

**List of Subjects in 7 CFR Part 927**

Marketing agreements, Pears,  
Reporting and recordkeeping  
requirements.

**Authority:** 7 U.S.C. 601–674.

Dated: March 24, 2003.

**A.J. Yates,**

*Administrator, Agricultural Marketing  
Service.*

[FR Doc. 03–7635 Filed 3–28–03; 8:45 am]

**BILLING CODE 3410–02–P**

**DEPARTMENT OF AGRICULTURE****Agricultural Marketing Service****7 CFR Part 956**

[Docket No. FV02–956–1 PR]

**Sweet Onions Grown in the Walla  
Walla Valley of Southeast Washington  
and Northeast Oregon; Withdrawal of a  
Proposed Rule**

**AGENCY:** Agricultural Marketing Service,  
USDA.

**ACTION:** Withdrawal of proposed rule.

**SUMMARY:** This action withdraws a proposed rule published in the **Federal Register** on July 22, 2002 (67 FR 47741), and reopened for further comments on November 1, 2002 (67 FR 66578), on the establishment of grade and inspection requirements for Walla Walla sweet onions. The order regulates the handling of sweet onions grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon and is administered locally by the Walla Walla Sweet Onion Marketing Committee (Committee). The Committee met on November 21, 2002, and unanimously recommended changes to its original recommendation. The administrative record raises questions as to the nature and purpose of the proposal and possible alternatives. Therefore, the proposed rule is being withdrawn for further consideration by the Committee.

**DATES:** Effective April 1, 2003.

**FOR FURTHER INFORMATION CONTACT:**

Robert J. Curry, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1220 SW Third Avenue, Suite 385, Portland, Oregon 97204; telephone: (503) 326–2724, Fax: (503) 326–7440; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; telephone: (202) 720–2491, Fax: (202) 720–8938.

Small businesses may request information on complying with this

regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; telephone: (202) 720–2491, Fax: (202) 720–8938, or E-mail: [Jay.Guerber@usda.gov](mailto:Jay.Guerber@usda.gov).

**SUPPLEMENTARY INFORMATION:** Marketing Agreement and Order No. 956, both as amended (7 CFR part 956), regulate the handling of Walla Walla sweet onions grown in Southeast Washington and Northeast Oregon, hereinafter referred to as the “order.” The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the “Act.”

This action withdraws a proposed rule published in the **Federal Register** on July 22, 2002 (67 FR 47741), and reopened for further comments on November 1, 2002 (67 FR 66578), on the establishment of grade and inspection requirements for Walla Walla sweet onions. Specifically, the proposed rule would have required all Walla Walla sweet onions handled prior to June 10 of each marketing season to be inspected and be at least U.S. Commercial grade. In addition, the Committee would have funded the total cost of all required inspections. The primary intent behind the proposal was to help ensure the maturity and marketability of early season sweet onions. A secondary goal was to help prevent onions from other production areas from being mislabeled and marketed as Walla Walla sweet onions.

During the initial comment period, July 22 through September 20, the Department of Agriculture (USDA) received one timely comment. This comment, which may be reviewed on the Internet at <http://www.ams.usda.gov/fv/modockets/956%20comments/2002onions.htm>, raised several questions regarding the proposal. To facilitate further public review of the proposed rule, USDA reopened the comment period from November 1 through November 22, 2002.

During the reopened comment period, the Committee met and unanimously recommended early mandatory inspections on Walla Walla sweet onions, but prior to June 1 of each year rather than June 10 as originally recommended. The Committee believes that a requirement for valid inspection certificates on all lots of Walla Walla sweet onions being shipped prior to June 1 would enhance compliance efforts in the prevention of the

misrepresentation and mislabeling of onions.

The administrative record raises questions as to the nature and purpose of the proposal and possible alternatives. Therefore, the proposed rule is being withdrawn for further consideration by the Committee.

The proposed rule regarding the establishment of grade and inspection requirements for sweet onions grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon published in the **Federal Register** July 22, 2002, (67 FR 47741) is hereby withdrawn.

**List of Subjects in 7 CFR Part 956**

Marketing Agreements, Onions,  
Reporting and recordkeeping  
requirements.

**Authority:** 7 U.S.C. 601–674.

Dated: March 24, 2003.

