S.C., appendix 2), announcement is made of a Health Care Policy and Research Special Emphasis Panel (SEP) meeting.

The Health Care Policy and Research Special Emphasis Panel is a group of experts in fields related to health care research who are invited by the Agency for Healthcare Research and Quality (AHRQ), and agree to be available, to conduct, on an as needed basis, scientific reviews of applications for AHRQ support. Individual members of the Panel do not attend regularly-scheduled meetings and do not serve for fixed terms or long periods of time. Rather, they are asked to participate in particular review meetings which require their type of expertise.

Substantial segments of the upcoming SEP meeting listed below will be closed to the public in accordance with the Federal Advisory Committee Act, section 10(d) of 5 U.S.C., appendix 2 and 5 U.S.C. 552b(c)(6). A grant application for a Health Services Research Dissertation Award is to be reviewed and discussed at this meeting. These discussions are likely to include personal information concerning individuals associated with the application. This information is exempt from mandatory disclosure under the above-cited statutes.

SEP Meeting on: Health Services Research Dissertation Grant on Patient Safety.

Date: December 3, 2002 (open on December 3, from 3 p.m. to 3:10 p.m. and closed for remainder of the teleconference meeting).

Place: Agency for Healthcare Research and Quality, 2101 East Jefferson Street, 4th Floor, ORREP, 4W5, Division of Scientific Review, Rockville, MD 20852.

Contact Person: Anyone wishing to obtain a roster of members or minutes of this meeting should contact Mrs. Bonnie Campbell, Committee Management Officer, Office of Research Review, Education and Policy, AHRQ, 2101 East Jefferson Street, Suite 400, Rockville, Maryland 20852, Telephone (301) 594–1846.

Agenda items for this meeting are subject to change as priorities dictate.

This notice is being published less than 15 days prior to the December 3 meeting, due to the time constraints of reviews and funding cycles.

Dated: November 14, 2002.

Carolyn M. Clancy,

Acting Director.

[FR Doc. 02–29470 Filed 11–19–02; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Board on Radiation and Worker Health: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting.

Name: Advisory Board on Radiation and Worker Health (ABRWH).

Time and Date: 1 p.m.–4 p.m., December 12, 2002.

Place: Teleconference call will originate at the Centers for Disease Control and Prevention, National Institutes for Occupational Safety and Health, Atlanta, Georgia. Please see **SUPPLEMENTARY INFORMATION** for details on accessing the teleconference.

Status: Open to the public, teleconference access limited only by ports available.

Background

The Advisory Board on Radiation and Worker Health (''the Board'') was established under the Energy Employees Occupational Illness Compensation Program Act of 2000 to advise the President on a variety of policy and technical functions required to implement and effectively manage the new compensation program. Key functions of the Board include providing advice on the development of probability of causation guidelines which have been promulgated by Department of Health and Human Services (HHS) as Final Rule: Guidelines for Determining Probability of Causation—42 CFR part 81; advice on methods of dose reconstruction which have been promulgated as Final Rule: Methods for Radiation Dose Reconstruction Under the Act—42 CFR part 82; evaluation of the scientific validity and quality of dose reconstructions conducted by the National Institute for Occupational Safety and Health (NIOSH) for qualified cancer claimants; and, advice on the addition of classes of workers to the Special Exposure Cohort.

In December, 2000, the President delegated responsibility for funding, staffing, and operating the Board to HHS, which subsequently delegated this authority to the Centers for Disease Control and Prevention (CDC). NIOSH implements this responsibility for CDC. The charter was signed on August 3, 2001 and in November, 2001, the President completed the appointment of an initial roster of 10 Board members. The initial tasks of the Board have been to review and provide advice on the proposed, interim, and final rules of HHS.

Purpose

This board is charged with (a) providing advice to the Secretary, HHS, on the development of guidelines under Executive Order 13179; (b) providing advice to the Secretary, HHS, on the scientific validity and quality of dose reconstruction efforts performed for this Program; and (c) upon request by the Secretary, HHS, advise the Secretary on whether there is a class of employees at any Department of Energy facility who were exposed to radiation but for whom it is not feasible to estimate their radiation dose, and on whether there is reasonable likelihood that such radiation doses may have endangered the health of members of this class.

Matters To Be Discussed: Agenda for this meeting will focus on the Scope of Work and the Evaluation Plan for the procurement of technical consultation to the Board regarding the scientific validity and quality of completed dose reconstructions.

Agenda items are subject to change as priorities dictate.

SUPPLEMENTARY INFORMATION: This conference call is scheduled for 1 p.m. Eastern Standard Time. To access the teleconference you must dial 1–800–311–3437. To be automatically connected to the call, you will need to provide the operator with the participant code ''278909'' and you will be connected to the call.

FOR MORE INFORMATION CONTACT: Larry Elliott, Executive Secretary, ABRWH, NIOSH, CDC, 4676 Columbia Parkway, Cincinnati, Ohio 45226, telephone 513/841–4498, fax 513/458–7125.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: November 14, 2002.

John C. Burckhardt,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 02–29412 Filed 11–19–02; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Statement of Organization, Functions, and Delegations of Authority

Part C (Centers for Disease Control and Prevention) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–76, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 67 FR 62474–77, dated October 2, 2002) is amended to reorganize the Office of Management and Operations, CDC.

Section C–B, Organization and Functions, is hereby amended as follows:

Delete the functional statement for the *Office of Management and Operations (CAD)* and insert the following:

(1) Provides leadership and direction on the development, operation, and appraisal on all aspects of human resource programs and policies; (2) designs human resource programs that support and enhance the CDC mission; (3) provides assistance to the CIOs in building the capacity to evaluate the effectiveness of their human resource programs and policies; (4) provides direction for the Agency's ethics program and alternative dispute resolution and activities; (5) carries out facilities and real property and space management functions for CDC, including new or expanded facilities, and a major repair and improvement program; and (6) plans, directs, and coordinates a security and emergency management program for CDC facilities and personnel.

Delete the functional statement for the *Office of the Director (CAD1)* and insert the following:

(1) Manages, directs, and coordinates the activities of the Office of Management and Operations (OMO); (2) provides leadership, guidance, and evaluation of management operations, human resources management, security management and facilities operations preformed by or on behalf of the Centers/Institute/Offices; (3) advises and assists the Director, CDC, and other key officials on all phases of these functions; (4) maintains liaison with officials of the HHS on management matters; and (5) participates in the development of CDC's goals and objectives.

Delete the functional statement for the *Human Resources Management Office (CAD3)* and insert the following:

(1) Provides service, support, advice, and assistance to CDC organizations, management, and employees in all areas of human resources management; (2) conducts and coordinates personnel management for CDC's civil service and Commissioned Corps personnel; (3) conducts CDC's fellowship programs; (4) develops and issues policies and procedures; conducts recruitment, special emphasis, staffing, position classification, position management, pay administration, performance management systems, employee training and development, and labor relations programs; (5) maintains personnel records and reports, and processes personnel actions and documents; (6) administers the Federal life and health insurance programs; (7) administers the employee recognition, suggestion, and incentive awards programs; (8) furnishes advice and assistance in the processing of Office of Workers' Compensation Program claims; (9) conducts CDC's substance abuse programs; (10) develops, maintains, and supports information systems to conduct personnel activities and provide timely information and analyses of CDC personnel and staffing to CDC management and employees; (11) maintains liaison with the Department of Health and Human Services and the U.S. Office of Personnel Management (USOPM) in the area of human resources management; and (12) administers the National Performance Review and Human Resources initiatives to meet current and future requirements.

Delete the functional statement for the *Technical Services Section (CAD357)* and insert the following:

(1) Provides central personnel services and assistance in the area of employee benefits, personnel action processing, data quality control/assessment, and files/records management; (2) serves as liaison between CDC and the HHS payroll office resolving discrepancies with pay and leave; (3) administers the leave donor program and processes time and attendance amendments; (4) provides policy guidance and technical advice and assistance on retirement, the Thrift Savings Plan, health/life insurance, and savings bonds; (5) codes and finalizes all personnel actions in the automated

personnel data system; (6) assists with new employee orientation; (7) establishes and maintains the official personnel files system and administers personnel records storage and disposal program; (8) responds to employment verification inquiries; and (9) provides assistance in the implementation of the HHS Plan for a Drug Free Workplace.

After the *Human Resources Management Office (CAD3)*, insert the following:

Office of Security and Emergency Preparedness (CAD4). (1) Plans, directs, coordinates, and evaluates a comprehensive protection and security program that requires the development of protection and security criteria to eliminate or control protection and security vulnerabilities encountered in the construction, operations, and maintenance of CDC's research laboratories, administration and support facilities, and the physical plant; (2) is responsible for all security and protection programs including education, training, technical assistance, physical security, identification badges, personnel security to include background/NACI checks, security clearances, adjudications, as well as door locks and card readers, parking and traffic control, vehicle inspections, clearing delivery vehicles, directly respond to emergency services personnel; (3) implements Federal and Departmental regulations and establishes CDC policies and procedures in the area of security, emergency management preparedness, and protection; (4) as the focal point for the receipt and transmittal of classified documents, clearances, and provides security briefing and debriefing for persons holding security clearances, and destroys outdated classified documents; (5) maintains liaison with international, national, State, and local law enforcement, emergency management agencies, and other institutions that are in geographic proximity to CDC facilities; (6) develops, implements and maintains an agency wide and comprehensive internal Emergency Management and Continuity of Operations Plans, this includes (but is not limited to) updates, training, testing and management of the system; (7) plans, conducts and coordinates programs to protect life, property, and the environment in the event of fire, explosions, hazardous materials and natural disasters; and (8) works closely with the Information Resources Management Office in the interrelationships between physical, personnel, and information security programs and critical infrastructure protection.

Dated: October 29, 2002.

Julie Louise Gerberding,

Director.

[FR Doc. 02–29414 Filed 11–19–02; 8:45 am]

BILLING CODE 4160–18–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4734–N–69]

Notice of Submission of Proposed Information Collection to OMB; Emergency Comment Request; Notice of Funding Availability for Research Studies on Homeownership and Affordable Lending; Notice of Proposed Information Collection for Public Comment

AGENCY: Office of the Chief Information Officer.

ACTION: Notice of proposed information collection.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for emergency review and approval, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* November 27, 2002.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within seven (7) days from the date of this notice. Comments should refer to the proposal by name/or OMB approval number and should be sent to: Lauren Wittenberg, HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; e-mail; *Lauren_Wittenberg@omb.eop.gov;* fax: 202–395–6974.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail *Wayne_Eddins@HUD.gov;* telephone (202) 708–2374. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: This notice informs the public that the U.S. Department of Housing and Urban Development (HUD) has submitted to OMB, for emergency processing, an information collection package with respect to Identifying the social, economic, demographic, and fiscal change occurring in American cities is an important part of HUD's mission. Empirical research on urban dynamics would provide an understanding of what factors are driving change and the impact of public policy on change.

This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Notice of Funding Availability for Research Studies on Homeownership and Affordable Lending.

Description of Information Collection: A notice of funding availability funding a study of homeownership and affordable lending will aid in the formulation of policies in support of the President's goal of increasing the number of minority homeowners.

OMB Control Number: Pending.

Agency Form Numbers: HUD 424, HUD 424 CB, HUD 424–B, HUD 424 CBW, SF LLL, HUD 2880 HUD 2993, HUD 2994.

Members of Affected Public: Not-for-profit institutions, State, local or Tribal government.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of responses, and hours of response: An estimation of the total number of hours needed to prepare the information collection is 1,750, number of respondents is 40, frequency of response is on occasion and quarterly, and the hours of response is 43.75.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: November 13, 2002.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 02–29398 Filed 11–19–02; 8:45 am]

BILLING CODE 4210–72–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4665–N–06]

Manufactured Housing Construction and Safety Standards: Notice Appointing the Nonvoting Member and DFO for the Manufactured Housing Consensus Committee

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice appointing nonvoting member and DFO of Manufactured Housing Consensus Committee.

SUMMARY: Section 604(a)(3) of the National Manufactured Housing Construction and Safety Standards Act of 1974 provides that the Secretary appoint a Consensus Committee for manufactured housing consisting of 21 voting members and one nonvoting member. The voting members have been previously announced. William W. Matchneer III, Administrator of the Department's Manufactured Housing Program is appointed as the nonvoting member and Designated Federal Officer (DFO) of the Manufactured Housing Consensus Committee.

FOR FURTHER INFORMATION CONTACT: William W. Matchneer III, Administrator, Manufactured Housing Program, Office of Consumer and Regulatory Affairs, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708–6409 (this is not a toll-free number). Hearing- or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: Pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 *et seq.*) (''the Act''), the Department initiated a program that, in part, provides for establishment of standards by which all manufactured homes are constructed. The Act provides that these construction and safety standards preempt all standards of a State or political subdivision applicable to the same aspect of performance of a manufactured home that are not identical to the Federal Manufactured Home Construction and Safety Standards.

The Manufactured Housing Improvement Act of 2000 (title VI, Pub. L. 106–569, 114 Stat. 2944, approved December 27, 2000) (the 2000 Act) amended the Act in several areas. The 2000 Act specifically provides for the establishment of a Consensus Committee for manufactured housing. The Consensus Committee is charged with providing recommendations to the Secretary to adopt, revise, and interpret manufactured housing construction and safety standards and procedural and enforcement regulations. Twenty-one individuals have been selected by the Secretary to serve as voting members on the committee and those persons have been previously announced in the **Federal Register**.

Additionally, in accordance with GSA regulations at 41 CFR 102–3.120, the agency must designate a DFO for the Consensus Committee. William W. Matchneer III is appointed as the nonvoting member representing the Secretary and the DFO of the Manufactured Housing Consensus Committee.

Dated: November 5, 2002.

John C. Weicher,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 02–29397 Filed 11–19–02; 8:45 am]

BILLING CODE 4210–27–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4665–N–05]

Second Meeting of the Manufactured Housing Consensus Committee

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of an upcoming meeting of the Manufactured Housing Consensus Committee (the Committee). The meeting is open to the public and the site is accessible to individuals with disabilities.

DATES: Meetings will be held on Wednesday, December 4, 2002, 9 a.m.–4 p.m.; and Thursday, December 5, 2002, 9 a.m.–4 p.m.

ADDRESSES: These meetings will be held at the Capitol Hilton, 1001 16th Street, NW., Washington, DC 20036, telephone (202) 393–1000.

FOR FURTHER INFORMATION CONTACT: William W. Matchneer III, Administrator, Manufactured Housing Program, Office of Consumer and Regulatory Affairs, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708–6409 (this is not a toll-free number). Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: Notice of this meeting is provided in accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. app.2) and 41 CFR 102–3.150. The Manufactured Housing Consensus Committee was established under section 604(a)(3) of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 4503(a)(3). The Consensus Committee is charged with providing recommendations to the Secretary to adopt, revise, and interpret manufactured housing construction and safety standards and procedural and enforcement regulations, and with developing proposed model installation standards. The purpose of this meeting is to begin the development of proposed model manufactured home installation standards.

Tentative Agenda

A. Welcome and Introductions
B. Committee Procedures and By-Laws
C. Installation Standards
D. Scheduling of future meeting(s)

Dated: November 5, 2002.

John C. Weicher,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 02–29396 Filed 11–19–02; 8:45 am]

BILLING CODE 4210–27–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Final Programmatic Environmental Impact Statement for the Proposed Navajo Ten-Year Forest Management Plan, Navajo Nation, Arizona/New Mexico

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public the Bureau of Indian Affairs (BIA) intends to file a Final Programmatic Environmental Impact Statement (FPEIS) for the proposed Navajo Nation Ten-Year Forest Management Plan with the U.S. Environmental Protection Agency. The FPEIS, which was prepared in cooperation with the Navajo Nation, is now available for public review. Details on the project location and on the alternatives and environmental issues addressed in the FPEIS are provided under the **SUPPLEMENTARY INFORMATION** section.

DATES: Comments on the Final Programmatic Environmental Impact

Statement must be received by December 21, 2002.

ADDRESSES: You may mail or hand carry written comments to Jonathan Martin, Regional Forester, Bureau of Indian Affairs, Navajo Regional Office, PO Box 1060, Gallup, New Mexico 87305.

