

must adhere to in formulating and implementing policies that have federalism implications, that is, regulations that have substantial direct effects on the States, or on the distribution of power and responsibilities among the various levels of government. Federal agencies must closely examine the statutory authority supporting any action that would limit the policymaking discretion of the States, and to the extent practicable, must consult with State and local officials before implementing any such action.

We have reviewed this rule under E.O. 13132 and have concluded that the rule does not have federalism implications as defined by the Executive Order. We have determined that the rule does not significantly affect the rights, roles, and responsibilities of States, and involves no preemption of State law nor does it limit State policymaking discretion, since the rule merely extends the program period for the Crisis Counseling Regular Program.

#### Executive Order 12778, Civil Justice Reform

This final rule meets the applicable standards of § 2(b)(2) of E.O. 12778.

#### Administrative Procedure Act Statement

In general, FEMA publishes a rule for public comment before issuing a final rule, under the Administrative Procedure Act, 5 U.S.C. 533 and 44 CFR 1.12. The Administrative Procedure Act, however, provides an exception from that general rule where the agency for good cause finds the procedures for comment and response contrary to public interest. The public benefit of this rule is the ability to extend the program period for the Crisis Counseling Regular Program.

Therefore, we believe it is contrary to the public interest to delay the benefits of this rule. In accordance with the Administrative Procedure Act, 5 U.S.C. 553(d)(3), we find that there is good cause for the interim final rule to take effect immediately upon publication in the **Federal Register**.

In addition, we believe that, under the circumstances, delaying the effective date of this rule until after a comment period would not further the public interest. For these reasons, we believe we have good cause to publish an interim final rule.

#### List of Subjects in 44 CFR Part 206

Administrative practice and procedure, Community facilities, Disaster Assistance, Grant programs,

Loan programs, Reporting and recordkeeping requirements.

Accordingly, Amend 44 CFR part 206 as follows:

#### PART 206—[AMENDED]

1. The authority citation of part 206 continues to read:

**Authority:** Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206; Reorganization Plan No. 3 of 1978, 43 F.R. 41943; 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 F.R. 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 F.R. 43239, 3 CFR, 1979 Comp., p. 412; and E.O. 12673, 54 F.R. 12571, 3 CFR, 1989 Comp., p. 214.

2. Revise § 206.171 (g) (4) (i) to read as follows:

#### § 206.171 Crisis counseling assistance and training.

\* \* \* \* \*

(g) \* \* \*

(4) \* \* \*

(i) Shall not exceed 9 months from the date of the DHHS notice of grant award, except that upon the request of the State to the Regional Director and the Secretary, the Assistant Associate Director may authorize up to 90 days of additional program period because of documented extraordinary circumstances. In limited circumstances, such as disasters of a catastrophic nature, the Assistant Associate Director may extend the program period for more than 90 days where he or she deems it to be in the public interest.

\* \* \* \* \*

Dated: February 26, 2003.

**Joe M. Allbaugh,**  
Director.

[FR Doc. 03–4901 Filed 2–28–03; 8:45 am]

**BILLING CODE 6718–02–P**

#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 95

[WT Docket No. 01–339; RM–10070; FCC 03–26]

#### Garmin International, Inc.

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document the Federal Communications Commission (FCC) amends its rules to permit Family Radio Service (FRS) units to transmit global positioning system (GPS) location information using emission type F2D in a digital burst of not more than one

second, and to permit brief text messaging between FRS units. With the exception of automatically responding to interrogation requests spaced less than 30 seconds apart, an FRS unit shall limit transmission of digital data containing location information, requesting location information from any other FRS unit, or containing any brief text message to another FRS unit, to no more than once within any thirty-second period. The amendment will better serve the public interest by allowing FRS units equipped to transmit location information utilizing GPS technology and permit communication between FRS units through the use of brief text messaging. Equipped with GPS, an enhanced unit can be used to locate a lost family or group member in the woods, or at an amusement park. FRS units capable of transmitting brief text messages will likely reduce channel congestion and increase the usefulness of the service.

