

implement Executive Order 12829, National Industrial Security Program (January 6, 1993), and Section 828 of the National Defense Authorization Act for Fiscal Year 1997, and to bring the DEAR into conformance with existing practices.

Background

Executive Order 12829 requires a uniform system for classifying, safeguarding, and declassifying national security information. The Federal agencies are adopting the National Industrial Security Program as the uniform Federal industrial security program within the limitations of their separate statutory requirements. Among the more significant features of the program is the use of a Standard Form 328, Certificate Pertaining to Foreign Interests, to gather information relative to foreign ownership, control or influence. Previously, DOE used a separate questionnaire of its own with more and somewhat different questions. Now all agencies will collect the same information. This feature will result in the greatest savings for both contractors and Federal agencies because agencies will accept each others' clearances on a reciprocal basis, in most circumstances. The Final Rule makes changes to the DEAR to bring it into conformance with the new program.

The Final Rule also includes a provision (revised section 904.7102 of the DEAR) to allow the Secretary of Energy to waive a prohibition on award of a national security contract to an entity controlled by a foreign government if an environmental restoration requirement is involved. Section 2536(b)(1)(B) of title 10 U.S.C. provides waiver authority for a contract for environmental restoration, remediation, or waste management at a DOD or DOE facility. For such a contract, the prohibition on award of a contract under a national security program to an entity controlled by a foreign government that requires access to a proscribed category of information to perform the contract may be waived only if the Secretary concerned determines that: (1) A waiver will advance the environmental restoration, remediation, or waste management objectives of the cognizant Department; (2) a waiver will not harm the national security interests of the United States; and (3) the entity to which the contract is to be awarded is controlled by a foreign government with which the cognizant Secretary has authority to exchange Restricted Data under section 144.c. of the Atomic Energy Act of 1954 (42 U.S.C. 2164(c)).

DOE invited comments from the public, which were to be submitted on or before April 29, 2002. No comments were received. DOE has determined that no changes are needed to the Interim Final Rule and adopts the DEAR amendments as final without change.

Issuance of this Final Rule has been approved by the Office of the Secretary of Energy.

List of Subjects in 48 CFR Parts 904, 952 and 970

Government procurement.

Issued in Washington, DC, on December 20, 2002.

Richard H. Hopf,

Director, Office of Procurement and Assistance Management, OMBE, Department of Energy.

Robert C. Braden, Jr.,

Director, Office of Procurement and Assistance Management, National Nuclear Security Administration.

For the reasons set forth in the preamble, the interim final rule amending 10 CFR Parts 904, 952, and 970 which was published at 67 FR 14873 on March 28, 2002, is adopted as a final rule without change.

[FR Doc. 02-32994 Filed 12-31-02; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration (RSPA)

49 CFR Parts 192 and 195

Pipeline Safety: Qualification of Pipeline Personnel

AGENCY: Office of Pipeline Safety, Research and Special Programs Administration, DOT.

ACTION: Notice of public meeting.

SUMMARY: The Research and Special Programs Administration's (RSPA) Office of Pipeline Safety (OPS) will conduct a public meeting to discuss progress in implementing the operator personnel qualification (OQ) rule for gas and hazardous liquid pipelines. OPS will introduce and describe the operator qualification inspection protocol development process and provide an opportunity for public comment. A panel of experts will respond to questions from the public.

DATES: The public meeting will be held on January 22, 2003, beginning promptly at 9 a.m. and will continue until 5 p.m. Persons wishing to make a presentation or statement at the meeting should notify Janice Morgan, (202) 366-2392, no later than January 15, 2003.

ADDRESSES: The public meeting will be held at the Hyatt Regency San Antonio (Riverwalk), 123 Losoya Street, San Antonio, TX 78205 (Tel: 210-222-1234; Fax: 210-227-4928; Web: <http://www.sanantonioregency.hyatt.com>). This meeting is free and open to the public. You may register electronically for this meeting at: <http://primis.rspa.dot.gov/meetings/MtgHome.mtg?&mtg=5>.

Following presentations by OPS on operator qualification compliance and inspection protocols, the public will have the opportunity to provide comments and to submit documents for the record. Preregistered organizations and individuals will be afforded the first opportunity to make their presentations.

Although we encourage persons wishing to comment on operator qualification compliance and inspection protocols to participate in the public meeting, written comments will be accepted. You may submit written comments on operator qualification implementation and compliance issues to Richard Huriaux, U.S. Department of Transportation, Room 7128, 400 Seventh Street, SW, Washington, DC 20590-0001.

FOR FURTHER INFORMATION CONTACT: You may contact Richard Huriaux at (202) 366-4565, regarding the agenda of this public meeting. General information about OPS programs may be obtained by accessing OPS's Internet home page at <http://ops.dot.gov>.

Information on Services for Individuals with Disabilities. For information on facilities or services for individuals with disabilities or to request special assistance, contact Janice Morgan, (202) 366-2392.

SUPPLEMENTARY INFORMATION: The operator qualification rules at 49 CFR 192.801 (for gas pipelines) and at 49 CFR 195.501 (for hazardous liquid pipelines) require every pipeline operator to have and follow a written personnel qualification program that includes provisions to identify covered tasks and to ensure that all persons performing these tasks are qualified to safely and effectively complete the tasks. By October 28, 2002, all gas and hazardous liquid pipeline operators should have completed the qualification of all individuals performing covered tasks on pipeline facilities.