Copies of the FPEIS have been sent to all agencies and individuals who participated in the scoping process or public hearings, and to those who commented on the Draft FPEIS. To get a copy of the FPEIS, please write to the Navajo Nation Forestry Department, PO Box 230, Fort Defiance, Arizona 86504, or call (928) 729–4007. The FPEIS is available for review at two locations: (1) The Branch of Environmental Services, Navajo Regional Office, Federal Building, 301 West Hill, Gallup, New Mexico; and (2) the Branch of Forestry, Bureau of Indian Affairs, 1 mile north on Route 12, Fort Defiance, Arizona.

FOR FURTHER INFORMATION CONTACT: Jonathan Martin, (928) 729–7228.

SUPPLEMENTARY INFORMATION: The proposed action is to adopt a ten-year forest management plan for the Navajo Forest. The Navajo Forest lies in the Chuska Mountains and Defiance Plateau areas of the Navajo Nation, along the Arizona-New Mexico border. The area encompasses nearly 600,000 acres.

The FPEIS presents a preferred alternative, the no action alternative and three other alternatives. The preferred alternative uses even-aged and uneven-aged management for timber harvesting, with consideration for Special Management Areas (SMAs) that would be excluded from commercial timberland to protect critical wildlife habitat and vital watershed areas. The other alternatives are (1) No action, which would continue current levels of timber harvesting with even-aged management and without consideration for SMAs; (2) even-aged management for timber harvesting, with consideration for SMAs; (3) uneven-aged management for timber harvesting, without consideration for SMAs; and (4) no timber harvesting or SMAs. All of the alternatives include timber protection plus monitoring and/or mitigation measures.

Areas of environmental concern addressed in the FPEIS include timber resources, other forest resources, water resources, biological resources, air quality, cultural resources and socio-economics.

Public Comment Availability

Comments, including names and addresses of respondents, will be available for public review at the mailing address shown in the **ADDRESSES** section, during regular business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Individual respondents may request confidentiality. If you wish us to withhold your name and/or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. We will not, however, consider anonymous comments. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses will be made available for public inspection in their entirety.

Authority

This notice is published in accordance with section 1503.1 of the Council on Environmental Quality Regulations (40 CFR part 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 *et seq.*), and the Department of the Interior Manual (516 DM 1–6), and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8.

Dated: October 25, 2002.

Neal A. McCaleb,

Assistant Secretary—Indian Affairs.

[FR Doc. 02–29404 Filed 11–19–02; 8:45 am]

BILLING CODE 4310–W7–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service (MMS)

Outer Continental Shelf (OCS), Central Gulf of Mexico (GOM), Oil and Gas Lease Sale 185

AGENCY: Minerals Management Service, Interior.

ACTION: Availability of the proposed notice of sale.

SUMMARY: Gulf of Mexico OCS; Notice of Availability of the proposed Notice of Sale for proposed Oil and Gas Lease Sale 185 in the Central GOM. This Notice is published pursuant to 30 CFR 256.29(c) as a matter of information to the public.

With regard to oil and gas leasing on the OCS, the Secretary of the Interior, pursuant to section 19 of the OCS Lands Act, provides the affected States the opportunity to review the proposed Notice. The proposed Notice sets forth the proposed terms and conditions of the sale, including minimum bids, royalty rates, and rentals.

The proposed Notice of Sale 185 and a ''Proposed Sale Notice Package'' containing information essential to potential bidders may be obtained from the Public Information Unit, Gulf of Mexico Region, Minerals Management Service, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, Telephone: (504) 736–2519.

The final Notice of Sale will be published in the **Federal Register** at least 30 days prior to the date of bid opening. Bid opening is currently scheduled for March 19, 2003.

Dated: October 31, 2002.

Johnnie Burton,

Director, Minerals Management Service.

[FR Doc. 02–29489 Filed 11–19–02; 8:45 am]

BILLING CODE 4310–MR–M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Information Collection Activities Under OMB Review

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of data collection submission.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before December 20, 2002.

ADDRESSES: Comments on this information collection should be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Department of the Interior, 725 17th Street, NW., Washington, DC 20503. A copy of your comments should also be directed to the Bureau of Reclamation, Office of Policy, Attention: Diana Trujillo, D–5300, PO Box 25007, Denver, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: For further information or a copy of the proposed collection of information form, contact Diana Trujillo at (303) 445–2914.

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of

Reclamation's functions, including whether the information will have practical use; (b) the accuracy of Reclamation's estimated time and cost burdens of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, use, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including increased use of automated collection techniques or other forms of information technology.

Title: Right-of-Use Application.

OMB No.: 1006–0003.

Abstract: Reclamation is responsible for over 8 million acres of land in the 17 western States. Parties wishing to use any of that land must submit a Right-of-Use application. Reclamation will review the application and determine whether the granting of the right-of-use is compatible with the present or future uses of the land. After preliminary review of the application, the applicant will be advised of the estimated administrative costs for processing the application. In addition to the administrative costs, the applicant will also be required to pay a land use fee based on the fair market value for such land use, as determined by Reclamation. If the Right-of-Use application is for a bridge, building, or other type of major structure, Reclamation may require that all plans and specifications be signed and sealed by a professional engineer licensed by the State where the work is proposed. Linear facilities such as roads, pipelines, and transmission lines require a centerline survey defining the limits of the requested right-of-use.

Description of respondents: Individuals, corporations, companies, and State and local entities that desire to use Reclamation lands.

Frequency: Each time a right-of-use is requested.

Estimated completion time: An average of 2 hours per respondent.

Annual responses: 500 respondents.

Annual burden hours: 1,000.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Reclamation will display a valid OMB control number on the form.

A **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on August 7, 2002 (67 FR 51292). Reclamation did not receive any comments on this collection of information during the comment period.

OMB has up to 60 days to approve or disapprove this information collection, but may respond after 30 days; therefore, public comment should be submitted to OMB within 30 days in order to assure maximum consideration.

Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials or organizations or businesses, available for public disclosure in their entirety.

Wayne O. Deason,

Acting Deputy Director, Office of Policy.

[FR Doc. 02–29410 Filed 11–19–02; 8:45 am]

BILLING CODE 4310–MN–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1020 (Preliminary)]

Barium Carbonate From China

Determination

On the basis of the record [1] developed in the subject investigation, the United States International Trade Commission (Commission) determines, pursuant to section 733(a) of the Tariff Act of 1930 (the Act),[2] that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports from China of barium carbonate, provided for in subheading 2836.60.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).

Commencement of Final Phase Investigation

Pursuant to § 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigation. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in § 207.21 of the Commission's rules, upon notice from the U.S. Department of Commerce (Commerce) of an affirmative preliminary determination in the investigation under section 733(b) of the Act, or, if the preliminary determination is negative, upon notice of an affirmative final determination in that investigation under section 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigation need not enter a separate appearance for the final phase of the investigation. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations.

The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation.

Background

On September 30, 2002, a petition was filed with the Commission and Commerce by Chemical Products Corp., Cartersville, GA, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of barium carbonate from China. Accordingly, effective September 30, 2002, the Commission instituted antidumping duty investigation No. 731–TA–1020 (Preliminary). Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of October 4, 2002 (67 FR 62263). The conference was held in Washington, DC, on October 22, 2002, and all persons who requested the opportunity were permitted to appear in person or by counsel. The Commission transmitted its determination in this investigation to the Secretary of Commerce on November 14, 2002. The views of the Commission are contained in USITC Publication 3561 (November 2002), entitled Barium Carbonate From China: Investigation No. 731–TA–1020 (Preliminary).

Issued: November 14, 2002.

[1] The record is defined in § 207.2(f) of the Commission's rules of practice and procedure (19 CFR 207.2(f)).

[2] 19 U.S.C. 1673b(a).

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 02–29438 Filed 11–19–02; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731–TA–1006, 1008, and 1009 (Final)]

Urea Ammonium Nitrate Solutions From Belarus, Russia, and Ukraine

AGENCY: International Trade Commission.

ACTION: Revised schedule for the subject investigations.

EFFECTIVE DATE: November 13, 2002.

FOR FURTHER INFORMATION CONTACT: Larry Reavis (202–205–3185), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at *http://dockets.usitc.gov/eol/public.*

SUPPLEMENTARY INFORMATION: Effective October 3, 2002, the Commission established a schedule for the conduct of the final phase of the subject investigations (**Federal Register** of October 23, 2002, p. 65143). Subsequently, the Department of Commerce extended the date for its final determination in the investigations from December 17, 2002, to February 18, 2003 (**Federal Register** of November 7, 2002, p. 67823). The Commission, therefore, is revising its schedule to conform with Commerce's new schedule. The Commission's new schedule for these investigations is as follows: requests to appear at the hearing must be filed with the Secretary to the Commission not later than February 13, 2003; the prehearing conference, if necessary, will be held at the U.S. International Trade Commission Building at 9:30 a.m. on February 18, 2003; the prehearing staff report will be placed in the nonpublic record on February 6, 2003; the deadline for filing prehearing briefs is February 13, 2003; the hearing will be held at the U.S. International Trade Commission Building at 9:30 a.m. on February 20, 2003; the deadline for filing posthearing briefs is February 27, 2003; the Commission will make its final release of information on March 17, 2003; and final party comments are due on March 19, 2003. For further information concerning these investigations see the Commission's notice cited above and the Commission's rules of practice and procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.21 of the Commission's rules.

Issued: November 14, 2002.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 02–29436 Filed 11–19–02; 8:45 am]

BILLING CODE 7020–02–P

LIBRARY OF CONGRESS

Copyright Office

[Docket No. 2002–1 CARP DTRA3]

Digital Performance Right in Sound Recordings and Ephemeral Recordings

AGENCY: Copyright Office, Library of Congress.

ACTION: Request for notices of intent to participate and written comments on scheduling.

SUMMARY: The Copyright Office of the Library of Congress is requesting written comments and proposals for the scheduling of Copyright Arbitration Royalty Panel (CARP) proceedings to adjust royalty rates and terms under provisions of the Copyright Act governing ephemeral recordings and digital transmissions of performances of sound recordings, as well as notices of intent to participate in the CARP to set rates and terms under the statutory license for eligible nonsubscription services to make certain digital audio transmissions of sound recordings for the 2003–2004 period.

DATES: Notices of intent to participate are due on or before December 23, 2002. Comments and proposals for the scheduling of the CARP proceedings are due on or before December 2, 2002.

ADDRESSES: An original and five copies of notices of intent to participate, and written comments and proposals on scheduling, if sent by mail, should be addressed to: Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, DC 20024. If hand delivered, they should be brought to: Office of the General Counsel, James Madison Memorial Building, Room LM–403, First and Independence Avenue, SE., Washington, DC 20559–6000.

FOR FURTHER INFORMATION CONTACT: David O. Carson, General Counsel, or William Roberts, Senior Attorney, Copyright Arbitration Royalty Panel (CARP), PO Box 70977, Southwest Station, Washington, DC 20024. Telephone: (202) 707–8380; Telefax: (202) 252–3423.

SUPPLEMENTARY INFORMATION: Section 112 and section 114 of the Copyright Act create statutory licenses for eligible nonsubscription services to make certain digital audio transmissions of sound recordings. The Library of Congress recently conducted a CARP proceeding which produced the royalty rates and terms for these licenses applicable to eligible nonsubscription services for the period from October 28, 1998, to December 31, 2002. *See* 67 FR 45239 (July 8, 2002). On January 30, 2002, the Library published a notice initiating a six-month voluntary negotiation period to adjust the rates and terms for the 2003–2004 period. 67 FR 4472 (January 30, 2002). No settlements were reached and the Library received a petition to initiate a CARP proceeding. Consequently, the Library is directing interested parties that wish to participate in the CARP proceeding to submit their notices of intent to participate on or before December 23, 2002. Parties should be mindful of this deadline as failure to submit a timely notice may preclude their participation in the proceeding.

The Library must also schedule this CARP proceeding. However, before a schedule can be determined, other proceedings under the section 112 and 114 licenses must be considered. Currently, there are three CARP proceedings for sections 112 and 114 that the Library must schedule in the upcoming months: (1) A proceeding to adjust the terms and rates for preexisting subscription services and to establish rates and terms for preexisting satellite digital audio services; (2) a proceeding to establish rates and terms for new subscription services; and (3) a proceeding to adjust rates and terms for nonsubscription services. Adding to the complications associated with scheduling three proceedings under the

same two statutory licenses [1] is the fact that several of the parties affected by the outcomes will appear in all three proceedings. This can result in these parties, and their counsel, litigating more than one proceeding at a time. In the past, the Library has attempted to avoid such a scenario by scheduling proceedings sufficiently far apart. However, if the Library were to continue this practice, CARP proceedings would not be concluded until on or after the period in which the rates and terms established in that proceeding have expired. For example, the Library must schedule a proceeding for nonsubscription services for the 2003–2004 period. The parties in the preexisting subscription service/preexisting satellite digital audio service proceeding have petitioned the Library to postpone the start of that proceeding until March 20, 2003. If the Library grants their motion, the Librarian's decision setting forth rates and terms for preexisting subscription services and preexisting satellite digital audio services will not be issued until the end of 2003. Based on past practice, the Library would then have to wait several months after that to permit parties participating in both proceedings to prepare their cases for the nonsubscription service proceeding. The end result would be that a final determination in the nonsubscription service proceeding would not be made until the end of 2004 or the beginning of 2005. And this does not take into account the scheduling of the proceeding for new subscription services.

It is the position of the Library that CARP proceedings to establish or adjust royalty rates for statutory licenses should be, to the extent possible, scheduled so that final rates and terms are announced by the beginning of the time period to which they are applicable. Users of a statutory license should not be forced to use the license without knowing what the royalty obligations will be for the period prescribed by the license. This goal cannot be met if the section 112 and 114 CARPs are scheduled to run *seriatim;* serious consideration must be given to running multiple CARPs concurrently. To that end, the Library is requesting the parties in this proceeding to propose, in written comments on or before December 2, 2002, solutions to the problems identified above in scheduling three CARP proceedings for the section 112 and 114 statutory licenses.

Dated: November 15, 2002.

David O. Carson,

General Counsel.

[FR Doc. 02–29511 Filed 11–19–02; 8:45 am]

BILLING CODE 1410–33–P

[1] This does not consider the CARP proceedings for other statutory licenses in the Copyright Act that must also be scheduled during the same time period.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (02–142)]

NASA Advisory Council; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council (NAC).

DATES: Wednesday, December 11, 2002, 8 a.m. to 6 p.m.; and Thursday, December 12, 2002, 8 a.m. to 3 p.m.

ADDRESSES: National Aeronautics and Space Administration, Room MIC–6H46, overflow room MIC–3H46, 300 E Street, SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms.Kathy Dakon, Code IC, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–0732.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. Proceedings of the NAC will be shown live via video feed in the overflow room, MIC–3H46. The agenda for the meeting is as follows:

—International Space Station Management and Cost Evaluation(IMCE) Task Force Status Report
—Review of Aerospace Technology
—Strategic Planning and Budget/Performance Integration
—Committee Reports
—Discussion of Findings and Recommendations

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

June W. Edwards,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 02–29376 Filed 11–19–02; 8:45 am]

BILLING CODE 7510–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting Notice

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold a meeting on December 5–7, 2002, in Conference Room T–2B3, 11545 Rockville Pike, Rockville, Maryland. The date of this meeting was previously published in the **Federal Register** on Monday, November 26, 2001 (66 FR 59034).

Thursday, Decmeber 5, 2002

8:30 a.m.–8:35 a.m.: Opening Statement by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–10:15 a.m.: Davis-Besse Lessons Learned Task Force Report and Status of NRC Oversight (0350) Panel's Investigation of the Davis-Besse Event (Open)—The Committee will hear a presentation by and hold discussions with the Chairman of the NRC Oversight (0350) Panel regarding the status of investigation of the Panel on the Davis-Besse reactor vessel head degradation. The Committee will also hear presentations by and hold discussions with representatives of the NRC staff and industry regarding the findings, conclusions, and recommendations of the Davis-Besse Task Force on the reactor vessel head degradation event at the Davis-Besse Nuclear Power Station.