**DATES:** Effective April 2, 2003.

**FOR FURTHER INFORMATION CONTACT:** Ms. Jeannie Benfaida, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, (202) 418–0680, TTY (202) 418–7233, or via E-mail at [jbenfaid@fcc.gov](mailto:jbenfaid@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the FCC's *Report and Order*, FCC 03–26, adopted on February 3, 2003, and released on February 10, 2003. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC 20554. The complete text may be purchased from the FCC's copy contractor, Qualex International, 445 12th Street, SW., Room CY–B402, Washington, DC 20554. The full text may also be downloaded at: [www.fcc.gov](http://www.fcc.gov). Alternative formats are available to persons with disabilities by contacting Brian Millin at (202) 418–7426 or TTY (202) 418–7365 or at [bmillin@fcc.gov](mailto:bmillin@fcc.gov).

1. On December 20, 2001, we proposed to amend §§ 95.193(a), 95.193(b), and 95.631(d) of our Rules to revise the scope of permissible communications and emission types for FRS units. We initiated this proceeding in response to a petition filed by Garmin International, Inc. (Garmin), requesting that FRS units be allowed to transmit GPS location information using emission type F2D in a digital data burst of not more than one second. For the reasons explained further, we are revising our FRS rules to modify the authorized emission types and permissible communications to allow a new and incidental use of the FRS. We

believe that permitting the transmission of location information and text messages over FRS channels will benefit the public.

#### Procedural Matters

1. *Final Regulatory Flexibility Certification.* The Regulatory Flexibility Act of 1980, as amended (RFA), requires that an initial regulatory flexibility analysis be prepared for notice and comment rulemaking proceedings, unless the agency certifies that “the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.” The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.” In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act. A “small business concern” is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).

2. In this *Report and Order*, we authorize an individual to use a FRS unit to satisfy his or her need for non-voice communications for the purpose of providing information about the location of the FRS unit to other FRS units or transmitting text messages. The revised rules apply exclusively to individuals who use FRS units. The modifications are in the public interest because they would allow the public to take advantage of technological developments in equipment and service that have occurred since the authorization of the FRS, availability of equipment at reasonable prices, and the removal of Selective Availability from the GPS signal.

3. In addition, the rules modified in this *Report and Order* affect manufacturers of FRS units. Based on requests from manufacturers for certification of FRS units, we believe that there are between five and ten manufacturers of FRS units, and that none of these manufacturers are small entities. The rule change applies to individuals who use FRS units and does not result in a mandatory change in manufactured FRS units. Rather, the rule changes are permissive and would allow a manufacturer, if it so chooses, to include additional features in the FRS units it manufactures. Therefore, we certify that the modification in this *Report and Order* will not have a significant economic impact on a substantial number of small entities. The FCC will send a copy of the *Report*

and *Order*, including a copy of this Final Regulatory Flexibility Certification, in a report to Congress pursuant to the Congressional Review Act. In addition, the *Report and Order* and this final certification will be sent to the Chief Counsel for Advocacy of the SBA, and will be published in the **Federal Register**.

4. *Paperwork Reduction Analysis.* This *Report and Order* does not contain any new or modified information collection. Therefore it is not subject to the requirements for a paperwork reduction analysis, and the FCC has not performed one.

#### Ordering Clauses

5. Pursuant to sections 4(i), 4(j), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), and 303(r), that sections 95.193(a), 95.193(b), and 95.631(d) of the FCC’s rules, 47 CFR 95.193(a), 95.193(b), and 95.631(d), are amended as set forth, effective April 2, 2003.

6. The FCC’s Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of this *Report and Order*, including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

7. This proceeding is terminated.

#### List of Subjects in 47 CFR Part 95

Communications equipment, Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

**Marlene H. Dortch,**  
*Secretary.*

#### Rule Changes

For the reasons discussed in the preamble the FCC amends 47 CFR part 95 as follows:

#### PART 95—PERSONAL RADIO SERVICE

1. The authority citation for part 95 continues to read as follows:

**Authority:** Sections 4, 303, 48 Stat. 1066, 1082 as amended; 47 U.S.C. 154, 303.

2. Section 95.193 is amended by revising paragraphs (a) and (b) to read as follows:

#### § 95.193 (FRS Rule 3) Types of communications.

(a) You may use an FRS unit to conduct two-way voice communications with another person. You may use an FRS unit to transmit one-way voice or non-voice communications only to establish communications with another

person, send an emergency message, provide traveler assistance, provide location information, transmit a brief text message, make a voice page, or to conduct a brief test.

