

Summary: This collection of information applies to rulemaking procedures regarding the Hazardous Materials Regulations (HMR). Specific areas covered in this information collection include Part 105, Subpart B and Subpart C, "Hazardous Materials Program Definitions and General Procedures," Part 106, Subpart B, "Participating in the Rulemaking Process," Part 107, Subpart B, "Exemptions," Part 107, Subpart C, "Preemption." The Federal hazardous materials transportation law directs the Secretary of Transportation to prescribe regulations for the safe transportation of hazardous materials in commerce. We are authorized to accept petitions for rulemaking and appeals, as well as applications for exemptions, preemption determinations and waivers of preemption. The types of information collected include:

(1) *Petitions for Rulemaking:* Any person may petition the Office of Hazardous Materials Standards to add, amend, or delete a regulation in Parts 110, 130, 171 through 180, or may petition the Office of the Chief Counsel to add, amend, or delete a regulation in Parts 105, 106 or 107.

(2) *Appeals:* Except as provided in § 106.40(e), any person may submit an appeal to our actions in accordance with the Appeals procedures found in §§ 106.110 through 106.130.

(3) *Application for Exemption:* Any person applying for an exemption must include the citation of the specific regulation from which the applicant seeks relief; specification of the proposed mode or modes of transportation; detailed description of the proposed exemption (e.g., alternative packaging, test procedure or activity), including as appropriate, written descriptions, drawings, flow charts, plans and other supporting documents, etc.

(4) *Application for Preemption Determination:* Any person directly affected by any requirement of a State, political subdivision, or Indian tribe may apply to the Associate Administrator for a determination whether that requirement is preempted under 49 U.S.C. 5125, or regulations issued thereunder. The application must include the text of the State or political subdivision or Indian tribe requirement for which the determination is sought; specify each requirement of the Federal hazardous material transportation law or the regulations issued thereunder with which the applicant seeks the State, political subdivision or Indian tribe requirement to be compared; explanation of why the applicant believes the State or political

subdivision or Indian tribe requirement should or should not be preempted under the standards of § 5125 (see also 49 CFR 107.202); and how the applicant is affected by the State or political subdivision or Indian tribe requirements.

(5) *Waivers of Preemption:* With the exception of requirements preempted under 49 U.S.C. 5125(c), any person may apply to the Associate Administrator for a waiver of preemption with respect to any requirement that: (1) The State or political subdivision thereof or an Indian tribe acknowledges is preempted under the Federal hazardous material transportation law or the regulations issued thereunder, or (2) that has been determined by a court of competent jurisdiction to be so preempted. The Associate Administrator may waive preemption with respect to such requirement upon a determination that such requirement affords an equal or greater level of protection to the public than is afforded by the requirement of the Federal hazardous material transportation law or the regulations issued thereunder and does not unreasonably burden commerce.

The information collected under these application procedures is used in the review process by RSPA in determining the merits of the petitions for rulemakings and for reconsideration of rulemakings, as well as applications for exemptions, preemption determinations and waivers of preemption to the HMR. The procedures governing these petitions for rulemaking and for reconsideration of rulemakings are covered in subpart B of part 106. Applications for exemptions, preemption determinations and waivers of preemption are covered under subparts B and C of part 107. Rulemaking procedures enable RSPA to determine if a rule change is necessary, is consistent with public interest, and maintains a level of safety equal to or superior to that of current regulations. Exemption procedures provide the information required for analytical purposes to determine if the requested relief provides for a comparable level of safety as provided by the HMR. Preemption procedures provide information for RSPA to determine whether a requirement of a State, political subdivision, or Indian tribe is preempted under 49 U.S.C. 5125, or regulations issued thereunder, or whether a waiver of preemption should be issued.

Affected Public: Shippers, carriers, packaging manufacturers, and other affected entities.

Total Reporting and Recordkeeping Burden: 4,219.
Number of Respondents: 3,304.
Total Annual Responses: 4,294.
Total Annual Burden Hours: 4,219.
Frequency of Collection: Periodically.

Issued in Washington, DC, on January 30, 2003.

Edward T. Mazzullo,

Director, Office of Hazardous Materials Standards.

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DEPARTMENT OF TRANSPORTATION

Transportation Security Administration

[Docket No. TSA-2002-11604]

Security Programs For Aircraft 12,500 Pounds Or More

AGENCY: Transportation Security Administration (TSA), DOT.

ACTION: Notice.

SUMMARY: This notice announces an extension of time for compliance with the final security program for operators of aircraft with a maximum certificated takeoff weight of 12,500 or more pounds. TSA is extending the time from February 1 to April 1, 2003.

DATES: Security program compliance date: April 1, 2003.

FOR FURTHER INFORMATION CONTACT: Lon Siro or Gail Richards by telephone: (571) 227-2217 or (571) 271-2216 respectively; or by e-mail lon.siro@tsa.dot.gov or gail.richards@tsa.dot.gov. You may also mail any comments or questions concerning this action to Lon Siro or Gail Richards, Aviation Operations, Room 11080S, East Tower, Transportation Security Administration, 400 Seventh Street, SW., Washington, DC 20591.

SUPPLEMENTARY INFORMATION: On February 22, 2002, TSA published a final rule in the **Federal Register** (67 FR 8205), known as the "Twelve-Five Rule," that, in part, required new security measures for operators of aircraft with a maximum certificated takeoff weight of 12,500 pounds or more. Under the rule, these operators must adopt and carry out certain security measures approved by TSA, generally known as the "Twelve-Five Security Program."

