

make the safety improvements that receipt of the information otherwise enables. While the FAA does not anticipate receiving ASAP reports for retention in FAA files or in an FAA database, the FAA believes that the extraction and submission of certain categories of information from such reports for trending purposes could benefit safety. For example, an FAA database of perceived contributing factors for runway incursions (extracted from ASAP reports) could be beneficial to the FAA and to airlines in the development of corrective strategies to reduce the probability of such incidents.

(4) *Summary of why the receipt of that type of information aids in fulfilling the FAA's safety and security responsibilities.*

The FAA finds that receipt of ASAP information aids in fulfilling the FAA's safety and security responsibilities. Because of its capacity to provide early identification of needed safety improvements, an ASAP offers significant potential for incident and accident avoidance. FAA experience to date has clearly established that an ASAP can produce safety-related data that is not available from any other source. For example, ASAP reports concerning runway incursions could potentially identify common causal factors in producing such incidents. Receipt of this hitherto unavailable information would provide the FAA with an improved basis for modifying procedures, policies, and regulations in order to improve safety and efficiency. It would also better permit the FAA to serve as a national safety information resource for certificate holders.

(5) *Summary of why withholding such information from disclosure would be consistent with the FAA's safety and security responsibilities, including a statement as to the circumstances under which, and a summary of why, withholding such information from disclosure would not be consistent with the FAA's safety and security responsibilities, as described in 14 CFR 193.9.*

The FAA finds that withholding ASAP information provided to the FAA is consistent with the FAA's safety responsibilities. ASAP specifically provides that corrective action will be taken when necessary. Corrective action under ASAP can be accomplished without disclosure of protected information. For example, for acceptance under the ASAP, the reporting employee must comply with ERC recommendations for corrective action, such as additional training for an employee. If the employee fails to complete corrective action in a manner

satisfactory to all members of the ERC, the ASAP event will be referred to an appropriate office within the FAA for any additional investigation, reexamination, and/or enforcement action, as appropriate. In addition, reports that appear to involve possible criminal activity, substance abuse, controlled substances, alcohol, or intentional falsification will be referred to an appropriate FAA office for further handling. The FAA may use such reports for any enforcement purposes, and will refer such reports to law enforcement agencies, if appropriate.

The FAA will release information submitted under an ASAP as specified in part 193 and this proposed order. In order to explain the need for changes in FAA policies, procedures, and regulations, the FAA may disclose de-identified (i.e. the identity of the source of the information and the names of the certificate holder, the employee, and other persons redacted) summary information that has been extracted from reports under the ASAP. The FAA may disclose de-identified, summarized ASAP information that identifies a systemic problem in the aviation system, when other persons need to be advised of the problem so that they can take corrective action. The FAA may disclose de-identified aggregate statistical information concerning ASAP activities. The FAA may disclose independently obtained information relating to any event disclosed in an ASAP report. The FAA will not release the content of an excluded ASAP report, unless that excluded report involves criminal activity, substance abuse, controlled substances, alcohol, or intentional falsification, in which case it would be contrary to public safety not to disclose such information, because of the egregious nature of such events. The FAA may release the content of ASAP MOU's, including identification of the signatories on such MOUs.

(6) *Summary of how the FAA will distinguish information protected under part 193 from information the FAA receives from other sources.*

All employees ASAP reports are clearly labeled as such, and either a single report must be signed by all employees seeking the enforcement incentives available under an ASAP for the event, or each such employee must submit a separate signed report. Any other information received by the FAA from the certificate holder concerning the content of ASAP reports except for ASAP reports involving possible criminal activity, substance abuse, controlled substances, alcohol, or intentional falsification, such as statistical analyses, program review

reports, and trend information, must be clearly labeled as follows in order to be protected under this designation:

"WARNING: The Information in this Document May Be Protected from Disclosure under 49 U.S.C. 40123 and 14 CFR part 193."

Proposed Designation

Accordingly, the Federal Aviation Administration hereby proposes to designate the above-described information submitted under an ASAP to be protected under 49 U.S.C. 40123 and 14 CFR part 193.

Issued in Washington, DC, on August 14, 2002.

Nicholas A. Sabatini,

Associate Administrator for Regulation and Certification.

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1310

[DEA-222C]

RIN 1117-AA64

Chemical Mixtures Containing Gamma-butyrolactone

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Advance notice of proposed rulemaking; correction.

SUMMARY: On July 19, 2002, the Drug Enforcement Administration (DEA) published an Advance Notice of Proposed rulemaking in the **Federal Register** requesting information regarding chemical mixtures containing the List I chemical gamma-butyrolactone (GBL) (67 FR 47493). This document contained an inaccurate U.S. Code citation. This document corrects this error.

FOR FURTHER INFORMATION CONTACT: Frank L. Sapienza, , Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone (202) 307-7183.

SUPPLEMENTARY INFORMATION: On July 19, 2002, the Drug Enforcement Administration (DEA) published an Advance Notice of proposed Rulemaking (ANPRM) in the **Federal Register** regarding chemical mixtures containing the List I chemical gamma-butyrolactone. Within this ANPRM, on page 47493, in the second column, five lines from the bottom, in the sentence

that reads: "Until regulations which delineate criteria and procedures for exempting specific GBL-containing chemical mixtures are finalized, according to 21 U.S.C. 802(39)(4)(v), DEA has treated GBL-containing chemical mixtures as being exempt from the chemical regulatory requirements of the CSA.", DEA inadvertently miscited the U.S. Code citation. The sentence should read: "Until regulations which delineate criteria and procedures for exempting specific GBL-containing chemical mixtures are finalized, according to 21 U.S.C. 802(39)(A)(v), DEA has treated GBL-containing chemical mixtures as being exempt from the chemical regulatory requirements of the CSA." This document corrects this citation.