(b) *Non-voice communications.* (1) The FRS unit may transmit tones to make contact or to continue communications with a particular FRS unit. If the tone is audible (more than 300 Hertz), it must be transmitted continuously no longer than 15 seconds at one time. If the tone is subaudible (300 Hertz or less), it may be transmitted continuously only while you are talking.

(2) The FRS unit may transmit digital data containing location information, or requesting location information from one or more other FRS units, or containing a brief text message to another specific FRS unit. Digital data transmissions must be initiated by a manual action or command of a user, except that an FRS unit receiving an interrogation request may automatically respond with its location. Digital data transmissions shall not exceed one second, and shall be limited to no more than one digital transmission within a thirty-second period, except that an FRS unit may automatically respond to more than one interrogation request received within a thirty-second period.

\* \* \* \* \*

3. Section 95.194 is amended by adding paragraph (d) to read as follows:

#### § 95.194 (FRS Rule 4) FRS Units.

\* \* \* \* \*

(d) FRS units are prohibited from transmitting data in store-and-forward packet operation mode.

4. Section 95.401 is amended by revising the paragraph (b) as follows:

#### § 95.401 (CB Rule 1) What are the Citizen Band Radio Services?

\* \* \* \* \*

(b) The Family Radio Service (FRS)—a private, two-way, very short-distance voice and data communications service for facilitating family and group activities. The rules for this service are contained in subpart B of this part.

\* \* \* \* \*

5. Section 95.631 is amended by revising paragraph (d) to read as follows:

#### § 95.631 Emission types.

\* \* \* \* \*

(d) An FRS unit may transmit only emission type F3E or F2D. A non-voice emission is limited to selective calling or tone-operated squelch tones to establish or continue voice communications, digital data

transmission of location information or text messaging.

\* \* \* \* \*

4. Section 95.633 is amended by revising paragraph (c) to read as follows:

**§ 95.633 Emission bandwidth.**

\* \* \* \* \*

(c) The authorized bandwidth for emission type F3E or F2D transmitted by a FRS unit is 12.5 kHz.

\* \* \* \* \*

[FR Doc. 03-4869 Filed 2-28-03; 8:45 am]

BILLING CODE 6712-01-P

## DEPARTMENT OF TRANSPORTATION

### Transportation Security Administration

#### 49 CFR Part 1540

#### Prohibited Items; Correction

**AGENCY:** Transportation Security Administration (TSA), DOT.

**ACTION:** Interpretive rule; correction.

**SUMMARY:** This document makes a correction to the interpretive rule published in the **Federal Register** on February 14, 2003 (68 FR 7444), which provides guidance to the public on the types of property TSA considers to be weapons, explosives, and incendiaries that are prohibited in airport sterile areas and in the cabins of aircraft under the TSA regulations and the types of items that are permitted in sterile areas, the cabins of passenger aircraft, and in passengers' checked baggage. The TSA erroneously included the words "non-refillable" in the discussion of lighters under "Permitted Items; Medical and Personal Items." This document removes this wording and clarifies the type of gas lighter permitted. In addition, TSA erroneously included in the interpretation a paragraph listing "Other items" allowed to be transported in checked baggage. Because these items are not allowed in checked baggage, this document removes that paragraph.

**EFFECTIVE DATE:** February 28, 2003.

**FOR FURTHER INFORMATION CONTACT:** For technical questions contact Vicky Skelly, Aviation Security Specialist, Air Carrier Division, Office of Aviation Security Policy, TSA-9, Transportation Security Administration, 400 Seventh Street, SW., Washington, DC 20590; telephone (571) 227-2641, e-mail [Vicky.skelly@tsa.dot.gov](mailto:Vicky.skelly@tsa.dot.gov). Legal questions may be directed to Ellen Siegler, Attorney, TSA-2, Chief Counsel; telephone (571) 227-2723, e-mail [ellen.siegler@tsa.dot.gov](mailto:ellen.siegler@tsa.dot.gov).