**A.J. Yates,**

*Administrator, Agricultural Marketing  
Service.*

[FR Doc. 03–7632 Filed 3–28–03; 8:45 am]

**BILLING CODE 3410–02–P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA–2003–14644; Airspace  
Docket No. 03–AGL–01]

**Proposed Modification of Class E  
Airspace; Kenton, OH; Proposed  
Rescission of Class E Airspace;  
Bellefontaine, OH**

**AGENCY:** Federal Aviation  
Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document proposes to modify Class E airspace at Kenton, OH, and rescind Class E airspace at Bellefontaine, OH. Standard Instrument Approach Procedures (SIAPs) have been developed for a new airport at Bellefontaine, OH, which has been named Bellefontaine Regional Airport. Controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain aircraft executing these approaches. This action would modify the existing controlled airspace for Hardin County Airport and rescind the existing controlled airspace for the old Bellefontaine Municipal Airport.

**DATES:** Comment must be received on or before May 29, 2003.

**ADDRESSES:** Send comments on the proposal 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-2003-14644/ Airspace Docket No. 03-AGL-01, at the beginning of your comments. You may also submit comments on the Internet at <http://dms.dot.gov>. You may review the public docket containing the proposal, 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 Docket Office (telephone 1-800-647-5527) is on the plaza level of the Department of Transportation NASSIF Building at the above address.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

**FOR FURTHER INFORMATION CONTACT:** Denis C. Burke, Air Traffic Division, Airspace Branch, AGL-520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294-7568.

#### **SUPPLEMENTARY INFORMATION:**

#### **Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this document must submit with those comments a self-addressed, stamped postcard on which the following statement is made:

"Comments to Docket No. FAA-2003-14644/Airspace Docket No. 03-AGL-01." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA,

Great Lakes Region, Office of the Regional Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

#### **Availability of NPRM's**

An electronic copy of this document may be downloaded through the Internet at <http://dms.dot.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at <http://www.faa.gov> or the Superintendent of Document's Web page at <http://www.access.gpo.gov/nara>.

Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration, Office of Air Traffic Airspace Management, ATA-400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-8783. Communications must identify both docket numbers for this notice. Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267-9677, to request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

#### **The Proposal**

The FAA is considering an amendment to 14 CFR part 71 to modify Class E airspace at Kenton, OH, for Hardin County Airport, and rescind Class E airspace at Bellefontaine Municipal Airport. Controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain aircraft executing instrument approach procedures. The area would be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9K dated August 30, 2002, and effective September 16, 2002, which is incorporated by reference in 14 CFR 71.1. The Class E designations listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an establishment body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore this proposed regulation—(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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### **List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

#### **The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

#### **PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS**

1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

#### **§71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9K, Airspace Designations and Reporting Points, dated August 30, 2002, and effective September 16, 2002, is amended as follows:

\* \* \* \* \*

*Paragraph 6005—Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

**AGL OH E5 Bellefontaine, OH [Rescind]**

**AGL OH E5 Kenton, OH [Revised]**

That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat.40°43'34" N., long. 83°33'51" W., to lat. 40°38'16" N., long. 83°28'39" W., to lat. 40°30'37" N., long. 83°57" W., to lat. 40°24'00" N., long. 83°33'37" W., to lat. 40°13'31" W., long. 83°40'22" W., to lat. 40°11'47" N., long. 83°52'11" W., to lat. 40°16'44" N., long. 83°01'10" W., to lat. 40°24'31" N., long. 84°02'39" W., to lat. 40°31'30" N., long. 83°56'56" W., to lat. 40°32'35" N., long. 83°46'53" W., to lat. 40°38'56" N., long. 83°48'49" W., to lat. 40°43'59" N., long. 83°42'14" W., to the point of beginning, excluding that airspace within the Urbana, OH Class E airspace area.

\* \* \* \* \*

Dated: Issued in Des Plaines, Illinois, on March 13, 2003.

Nancy B. Shelton,

Manager, Air Traffic Division, Great Lakes Region.

[FR Doc. 03-7663 Filed 3-28-03; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

#### 30 CFR Part 204

#### RIN 1010-AC30

#### Accounting and Auditing Relief for Marginal Properties

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Supplementary proposed rule.

**SUMMARY:** MMS is proposing new regulations to implement certain provisions in the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996. These regulations would explain how lessees and their designees could obtain accounting and auditing relief for Federal oil and gas leases and unit and communitization agreements that qualify as marginal properties.

**EFFECTIVE DATE:** Comments must be submitted on or before May 30, 2003.

**ADDRESSES:** Address your comments, suggestions, or objections regarding this proposed rule to:

By regular U.S. mail. Minerals Management Service, Minerals Revenue Management, Regulations and FOIA Team, P.O. Box 25165, MS 320B2, Denver, Colorado 80225-0165; or

By overnight mail or courier. Minerals Management Service, Minerals Revenue Management, Building 85, Room A-614, Denver Federal Center, Denver, Colorado 80225; or

By e-mail. [MRM.comments@mms.gov](mailto:MRM.comments@mms.gov). Please submit Internet comments as an ASCII file and avoid the use of special characters and any form of encryption. Also, please include "Attn: RIN 1010-AC30" and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, call the contact person listed below.