Dated: August 21, 2002.

Laura M. Nagel,

*Deputy Assistant Administrator, Office of
Diversion Control.*

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DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 861

RIN 0701-AA67

Department of Defense Commercial Air Transportation Quality and Safety Review Program

AGENCY: Department of the Air Force, DOD.

ACTION: Proposed rule.

SUMMARY: The Department of the Air Force proposes to revise the Department of Defense Commercial Transportation Quality and Safety Review Program. The current version of the program is being updated to reflect current and anticipated policies. The public is invited to submit comments on these changes to the point of contact listed below.

DATES: Submit comments on or before September 20, 2002.

ADDRESSES: Address all comments concerning this proposed rule to Mr. Merlin Lyman, Air Mobility Command, HQ AMC/DOB, 402 Scott Drive, Unite 3A1, Scott AFB, IL 62225-5302.

FOR FURTHER INFORMATION CONTACT: Mr. Merlin Lyman, 618-229-4801.

SUPPLEMENTARY INFORMATION: This action is authorized by 10 U.S.C. 8013 and 10 U.S.C. 2640. The Department of the Air Force has determined that this rule is not a major rule because it will

not have an annual effect on the economy of \$100 million or more. The Secretary of the Air Force has certified that this rule is exempt from the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 to 612, because this rule does not have a significant economic impact on small entities as defined by the Act, and does not impose any obligatory information requirements beyond internal Air Force use. This document proposes extensive revisions and should be reviewed in its entirety.

List of Subjects in 32 CFR Part 861

Administrative practice and procedure, Air carriers, Aviation safety, Military air transportation.

For the reasons set forth in the preamble, the Air Force is proposing to revise 32 CFR Part 861 to read as follows:

PART 861—DEPARTMENT OF DEFENSE COMMERCIAL AIR TRANSPORTATION QUALITY AND SAFETY REVIEW PROGRAM

Sec.

861.1 References.

861.2 Purpose.

861.3 Definitions.

861.4 DOD commercial air transportation quality and safety review program.

861.5 DOD Commercial Airlift Review Board procedures.

861.6 DOD review of foreign air carriers.

861.7 Disclosure of voluntarily provided safety-related information.

Authority: 10 U.S.C. 2640, 8013.

§ 861.1 References.

The following references apply to this part:

(a) 10 U.S.C. 2640, Charter Air Transportation of Members of the Armed Forces.

(b) Department of Defense Directive 4500.53, *Department of Defense Commercial Air Transportation Quality and Safety Review Program*.

§ 861.2 Purpose.

Department of Defense Directive 4500.53, *Department of Defense Commercial Air Transportation Quality and Safety Review Program*, charges the Commander-in-Chief (CINC), United States Transportation Command (USTRANSCOM), with ensuring the establishment of safety requirements and criteria for evaluating civil air carriers and operators (hereinafter collectively referred to as "air carriers") providing air transportation and operational support services to the Department of Defense (DOD). It also charges the CINC with ensuring the establishment of a Commercial Airlift

Review Board (CARB) and providing policy guidance and direction for its operation. This part establishes DOD quality and safety criteria for air carriers providing or seeking to provide air transportation and, at the discretion of the CARB or higher authority, operational support services to the DOD. This part also includes the operating procedures of the CARB. The CARB has the authority to suspend air carriers from DOD use or take other actions when issues of air carrier quality and air safety arise.

§ 861.3 Definitions.

(a) *Air carrier.* Individuals or entities that operate commercial fixed and rotary wing aircraft in accordance with the Federal Aviation Regulations (14 CFR chapter I) or equivalent regulations issued by a country's Civil Aviation Authority (CAA) and which provide air transportation or operational support services. Commercial air carriers under contract with, or operating on behalf of the DOD shall have a FAA or CAA certificate.

(b) *Air transportation services.* The transport of DOD personnel or cargo by fixed or rotary wing commercial aircraft, where such services are acquired primarily for the transportation of DOD personnel and cargo, through donation or any form of contract, tender, blanket ordering agreement, Government charge card, Government or commercial transportation request (TR), bill of lading, or similar instruments. Air transportation services also include medical evacuation services, paratrooper drops, and charter airlift and group travel arranged by the Military Service Academies, foreign military sales, nonappropriated fund instrumentalities by other DOD and non-DOD activities for DOD personnel. All air carriers providing air transportation services to DOD must have a FAA or CAA certificate. The policy contained in this Directive shall not apply to individually procured, discretionary air travel, such as that associated with military leave or pass.

(c) *Civil Aviation Authority (CAA).* The CAA refers to the organization within a country that has the authority and responsibility to regulate civil aviation. The term CAA is used throughout this part since these requirements are applicable to both U.S. and foreign carriers doing business with DOD. The term CAA thus includes the U.S. Federal Aviation Administration (FAA).

(d) *Code sharing.* Code sharing is a marketing arrangement in which an air carrier places its designator code on a