DATES: We must receive your comments by July 3, 2003.

ADDRESSES: You may use mail, facsimile (fax), or electronic mail to send us your comments. Clearly identify them as comments and send them (1) by mail to MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Blvd., Room 2313, Arlington, Virginia 22209–3939; (2) by fax to (202) 693–9441; or (3) by electronic mail to: *comments@msha.gov.*

FOR FURTHER INFORMATION CONTACT: Marvin W. Nichols, Jr., Director, Office of Standards, Regulations and Variances, MSHA; phone: (202) 693–9440; facsimile: (202) 693–9441; e-mail: *nichols-marvin@msha.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On March 6, 2003, (68 FR 10940), the Secretaries of Labor and Health and Human Services published a notice, ''Determination of Concentration of Respirable Coal Mine Dust (Single Sample),'' reopening the rulemaking record on a July 7, 2000 joint proposed rule that would determine that the average concentration of respirable dust to which each miner in the active workings of a coal mine is exposed can be accurately measured over a single shift. In that proposed rule the Secretaries proposed to rescind a previous 1972 finding by the Secretary of the Interior and the Secretary of Health, Education and Welfare, on the accuracy of single shift sampling (63 FR 42068).

II. Extension of Comment Periods

The comment periods for the reopening of the Single Sample rule were scheduled to close on June 4, 2003 (68 FR 10940, 68 FR 12641). However, in response to requests from the public for additional time to prepare their comments, the comment periods have been extended 30 days until July 3, 2003. All comments must be submitted to MSHA by this date.

Dated: May 15, 2003.

Elaine L. Chao,

Secretary of Labor.

Dated: May 23, 2003.

Tommy G. Thompson,

Secretary, Department of Health and Human Services.

[FR Doc. 03–13441 Filed 5–28–03; 8:45 am]

BILLING CODE 4510–43–P; 4163–70–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 334

United States Army Restricted Area, New River, Radford Army Ammunitions Plant, Radford, VA

AGENCY: United States Army Corps of Engineers, DoD.

ACTION: Notice of proposed rulemaking and request for comments.

SUMMARY: The U. S. Army Corps of Engineers is proposing to establish a restricted area on the New River in the vicinity of the Radford Army Ammunitions Plant, Radford, Virginia. The restricted area will enable the Commanding Officer to enhance security efforts in response to potential terrorist activities. These regulations are necessary to safeguard the facility and are part of a comprehensive plan to protect the public, environment, and economic interests from sabotage and other subversive acts, accidents, or incidents of similar nature.

DATES: Written comments must be submitted on or before June 30, 2003.

ADDRESSES: U.S Army Corps of Engineers, ATTN: CECW–OR, 441 G Street, NW., Washington, DC 20314–1000.

FOR FURTHER INFORMATION CONTACT: Mr. Frank Torbett, Corps of Engineers Headquarters, Regulatory Branch, Washington, DC at (202) 761–4618, or Mr. Rick Henderson, Corps of Engineers, Norfolk District, Regulatory Branch, at (757) 441–7653.

SUPPLEMENTARY INFORMATION: Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat 266; 33 U.S.C. 1) and Chapter XIX, of the Army Appropriations Act of 1919 (40 Stat 892; 33 U.S.C. 3) the Corps proposes to amend the restricted area regulations in 33 CFR part 334 by adding § 334.812 which would establish a restricted area in the New River, at the Radford Army Ammunitions Plant, Radford, Virginia. The public currently has unrestricted access to the facility. The Commanding Officer is seeking authorization from the Corps of Engineers to establish a restricted area in waters of the United States adjacent to the Ammunitions Plant in Radford, Virginia. The District Engineer's preliminary review indicates this request is not contrary to the public interest.

Procedural Requirements

a. *Review under Executive Order 12866.* This proposed rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply.

b. *Review under the Regulatory Flexibility Act.* These proposed rules have been reviewed under the Regulatory Flexibility Act (Public Law 96–354) which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (*i.e.*, small businesses and small Governments). The Corps expects that the economic impact of the establishment of this restricted area would have practically no impact on the public, no anticipated navigational hazard or interference with existing waterway traffic and accordingly, certifies that this proposal if adopted, will have no significant economic impact on small entities.

c. *Review under the National Environmental Policy Act.* An environmental assessment has been prepared for this action. The Norfolk District has concluded, based on the minor nature of the proposed restricted area regulation, that this action, if adopted, will not have a significant impact to the quality of the human environment, and preparation of an environmental impact statement is not required. The environmental assessment may be reviewed at the District office listed at the end of **FOR FURTHER INFORMATION CONTACT,** above.

d. *Unfunded Mandates Act.* This proposed rule does not impose an enforceable duty among the private sector and, therefore, is not a Federal private sector mandate and is not subject to the requirements of Section 202 or 205 of the Unfunded Mandates Act. We have also found under Section 203 of the Act, that small Governments will not be significantly and uniquely affected by this rulemaking.

List of Subjects in 33 CFR Part 334

Danger zones, Marine safety, Navigation (water), Restricted areas, Waterways.

For the reasons set out in the preamble, the Corps proposes to amend 33 CFR part 334, as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

1. The authority citation for part 334 continues to read as follows:

Authority: 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

2. Section 334.812 would be added to read as follows:

§ 334. 812 New River, Radford Army Ammunitions Plant, Restricted Area, Virginia.