10:30 a.m.–12 Noon: Framatome ANP, INC., S–RELAP5 Realistic Large-Break (LB) LOCA Code (Open/Closed)—The Committee will hear presentations by and hold discussions with representatives of Framatome ANP, INC., and the NRC staff regarding the S–RELAP5 Realistic large-break LOCA Code and the associated NRC staff's draft Safety Evaluation Report.

[Note: A portion of this session may be closed to discuss Framatome ANP, INC. proprietary information.]

1:30 p.m.–2:15 p.m.: Meeting with Mr. Lawrence Williams, NII, United Kingdom (Open)—The Committee will hold discussions with Mr. Williams, NII, United Kingdom on items of mutual interest.

2:15 p.m.–3:45 p.m.: North Anna and Surry License Renewal Application (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and Dominion regarding the license renewal application for the North Anna and Surry Nuclear Power Stations and

the associated NRC staff's final Safety Evaluation Report.

4 p.m.–5:15 p.m.: Status of the Development of the Review Standard for Power Uprates (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the status of the development of the review standard for core power uprates.

5:15 p.m.–5:30 p.m.: Subcommittee Report (Open)—The Chairman of the Thermal-Hydraulic Phenomena Subcommittee will provide a report to the Committee regarding the Rod Bundle Heat Transfer Experimental Program.

5:45 p.m.–7:15 p.m.: Proposed ACRS Reports (Open)—The Committee will discuss proposed ACRS reports on matters considered during this meeting. In addition, the Committee will discuss a draft annual ACRS report to the Commission on the NRC Safety Research Program.

Friday, December 6, 2002

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–9 a.m.: Safeguards and Security Activities (Open)—The Committee will discuss a proposed ACRS plan for reviewing safeguards and security matters.

9 a.m.–9:45 a.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee (Open)—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the full Committee during future meetings. Also, it will hear a report of the Planning and Procedures Subcommittee on matters related to the conduct of ACRS business, including anticipated workload and member assignments.

9:45 a.m.–10 a.m.: Reconciliation of ACRS Comments and Recommendations (Open)—The Committee will discuss the responses from the NRC Executive Director for Operations (EDO) to comments and recommendations included in recent ACRS reports and letters. The EDO responses are expected to be made available to the Committee prior to the meeting.

10:15 a.m.–12:30 p.m.: Proposed Options for Resolving Policy Issues for Future Non-Light Water Reactors (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the proposed options for resolving policy issues related to future non-light water reactors.

1:30 p.m.–3:15 p.m.: Draft Final ANS External Events Methodology Standard (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and the American Nuclear Society (ANS) regarding the draft final ANS Standard on External Events Methodology.

3:30 p.m.–4 p.m.: Election of ACRS Officers (Open)—The Committee will elect Chairman and Vice Chairman for the ACRS and Member-at-Large for the Planning and Procedures Subcommittee for CY 2003.

4 p.m.–7 p.m.: Proposed ACRS Reports (Open)—The Committee will discuss proposed ACRS reports.

Saturday, December 7, 2002

8:30 a.m.–12 Noon.: Proposed ACRS Reports (Open)—The Committee will continue to discuss proposed ACRS reports.

12–12:30 p.m.: Miscellaneous (Open)—The Committee will discuss matters related to the conduct of Committee activities and matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 11, 2002 (67 FR 63460). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Electronic recordings will be permitted only during the open portions of the meeting. Persons desiring to make oral statements should notify the Associate Director for Technical Support named below five days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by contacting the Associate Director prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Associate Director if such rescheduling would result in major inconvenience.

In accordance with Subsection 10(d) Pub. L. 92–463, I have determined that it is necessary to close a portion of this meeting noted above to discuss proprietary information per 5 U.S.C.552b(c)(4)

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, as well as the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting Dr. Sher Bahadur, Associate Director for Technical Support (301–415–0138), between 7:30 a.m. and 4:15 p.m., EST.

ACRS meeting agenda, meeting transcripts, and letter reports are available through the NRC Public Document Room at *pdr@nrc.gov*, or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System (PARS) component of NRC's document system (ADAMS) which is accessible from the NRC Web site at *http://www.nrc.gov/reading-rm/adams.html* or *http://www.nrc.gov/reading-rm/doc-collections/* (ACRS & ACNW Mtg schedules/agendas).

Videoteleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service for observing ACRS meetings should contact Mr. Theron Brown, ACRS Audio Visual Technician (301–415–8066), between 7:30 a.m. and 3:45 p.m., EST, at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the videoteleconferencing link. The availability of videoteleconferencing services is not guaranteed.

The ACRS meeting dates for Calendar Year 2003 are provided below:

ACRS meeting No.	Meeting dates
	January 2003—No Meeting.
499	February 6–8, 2003.
500	March 6–8, 2003.
501	April 10–12, 2003.
502	May 8–10, 2003.
503	June 11–13, 2003.
504	July 9–11, 2003.
	August 2003—No Meeting.
505	September 11–13, 2003.
506	October 2–4, 2003.
507	November 6–8, 2003.
508	December 4–6, 2003.

Dated: November 14, 2002.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 02–29488 Filed 11–19–02; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Extension: Rule 20a–1, SEC File No. 270–132, OMB Control No. 3235–0158]

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

The title of the collection of information is ''Rule 20a–1 under the Investment Company Act of 1940, Solicitation of Proxies, Consents and Authorizations.'' Rule 20a–1(a) requires that the solicitation of a proxy, consent or authorization with respect to a security issued by a registered fund be in compliance with Regulation 14A (17 CFR 240.14a–1 to 14a–104), Schedule 14A (17 CFR 240.14a–101), and all other rules and regulations adopted under section 14(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78n(a)). Rule 20a–1(b) requires a fund's investment adviser, or a prospective adviser, to transmit to the person making a proxy solicitation the information necessary to enable that person to comply with the rules and regulations applicable to the solicitation.

Regulation 14A and Schedule 14A establish the disclosure requirements applicable to the solicitation of proxies, consents and authorizations. In particular, Item 22 of Schedule 14A contains extensive disclosure requirements for registered investment company proxy statements. Among other things, it requires the disclosure of information about fund fee or expense increases, the election of directors, the approval of an investment advisory contract and the approval of a distribution plan.

The Commission requires the dissemination of this information to assist investors in understanding their fund investments and the choices they may be asked to make regarding fund operations. The Commission does not use the information in proxies directly, but reviews proxy statement filings for compliance with applicable rules.

It is estimated that approximately 1,000 registered investment companies are required to file one proxy statement annually. The total annual reporting and recordkeeping burden of the collection of information is estimated to be approximately 106,200 hours (1,000 responses × 106.2 hours per response).

Rule 20a–1 does not involve any recordkeeping requirements. Providing the information required by the rule is mandatory and information provided under the rule will not be kept confidential.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503; and (ii) Kenneth A. Fogash, Acting Associate Executive Director/CIO, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: November 13, 2002.

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 02–29484 Filed 11–19–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–46822; File No. SR–NASD–2002–152]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change and Amendment Nos. 1 and 2 Thereto by the National Association of Securities Dealers, Inc. Regarding Trade Throughs and Locked Markets in the Nasdaq InterMarket

November 13, 2002.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 25, 2002, the National Association of Securities Dealers, Inc. (''NASD''), through its subsidiary, The Nasdaq Stock Market, Inc. (''Nasdaq''), filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items I and II below, which Items have been prepared by Nasdaq. On November 6, 2002, Nasdaq filed an amendment to the proposed rule change.[3] On November 12, 2002, Nasdaq filed another amendment to the proposed rule change.[4] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

Nasdaq is proposing to change NASD Rule 5262 (''Trade-Throughs'') to conform its rule to the Commission order of August 28, 2002,[5] which establishes a limited exemption from the trade through provisions of the ITS Plan. In addition, Nasdaq is proposing to change NASD Rule 5263 (''Locked or Crossed Markets''), which addresses locked and crossed markets in exchange-listed securities, to conform its rule more closely with the locked markets rule contained in the ITS Plan. Below is the text of the proposed rule change. Proposed new language is in italics; proposed deletions are in brackets.

* * * * *

Rule 5262. Trade Throughs

(a) A member registered as an ITS/CAES Market Maker in an ITS/CAES security, shall avoid purchasing or selling such security, whether as principal or agent, at a price which is lower than the bid or higher than the offer displayed from an ITS Participant Exchange or ITS/CAES Market Maker (''trade-through''), unless the following conditions apply:

(1)–(8) No Change.

(9) *The transaction involves QQQs, DIAMONDs, and SPDRs, and the execution occurs at a price that is no more than three cents lower than the highest bid displayed in CQS and no more than three cents higher than the lowest offer displayed in CQS. This*

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* letter from Jeffrey S. Davis, Associate General Counsel, Nasdaq, to Lisa N. Jones, Attorney, Division of Market Regulation (''Division''), Commission (''Amendment No. 1''). Amendment No. 1 makes a technical amendment to the rule text of the proposal.

[4] *See* letter from Jeffrey S. Davis, Associate General Counsel, Nasdaq, to Lisa N. Jones, Attorney, Division, Commission (''Amendment No. 2''). Amendment No. 2 makes a further technical amendment to the rule text of the proposal. For purposes of calculating the 60-day abrogation period, the Commission considers the period to begin the date of the original proposed rule change, October 25, 2002.

[5] *See* Securities Exchange Act Release No. 46428 (August 28, 2002), 67 FR 56607 (September 4, 2002) (granting a *de minimis* exemption for transactions in certain exchange-traded funds from the trade through provisions of the Intermarket Trading System (''ITS'') Plan) (''Exemptive Order'').

exemption shall apply for a pilot period ending June 4, 2003, or for such other period specified by the SEC.

(b) No Change.

(c) No Change.

* * * * *

NASD Rule 5263. Locked or Crossed Markets

(a) No Change.

(b) No Change.

(c)*(1)*

(A) Unless excused by operation of paragraphs (c)(1)(B) or (d) below [A]*an* ITS/CAES Market Maker *that* [who] makes a bid or offer and in so doing creates a locked or crossed market with an[other] ITS Participant *Exchange* [or ITS/CAES Market Maker] *and that receives a complaint through ITS/CAES from the party whose bid (offer) was locked or crossed (the ''aggrieved party''), the ITS/CAES Market Maker responsible for the locking or crossing offer (bid) shall, as specified in the complaint, either promptly ''ship'' (i.e., satisfy through ITS/CAES the locked or crossed bid (offer) up to the size of his locking or crossing offer (bid)) or ''unlock'' (i.e., adjust his locking or crossing offer (bid) so as not to cause a locked or crossed market). If the complaint specifies ''unlock'', it may nevertheless ship instead.* [shall promptly send to such other ITS Participant Exchange or ITS/CAES Market Maker a commitment to trade seeking either the bid or offer which was locked or crossed, unless excused by operation of paragraph (d) below. Such commitment shall be for either the number of shares he has bid for (offered) or the number of shares offered (bid for) on the ITS Participant Exchange or by the ITS/CAES Market Maker, whichever is less.]

(B) If there is an error in a locking or crossing bid or offer that relieves the locking or crossing ITS/CAES Market Maker from its obligations under paragraph (c)(2) of Rule 11Ac1–1 and if the ITS/CAES Market Maker receives a ''ship'' complaint through ITS/CAES from the aggrieved party, the locking or crossing ITS/CAES Market Maker shall promptly cause the quotation to be corrected and, except as provided in paragraph (d) below, it shall notify the aggrieved party through ITS/CAES of the error within two minutes of receipt of the complaint. If the locking or crossing ITS/CAES Market Maker fails to so notify the aggrieved party, he shall promptly ship.

(2) An ITS/CAES Market Maker that makes a bid or offer and in so doing creates a locked or crossed market with another ITS/CAES Market Maker shall promptly send to such other ITS/CAES Market Maker an order seeking either the bid or offer which was locked or crossed, unless excused by operation of paragraph (d) below. Such order shall be for either the number of shares he has bid for (offered) or the number of shares offered (bid for) by the ITS/CAES Market Maker, whichever is less.

(d) The provisions of paragraph (c) above shall not apply when:

1. No Change.

2. The issuance of the commitment to trade *or order* referred to above would be prohibited *by an NASD rule or* by SEC Rule 10a–1 under the Act.

3.–6. No Change.

7. The locking bid or offer no longer prevails at the time the complaint is received by the ITS/CAES Market Maker.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of, and statutory basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NASD Rule 5262—Trade Throughs. The ITS Plan requires that each of the national securities exchanges and the NASD adopt a similar rule governing the practice of ''trading through'' the quote of another ITS participant that trades ITS-eligible securities. The trade through rule prohibits market participants from purchasing or selling such securities at prices that are lower than the bid or higher than the offer displayed by another ITS Participant. NASD Rule 5262, the NASD's trade through rule, governs the conduct of NASD members that have registered as market makers in ITS-eligible securities.

On August 28, 2002, the Commission issued an order granting a *de minimis* exemption (''Exemption'') for transactions in certain exchange-traded funds (''ETFs'') from the trade through provisions of the ITS Plan.[6] At present, the exemption extends to transactions in three designated ETFs—the Nasdaq-100 Index (''QQQ''), the Dow Jones Industrial Average (''DIAMONDs''), and the Standard & Poor's 500 Index (''SPDRs''). Pursuant to the Exemption, transactions in these ETFs may be ''executed at a price that is no more than three cents lower than the highest bid displayed in CQS and no more than three cents higher than the lowest offer displayed in CQS'' (''Exempted Trade-Through''). The Exemption is effective from September 4, 2002 through June 4, 2003.

According to Nasdaq, the Exemption was proposed by the Commission to permit the rapid execution of orders in ETFs at prices that may trade through the quotations of other markets, including the NBBO price. Because Exempted Trade-Throughs will, by definition, be exempt from ITS restrictions, a market participant that reports execution of an Exempted Trade-Through will not be required to satisfy an administrative request from any ITS participant for satisfaction following the Exempted Trade-Through.[7] The SEC will measure the impact of the Exemption on the trading of those securities during the pilot period.

Nasdaq has decided to add the same exemption to its own trade-through rule, in Nasdaq's case, NASD Rule 5262. This measure will ensure that ITS/CAES Market Makers are aware that they must operate under equivalent terms of the ITS Plan as other ITS Plan participants.

NASD Rule 5263—Locked or Crossed Markets. The ITS Plan requires each of the national securities exchanges and the NASD to adopt a similar lock/cross rule governing trading in ITS-eligible securities. The current wording of the NASD rule is more stringent than required by the ITS Plan. Nasdaq believes that the more stringent wording of the rule is burdensome and places the NASD at a competitive disadvantage with other ITS participant exchanges that have adopted the lock/cross language prescribed by the ITS Plan.

NASD Rule 5263 currently requires ITS/CAES Market Makers that create locked or crossed markets with another ITS Participant or ITS/CAES Market Maker promptly to send that other party a commitment to trade seeking either the bid or offer which was locked or

[6] *See* note 4, *supra.*

[7] Pursuant to the ITS Plan, if an ITS participant trades through the quotation of another ITS participant, thereby violating the ITS trade through prohibition, the non-violating participant is entitled to send an administrative message noting the trade-through and the violating participant is required to respond with a commitment to trade at the price and size quoted by the non-violating participant.

crossed. Nasdaq believes that the requirement to promptly send a commitment contrasts with the current procedure expressed in the ITS Plan, which requires that a locking participant respond only after a locked market complaint has been properly registered. Nasdaq believes that the more stringent NASD requirement could cause ITS/CAES Market Makers to prematurely send a commitment to trade without having the input or an understanding of the locked or crossed party's intentions to trade. To eliminate this disparity and competitive disadvantage with other markets, Nasdaq will mirror the language of the ITS Plan and remove the more restrictive language with respect to locks or crosses that occur between ITS/CAES Market Makers and the exchange participants of the ITS Plan.

