

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****18 CFR Part 35**

[Docket No. RM02-12-000]

Extension of Time and Further Procedures

November 12, 2002.

AGENCY: Federal Energy Regulatory Commission, DOE.**ACTION:** Notice of proposed rulemaking; extension of comment period.

SUMMARY: The Federal Energy Regulatory Commission is extending the deadline for filing of comments on the Advance Notice of Proposed Rulemaking (ANOPR) and comments on the consensus documents that are currently due to be filed on November 12, 2002.

DATES: Comments are extended to and including December 9, 2002.

ADDRESSES: Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Magalie R. Salas, Secretary, 888 First Street, NE., Washington, DC 20426, (202) 508-8400.

SUPPLEMENTARY INFORMATION:**Standardization of Small Generator Interconnection Agreements and Procedures**

On August 16, 2002, the Commission issued an Advance Notice of Proposed Rulemaking (ANOPR) in the above-docketed proceeding. On October 23, 2002, a Notice extending the period for filing of comments until November 26, 2002 was issued. Notice is given that the deadline for the filing of comments on the ANOPR and comments on the consensus documents (which are due to be filed November 12, 2002) is hereby extended to December 20, 2002. Furthermore, on or before December 9, 2002, the stakeholders who have participated in the development of the consensus documents will file statements explaining their various positions on the consensus documents. Upon receipt of these statements, Commission staff will prepare a summary table showing various issues and delineating the positions and explanations of the various parties and file the summary table in this proceeding.

Linwood A. Watson, Jr.,
Deputy Secretary.

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DEPARTMENT OF THE TREASURY**Office of International Investment****31 CFR Part 800****Regulations Pertaining to Mergers, Acquisitions, and Takeovers by Foreign Persons****AGENCY:** Office of International Investment, Department of the Treasury.**ACTION:** Proposed rule.

SUMMARY: This proposed rule amends regulations in part 800 of 31 CFR that implement section 721 of Title VII of the Defense Production Act of 1950 (the "DPA"), as added by section 5021 of the Omnibus Trade and Competitiveness Act of 1988. The proposed regulation amends only those provisions relating to the filing of voluntary notice with the Committee on Foreign Investment in the United States (CFIUS).

DATES: Written comments on the proposed rule may be submitted on or before December 23, 2002.

ADDRESSES: Because paper mail in the Washington area may be subject to delay, commenters are encouraged to e-mail comments. Comments should be sent by one method only. Comments may be mailed to Gay Sills, Director, Office of International Investment, Room 4201 NY, Department of the Treasury, Washington, DC 20220, or sent electronically to CFIUS@do.treas.gov.

FOR FURTHER INFORMATION CONTACT: Gay Sills, Director, Office of International Investment, Department of the Treasury, 15th Street and Pennsylvania Ave., NW., Washington, DC 20220, (202) 622-1860.

SUPPLEMENTARY INFORMATION: Section 136 of the Defense Production Act Amendments of 1992 (Pub. L. 102-558) amended section 709 of the DPA by requiring that any regulation issued under the DPA be published in the **Federal Register** and that opportunity for public comment be provided for not less than thirty days. Due to the relatively routine nature of these regulations, the comment period will be 30 days.

This proposed regulation provides parties that file a notice with CFIUS under section 721 with the option of filing electronically, providing just a single paper copy to CFIUS, or the option of continuing the current practice of providing CFIUS 13 paper copies. By filing electronically, companies could substantially decrease the paperwork burden of providing CFIUS notice under section 721.

Executive Order 12866

These regulations are not subject to the requirements of Executive Order 12866 because they relate to a foreign and military affairs function of the United States.

Paperwork Reduction Act

The collections of information provided for in this rule have been previously reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)) under OMB control number 1505-0121. The proposed rule does not change the information collection other than to permit an alternative means of submitting notice to the Committee on Foreign Investment in the United States.