As published, the effective date of the Twelve-Five Rule was June 24, 2002. This document does not alter that date. On August 28, 2002 (67 FR 55308), TSA issued a notice that established a schedule for comments on the proposed

security program and a date for compliance with the final security program. Security programs constitute sensitive security information (SSI), which are disclosed only to persons with a need to know, in accordance with 49 CFR part 1520. Therefore, the Twelve-Five Security Program may be distributed only to affected operators. In that notice, TSA required all affected aircraft operators to be in compliance with the final security program by February 1, 2003.

TSA provided the proposed Twelve-Five Security Program to affected operators and analyzed all comments received concerning the program. TSA prepared a final security program and has forwarded it to all twelve-five operators. TSA has prepared a training program to ensure that all operators receive the training required by the final security program. In addition, TSA has developed a fingerprint collection process that will enable all affected operators to complete the fingerprint-based criminal history records checks of their flightcrew members, as required by the Twelve-Five Rule.

However, TSA must provide the industry with sufficient time to train employees and fingerprint crew members, and completion of these tasks is not possible by February 1, 2003. Therefore, TSA is extending the security program compliance date to April 1, 2003.

Issued in Washington, DC, on January 30, 2003.

Stephen J. McHale,

Deputy Administrator.

[FR Doc. 03-2800 Filed 1-31-03; 3:51 pm]

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DEPARTMENT OF TRANSPORTATION

Transportation Security Administration

[Docket No. TSA-2002-12394]

Aviation Security: Security Program for Certain Private Charter Operations

AGENCY: Transportation Security Administration (TSA), DOT.

ACTION: Notice.

SUMMARY: This notice extends the date on which aircraft operators engaged in non-governmental private charter passenger operations on large aircraft must be in compliance with the final private charter security program, from February 1 to April 1, 2003.

DATES: Security program compliance date: April 1, 2003.

FOR FURTHER INFORMATION CONTACT: Lon Siro or Gail Richards by telephone:

(571) 227-2217 or (571) 227-2216 respectively; by e-mail lon.siro@tsa.dot.gov or gail.richards@tsa.dot.gov. You may also mail any comments or questions concerning this action to Lon Siro or Gail Richards, Aviation Operations, Room 11080S, East Tower, Transportation Security Administration, 400 Seventh Street, SW., Washington, DC 20591.

SUPPLEMENTARY INFORMATION: On June 19, 2002, TSA published a final rule in the **Federal Register** (67 FR 41635) that, in part, requires new security measures for non-governmental private charter passenger operations in certain large aircraft. Under the rule, these operators must adopt and carry out a security program approved by TSA to ensure that passengers and their accessible property are screened prior to boarding. The effective date of the rule was August 19, 2002, and this document does not change that effective date.

On August 28, 2002, TSA published a notice (67 FR 55309) that established a schedule for affected operators to comment on the proposed security program and a date on which affected operators would have to be in compliance with the final approved security program. The compliance date for the final security program was set for February 1, 2003.

In addition, on December 31, 2002 (67 FR 79881), TSA published an amendment to the final rule in response to comments received, which altered the aircraft subject to the rule. The private charter security standards now apply to non-governmental private charter operations in aircraft with a maximum certificated takeoff weight greater than 45,500 kg or a seating configuration of 61 or more.

Security programs constitute sensitive security information (SSI), which can be disclosed only to persons with a need to know, in accordance with 49 CFR part 1520. Therefore, the proposed private charter security program was distributed for comment only to the operators subject to the rule. TSA received comments on the proposed security program and has amended the program, where appropriate, to accommodate the comments received. TSA is in the process of providing the final security program to affected entities, and has completed a training program for the operators to use to ensure that they operate in accordance with the security program. However, the affected operators have not had sufficient time to complete the training and establish a compliant security program. Therefore,

TSA is extending the date for compliance to April 1, 2003.

Issued in Washington, DC, on January 30, 2003.

Stephen J. McHale,

Deputy Administrator.

[FR Doc. 03-2799 Filed 1-31-03; 3:51 pm]

BILLING CODE 4910-62-P

DEPARTMENT OF TRANSPORTATION

Transportation Security Administration

Intercity Bus Security Grant Program; Notice Modifying the Closing Date for Receipt of Applications Under the Intercity Bus Security Grant Program

AGENCY: Transportation Security Administration, Department of Transportation.

Authority: Authority for this program is contained in the fiscal year 2002 Supplemental Appropriations Act for Further Recovery From and Response to Terrorist Attacks on the United States, Pub. L. 107-206, 116 Stat. 820.

ACTION: Notice modifying deadline for receipt of applications.

SUMMARY: This notice extends the closing date previously established for receipt of applications under the Intercity Bus Security Grant Program (Program Announcement #02MLPA0002) in 68 FR 2634, Jan. 17, 2003. Applications must be received on or before 4 p.m. EST, March 19, 2003.

ADDRESSES: Program Announcement #02MLPA002 and application forms for the Intercity Bus Security Grant Program are available through the TSA Internet at <http://www.tsa.dot.gov> under Business Opportunities and Industry Partners.

FOR FURTHER INFORMATION CONTACT: Ms. Mary Heying, Transportation Security Administration, Office of Maritime and Land Security, 400 7th Street, SW., TSA-8, Washington, DC 20590, (phone: 571-227-1252, e-mail: Mary.Heying@tsa.dot.gov), or Mr. Tony Corio (phone: 571-227-1233, e-mail: Tony.Corio@tsa.dot.gov).

Dated: January 30, 2003.

Richard E. Bennis,

Assistant Administrator, Office of Maritime and Land Security.

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