Nasdaq will, however, maintain its current, stricter standard of conduct with respect to locked and crossed markets that occur between ITS/CAES Market Makers within the Nasdaq InterMarket, which are not addressed by the ITS Plan. Specifically, Nasdaq believes that the requirement that ITS/CAES Market Makers promptly send orders whenever they lock or cross other ITS/CAES Market Makers, reduces the number and duration of locks and crosses that do, inevitably, occur within a competing dealer market. Nasdaq also believes that locking and crossing behavior can provide valuable price discovery information to market participants. Nasdaq believes, however, that economic and regulatory incentives help minimize the extent to which such locks and crosses interfere with the smooth operation of the InterMarket and with ITS/CAES Market Makers' internal systems. This is particularly important because CAES and ITS/CAES Market Makers operate on an automatic execution basis.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 15A of the Act,[8] in general and with Section 15A(b)(6) of the Act,[9] in particular, in that the proposal is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster competition and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change does not: (1) Significantly affect the protection of investors or the public interest; (2) impose any significant burden on competition; and (3) become operative for 30 days from the date on which it was filed, provided that Nasdaq has given the Commission written notice of its intent to file the proposed rule change at least five business days prior to the filing date of the proposed rule change or such shorter time as designated by the Commission, it has become effective pursuant to Section 19(b)(3)(A) of the Act,[10] and Rule 19b–4(f)(6) thereunder.[11] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate the proposed rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Nasdaq has requested that the Commission waive the 5-day pre-filing notification requirement and the 30-day operative delay. The Commission believes that waiving the 5-day pre-filing notification requirement and the 30-day operative delay is consistent with the protection of investors and the public interest.[12] In particular, the proposed rule changes bring Nasdaq rules into conformity with the approved ITS Plan and the August 28, 2002 Commission's Exemptive Order. For this reason, the Commission waives both the 5-day pre-filing notification requirement and the 30-day operative waiting period.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD.

All submissions should refer to File No. SR–NASD–2002–152 should be submitted by December 11, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 02–29483 Filed 11–19–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–46824; File No. SR–NYSE–2002–43]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Notice of Filing of Proposed Rule Change Relating to Arbitration

November 13, 2002.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and rule 19b–4 thereunder,[2] notice is hereby given that on September 3, 2002, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in items I, II and III below, which items have been prepared by the Exchange. The Commission is publishing this notice to

[8] 15 U.S.C. 78*o*–3.

[9] 15 U.S.C. 78*o*–3(b)(6).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6).

[12] For purposes only of accelerating the operative date of this proposal, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[13] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of amendments to rules 601 (Simplified Arbitration), 607 (Designation of Number of Arbitrators), 612 (Initiation of Proceedings), 617 (Adjournments), 629 (Schedule of Fees), 631 (Schedule for Member Controversies) and 632 (Member Controversies). The text of the proposed rule change is set forth below. New text is italicized; deletions are in brackets.

Rule 601. Simplified Arbitration

(a) Any dispute, claim or controversy, arising between a [public] customer(s) and an associated person or a member subject to arbitration under this Code involving a dollar amount not exceeding $[10,000] *25,000* exclusive of attendant costs and interest, shall be arbitrated as hereinafter provided.

(b) The Claimant shall file with the Director of Arbitration an executed Submission Agreement and a copy of the Statement of Claim of the controversy in dispute and the required *non-refundable filing fee and* deposit, together with the documents in support of the Claim. Sufficient copies of the Submission Agreement and the Statement of Claim and supporting documents shall be provided to the Director of Arbitration for each party and the Arbitrator. The Statement of Claim shall specify the relevant facts, the remedies sought and whether or not a hearing is demanded.

(c) The Claimant shall pay a *non-refundable* filing fee and [remit] a hearing deposit as [specified in rule 629 upon the filing of the Submission Agreement.] *follows:*[3]

FEES FOR SIMPLIFIED ARBITRATION CUSTOMER AS CLAIMANT

Amount in dispute (excluding interest and costs)	Filling fee	Decision on papers	Decision after hearing
$1,000 or less	$15	$15	$15
1,001 to 2,500	25	25	25
2,501 to 5,000	50	75	100
5,000 to 10,000	75	75	200
10,001 to 25,000	100	100	400

INDUSTRY AS CLAIMANT

Amount in dispute (excluding interest and costs)	Filing fee	Decision on papers	Decision after hearing
$25,000 or less	$500	$300	$300

(Excluding Interest Decision Decision after and Costs) Filing Fee On Papers Hearing $25,000 or less $500 $300 $600

The final disposition of the [sum] filing fee and hearing deposit shall be determined by the Arbitrator.

(d) The Director of Arbitration shall endeavor to serve promptly by mail or otherwise on the Respondent(s) one (1) copy of the Submission Agreement and one (1) copy of the Statement of Claim. Within twenty (20) calendar days from the receipt of the Statement of Claim, Respondent(s) shall serve each party with an executed Submission Agreement and a copy of Respondent's Answer. Respondent's executed Submission Agreement and Answer shall also be filed with the Director of Arbitration with sufficient[4] copies for the Arbitrator(s) along with any deposit required under the schedule of fees *above.* The Answer shall designate all available defenses to the Claim and may set forth any related Counterclaim and/or related Third Party Claim the Respondent(s) may have against the Claimant or any other person. If the Respondent(s) has interposed a Third Party Claim, the Respondent(s) shall serve the Third Party Respondent with an executed Submission Agreement, a copy of Respondent's answer containing the Third Party Claim, and a copy of the original Claim filed by the Claimant. The Third Party Respondent shall respond in the manner herein provided for response to the Claim. If the Respondent(s) files a related Counterclaim exceeding $[10,000] *25,000*, the Arbitrator may refer the Claim, Counterclaim and/or Third Party Claim, if any, to a panel of three (3) arbitrators in accordance with rule 607 of this Code, or he may dismiss the Counterclaim and/or Third Party Claim, without prejudice to the counter-claimants and/or third party claimants pursuing the Counterclaim and/or Third Party Claim in a separate proceeding. The costs to the Claimant under either proceeding shall in no event exceed the total amount specified [in rule 629] *in the schedule above.*

(e) to (h) Unchanged.

[(i) Upon the request of the arbitrator, the Director of Arbitration shall appoint two (2) additional arbitrators to the panel which shall decide the matter in controversy.

(j) In any case where there is more than one (1) arbitrator, the majority will be public arbitrators.]

[(k)] *(i)* In his discretion, the arbitrator may, at the request of any party, permit such party to submit additional documentation relating to the pleadings.

[(l)]*(j)* Except as otherwise provided herein, the general arbitration rules of the New York Stock Exchange, Inc. shall be applicable to the proceedings instituted under this Rule.

Rule 607. Designation of Number of Arbitrators

(a)(1) In all arbitration matters involving [public] customers and non-members where the matter in controversy exceeds $[10,000] *25,000*, or

[3] The original proposed rule change omitted ''(c) '' from the first line of this subparagraph. Commission staff made the correction. Telephone conference between Robert Clemente, Director—Arbitration, NYSE, and Steven Johnston, Special Counsel, Division of Market Regulation (''Division''), Commission on November 4, 2002.

[4] There appears to be confusion among various texts of current NYSE rule 601 as to whether this word should be ''sufficient'' or ''additional.'' The NYSE intends to use the word ''sufficient.'' Telephone conversation among Robert Clemente, Director—Arbitration, NYSE and Florence Harmon, Senior Special Counsel, and Steven Johnston, Special Counsel, Division, Commission on October 24, 2002.

where the matter in controversy does not involve or disclose a money claim, the Director of Arbitration shall appoint an arbitration panel which shall consist of no less than three (3) arbitrators, at least a majority of whom shall not be from the securities industry, unless the [public] customer or non-member requests a panel consisting of at least a majority from the securities industry.

Rule 612. Initiation of Proceedings

Except as otherwise provided herein, an arbitration proceeding under this Code shall be instituted as follows:

(a) Statement of Claim

The Claimant shall file with the Director of Arbitration an executed Submission Agreement, a Statement of Claim together with documents in support of the claim and the required *filing fee and hearing* deposit. Sufficient additional copies of the Submission Agreement and the Statement of Claim and supporting documents shall be provided to the Director of Arbitration for each party and each arbitrator. The Statement of Claim shall specify the relevant facts and the remedies sought. The Director of Arbitration shall endeavor to serve promptly by mail or otherwise on the Respondent(s) one (1) copy of the Submission Agreement and one (1) copy of the Statement of Claim.

(b) Unchanged.[5]

(c)(1) and (c)(2) Unchanged.[6]

(c)(3) Respondent(s) shall serve each party with a copy of any Third Party Claim. The Third Party Claim shall also be filed with the Director of Arbitration with sufficient additional copies for the arbitrator(s), along with any deposit required under [the] *rule 629(i)* schedule of fees. Third Party Respondent(s) shall answer in the manner provided for response to the Claim, as provided in paragraphs (1) and (2) above.

Rule 617. Adjournments

(a) Unchanged.[7]

(b) A party requesting an adjournment after arbitrators have been appointed shall, if an adjournment is granted, deposit a fee, equal to the initial deposit of hearing session fees for the first adjournment and twice the initial deposit of hearing session fees, not to exceed $[1,000] *1,500,* for a second or subsequent adjournment requested by that party. The arbitrators may waive the deposit of this fee or in their awards may direct the return of the adjournment fee.

Rule 629. Schedule of Fees

(a)–(g) Unchanged.

(h) The fee for a pre-hearing conference with an arbitrator shall be:

SCHEDULE FOR PRE-HEARING CONFERENCE WITH ONE ARBITRATOR[(S)]: [1]

Amount in controversy	Conference fee
$1,000 or less	$15.00
1,00[0.01] *1* up to 2,500	25.00
2,50[0.01] *1* up to 5,000	100.00
5,00[0.01] *1* up to 10,000	200.00
10,00[0.01] *1* up to [30,000] *25,000*	300.00
[30,000.01 up to 50,000	300.00
50,000.01 up to 100,000	300.00
100,001 up to 500,000	300.00
500,001 up to 5 million	300.00
Greater than 5 million	300.00]
Over 25,000	450.00

[1] Fee for pre-hearing conference with three arbitrators shall be based on applicable hearing session deposit fee.

(i) Schedule of Fees

For purposes of the schedule of fees the term ''claim'' includes Claims, Counterclaims, Third-Party Claims or Cross-Claims. Any such claim submitted by a customer is a customer claim. Any such claim submitted by a member, allied member, registered representative, member firm or member corporation against a [public] customer or other non-member is an industry claim.

For claims of $25,000 or less see schedule of fees in Rule 601. Simplified Arbitration.

CUSTOMER AS CLAIMANT

Amount of dispute ([exclusive of] *excluding* interest and expenses)	Hearing deposit		
	Filing fee	[Simplified]	[Hearing]
[$1,000 or less	$15	$15	$15
1,001 to 2,500	25	25	25
2,501 to 5,000	50	75	100
5,001 to 10,000	75	75	200
10,001 to 30,000	100	N/A	400]
[30,001] *25,001* to 50,000	120	[N/A]	400
50,001 to 100,000	150	[N/A]	500
100,001 to 500,000	200	[N/A]	750
500,001 to 5,000,000	250	[N/A]	1,000
Over 5,000,000	300	[N/A]	1,500

[5] NYSE authorized Commission staff to clarify omitted rule text. Telephone conversation Robert Clemente, Director—Arbitration, NYSE and Florence Harmon, Senior Special Counsel, and Steven Johnston, Special Counsel, Division, Commission on November 7, 2002.

[6] See footnote 5, above.

[7] See footnote 5, above.

INDUSTRY AS CLAIMANT [1]

Amount of Dispute [exclusive of] *excluding* interest expenses)	Filing fee	Hearing deposit	
		1 Arb.	3 Arbs.
[$1,000 or less	$500	$300	$600
1,001 to 2,500	500	300	600
2,501 to 5,000	500	300	600
5,001 to 10,000	500	300	600
10,001 to 30,000	500	300	600
30,001 to 50,000	500	300	600]
[50,001] *25,001* to 100,000	500	[300]	600
100,001 to 500,000	500	[300]	750
500,001 to 5,000,000	500	[300]	1,000
Over 5,000,000	500	[300]	1,500

[1] This is the fee schedule for claims submitted by members, member firms, member corporations or allied members against *members, member firms, member corporations or allied members,* [public] customers, registered representatives or non-members other than [public] customers, and for claims submitted by registered representatives or non-members other than [public] customers against members, member firms, member corporations, allied members or non-members. [The one arbitrator column is for pre-hearing conferences and for simplified arbitration, where the industry party is a claimant against a public customer].

[Rule 631. Schedule for Member Controversies

At the time of filing a Claim, Counterclaim, Third-Party Claim or Cross-Claim, a party shall pay a non-refundable filing fee and remit a hearing session deposit with the New York Stock Exchange, Inc. in the amounts indicated below:

Amount in dispute	Filing fee	Hearing deposit
$5,000 or less	$100	$200
5,001 to $100,000	200	750
100,001 or more	300	1,000

Where the claim or controversy does not involve or disclose a money claim or is unspecified, the filing fee will be $300 and the hearing session deposit shall be $1,000 per hearing session.

The fee for a pre-hearing conference with an arbitrator in a member controversy shall be as follows:

Amount in dispute	Conference fee
$5,000 or less	$150
5,001 to 100,000	300
100,001 or more	500

Rule 632. Member Controversies

Any controversy between parties who are members, allied members, member firms or member corporations shall be submitted for arbitration to members of the Board of Arbitration, unless non-members are also parties to the controversy. If the amount ([exclusive of] *excluding* interest and costs) involved in the controversy is less than $[10,000] *25,000* the controversy shall be heard by one arbitrator. If such amount is $[10,000] *25,000* or more the controversy shall be heard by [at least] three (3) [but not more than five (5)] arbitrators *unless the parties consent to one arbitrator.* If non-members are also parties to such controversies, the arbitrators shall be appointed in accordance with rule 607 unless the non-member(s) consent to arbitration before members of the Board of Arbitration.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in item IV below and is set forth in sections A, B and C below.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

1. Purpose

The proposed rule changes are intended to:

• Increase the ceiling for claims eligible for submission under the Simplified Arbitration procedures from $10,000 to $25,000 (rules 601, 607 and 629).

• Clarify that both a filing fee and hearing deposit must be submitted with the filing of a claim in arbitration (rule 612).

• Increase the maximum adjournment fee from $1,000 to $1,500 to conform to the maximum hearing deposit upon which adjournment fees are based (rule 617).

• Increase pre-hearing conference fees in claims over $25,000 from $300 to $450 (rule 629(h)).

• Incorporate filing fees and hearing deposits for disputes between members into the schedule of fees for ''Industry as Claimants'' (rules 629(i) and 631).

• Increase the ceiling from $10,000 to $25,000 for claims between members to be decided by one arbitrator. In addition eliminate reference to a panel ''of no more than five arbitrators'' (rule 632).

The proposed amendments to rules 601, 607 and 629 increase the ceiling on claims eligible for submission under the Simplified Arbitration procedures from $10,000 to $25,000. Under the Simplified Arbitration procedures, one arbitrator is appointed to decide the dispute based upon the parties' submissions, unless the customer requests a hearing. These proposed amendments conform to amendments to the Uniform Code of Arbitration adopted by the Securities Industry Conference on Arbitration (''SICA'') and adopted by other SROs.[8]

In addition, the amendments simplify the rules by placing the fee schedule for Simplified Arbitration in rule 601 rather than referring to rule 629. The proposed

[8] NASD rule 10302(a).

amendment to rule 607 conform the rule to the increase in the claims eligible for submission under the Simplified Arbitration procedure (rule 601). These amendments do not impact the cost to customers who submit their claims to arbitration.

The proposed amendments to rules 612 and 617 are housekeeping in nature and not substantive changes. The amendments to rule 612 clarify that both a filing fee and hearing deposit must be submitted with the filing of a claim in arbitration. The amendments to rule 617 increase the maximum adjournment fee from $1,000 to $1,500. This is to conform the adjournment fees to the maximum hearing deposit, upon which adjournment fees are based.

In addition, the Exchange is proposing to increase pre-hearing conference fees in claims over $25,000 from $300 to $450 (rule 629(h)). The increase in pre-hearing conference fees is warranted by the increased frequency and complexity of pre-hearing conferences. This increase conforms to the pre-hearing conference fees assessed by other SROs.[9]

The proposed amendments to rule 629(i) eliminate the need for rule 631 by incorporating the fees and deposits for disputes between members into the schedule of fees for ''Industry Claimants'' under rule 629. These amendments will increase the cost to members in disputes with other members and provides for a more equitable distribution of the cost of arbitration of member to member disputes with all other disputes initiated by a member or associated person. These amendments also simplify the fee schedules by deleting rule 631 (Schedule for Member Controversies) and consolidating that fee schedule with the Schedule of Fees for Industry Claimants (rule 629).