**FOR FURTHER INFORMATION CONTACT:** Paul A. Knueven, Chief, Regulation and FOIA Team, Minerals Revenue Management, MMS, telephone (303) 231-3316, fax (303) 231-3385, or e-mail [Paul.Knueven@mms.gov](mailto:Paul.Knueven@mms.gov).

**SUPPLEMENTARY INFORMATION:** The principal authors of this rule are Sarah L. Inderbitzin of the Office of the Solicitor and David A. Hubbard of

Minerals Revenue Management, MMS, Department of the Interior.

#### I. Background

On August 13, 1996, the President signed into law the Federal Oil and Gas Royalty Simplification and Fairness Act (RSFA).<sup>1</sup> RSFA amends the Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA).<sup>2</sup> Section 7 of RSFA allows MMS and the State concerned (defined under RSFA as "a State which receives a portion of royalties or other payments under the mineral leasing laws from [a Federal onshore or OCS oil and gas lease]")<sup>3</sup> to provide royalty prepayment and regulatory relief for marginal properties for Federal onshore and Outer Continental Shelf (OCS) oil and gas leases.<sup>4</sup> The stated purpose of granting relief to marginal properties under RSFA is to promote production, reduce administrative costs, and increase net receipts to the United States and the States.<sup>5</sup> Specifically, paragraph (c) of the new 30 U.S.C. 1726 enacted by RSFA section 7 directed the Secretary (and States that had received a delegation of audit authority) to "provide accounting, reporting, and auditing relief that will encourage lessees to continue to produce and develop" marginal properties, "provided that such relief will only be available to lessees in a State that allows." (There is an exception to the requirement for State allowance if royalty payments from a lease are not shared with a State under applicable law.)

In response to the RSFA section 7 amendments, MMS conducted three workshops to receive input from a wide variety of constituent groups to develop a proposed rule. The workshops were held at MMS offices in Denver, Colorado, on October 31, 1996, January 23, 1997, and November 5, 1997. Representatives from several Federal and State government organizations participated along with industry organizations representing both small and large Federal oil and gas lessees. The input received during these workshops was instrumental in developing the proposed rule that was published in the **Federal Register** on January 21, 1999 (64 FR 3360).

Public comments received in response to the proposed rule were sharply contradictory. The comments fell into two general categories:

1. The States believed that MMS was offering too much relief to industry; and
2. Industry believed that the rule was too complicated and did not offer enough relief.

Because of the contradictory opinions, the Associate Director for Minerals Revenue Management asked the Royalty Policy Committee (RPC) of the Department of the Interior's Minerals Management Advisory Board to form a subcommittee to review the marginal property issue and make recommendations to the Department on how MMS should proceed. The RPC appointed a subcommittee with members from several industry associations and the major States affected by the relief provisions. MMS employees and a representative of the Office of the Solicitor served as technical advisors to the subcommittee.

The RPC subcommittee prepared a report that was submitted to the RPC on March 27, 2001. The RPC accepted the subcommittee's recommendations. On August 2, 2001, the Acting MMS Director—on behalf of the Secretary of the Interior—approved the report and advised MMS to proceed with a second proposed rule incorporating the subcommittee's recommendations. This second proposed rule includes the RPC subcommittee's recommendations with one exception described below.

#### II. Comments on the 1999 Proposed Rule

MMS received comments on the initial proposed rule published on January 21, 1999 (64 FR 3360) from the following nine entities:

- 3 States;
- 1 State and Indian audit organization;
- 2 oil and gas producers;
- 2 industry associations; and
- 1 law firm representing 1 industry association and 11 oil and gas companies.

These comments are analyzed and discussed below:

##### Definition of Base Period

**1999 Proposed Rule.** In § 204.2, MMS proposed to define the base period as the 12-month period from October 1 through September 30 immediately preceding the calendar year in which the lessee takes or requests marginal property relief.

**Public Comments.** One State commented that the base period should track as closely as possible to the beginning of the applicable calendar year in which the lessee takes marginal property relief. One producer requested that the base period be moved from October 1 through September 30 to

<sup>1</sup> Pub. L. 104-185, as corrected by Pub. L. 104-200.

<sup>2</sup> 30 U.S.C. 1711 *et seq.*

<sup>3</sup> 30 U.S.C. 1701(31).

<sup>4</sup> 30 U.S.C. 1726.

<sup>5</sup> 30 U.S.C. 1726(a).