**SUPPLEMENTARY INFORMATION:** On February 14, 2003 (68 FR 7444), TSA

published an interpretive rule providing guidance on the types of property that TSA considers to be weapons, explosives, and incendiaries prohibited in airport sterile areas and in the cabins of aircraft under the TSA regulations. The interpretive rule also explained that certain items that are prohibited in sterile areas and cabins may be transported in checked baggage.

In the last sentence of the ending paragraph of the preamble discussion on permitted items (page 7446, first column, last sentence), as well as in the interpretation, on page 7446, in the third column, paragraph II.A.(9) erroneously included the words "non-refillable" to describe liquefied gas lighters. As both non-refillable (disposable) and refillable lighters (such as Colibri, Dunhill, and Ronson) are filled with liquefied butane gas and are equivalent from a security perspective, there is no reason to allow passengers to carry only non-refillable lighters of this type. Therefore, the words "non-refillable" have been removed and a clarifying reference to refillable, "Colibri-type" lighters has been inserted.

In the interpretation, on page 7447, in the first column, paragraph III.(6) erroneously listed the following as "Other items" that may be carried in checked baggage pursuant to strict conditions imposed by 49 CFR part 175: compressed air guns, fire extinguishers, flare pistols, and gun lighters. None of these items may be carried as checked baggage and should not have been included in this listing. Accordingly, this provision has been deleted from the interpretive rule.

#### Correction

In interpretive rule FR Doc. 03-3755, published on February 14, 2003 (68 FR 7444), make the following corrections:

1. On page 7446, in the first column, line 21, last sentence of preamble discussion paragraph on "Permitted Items," is corrected to read as follows:

"Consistent with Department of Transportation regulations for hazardous materials, passengers also are permitted to carry no more than four books of matches (other than strike-anywhere matches) and no more than two lighters for individual use, if the lighters are fueled with liquefied gas (BIC-or Colibri-type) or absorbed liquid (Zippo-type)."

2. On page 7446, in the third column, paragraph II.A.(9) is corrected to read as follows:

"Lighters (maximum of two), fueled with liquefied gas (BIC-or Colibri-type) or absorbed liquid (Zippo-type)."

3. On page 7447, in the first column, remove the full paragraph III.(6), which begins "Other items. Compressed air guns, \* \* \*".

Issued in Washington, DC, on February 26, 2003.

**Mardi Ruth Thompson,**

*Deputy Chief Counsel for Regulations.*

[FR Doc. 03-4920 Filed 2-28-03; 8:45 am]

BILLING CODE 4910-22-P

## DEPARTMENT OF COMMERCE

### National Oceanic Atmospheric Administration

#### 50 CFR Parts 300 and 679

[Docket No. 020920220-3038-02; I.D. 090302E]

RIN 0648-AL97

#### Fisheries of the Exclusive Economic Zone Off Alaska; Western Alaska Community Development Quota Program

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues a final rule to amend portions of the regulations governing the halibut fishery under the Western Alaska Community Development Quota (CDQ) Program. These changes will increase the Regulatory Area (Area) 4E trip limit from 6,000 lb (2.72 metric tons (mt)) to 10,000 lb (4.54 mt) and modify the Area 4 Catch Sharing Plan (CSP) to allow CDQ Program participants to harvest allocations of Area 4D halibut CDQ in Area 4E. This action is intended to enhance harvesting opportunities for halibut CDQ fishermen and to further the goals and objectives of the North Pacific Fishery Management Council (Council) with respect to the CDQ program and the Pacific halibut fishery, consistent with the regulations and resource management objectives of the International Pacific Halibut Commission (IPHC).

**DATES:** Effective April 2, 2003.

**ADDRESSES:** Copies of the Environmental Assessment (EA), Regulatory Impact Review (RIR), and Final Regulatory Flexibility Analysis (FRFA) prepared for this action may be obtained from the Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Durall, or by calling 907-586-7228.