The proposed amendments to rule 632 increase the ceiling from $10,000 to $25,000 for claims between members that are heard and decided by one arbitrator. In addition, the proposed amendment eliminates the clause that provided for an arbitration panel of no more than five arbitrators. The Exchange has not impaneled five arbitrators on a case since the mid-1980s when the general rules were amended to provide for a panel of no less than three arbitrators. A panel of five arbitrators is unnecessarily burdensome and provides no benefit to the process.

2. Statutory Basis

The proposed changes are consistent with section 6(b)(5) of the Act[10] in that they promote just and equitable principles of trade by insuring that members and member organizations and the public have a fair and impartial forum for the resolution of their disputes.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the principal office of the New York Stock Exchange. All submissions should refer to SR-NYSE–2002–43 and should be submitted by December 11, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 02–29403 Filed 11–19–02; 8:45 am]

BILLING CODE 8010–01–P

[9] NASD rule 10332(k).

[10] 15 U.S.C. 78f(b)(5).

[11] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #P001]

State of Alaska

As a result of the President's major disaster declaration for Public Assistance on November 8, 2002, the U.S. Small Business Administration is activating its disaster loan program only for private non-profit businesses that provide essential services of a governmental nature. I find that Fairbanks North Star Borough, Denali Borough, Matanuska-Susitna Borough, the Regional Education Attendance Areas (REAA) of Delta Greely, Alaska Gateway, Copper River and Yukon-Koyukuk, and the cities of Tetlin, Mentasta Lake, Northway, Dot Lake, Chistochina, Tanacross and the unincorporated communities of Slana and Tok in the State of Alaska constitute a disaster area due to damages caused by an earthquake occurring on November 3, 2002, and continuing. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on January 7, 2003 at the address listed below or other locally announced locations: Small Business Administration, Disaster Area 4 Office, P.O. Box 13795, Sacramento, CA 95853–4795.

The interest rates are:

	Percent
For Physical Damage:	
Non-profit organizations without credit available elsewhere	3.324
Non-profit organizations with credit available elsewhere	5.500

The number assigned to this disaster for physical damage is P00102.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: November 13, 2002.

Herbert L. Mitchell,

Associate Administrator, for Disaster Assistance.

[FR Doc. 02–29434 Filed 11–19–02; 8:45 am]

BILLING CODE 8025–01–P

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1995, as Amended by Public Law 104–13; Proposed Collection; Comment Request

AGENCY: Tennessee Valley Authority.

ACTION: Proposed collection; comment request.

SUMMARY: The proposed information collection described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended). The Tennessee Valley Authority is soliciting public comments on this proposed collection as provided by 5 CFR 1320.8(d)(1). Requests for information, including copies of the information collection proposed and supporting documentation, should be directed to the Agency Clearance Officer: Wilma H. McCauley, Tennessee Valley Authority, 1101 Market Street (EB 5B), Chattanooga, Tennessee 37402–2801; (423) 751–2523.

Comments should be sent to the Agency Clearance Officer no later January 21, 2003.

SUPPLEMENTARY INFORMATION:

Type of Request: Regular submission.

Title of Information Collection: TVA Accounts Payable Customer Satisfaction Survey.

Frequency of Use: On occasion.

Small Business or Organizations Affected: Yes.

Estimated Number of Annual Responses: 2,000.

Estimated Total Annual Burden Hours: 333.

Estimated Average Burden Hours Per Response: 10 minutes.

Need For and Use of Information: This information collection will be distributed by email to TVA's suppliers that receive remittance information by email. The information collected will be used to evaluate current performance of the Accounts Payable Department (ADP) which will identify areas for improvement and enable ADP to provide better service to suppliers and facilitate commerce between TVA and its suppliers.

Jacklyn J. Stephenson,

Senior Manager, Enterprise Operations Information Services.

[FR Doc. 02–29413 Filed 11–19–02; 8:45 am]

BILLING CODE 8120–08–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular (AC) 91–60A, the Continued Airworthiness of Older Airplanes; AC 120–AAR, Aging Airplane Inspections and Records Review; and AC 91–56B, Continuing Structural Integrity Program for Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability and request for comments.

SUMMARY: This notice announces the availability of and request for comments on proposed Advisory Circular (AC) 91–60A, which provides guidance about development and use of service-history based Structural Supplemental Inspection Programs to design-approval holders, owners, and operators of U.S.-registered multi-engine airplanes certificated with nine or less passenger seats; AC 120-AAR, which provides guidance about aging airplane inspections and records reviews that are accomplished to satisfy the requirements of the final rule ''Aging Airplane Safety;'' and AC 91–56B, which provides guidance on developing a continuing structural integrity program to ensure safe operation of older airplanes throughout their operational life. These proposed ACs address airplanes affected by the ''Aging Airplane Safety Rule'' and provide guidance on the development and use of a damage-tolerance-based Supplemental Structural Inspection Program (SSIP) for all airplanes operated under title 14 of the Code of Federal Regulations (14 CFR) part 121; all U.S.-registered multi-engine airplanes operated under 14 CFR part 129 certificated with 10 or more passenger seats; and all multiengine airplanes used in scheduled operations under 14 CFR part 135 certificated with 10 or more passenger seats. These ACs outline an acceptable method, but not the only method, of compliance with the Aging Airplane Safety Rule.

DATES: Comments must be received on or before December 20, 2002.

ADDRESSES: Send all comments on the proposed ACs to: Brent Bandley, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, ANM–120L, Federal Aviation Administration; 3960 Paramount Boulevard, Lakewood, CA 90712—4137; telephone number: (562) 627–5237, facsimile: (562) 627–5210.

FOR FURTHER INFORMATION CONTACT: Brent Bandley, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, ANM–120L, Federal Aviation Administration; 3960 Paramount Boulevard, Lakewood, CA 90712–4137; telephone number: (562) 627–5237, facsimile: (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Copies of the draft ACs may be obtained by accessing the FAA's Web page at *http://www.faa.gov/avr/arm/nprm/nprm.htm* or at *http://faa.gov/avr/afs/acs/ac-idx.htm*. Interested parties are invited to submit comments on the proposed ACs. Commenters must identify AC 91–60A, AC 120–AAR, or AC 91–56B and submit comments to the address specified above. The FAA will consider all communications received on or before the closing date for comments before issuing the final ACs.

Discussion

These proposed ACs provide guidance to type certificate holders and airplane operators on how to incorporate an FAA-approved Aging Aircraft Program into FAA-approved maintenance or inspection programs. Previous versions of AC 91–56 (AC 91–56 and AC 91–56A) provided guidance to operators of large transport category airplanes on how to develop a damage-tolerance-based SSIP. In this proposed AC, the FAA expands this guidance to small transport category airplanes. In addition, AC 91–56 and AC 91–56A considered only the effects of repair and modifications approved by the type certificate holder and the effects of repairs and operator-approved modifications on individual airplanes. This proposed AC considers the effect of all major repairs, major alterations, and modifications approved by the type certificate holder. In addition, the AC includes an expanded discussion of repairs, alterations, and modifications to take into consideration all major repairs and operator-approved alterations and modifications on individual airplanes. The proposed AC also describes the current Mandatory Modifications Program, Corrosion Prevention and Control Program, the Repair Assessment Program, and Evaluation for Widespread Fatigue Damage.

Issued in Washington, DC, on November 7, 2002.

James J. Ballough,

Director, Flight Standards Service.

[FR Doc. 02–29445 Filed 11–19–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Proposed Advisory Circular 20–XX, Methodology for Dynamic Seat Certification by Analysis for Use in Parts 23, 25, 27, and 29 Airplanes and Rotorcraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of proposed advisory circular (AC) and request for comments.

SUMMARY: This notice announces the availability of and requests comments on a proposed AC, which provides information and guidance concerning demonstrating compliance to computer modeling analysis techniques validated by dynamic tests. This notice is necessary to give all interested persons an opportunity to present their views on the proposed AC.

DATES: Comments must be received on or before January 21, 2003.

ADDRESSES: Send all comments on the proposed AC to: Mr. Pat Mullen, Federal Aviation Administration, Small Airplane Directorate, Aircraft Certification Service, Standards Office (ACE–110), 901 Locust, Room 301, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Pat Mullen, telephone (816) 329–4128 or fax (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed AC by submitting such written data, views, or arguments as they may desire. Commenters should identify AC 20–XX and submit comments, in duplicate, to the address specified above. All communications received on or before the closing date for comments will be considered by the Small Airplane Directorate before issuing the final AC. The proposed AC can be found and downloaded from the Internet at *http://www.airweb.faa.gov/DraftAC* by taking the following steps: Under ''Search Help'' click on ''Open for Comment.'' A paper copy of the proposed AC may be obtained by contacting the person named above under the caption **FOR FURTHER INFORMATION CONTACT.**

Discussion

The subject advisory circular describes how to demonstrate compliance to the following by computer modeling analysis techniques validated by dynamic tests:

- Title 14 Code of Federal Regulations (14 CFR) parts 23, 25, 27, and 29, §§ 23.562, 25.562, 27.562, and 29.562.
- The Technical Standard Order (TSO) associated with the above regulations, TSO–C127/C127a.

The AC provides guidance on how to validate the computer model and under what conditions the model may be used in support of certification or TSO approval/authorization. Material in the AC is neither mandatory nor regulatory in nature and does not constitute a regulation. In addition, the material is not to be construed as having any legal status and should be treated accordingly.

Issued in Kansas City, Missouri on November 8, 2002.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–29446 Filed 11–19–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular 23.1419–2B, Certification of Part 23 Airplanes for Flight in Icing Conditions

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of Advisory Circular 23.1419–2B, Certification of Part 23 Airplanes for Flight in Icing Conditions.

SUMMARY: This notice announces the availability of Advisory Circular 23.1419–2B, Certification of Part 23 Airplanes for Flight in Icing Conditions, which provides information on demonstrating compliance with the ice protection requirements in Title 14 of the Code of Federal Regulations (14 CFR) part 23.

FOR FURTHER INFORMATION CONTACT: Paul Pellicano, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone: (770) 703–6064; facsimile: (770) 703–6097.

SUPPLEMENTARY INFORMATION:

Discussion

You may download a copy from the FAA Web site at [*http://www.faa.gov/certification/aircraft/small_airplane_directorate_news_latest.htm*], or request a copy by contacting the person named above under **FOR FURTHER INFORMATION CONTACT.**

This advisory circular (AC) sets forth an acceptable means, but not the only means, of demonstrating compliance with the ice protection requirements in Title 14 of the Code of Federal Regulations (14 CFR) part 23. The FAA developed this AC to give more detailed and uniform guidance for approval of airplane ice protection systems for operating in the icing environment defined by 14 CFR part 25, Appendix C. The guidance should be applied to new Type Certificates (TCs), Supplemental Type Certificates (STCs), and amendments to existing TCs for airplanes under Part 3 of the Civil Aviation Regulations (CAR) and part 23, for which approval under the provisions of § 23.1419 is desired.

Issued in Kansas City, Missouri on October 4, 2002.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–29449 Filed 11–19–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Request Renewal From the Office of Management and Budget (OMB) of One Current Public Collection of Information

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the FAA invites public comment on one currently approved public information collection which will be submitted to OMB for renewal.

DATES: Comments must be received on or before January 21, 2003.

ADDRESSES: Comments may be mailed or delivered to the FAA at the following address: Ms. Judy Street, Room 613 Federal Aviation Administration, Standards and Information Division, APF–100, 800 Independence Ave., SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Street at the above address or on (202) 267–9895.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1955, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. Therefore, the FAA solicits comments on the following current collections of information in order to evaluate the necessity of the collection, the accuracy of the agency's estimate of the burden, the quality, utility, and clarity of the information to be collected, and possible ways to minimize the burden of the collection in preparation for submission to renew the clearance of the following information collection.

1. *2120–0010, Repair Station Certification.* Information is collected from applicants who wish to gain repair station certification. Applicants submit form 8310–3 to the appropriate FAA district office for review. If the application is satisfactory, an onsite inspection is conducted. When all the requirements have been met, an air agency certificate and repair station operation specifications with appropriate ratings and limitations are issued. The current estimated annual reporting burden is 304,647 hours.

Issued in Washington, DC, on November 6, 2002.

Judith D. Street,

FAA Information Collection Clearance Officer, APF–100.

[FR Doc. 02–29458 Filed 11–19–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Approval of Noise Compatibility Program, San Antonio International Airport, San Antonio, TX

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the City of San Antonio, Texas, under the provisions of Title 49, U.S.C., Chapter 475 and CFR part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96–52 (1980). On January 16, 2002, the FAA determined that the noise exposure maps submitted by the—City of San Antonio, Texas, under part 150 were in compliance with applicable requirements. On September 30, 3003, the Administrator approved the noise compatibility program. Some of the recommendations of the program were approved.

DATES: The effective date of the FAA's approval of the San Antonio International Airport, San Antonio, Texas, noise compatibility program is September 30, 2002.

FOR FURTHER INFORMATION CONTACT: Nan L. Terry, Department of Transportation, Federal Aviation Administration, 2601 Meacham Boulevard, Fort Worth, Texas, 76137, (817) 222–5607. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for the San Antonio International Airport, San Antonio, Texas, effective September 30, 2002.

Under Title 49 U.S.C. Section 47504 (hereinafter referred to as ''Title 49''), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses within the area covered by the noise exposure maps. Title 49 requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulation (FAR) Part 150 is a local program, not a Federal Program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and Title 49 and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provision and procedures of FAR Part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR Part 150; section 150.5 Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and a FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, request for project grants must be submitted to the FAA Airports Division Office in Fort Worth, Texas.

The City of San Antonio submitted to the FAA on January 16, 2002, the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from 1998 to 2002. The San Antonio International Airport's noise exposure maps were determined by FAA to be in compliance with applicable requirements on January 16, 2002. Notice of this determination was published in the **Federal Register** on January 25, 2002.

The San Antonio International Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion beyond the year 2005. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in Title 49. The FAA began its review of the program on April 3, 2002, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained 13 proposed actions for noise abatement and mitigation on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of Title 49 and FAR Part 150 have been satisfied. The Administrator effective, therefore, approved the overall program, September 30, 2002.

Outright approval was granted for 7 of 13 the specific program elements. Many of the air traffic and airport development measures are recommended for disapproval due to their potential impact on capacity or efficiency, potential increase in noise over noncompatible land uses, airspace conflicts or inconsistency with FAA policy regarding the application of Advisory Circular 91–53A. The land use measures include remedial sound attenuation for some noncompatible structures within the DNL 65 dB noise contour, with priority given to those located within the 70 dB. This Part 150 includes a measure to study mechanisms to maintain compatible land use and prevent new incompatible land use.

These determinations are set forth-in detail in a Record of Approval endorsed by the Administrator on September 30, 2002. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available at the FAA office listed above and at the administrative offices of the San Antonio International Airport, at 9800 Airport Road, San Antonio, Texas 78216.

Issued in Fort Worth, Texas, November 5, 2002.

Naomi L. Saunders,

Manager, Airports Division.

[FR Doc. 02–29454 Filed 11–19–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2002–63]

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. 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 disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before December 10, 2002.

ADDRESSES: Send comments on any petition to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2002–XXXX at the beginning of your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to *http://dms.dot.gov.* You may review the public docket containing the petition, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office (telephone 1–800–647–5527) is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at *http://dms.dot. gov.*

FOR FURTHER INFORMATION CONTACT: Susan Boylon, (425–227–1152), Transport Airplane Directorate (ANM–113), Federal Aviation Administration, 1601 Lind Ave SW., Renton, WA 98055–4056; or Vanessa Wilkins (202–267–8029), Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC on November 13, 2002.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: FAA–2002–13451
Petitioner: Fokker Services B.V.
Section of 14 CFR Affected: SFAR 88
Description of Relief Sought: To permit Fokker Services Model F27 Mk05011 airplanes to operate without meeting the requirements of SFAR–88.