Regulatory Flexibility Act

This regulation implements section 721 of the Defense Production Act of 1950 ("Section 721") (50 U.S.C. App. 2170) ("DPA"). Section 709 of the DPA (50 U.S.C. App. 2159) provides that the regulations issued under it are not subject to the rulemaking requirements of the Administrative Procedure Act (5 U.S.C. 553). Notwithstanding this exemption, section 709 of the DPA was amended by section 136 of the Defense Production Act Amendments of 1992 (Pub. L. 102-558) to require any regulation issued under the DPA to be published in the **Federal Register** for at least thirty days to provide for public comment. This requirement subjects this proposed rule to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). It is hereby certified that this proposed rule will not impose a significant economic impact on a substantial number of small businesses. Currently, the Treasury Department estimates that an average filing requires about 60 hours of preparation time. This proposed rule will permit parties to file notifications electronically, which is expected to reduce the preparation time somewhat because it will no longer be necessary to provide 13 paper copies of a filing. Instead, a filer can provide a single paper copy to the Treasury Department along with the electronic filing. Therefore, the impact of the proposed rule on small companies that file notifications with CFIUS is expected to be marginally beneficial.

List of Subjects in 31 CFR Part 800

Foreign investments in United States, Investigations, National defense, Reporting and recordkeeping requirements.

Authority and Issuance

For the reasons set out in the preamble, Title 31, chapter VIII, part 800 of the Code of Federal Regulations is proposed to be amended as set forth below.

PART 800—[AMENDED]

1. Section 800.401 is revised to read as follows:

§ 800.401 Procedures for notice.

(a) A party or parties to an acquisition subject to section 721 may submit a voluntary notice to the Committee of the proposed or completed acquisition by:

(1) Sending thirteen copies of the information set out in § 800.402 to the Staff Chairman of the Committee on Foreign Investment in the United States (“Staff Chairman”), Office of International Investment, Department of the Treasury, 15th Street and Pennsylvania Avenue, NW., Washington, DC 20220; or

(2) Sending—

(i) One signed paper copy of the information set out in § 800.402 to the Staff Chairman of the Committee on Foreign Investment in the United States (“Staff Chairman”), Office of International Investment, Department of the Treasury, 15th Street and Pennsylvania Avenue, NW., Washington, DC 20220; and

(ii) One electronic copy of this same information in Adobe Acrobat (PDF) or Microsoft Word format to the following e-mail address: *CFIUS@do.treas.gov*. Electronic filings that exceed 5 Megabytes (MB) will need to be divided into smaller transmissions of no more than 5 MB each, which should be sent individually as attachments to separate e-mails.

(b) Any member of the Committee may submit an agency notice of a proposed or completed acquisition to the Committee through its Staff Chairman if that member has reason to believe, based on facts then available, that the acquisition is subject to section 721 and may have adverse impacts on the national security. In the event of agency notice, the Committee will promptly furnish the parties to the acquisition with written advice of such notice.

(c) No agency notice, or review or investigation by the Committee, shall be made with respect to a transaction more than three years after the date of conclusion of the transaction, unless the Chairman of the Committee, in consultation with other members of the Committee, requests an investigation.

(d) No communications other than those described in paragraphs (a), (b) and (c) of this section shall constitute notice for purposes of section 721. In any case where a party or parties file(s) electronically under paragraph (a) of this section, the signed paper copy shall constitute the original copy, and CFIUS will not notify the parties of its acceptance of a filing until the original copy has been received by the Office of International Investment.

Dated: October 28, 2002.

John B. Taylor,

Under Secretary for International Affairs.

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FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[DA 02-3017, MB Docket No. 02-348, RM-10455]

Television Broadcast Service; Presque Isle, ME

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Western Broadcasting Company, LLC, an applicant for channel 62+, proposing the substitution of channel 47 for channel 62+ at Presque Isle, Maine. Channel 47 can be allotted to Presque Isle, Maine, with a zero offset at reference coordinates 46-45-12 N. and 68-10-28 W. Since the community of Presque Isle is located within 400 kilometers of the U.S.-Canadian border, concurrence from the Canadian government must be obtained for this allotment.

DATES: Comments must be filed on or before January 3, 2003, and reply comments on or before January 21, 2003.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Bruce A. Eisen, Kaye, Scholer, Fierman, Hays & Handler, LLP, 901 Fifteenth Street, NW., Suite 1100, Washington, DC 20005-2327 (Counsel for Western Broadcasting Company, LLC).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Media Bureau, (202) 418-1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 02-348, adopted November 4, 2002, and released November 12, 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, 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*.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR Part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.606 [Amended]

2. Section 73.606(b), the Table of Television Allotments under Maine, is amended by removing Channel 62+ and adding Channel 47 at Presque Isle.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Division, Media Bureau.

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