On January 22, 2003, OPS will conduct a public meeting to discuss progress in implementing the operator personnel qualification rule for gas and hazardous liquid pipelines. OPS will present a detailed review of the development of the operator qualification inspection protocols.

The meeting will provide an opportunity to review compliance with the operator qualification rule, to clarify operator qualification requirements, and to hear compliance issues from Federal and State pipeline safety personnel, industry, and the public. All persons attending the meeting will have an opportunity to comment on operator qualification compliance issues and to question the expert panel on the new operator qualification compliance protocols.

Issued in Washington, DC on December 13, 2002.

Richard D. Huriaux,

Manager, Regulations, Office of Pipeline Safety.

[FR Doc. 02-32270 Filed 12-27-02; 4:07 pm]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 219

[Docket No. 2001-11213, Notice No. 2]

RIN 2130-AA81

Alcohol and Drug Testing: Determination of Minimum Random Testing Rates for 2003

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Notice of determination.

SUMMARY: Using data from Management Information System annual reports, FRA has determined that the 2001 rail industry random testing positive rate was 0.77 percent for drugs and 0.21 percent for alcohol. Since the industry-wide random drug testing positive rate continues to be below 1.0 percent, the Federal Railroad Administrator (Administrator) has determined that the minimum annual random drug testing rate for the period January 1, 2003 through December 31, 2003 will remain at 25 percent of covered railroad employees. Since the random alcohol testing violation rate has remained below 0.5 percent for the last two years, the Administrator has determined that the minimum random alcohol testing rate will remain at 10 percent of covered railroad employees for the period January 1, 2003 through December 31, 2003.

DATES: This notice of determination is effective upon publication.

FOR FURTHER INFORMATION CONTACT:

Lamar Allen, Alcohol and Drug Program Manager, Office of Safety Enforcement, Mail Stop 25, Federal Railroad Administration, 1120 Vermont Avenue,

NW., Washington, DC 20005,
(Telephone: (202) 493-6313).

SUPPLEMENTARY INFORMATION:

Administrator's Determination of 2003 Random Drug and Alcohol Testing Rates

In a final rule published on December 2, 1994 (59 FR 62218), FRA announced that it will set future minimum random drug and alcohol testing rates according to the rail industry's overall positive rate, which is determined using annual railroad drug and alcohol program data taken from FRA's Management Information System. Based on this data, the Administrator publishes a **Federal Register** notice each year, announcing the minimum random drug and alcohol testing rates for the following year (*see* 49 CFR 219.602, 608).

Under this performance-based system, FRA may lower the minimum random drug testing rate to 25 percent whenever the industry-wide random drug positive rate is less than 1.0 percent for two calendar years while testing at 50 percent. (For both drugs and alcohol, FRA reserves the right to consider other factors, such as the number of positives in its post-accident testing program, before deciding whether to lower annual minimum random testing rates). FRA will return the rate to 50 percent if the industry-wide random drug positive rate is 1.0 percent or higher in any subsequent calendar year.

In 1994, FRA set the 1995 minimum random drug testing rate at 25 percent because 1992 and 1993 industry drug testing data indicated a random drug testing positive rate below 1.0 percent; since then FRA has continued to set the minimum random drug testing rate at 25 percent as the industry positive rate has consistently remained below 1.0 percent. In this notice, FRA announces that the minimum random drug testing rate will remain at 25 percent of covered railroad employees for the period January 1, 2003 through December 31, 2003, since the industry random drug testing positive rate for 2001 was 0.77 percent.

FRA implemented a parallel performance-based system for random alcohol testing. Under this system, if the industry-wide violation rate is less than 1.0 percent but greater than 0.5 percent, the rate will be 25 percent. FRA will raise the rate to 50 percent if the industry-wide violation rate is 1.0 percent or higher in any subsequent calendar year. FRA may lower the minimum random alcohol testing rate to 10 percent whenever the industry-wide violation rate is less than 0.5 percent for two calendar years while testing at a higher rate. Since the industry-wide

violation rate for alcohol has remained below 0.5 percent for the last two years, FRA is maintaining the minimum random alcohol testing rate at 10 percent of covered railroad employees for the period January 1, 2003 through December 31, 2003.

This notice sets the minimum random testing rates required next year.

Railroads remain free, as always, to conduct random testing at higher rates.

Issued in Washington, DC, on December 20, 2002.

Alan Rutter,

Administrator.

[FR Doc. 02-33108 Filed 12-31-02; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 648

[Docket No. 021017239-2322-02 ; I.D.
091902F]

RIN 0648-AQ15

Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries

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

ACTION: Final rule and 2003 specifications.

SUMMARY: NMFS announces final initial specifications for the 2003 fishing year for Atlantic mackerel, squid, and butterfish (MSB); including an in-season adjustment provision for the 2003 mackerel joint venture processing (JVP) annual specification. This action also specifies a method for carrying over *Loligo* squid Quarter I underages into Quarter III. The intent of this final rule is to promote the development and conservation of the MSB resource.

DATES: Effective February 3, 2003.

ADDRESSES: Copies of supporting documents used by the Mid-Atlantic Fishery Management Council, including the Environmental Assessment (EA) and Regulatory Impact Review (RIR), Final Regulatory Flexibility Analysis (FRFA), are available from: Patricia A. Kurkul, Regional Administrator, Northeast Regional Office, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298. The EA/RIR/FRFA is accessible via the Internet at <http://www.nero.nmfs.gov>.

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, Fishery Policy Analyst, 978-