Docket No.: FAA–2002–13488
Petitioner: Mitsubishi Heavy Industries, Ltd.
Section of 14 CFR Affected: SFAR 88
Description of Relief Sought: To permit Mitsubishi Model YS–11 airplanes to operate without meeting the requirements of SFAR–88.

[FR Doc. 02–29459 Filed 11–19–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 193/ EUROCAE Working Group 44: Terrain and Airport Databases

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 193/EUROCAE Working Group 44 meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 193/ EUROCAE Working Group 44: Terrain and Airport Databases.

DATES: The meeting will be held December 9–13, 2002 for 9 a.m.–5 p.m.

ADDRESSES: The meeting will be held at Honeywell Int'l, 15001 NE 36th Street, Redmond, WA, 98073.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC, 20036; telephone (202) 833–9339; fax (202) 833–9434; Web site *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 193/EUROCAE Working Group 44 meeting. The agenda will include:

- December 9:
- Opening Plenary Session (Welcome and Introductory Remarks, Review/ Approval of Meeting Agenda, Review Summary of Previous Meeting)
- Presentations/Discussions
- Subgroup 4 (Database Exchange Format)
- Resolution of Action Items
- Feature catalogue review:

—Aerodrome database
—Terrain database
—Obstacle database

- December 10:
- Subgroup 4 (Continue previous day activities)
- December 11:
- Subgroup 4 (Continue previous day activities)
- Metadata Review
- December 11:
- Subgroup 4 (Continue previous day activities)
- Quality specific requirements
- December 12:
- Subgroup 4 (Continue previous day activities)

- Discuss application schemes
- December 13:
- Closing Plenary Session (Summary of Subgroup 4, Assign Tasks, Other Business, Date and Place of Next Meeting, Adjourn)

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on November 12, 2002.

Norman Fujisaki,

Deputy Director, System Architecture and Investment Analysis.

[FR Doc. 02–29450 Filed 11–19–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Program Management Committee

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Program Management Committee meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the RTCA Program Management Committee.

DATES: The meeting will be held December 5, 2002 starting at 9 a.m.

ADDRESSES: The meeting will be held at RTCA, Inc., 1828 L Street, NW., Suite 805, Washington, DC, 20036.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L Street, NW., Suite 850, Washington, DC, 20036; telephone (202) 833–9339; fax (202) 833–9434; Web site *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Program Management Committee meeting. The agenda will include:

- December 5:
  - Opening Session (Welcome and Introductory Remarks, Review/Approve Summary of Previous Meeting).
  - Publication Consideration/Approval:
  - Final Draft, DO–235A, Assessment of Radio Frequency Interference Relevant to the GNSS, RTCA Paper No. 259–02/PMC–244, prepared by SC–159.
  - Final Draft, Next Generation Air/Ground Communication System (NEXCOM) Safety and Performance Requirements (SPC), RTCA Paper No. 263–02/PMC–246, prepared by SC–198.
  - Final Draft, Change 3 to DO–160D, Environmental Conditions and Test Procedures for Airborne Equipment, RTCA Paper No. 260–02/PMC–245, prepared by SC–135.
  - Discussion:
  - Special Committee 186, ADS–B.
  - Update to Terms of Reference.
  - Special Committee Chairman's Reports.
  - Action Item Review:
  - Review/Status—All Open Action Items.
  - Other Business:
  - EUROCAE Activity.
  - Closing Session (Other Business, Document Production, Date and Place of Next Meeting, Adjourn).

Attendance is open to the interest public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the persons listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on November 12, 2002.

Norman Fujisaki,

Deputy Director, System Architecture and Investment Analysis.

[FR Doc. 02–29451 Filed 11–19–02; 8:45 am]

BILLING CODE 4910–73–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 195: Flight Information Services Communications (FISC)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 195 meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 195: Flight Information Services Communications (FISC).

DATES: The meeting will be held December 3–5, 2002, starting at 8:30 a.m.

ADDRESSES: The meeting will be held at RTCA, Inc., 1828 L Street, NW., Suite 805, Washington, DC, 20036.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L Street, NW., Washington, DC, 20036; telephone (202) 833–9339; fax (202) 833–9434; Web site *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 195 meeting. The agenda will include:

- December 3:
  - Working Group 1: Aircraft Cockpit Weather Display.
  - Progress on Change 1 to DO–267, Minimum Aviation System Performance Standards (MASPS) for Flight Information Services-Broadcast (FIS–B) Data Link.
- December 4:
  - Opening Plenary Session (Welcome and Introductory Remarks, Approval of Agenda, Approval of Minutes, Review of Action Items).
  - Discuss Work Plan.
  - Report from Working Group 1.
  - Review of Product Registry Document.
  - Work on DO–267 Change 1.
- December 5:
  - Review of Aerodrome and Airspace Product Specifications.
  - Review of Appendix F, Universal Access Transceiver Material.
  - Work on DO–267 Change 1.
  - Closing Plenary Session (Review Action Items, Discussion of Future Workplan, Other Business, Date and Place of Next Meeting, Adjourn).

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on November 12, 2002.

Norman Fujisaki,

Deputy Director, System Architecture and Investment Analysis.

[FR Doc. 02–29452 Filed 11–19–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application 03–06–C–00–GPT To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Gulfport International Airport, Gulfport, MS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Gulfport International Airport under the provisions of the 49 U.S.C. 40117 and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before December 20, 2002.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: FAA/Airports District Office, 100 West Cross Street, Suite B, Jackson, Mississippi 39208–2307. In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Bruch Frallic, Executive Director of the Gulfport-Biloxi Regional Airport Authority at the following address: 14035–L Airport Road, Gulfport, MS 39503.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Gulfport–Biloxi Regional Authority under §158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Jackson Airports District Office, Patrick D. Vaught, Program Manager, 100 West Cross Street, Suite B, Jackson, MS 39208–2307, (601) 664–9885. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from PFC at Gulfport International Airport under the provisions of the 49 U.S.C. 40117 and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On November 7, 2002 the FAA determined that the application to impose and use the revenue from a PFC submitted by Gulfport–Biloxi Regional Airport Authority was substantially complete within the requirements of §158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than February 22, 2003.

The following is a brief overview of the application.

Proposed charge effective date: July 1, 2003.

Proposed charge expiration date: August 31, 2012.

Level of the proposed PC: $4.5.

Total estimated PC revenue: $14,722,349.

Brief description of proposed project(s): Terminal Expansion: Baggage Claim Area, Baggage Screening Area, Security Screening Checkpoint, Flight Information Display System and Baggage Information Display System, Baggage Claim PHD II & 2nd Floor Expansion, and Airline Security Reimbursement.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: None.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Gulf Port-Biloxi Regional Airport Authority.

Issued in Jackson, Mississippi on November 7, 2002.

Wayne Atkinson,

Manager, Jackson Airports District Office.

[FR Doc. 02–29460 Filed 11–19–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PPC) at Southwest Georgia Regional Airport, Albany, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PPC at Southwest Georgia Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before December 20, 2002.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Atlanta Airports District Office, Federal Aviation Administration, DOT, 1701 Columbia Avenue, Suite 2–260, College Park, Georgia 30337–2747.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Richard C. Howell, Airport Director of the Albany-Dougherty County Aviation Commission (ADCAA) at the following address: 3905 Newton Road, Albany, Georgia 31707–3460.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the ADCAA under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Philip Cannon, Program Manager, Atlanta Airports District Office, 1701 Columbia Avenue, Suite 2–260, College Park, Georgia 30337–2747. (404) 305–7152.

The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Southwest Georgia Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On November 6, 2002, the FAA determined that the application to impose and use the revenue from a PFC submitted by ADCAA was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than February 8, 2003.

The following is a brief overview of the application.

PFC Application No.: 03–03–C–00–ABY.

Level of the proposed PFC: $4.50.

Proposed charged effective date: August 1, 2003.

Proposed charged expiration date: July 1, 2006.

Total estimated PFC revenue: $456,648.

Brief description of proposed project(s):

1. Airfield fence/locks replacement.
2. Baggage claim enclosure.
3. Terminal environmental (phase I).
4. PFC application charges.
5. AIP local share reimbursement, rapid response ARFF vehicle and ARFF generator.
6. AIP local share reimbursement, design cargo apron—phase I and II and install runway visual guidance system.
7. AIP local share reimbursement, construct cargo apron—phase I and II.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Part 135 air taxi/commercial operators.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the ADCAA.

Issued in College Park, Georgia, on November 7, 2002.

Scott L. Seritt,

Manager, Atlanta Airports District Office, Southern Region.

[FR Doc. 02–29444 Filed 11–19–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2002–13840]

Information Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Maritime Administration's (MARAD's) intentions to request extension of approval for three years of a currently approved information collection.

DATES: Comments should be submitted on or before January 21, 2003.

FOR FURTHER INFORMATION CONTACT: Lennis Fludd, Maritime Administration, 400 Seventh St., SW., Washington, DC 20590. Telephone: 202–366–2308; FAX: 202–366–9580, or E-MAIL: *lennis.fludd@marad.dot.gov*.

Copies of this collection can also be obtained from that office.

SUPPLEMENTARY INFORMATION:

Title of Collection: Records Retention Schedule.

Type of Request: Extension of currently approved information collection.

OMB Control Number: 2133–0501.

Form Numbers: None.

Expiration Date of Approval: Three years from approval by the Office of Management and Budget.

Summary of Collection of Information. Section 801, Merchant Marine Act, 1936, as amended, requires retention of financial records pertaining to financial assistance programs for ship construction and ship operations. These records are required to be retained to permit proper audit of pertinent records at the conclusion of a contract.

Need and Use of the Information: The information will be used to audit pertinent records at the conclusion of a contract when the contractor was receiving financial assistance from the government.

Description of Respondents: U.S. shipping companies.

Annual Responses: 3.

Annual Burden: 150 hours.

Comments: Comments should refer to the docket number that appears at the top of this document. Written comments may be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. Comments may also be submitted by electronic means via the Internet at *http://dmses.dot.gov/submit*. Specifically address whether this information collection is necessary for proper performance of the functions of the agency and will have practical utility, accuracy of the burden estimates, ways to minimize this burden, and ways to enhance the quality, utility, and clarity of the information to be collected. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m. EDT (or EST), Monday through Friday, except Federal Holidays. An electronic version of this document is available on the World Wide Web at *http://dms.dot.gov*.

By Order of the Maritime Administrator.

Dated: November 14, 2002.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 02–29408 Filed 11–19–02; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Finance Docket No. 33928]

Norfolk Southern Corporation and Norfolk Southern Railway—Construction and Operation in Indiana County, PA

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of availability of environmental assessment and request for comments.

SUMMARY: The Norfolk Southern Corporation and Norfolk Southern Railway (Norfolk Southern) has petitioned the Surface Transportation Board (Board) for authority to construct and operate a 5.26-mile line of railroad between Saltsburg and Clarksburg, in Indiana County, Pennsylvania (the Saltsburg Connection). The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) has prepared a Environmental Assessment (EA) for this project. Based on the information provided and the environmental analysis conducted to date, the EA preliminarily concludes that this proposal should not significantly affect the quality of the human environment if the recommended mitigation measures set forth in the EA are implemented. Accordingly, SEA recommends, that if the Board approves this project, Norfolk Southern be required to implement the mitigation set forth in the EA. Copies of the EA have been served on all interested parties and will be made available to additional parties upon request. SEA will consider all comments received when making its final environmental recommendation to the Board. The Board will consider SEA's final recommendations and the complete environmental record in making its final decision in this proceeding.

DATES: The EA is available for public review and comment for 30 days. Parties should provide written comments to the Board no later than December 19, 2002.

ADDRESSES: Comments (an original and 10 copies) regarding this EA should be submitted in writing to: Surface Transportation Board, Case Control Unit, 1925 K Street, NW, Suite 700, Washington, DC 20423 to the attention of Ms. Phillis Johnson-Ball, Environmental Comments, Finance Docket 33929.

FOR FURTHER INFORMATION CONTACT: Ms. Phillis Johnson-Ball, Environmental Project Manager, at (202) 565–1530 (TDD for the hearing impaired (1–800–877–8339). To obtain a copy of the EA, contact Da 2 Da Legal, 1925 K Street, NW., Washington, DC 20006, phone (202) 293–7776 or visit the Board's Web site at *http://www.stb.dot.gov.*

SUPPLEMENTARY INFORMATION: The construction and operation of the Saltsburg Connection is part of a larger Norfolk Southern project, the Keystone Project, which would also involve the rehabilitation of 10.89 miles of an out-of-service line between Clarksburg and Shelocta and the modification of the existing Keystone Connection near Shelocta by the addition of 1,450 feet of new single track that will connect the rehabilitated Clarksburg Segment with an existing industrial track that services the Keystone Plant. The Keystone Project would create a new route from the south, the Southern Route, for Norfolk Southern to serve the Keystone Plant. The proposed rehabilitation of the Clarksburg Segment and the modification of the Keystone Connection are not actions before the

Board and do not trigger an environmental review under the National Environmental Policy Act or the Board's environmental rules at 49 CFR 1105. Board approval is not required to improve or upgrade an existing line that does not extend the railroad's territory. Nor is approval required to construct or modify an existing connection, so long as the purpose and effect is not to extend the railroad's territory.

By the Board, Victoria J. Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams,

Secretary.

[FR Doc. 02–29329 Filed 11–19–02; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Transportation Security Administration

[Docket No. TSA–2002–13827]

Operation Safe Commerce

SUMMARY: The Transportation Security Administration (TSA), working in conjunction with an interagency Executive Steering Committee for Operation Safe Commerce (OSC), announces a program to identify and fund business driven initiatives to enhance security for the movement of cargo through the supply chain. The goal of OSC is to explore business processes and technology prototypes that protect commercial shipments from threats of terrorist attack, illegal immigration, and contraband while minimizing the economic impact upon the transportation system. The Ports of Los Angeles, Long Beach, Seattle, Tacoma, and the Port Authority of New York and New Jersey will be invited to submit proposals for funding consideration under this initiative. Persons and entities representing components of the supply chain may seek funding through these ports. The ports are encouraged to maximize their eligibility for funding by including representatives from all components of the supply chain, including major and minor load centers and feeder locations, their overseas customers and port partners, and the shipping lines serving these locations.

The TSA is requesting comments on the proposed project criteria for the selection of candidate projects submitted by the ports noted above for funding consideration as Operation Safe Commerce projects.

DATES: Send your comments on or before December 5, 2002.

ADDRESSES: Address your comments to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number TSA–2002–13827 at the beginning of your comments, and you should submit two copies of your comments. If you wish to receive confirmation that TSA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to *http://dms.dot.gov*. You may review the public docket containing comments to these proposed regulations in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at *http://dms.dot.gov*.

FOR FURTHER INFORMATION CONTACT: Walter (Bud) Hunt, Office of Maritime and Land Security, Transportation Security Administration, 400 Seventh Street, SW., TSA–8, Washington, DC 20590; e-mail: *WalterBud.Hunt@tsa.dot.gov;* telephone: 202–772–1045.

Background

Over the past several years, the U.S. Department of Transportation (DOT) has sponsored numerous studies, conferences, outreach initiatives, and operational tests designed to facilitate and improve the efficiency of inter-modal freight movement. Much of this work has direct applicability to ensuring container cargo security within the transportation environment.

In December 2001, Secretary of Transportation Mineta established the Container Working Group (CWG), which is co-chaired by the DOT and the U.S. Customs Service (Customs). This group, largely comprised of Federal agency representatives and members of the trade and transportation communities, has put forth a number of recommendations for improving the security of the cargo supply chain that need to be operationally tested.

Building upon the successes of their existing programs, Customs has launched two key programs to ensure cargo security: the Customs—Trade Partnership Against Terrorism (C–TPAT) and the Container Security Initiative (CSI). Under C–TPAT, Customs is working with importers, carriers, brokers and other industry sectors in creating a seamless security conscious environment throughout the entire international commercial process. By providing a forum in which the business community and Customs can exchange anti-terrorism ideas, concepts and information, C–TPAT allows both the government and the business community to increase the security and efficiency of the entire commercial process from the point of manufacture through importation and distribution. Private sector participants in C–TPAT have made a commitment to improve the overall security of their supply chains, and communicate their established security procedures, guidelines, and expectations to their business partners.