(a) *The area.* The waters within an area beginning at ordinary high water on the shore at latitude 37°08′59.4″ N, longitude 076°40′15.5″ W; thence along the shoreline to latitude 37°08′58.8″ N, longitude 076°40′06″ W; thence across the river to latitude 37°09′03.1″ N, longitude 076°39′59.4″ W; thence along the shoreline to latitude 37°09′06.9″ N, longitude 076°39′54.1″ W; thence across the river to the point of origin.

(b) *The regulation.* The public shall have unrestricted access and use of the waters adjacent to the Radford Ammunition Plant whenever the facility is in Force Protection Condition Normal Alpha, or Bravo. Whenever the facility is in Force Protection Condition Charlie, all vessels and persons that desire access to the waters of the New River adjacent to the Radford Ammunition plant must agree/submit to an inspection by security personnel to insure they do not pose a threat to the facility. No explosives, explosive devices, chemical or biological agents, handguns, rifles, shotguns, muzzle loaded guns, or other device/devices that would pose a risk to the facility or personnel assigned to the facility will be allowed in the waters designated by this regulation unless written permission is granted by the Commanding Officer, Radford or persons as he/she may delegate this authority to. Once a vessel and/or person has been cleared to enter this restricted area they will be allowed unrestricted use of the waters. Whenever the facility is in Force Protection Delta, the waters, designated in this regulation, will be closed to all traffic and use. The Commanding Officer may authorize exceptions to this regulation as conditions warrant.

(c) *Enforcement.* The regulation in this section, promulgated by the United States Army Corps of Engineers shall be enforced by the Commanding Officer, Radford Ammunitions Plant or persons or agencies as he/she may authorize including any Federal Agency, State, Local or County Law Enforcement agency, or Private Security Firm in the employment of the facility, so long as the entity undertaking to enforce this Restricted Area has the legal authority to do so under the appropriate Federal, State or Local laws.

Dated: April 18, 2003.

Lawrence A. Lang,

Acting Chief, Operations Division, Directorate of Civil Works.

[FR Doc. 03–13451 Filed 5–28–03; 8:45 am]

BILLING CODE 3710–84–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[WC Docket No. 02–112, CC Docket No. 00–175; FCC 03–111]

Sunset of the BOC Separate Affiliate and Related Requirements and 2000 Biennial Regulatory Review Separate Affiliate Requirements

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this proceeding, the Commission seeks comment on the appropriate classification of Bell Operating Companies' (BOCs) and incumbent independent local exchange carriers' (independent LECs) provision of in-region, interstate and international interexchange telecommunications services. It seeks comment on how changes to the competitive landscape within the interexchange market should affect this classification and on what approach is appropriate for BOCs and independent LECs, if and when these carriers may provide in-region, interexchange services outside of a separate affiliate. The Commission also asks parties to comment on whether there are alternative regulatory approaches, in lieu of dominant carrier regulation, that the Commission could adopt to detect or deter any potential anticompetitive behavior.

DATES: Comments are due June 30, 2003, and Reply Comments are due July 28, 2003.

ADDRESSES: 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Robert Tanner, Attorney-Advisor, and Pamela Megna, Senior Economist, Competition Policy Division, Wireline Competition Bureau, at (202) 418–1580, or via the Internet at *rtanner@fcc.gov* and *pmegna@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Further Notice of Proposed Rulemaking (FNPRM) in WC Docket No. 02–112 and CC Docket No. 00–175, FCC 03–111, adopted May 15, 2003, and released May 19, 2003. The complete text of this FNPRM is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC, 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.* It is also available on the Commission's Web site at *http://www.fcc.gov.*

Synopsis of the Further Notice of Proposed Rulemaking

1. *Background.* In the *Competitive Carrier* proceeding, which included the *Section 272(f)(1) Sunset of the BOC Separate Affiliate and Related Requirements,* Notice of Proposed Rulemaking, WC Docket No. 02–112, (67 FR 42211, June 21, 2002) and the *Section 272(f)(1) Sunset of the BOC Separate Affiliate and Related Requirements,* Memorandum Opinion and Order, WC Docket No. 02–112, (68 FR 6351, February 7, 2003), the Commission established a regulatory framework to distinguish between carriers with market power (*i.e.*, dominant carriers) and those without market power (*i.e.*, non-dominant carriers). Currently, BOCs (with the exception of Verizon in the state of New York where the requirements sunset this past December 23, 2002) are required to provide in-region, interLATA services through a separate section 272 affiliate, and independent LECs are required to provide in-region, interstate services through a separate affiliate. Both types of interexchange affiliates are regulated as non-dominant. Both BOCs and independent LECs are permitted to provide interexchange services out-of-region on an integrated basis and are regulated as non-dominant.

2. The Commission has concluded that the section 272 separate affiliate and related requirements sunset on a state by state basis, and it has allowed the requirements to sunset in New York by operation of law. The Commission has also sought comment in the *2000 Biennial Regulatory Review: Separate Affiliate Requirements of Section 64.1903 of the Commission's Rules* (66 FR 50139, October 2, 2001) proceeding on whether to eliminate the separate affiliate requirements imposed on independent LECs when they provide in-region, domestic interstate or international interexchange services. To the extent that the Commission permits BOCs and independent LECs to provide long distance services on an integrated basis, the FNPRM seeks comment on how these carriers should be classified.