Through the CSI, Customs is working with the foreign ports that send the highest volume of container traffic into the United States, as well as the governments in these locations, to facilitate the detection of potential problems in the supply chain at the earliest possible opportunity. CSI will establish the necessary foundation for a more secure international supply chain through the implementation of the four core CSI elements: (1) Establishing security criteria to identify high-risk containers; (2) pre-screening those containers identified as high-risk before they arrive at U.S. ports; (3) using technology to quickly pre-screen high-risk containers; and (4) developing and using smart and secure containers.

Operation Safe Commerce (OSC) is an innovative public-private partnership dedicated to enhancing security throughout international and domestic supply chains while facilitating the efficient cross-border movement of legitimate commerce. This initiative began in New England as a local public-private partnership where Federal, State and local law enforcement entities and key private sector entities combined efforts to design, develop, and implement a means to test available technology and procedures in order to develop secure supply chains. The OSC New England initiative analyzed a supply chain shipment between Eastern Europe and New Hampshire. The full container shipment was fitted with onboard tracking, sensors and door seals. It was constantly monitored through the various transportation modes as it traveled through numerous countries and government control functions.

OSC intends to build upon existing freight and information system operational tests sponsored by DOT and to support the procedural programs sponsored by Customs (*e.g.* C–TPAT and CSI) and to coordinate these efforts with new initiatives brought forward by the partnerships that carry out OSC operational testing. The synergies

among these various efforts are critical to the success of OSC.

Congress, through the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States, provided funds for OSC to improve the security of international and domestic supply chains through discreet pilot projects involving the three largest container load centers. *See* Pub. L. 107–206, 116 Stat. 820 (Aug. 2, 2002); S. Rep 107–156, 107th Cong., 2nd sess. 84–85 (May 29, 2002). As a result, the Ports of Los Angeles, Long Beach, Seattle, Tacoma, and the Port Authority of New York and New Jersey (hereafter referred to as load centers) will be invited to submit proposals for funding consideration under this initiative. Persons and entities representing components of the supply chain may seek funding through these ports. The ports are encouraged to maximize their eligibility for funding by including representatives from all components of the supply chain, including major and minor ports or port authorities and feeder locations, their overseas customers and port partners, and the shipping lines serving these locations.

An Executive Steering Committee (ESC) provides OSC oversight, guidance, and support. The ESC is co-chaired by the Associate Deputy Secretary of the Department of Transportation and the Deputy Commissioner of the U.S. Customs Service, and includes representatives of the Transportation Security Administration, the U.S. Coast Guard, the Departments of State, Justice, and Commerce, and the Office of Homeland Security. Other appropriate government agencies may be invited to provide a representative to the ESC.

Goals

The goal of OSC is to explore commercially viable options that support cargo management systems that keep pace with expanding trade while protecting commercial shipments from threats of terrorist attack, illegal immigration, illegal drugs and other contraband. OSC will address three key components to secure the supply chain through pilot projects funded by TSA. OSC will demonstrate what is needed to ensure that parties associated with commercial shipping exert reasonable care and due diligence in packing, securing and manifesting the contents of a shipment of goods in a container. OSC will also demonstrate various methods to ensure that the information and documentation associated with these shipments is complete, accurate and secure from unauthorized access. These methods may entail transmitting the associated shipping information and documentation in a secure electronic format. OSC will also test supply chain security procedures and practices in order to determine the impact of these procedures when combined with the implementation of enhanced manifest data elements and container sealing procedures (including effective intrusion detection). The ESC will examine the three components to determine the most effective method to lessen the susceptibility of a container shipment to being compromised while in transit in the international or domestic supply chain.

OSC will serve as a technology and business practice ''laboratory'' to identify and explore innovative solution sets that support the principles and objectives associated with numerous Federal initiatives such as the CWG, CSI, C–TPAT, and other ongoing initiatives like the DOT Intelligent Transportation System. The ESC believes successful operational tests will require innovative public-private partnerships that bring all the necessary participants together. Private companies will need to join with representatives from key Federal, State, and local authorities to support these tests.

Through these public and private partnerships, OSC requires the use of an actual operating environment to assess various prototypes for the secure movement of containerized freight. Utilizing these partnerships, OSC provides a ''virtual laboratory'' for designing and evaluating security and transportation solutions. OSC thus supports identification of an appropriate set of standard security practices to govern the handling and movement of cargo throughout the supply chain. The results of these tests offer decision makers a timely and sound basis for developing Federal standards.

Criteria for Operation Safe Commerce Projects

OSC seeks proposals from the transport sector practioners who can recognize and propose projects that will meet these goals. If these technologies and procedures are to be successful and minimize the impact upon all parties, they must employ efficient and cost effective methods of validating the security of processes for stuffing and deconsolidating containers, physically securing and monitoring the containers throughout the supply chain, and exchanging timely and reliable information. These cost effective solutions must have the ability to be replicated and scaled for use in commercial shipping applications.

Projects receiving funding under OSC should analyze and prototype a secure and efficient supply chain by addressing one or more of the following key components to secure the supply chain:

- Validate security at the point of origin, to include the security of the shipment itself (*i.e.*, the security of the facility and the people where the container is stuffed) and the information that describes it;
- Secure the supply chain from the point of origin of the shipment to its final destination, which shall include all waypoints;
- Enhance the accuracy and communication of cargo information used by Federal agencies, carriers, and shippers;
- Monitor the movement and integrity of cargo in transit (*e.g.*, pilot the use of commercial-off-the-shelf (COTS) technology and emerging technologies such as Global Positioning System (GPS) transceivers, sensors, electronic seals, container design, and data querying).

The ESC will provide oversight, guidance and support to OSC projects so they can integrate with broader governmental objectives and communicate governmental efforts to address container security and efficiency. The ESC will review, coordinate, and monitor the projects funded by OSC. The ESC is considering adopting the following funding criteria which proposed projects must meet for the ESC to recommend the project for funding through the TSA:

(a) A private/public partnership (hereafter referred to as the ''partnership'') must be established that includes participants in the supply chain such as all affected shippers (*e.g.*, exporters, importers, manufacturers), carriers (all modes), intermediaries (*e.g.*, freight forwarders, freight consolidators, freight brokers), terminal operators, labor, local DOT and Customs, and other relevant local and State governmental officials as needed, depending on the supply chain being proposed. Partnerships requesting funding for projects must be sponsored by one of the following U.S. based load centers: Ports of Los Angeles, Long Beach, Seattle, Tacoma, and the Port Authority of New York and New Jersey

(b) The partnership's proposal should articulate how the operational test will complement and include stakeholders currently participating in existing freight and information system operational tests sponsored by DOT, and the supply chain security initiatives sponsored by Customs (*e.g.* C–TPAT and CSI).

(c) The partnership must obtain signed letters of commitment from all members of the partnership that describe and quantify the assets they will utilize during the operational tests.

(d) The partnership must be willing to have all information resulting from the analysis available to supply chain participants. Prototyped solutions should reside in the public domain. Proprietary information (*i.e.*, data relating to specific, identifiable transactions or assets of participants that are sensitive and of commercial value to their competitors, or reveals specific threats to the supply chain that could be exploited) is not considered to be part of the public domain for purposes of these analyses and operational tests, and will be made available only by authorized release from the owner of the information.

(e) The partnership must establish a point-of-contact and an alternate to interface with the ESC or its representative. The point of contact must be included in the written application.

(f) The partnership must be willing to assemble participants in the supply chain to test procedures and technologies identified as potential solutions. The partnership should also consider including typical supply chain activities originating or transshipped outside the immediate port area.

(g) The TSA will provide full or partial funding for selected projects. TSA encourages grant recipients to consider partial funding of projects from other sources including internal funding.

TSA invites comments on these proposed criteria. Once finalized, these criteria may also be used in the selection of future projects under OSC.

Proposal Submission

Partnerships that meet the above criteria should submit their applications for grants to the address provided in the forthcoming Grant Program Announcement (GPA).

External Funding Through Grants

The GPA will contain instructions on how to submit the application. Subject matter experts, in accordance with a Technical Evaluation Plan, will review the applications. Evaluations and final selection of the application will be based on criteria published in the GPA. TSA will administer the grants issued under the OSC.

Federal Advisory Committee

The OSC ESC will seek industry and private sector input and discussion on OSC related issues by soliciting feedback and comments from existing Federal Advisory Committees already designated to afford the Departments of Treasury and Transportation advice. Consequently, the Customs Operational Advisory Committee (COAC) and the Marine Transportation System National Advisory Committee (MTSNAC) will serve this purpose and will be invited to afford the OSC ESC comments, input, and advice on OSC related issues at the request of the OSC ESC.

Comments

TSA is providing a 15-day comment period during which members of the public are invited to submit comments on the selection criteria for projects to be funded under OSC. Before finalizing the selection criteria, consideration will be given to any written comments that are received by the TSA prior to the end of the comment period. A 15-day comment period is being provided due to the urgent necessity for TSA to move forward in achieving the goals of OSC. Comments received after the comment period will be considered to the extent that it is practicable. The TSA specifically requests comments on the project criteria for OSC and comments on specific potential projects including whether consideration should be given to projects that test shipments originating in specific countries of interest. Commenters should not use this process to propose projects for funding under OSC. They should follow the process described in the forthcoming GPA.

Issued in Washington, DC on November 12, 2002.

J.M. Loy,

ADM, Acting Under Secretary of Transportation for Security.

[FR Doc. 02–29441 Filed 11–19–02; 8:45 am]

BILLING CODE 4110–62–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel, SB/SE Payroll Taxes Committee

ACTION: Notice.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel, SB/SE Payroll Taxes Committee will be conducted (via teleconference).

DATES: The meeting will be held Tuesday, December 3, 2002.

FOR FURTHER INFORMATION CONTACT: Mary Peterson or Judi Nicholas at 1–888–912–1227, or 206–220–6096.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel, SB/SE Payroll Taxes Committee will be held Tuesday, December 3, 2002, from 3 pm e.s.t. to 5 pm e.s.t. via a telephone conference call. The public is invited to make oral comments. Individual comments will be limited to 5 minutes. If you would like to have the TAP consider a written statement, please call 1–888–912–1227 or 206–220–6096, or write Mary Peterson, 915 2nd Avenue, MS W–406, Seattle, WA 98174. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with either Mary Peterson or Judi Nicholas. Ms. Peterson and Ms. Nicholas can be reached at 1–888–912–1227 or 206–220–6096.

The agenda will include the following: various IRS issues.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: November 7, 2002.

John J. Mannion,

Director, Program Planning & Quality.

[FR Doc. 02–29383 Filed 11–19–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel

ACTION: Notice.

SUMMARY: An open meeting of the Joint Committee of the Taxpayer Advocacy Panel will be conducted (via Conference call).

DATES: The meeting will be held Tuesday, November 19, 2002.

FOR FURTHER INFORMATION CONTACT: Barbara Toy at 1–888–912–1227, or 414–297–1611.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Joint Committee of the Taxpayer Advocacy Panel will be held Tuesday, November 19, 2002, from 1 pm e.s.t. to 2 pm e.s.t. via a telephone conference call. If you would like to have the TAP consider a written statement or would like to attend the conference call, please call 1–888–912–1227 or 414–297–1611, or write Barbara Toy, Taxpayer Advocacy

Panel, Stop 1006MIL, 310 West Wisconsin Avenue, Milwaukee, WI 53203–2221. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Barbara Toy. Due to a formatting error, this notice will not be posted for the customary 14 days.

The agenda will include the following: monthly summary report, self-assessment report, getting started issues, and discussions of next meetings.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: October 21, 2002.

John J. Mannion,

Director, Program Planning and Quality.

[FR Doc. 02–29384 Filed 11–19–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 7 Taxpayer Advocacy Panel Committee (Area 7 Includes California State)

ACTION: Notice.

SUMMARY: An open meeting of the Area 7 Taxpayer Advocacy Panel will be held in Los Angeles, California.

DATES: The meeting will be held Wednesday, November 20, 2002.

FOR FURTHER INFORMATION CONTACT: Mary Peterson or Judi Nicholas at 1–888–912–1227, or 206–220–6096.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area 7 Taxpayer Advocacy Panel Committee will be held Wednesday, November 20, 2002, from 10 a.m. to 2 p.m. at the Federal Building located at 300 North Los Angeles St., Los Angeles, CA 90012.

The public is invited to offer written comments. If you would like to have the TAP consider a written statement, please call Mary Peterson-O'Brien or Judi Nicholas at 1–888–912–1227 or 206–220–6096, or write Mary Peterson-O'Brien or Judi Nicholas at 915 2nd Avenue, Mail stop W 406, Seattle, WA 98174.

The agenda will include the following: various IRS issues.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Addendum: ''Due to a formatting error, this notice will not appear for the customary fourteen full days.''

Dated: November 7, 2002.

John J. Mannion,

Director, Program Panning and Quality.

[FR Doc. 02–29385 Filed 11–19–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Ad Hoc Committee

ACTION: Notice.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Ad Hoc Committee will be conducted (via teleconference).

DATES: The meeting will be held Thursday, December 5, 2002.

FOR FURTHER INFORMATION CONTACT: Anne Gruber or Judi Nicholas at 1–888–912–1227, or 206–220–6096.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Ad Hoc Committee will be held Thursday, December 5, 2002, from 1 pm p.s.t. to 3 pm p.s.t. via a telephone conference call. The public is invited to make written comments. If you would like to have the TAP consider a written statement, please call 1–888–912–1227 or 206–220–6096, or write Anne Gruber, TAP Office, 915 2nd Ave, M/S W406, Seattle, WA 98174. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Anne Gruber or Judi Nicholas. Ms. Gruber and Ms. Nicholas can be reached at 1–888–912–1227 or 206–220–6096.

The agenda will include the following: various IRS issues.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: October 21, 2002.

John J. Mannion,

Director, Program Planning and Quality.

[FR Doc. 02–29386 Filed 11–19–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Wage & Investment Reducing Taxpayer Burden (Notices) Issue Committee of the Taxpayer Advocacy Panel

ACTION: Notice.

SUMMARY: An open meeting of the Wage & Investment Reducing Taxpayer Burden (Notices) Issue Committee of the Taxpayer Advocacy Panel will be conducted (via teleconference).

DATES: The meeting will be held Wednesday, November 27, 2002.

FOR FURTHER INFORMATION CONTACT: Sallie Chavez at 1–888–912–1227, or 954–423–7979.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Wage & Investment Reducing Taxpayer Burden (Notices) Issue Committee of the Taxpayer Advocacy Panel will be held Wednesday, November 27, 2002, from 12 noon e.s.t. to 1 pm e.s.t. via a telephone conference call. The public is invited to make oral comments. Individual comments will be limited to 5 minutes. If you would like to have the TAP consider a written statement, please call 1–888–912–1227 or 954–423–7979, or write Sallie Chavez, TAP Office, 7771 W. Oakland Park Blvd., Rm. 225, Sunrise, FL 33351. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Sallie Chavez. Ms. Chavez can be reached at 1–888–912–1227 or 954–423–7979.

The agenda will include the following: various IRS issues.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: November 1, 2002.

John J. Mannion,

Director, Program Planning & Quality.

[FR Doc. 02–29387 Filed 11–19–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Wage & Investment Reducing Taxpayer Burden (Notices) Issue Committee of the Taxpayer Advocacy Panel

ACTION: Notice.

SUMMARY: An open meeting of the Wage & Investment Reducing Taxpayer Burden (Notices) Issue Committee of the Taxpayer Advocacy Panel will be conducted (via teleconference).

DATES: The meeting will be held Wednesday, December 18, 2002.

FOR FURTHER INFORMATION CONTACT: Sallie Chavez at 1–888–912–1227, or 954–423–7979.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Wage & Investment Reducing Taxpayer Burden (Notices) Issue Committee of the Taxpayer Advocacy Panel will be held Wednesday, December 18, 2002 from 12 noon EST to 1 pm EST via a telephone conference call. The public is invited to make oral comments. Individual comments will be limited to 5 minutes. If you would like to have the TAP consider a written statement, please call 1–888–912–1227 or 954–423–7979, or write Sallie Chavez, TAP Office, 7771 W. Oakland Park Blvd. Rm. 225, Sunrise, FL 33351. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Sallie Chavez. Ms. Chavez can be reached at 1–888–912–1227 or 954–423–7979.

The agenda will include the following: various IRS issues.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: November 1, 2002.

John J. Mannion,

Director, Program Planning Quality.

[FR Doc. 02–29388 Filed 11–19–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel

ACTION: Notice.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel will be held by teleconference.

DATES: The meeting will be held Tuesday, November 19, 2002, at 1:00 p.m. EST

FOR FURTHER INFORMATION CONTACT: Barbara Toy at 1–888–912–1227 or 414–297–1611.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel will be held Tuesday, November 19, 2002, from 1 to 2 pm. EST. If you would like to have the TAP consider a written statement or would like to attend the teleconference, please call 1–888–912–1227 or 414–297–1611, or write Barbara Toy, Taxpayer Advocacy Panel, 310 West Wisconsin MS 1006–MIL, Milwaukee, WI 53203–2221. Due to limited telephone lines, notification of intent to attend the meeting must be made with Barbara Toy.

The Agenda will include the following: monthly summary report, self-assessment report, getting started issues, and discussion of next meetings.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: November 4, 2002.

John J. Mannion,

Direction Program Planning and Quality.

[FR Doc. 02–29389 Filed 11–19–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 7 Taxpayer Advocacy Panel (Including the States of Los Angeles, CA)

ACTION: Notice.

SUMMARY: An open meeting of the Area 7 Taxpayer Advocacy Panel will be conducted (via teleconference), Los Angeles, California.

DATES: The meeting will be held Wednesday, November 20, 2002.

FOR FURTHER INFORMATION CONTACT: Mary Peterson-O'Brien at 1–888–912–1227 or 1–206–220–6096.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel will be held Wednesday, November 20, 2002 from 10 a.m. to 2 p.m. at the Federal Building located at 300 North Los Angeles St., Los Angeles, CA 90012.

The public is invited to offer written comments. Individual comments will be limited to 5 minutes. If you would like to have the TAP consider a written statement, please call Mary Peterson-O'Brien or Judi Nicholas at 1–888–912–1227 or 206–220–6096, or write Mary Peterson-O'Brien or Judi Nicholas at 915 2nd Avenue, Mail stop W 406, Seattle, WA 98174.

The Agenda will include the following: Introduction of TAP Members, IRS issues, and Administrative Processes.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: October 30, 2002.

John J. Mannion,

Director, Program Planning & Quality.

[FR Doc. 02–29390 Filed 11–19–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Wage & Investment Reducing Taxpayer Burden (Notices) Issue Committee of the Taxpayer Advocacy Panel

ACTION: Notice.

SUMMARY: An open meeting of the Wage & Investment Reducing Taxpayer Burden (Notices) Issue Committee of the Taxpayer Advocacy Panel will be conducted (via teleconference).

DATES: The meeting will be held Wednesday, December 18, 2002.

FOR FURTHER INFORMATION CONTACT: Sallie Chavez at 1–888–912–1227, or 954–423–7979.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Wage & Investment Reducing Taxpayer Burden (Notices) Issue Committee of the Taxpayer Advocacy Panel will be held Wednesday, December 18, 2002 from 12 noon EST to 1 pm EST via a telephone conference call. The public is invited to make oral comments. Individual comments will be limited to 5 minutes. If you would like to have the TAP consider a written statement, please call 1–888–912–1227 or 954–423–7979, or write Sallie Chavez, TAP Office, 7771 W. Oakland Park Blvd. Rm. 225, Sunrise, FL 33351. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Sallie Chavez. Ms. Chavez can be reached at 1–888–912–1227 or 954–423–7979.

The agenda will include the following: Various IRS issues.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: November 1, 2002.

John J. Mannion,

Director, Program Planning Quality.

[FR Doc. 02–29391 Filed 11–19–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Opening Meeting of the Area 4 Taxpayer Advocacy Panel (Including the states of Ohio, Illinois, Indiana, Kentucky, Michigan, West Virginia and Wisconsin)

ACTION: Notice.

SUMMARY: An open meeting of the Area 4 Taxpayer Advocacy Panel will be conducted (via teleconference).

DATES: The meeting will be held Wednesday, December 4, 2002.

FOR FURTHER INFORMATION CONTACT: Mary Ann Delzer at 1–888–912–1227, or 414–297–1604.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area Four Taxpayer Advocacy Panel (TAP) will be held by telephone on Wednesday, December 4, 2002, from 11 a.m. to 12 p.m. Central Time. The Taxpayer Advocacy Panel is soliciting public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service. You can submit written comments to the panel by faxing to (414) 297–1623, or by mail to Taxpayer Advocacy Panel, Mail Stop 1006 MIL, 310 West Wisconsin Avenue, Milwaukee, WI 53203–2221. Public comments will also be welcome during the meeting. Please contact Mary Ann Delzer at 1–888–912–1227, or 414–297–1604 for dial-in information. The Agenda will include the following: reports by TAP members and discussion of taxpayer service issues.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: November 4, 2002.

John Mannion,

Director, Program Planning & Quality.

[FR Doc. 02–29392 Filed 11–19–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 6 Taxpayer Advocacy Panel (Including the States of Alaska, Arizona, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming)

ACTION: Notice.

SUMMARY: An open meeting of the Area 6 Taxpayer Advocacy Panel will be conducted (via teleconference).

DATES: The meeting will be held Monday, November 18, 2002.

FOR FURTHER INFORMATION CONTACT: Anne Gruber or Judi Nicholas at 1–888–912–1227, or 206–220–6096.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area 6 Taxpayer Advocacy Panel will be held Monday, November 18, 2002 from 2 pm PST to 4 pm PST via a telephone conference call. The public is invited to make written comments. If you would like to have the TAP consider a written statement, please call 1–888–912–1227 or 206–220–6096, or write Anne Gruber, TAP Office, 915 2nd Ave, M/S W406, Seattle, WA 98174. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Anne Gruber or Judi Nicholas. Ms. Gruber and Ms. Nicholas can be reached at 1–888–912–1227 or 206–220–6096.

The agenda will include the following: various IRS issues.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Addendum: ''Due to a formatting error, this notice will not appear for the customary fourteen full days.''

Dated: October 21, 2002.

John J. Mannion,

Director, Program Planning & Quality.

[FR Doc. 02–29393 Filed 11–19–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 7 Taxpayer Advocacy Panel Committee (Area 7 Includes California State)

ACTION: Notice.

SUMMARY: An open meeting of the Area 7 Taxpayer Advocacy Panel will be held in Los Angeles, California.

DATES: The meeting will be held Wednesday, November 20, 2002.

FOR FURTHER INFORMATION CONTACT: Mary Peterson or Judi Nicholas at 1–888–912–1227, or 206–220–6096.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area 7 Taxpayer Advocacy Panel Committee will be held Wednesday, November 20, 2002, from 10 a.m. to 2 p.m. at the Federal Building located at 300 North Los Angeles St., Los Angeles, CA 90012.

The public is invited to offer written comments. If you would like to have the TAP consider a written statement, please call Mary Peterson-O'Brien or Judi Nicholas at 1–888–912–1227 or 206–220–6096, or write Mary Peterson-O'Brien or Judi Nicholas at 915 2nd Avenue, Mail stop W 406, Seattle, WA 98174.

The agenda will include the following: Various IRS issues.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: November 18, 2002.

Cynthia Vanderpool,

Chief, Business Liaison Branch, Communications and Liaison.

[FR Doc. 02–29645 Filed 11–18–02; 1:52 pm]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

[AC–11: OTS Nos. H–3916 and 04055]

CCSB Financial Corporation and Clay County Savings & Loan Association, Liberty, Missouri; Approval of Conversion Application

Notice is hereby given that on November 12, 2002, the Director, Supervision Policy, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Clay County Savings & Loan Association, Liberty, Missouri, to convert from the mutual to the stock form of organization and to change its name to Clay County Savings Bank. Copies of the application are available for inspection by appointment (phone number: 202–906–5922 or e-mail: *Public.Info@OTS.Treas.gov*) at the Public Reading Room, OTS, 1700 G Street, NW., Washington, DC 20552, and the OTS Midwest Regional Office, 225

E. John Carpenter Freeway, Suite 500, Irving, Texas 75062–2326.

Dated: November 14, 2002.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 02–29406 Filed 11–19–02; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

[AC–10: OTS No. 04960]

First Pennsylvania Savings Association, Pittsburgh, Pennsylvania; Approval of Conversion Application

Notice is hereby given that on November 12, 2002, the Director, Supervision Policy, Office of Thrift Supervision (''OTS''), or her designee, acting pursuant to delegated authority, approved the application of First Pennsylvania Savings Association, Pittsburgh, Pennsylvania, to convert to the stock form of organization. Copies of the application are available for inspection by appointment (phone number: 202–906–5922 or e-mail: *Public.Info@OTS.Treas.gov*) at the Public Reading Room, OTS, 1700 G Street, NW., Washington, DC 20552, and the OTS Northeast Regional Office, 10 Exchange Place, 18th Floor, Jersey City, New Jersey 07302.

Dated: November 14, 2002.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 02–29405 Filed 11–19–02; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; Computer Matching Program

AGENCY: Department of Veterans Affairs.

ACTION: Notice of Computer Matching Program.

SUMMARY: Pursuant to 5 U.S.C. section 552a, the Privacy Act of 1974, as amended, and the Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs, notice is hereby given that the Department of Veterans Affairs (VA) intends to conduct a computer matching program with the Social Security Administration (SSA). Data from the proposed match will be utilized to verify the earned income (*i.e.*, wages, income from self employment, *etc.*) of nonservice-connected veterans, and those veterans who are zero percent service-connected (noncompensable), whose eligibility for VA medical care is based on their inability to defray the cost of medical care. These veterans supply household income information that includes their spouses and dependents at the time of application for VA health care benefits.

EFFECTIVE DATE: This match will start no sooner than 30 days after publication in the **Federal Register**, unless comments dictate otherwise.

ADDRESSES: Interested individuals may submit written comments to the Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Avenue NW., Room 1154, Washington, DC 20420. All written comments will be available for public inspection at the above address in the Office of Regulations Management, Room 1158, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Kathleen E. Watkins, Assistant Director, Income Verification Division, Health Eligibility Center, (404) 235–1340.

SUPPLEMENTARY INFORMATION: The Department of Veterans Affairs has a statutory authorization under 38 U.S.C. 5317, 38 U.S.C. 5106 and 5 U.S.C. 552a to establish matching agreements and request and use income information from other agencies for purposes of verification of income for determining eligibility for benefits. 38 U.S.C. 1710 (a)(2) (G), identifies those veterans whose basic eligibility for medical care benefits is dependent upon their financial status. Eligibility for nonservice-connected and zero percent noncompensable service-connected veterans is determined based on the veteran's inability to defray the expenses for necessary care as defined in 38 U.S.C. 1722. This determination can impact their responsibility to participate in the cost of their care through copayments and their assignment to an enrollment priority group.

The goal of this match is to obtain SSA earnings data needed for the income verification process. The VA records involved in the match are ''Healthcare Eligibility Records'' (89VA19). The SSA records are from the Earnings Recording and Self-Employment Income System, SSA/OSR 09–0–059. A copy of this notice has been sent to both Houses of Congress and OMB.

This matching agreement expires September 30, 2003. The agreement may be extended by the involved Data Integrity Boards (DIBs) for an additional twelve month period provided all agencies involved certify to the DIBs, within three months of the termination date of the original match, that the matching program will be conducted without change and the matching program has been conducted in compliance with the original matching agreement. The match will not continue past the legislative authorized date to obtain this information.

Approved: November 4, 2002.

Anthony J. Principi,

Secretary of Veterans Affairs.

[FR Doc. 02–29374 Filed 11–19–02; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; Computer Matching Program

AGENCY: Department of Veterans Affairs.

ACTION: Notice of Computer Matching Program.

SUMMARY: Pursuant to 5 U.S.C. section 552a, the Privacy Act of 1974, as amended, and the Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs, notice is hereby given that the Department of Veterans Affairs (VA) intends to conduct a computer matching program with the Internal Revenue Service (IRS). Data from the proposed match will be utilized to verify the unearned income (*i.e.*, interest, dividends, *etc.*) of nonservice-connected veterans, and those veterans who are zero percent service-connected (noncompensable), whose eligibility for VA medical care is based on their inability to defray the cost of medical care. These veterans supply household income information that includes their spouses and dependents at the time of application for VA health care benefits.

EFFECTIVE DATE: This match will start no sooner than 30 days after publication in the **Federal Register**, unless comments dictate otherwise.

ADDRESSES: Interested individuals may submit written comments to the Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Avenue NW., Room 1154, Washington, DC 20420. All written comments will be available for public inspection at the above address in the Office of Regulations Management, Room 1158, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Kathleen E. Watkins, Assistant Director,

Income Verification Division, Health Eligibility Center, (404) 235–1340.

SUPPLEMENTARY INFORMATION: The Department of Veterans Affairs has a statutory authorization under 38 U.S.C. 5317, 38 U.S.C. 5106, 26 U.S.C. 6103 (1)(7)(D)(viii) and 5 U.S.C. 552a to establish matching agreements and request and use income information from other agencies for purposes of verification of income for determining eligibility for benefits. 38 U.S.C. 1710 (a)(2) (G), identifies those veterans whose basic eligibility for medical care benefits is dependent upon their financial status. Eligibility for nonservice-connected and zero percent noncompensable service-connected veterans is determined based on the veteran's inability to defray the expenses for necessary care as defined in 38 U.S.C. 1722. This determination can impact their responsibility to participate in the cost of their care through copayments and their assignment to an enrollment priority group.

The goal of this match is to obtain IRS unearned income information data needed for the income verification process. The VA records involved in the match are ''Healthcare Eligibility Records'' (89VA19). The IRS records are from the Wage and Information Returns (IRP) Master File, Privacy Act System, Treasury IRS 22.061. A copy of this notice has been sent to both Houses of Congress and OMB.

This matching agreement expires June 30, 2003. The matches will not continue past the legislative authorized date to obtain this information.

Approved: November 4, 2002.

Anthony J. Principi,

Secretary of Veterans Affairs.

[FR Doc. 02–29375 Filed 11–19–02; 8:45 am]

BILLING CODE 8320–01–P

Corrections

Federal Register

Vol. 67, No. 224

Wednesday, November 20, 2002

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Forest Service

Establishment of Stumpy Point Purchase Unit, Phillips and Lee Counties, AR

Correction

In notice document 02–28757 beginning on page 68831 in the issue of Wednesday, November 13, 2002, make the following correction:

On page 68831, in the third column, the subject heading is correct to read as set forth above.

[FR Doc. C2–28757 Filed 11–19–02; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 195

[Docket No. RSPA–97–2762; Amdt. 195–73]

RIN 2137–AD24

Controlling Corrosion on Hazardous Liquid and Carbon Dioxide Pipelines

Correction

In rule document 01–31655 beginning on page 66994 in the issue of Thursday, December 27, 2001, make the following correction:

§ 195.573 [Corrected]

On page 67006, in § 195.573 (c), in the first column, the table is corrected to read as set forth below.

Device	Check frequency
Rectifier ..... Reverse current switch. Diode ..... Interference bond whose failure would jeopardize structural protection.	At least six times each calendar year, but with intervals not exceeding 2½ months.
Other interference bond.	At least once each calendar year, but with intervals not exceeding 15 months.

[FR Doc. C1–31655 Filed 11–19–02; 8:45 am]

BILLING CODE 1505–01–D

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.nara.gov/fedreg/plawcurr.html*.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.access.gpo.gov/nara/nara005.html*. Some laws may not yet be available.

S. 1210/P.L. 107–292
Native American Housing Assistance and Self-Determination Reauthorization Act of 2002 (Nov. 13, 2002; 116 Stat. 2053)

S. 2690/P.L. 107–293
To reaffirm the reference to one Nation under God in the Pledge of Allegiance. (Nov. 13, 2002; 116 Stat. 2057)

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