

Ammunition Manufacturing, North American Industry Classification System (NAICS) 332992.

Documents proposing to waive the nonmanufacturer rule for Small Arms Ammunition Manufacturing was published in the **Federal Register** June 7, 2002 (66 FR 39311) and on August 2, 2002 (66 FR 50383). No comments were received.

**Linda G. Williams,**

*Associate Administrator for Government Contracting.*

[FR Doc. 02-22649 Filed 9-5-02; 8:45 am]

BILLING CODE 8025-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 02-ASO-8]

#### Establishment of Class E Airspace; Poplarville, MS

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

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E5 airspace at Poplarville, MS. A VHF Omni Range/Distance Measuring Equipment (VOR/DME)—A, Standard Instrument Approach Procedure (SIAP), has been developed for Oreck Airport, Poplarville, MS. As a result, controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to contain the SIAP and for Instrument Flight Rules (IFR) operations at Oreck Airport. The operating status of the airport will change from Visual Flight Rules (VFR) to include IFR operations concurrent with the publication of the SIAP.

**EFFECTIVE DATE:** 0901 UTC, October 3, 2002.

#### FOR FURTHER INFORMATION CONTACT:

Walter R. Cochran, manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5627.

#### SUPPLEMENTARY INFORMATION:

#### History

On July 23, 2002, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing Class E5 airspace at Poplarville, MS, (67 FR 48066), to provide adequate controlled airspace to contain IFR operations at the Oreck Airport. Class E airspace designations for airspace areas extending upward

from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9J, dated August 31, 2001, and effective September 16, 2001, which is incorporated by reference in 14 CFR 71.1. The Class E5 designation listed in this document will be published subsequently in the Order.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

#### The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E5 airspace at Poplarville, MS.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (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 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).

#### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 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 14 CFR part 71 continues to read as follows:

**Authority.** 49 U.S.C. 106(g); 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 14 CFR 11.69.

#### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9J, Airspace Designations and Reporting Points,

dated August 31, 2001, and effective September 16, 2001, is amended as follows:

*Paragraph 6005 Class E5 airspace areas extending upward from 700 feet or more above the surface of the earth*

\* \* \* \* \*

ASO MS E5 Poplarville, MS [NEW]

#### Oreck Airport, MS

(Lat. 30°46'38" N, long. 89°43'30" W)

That airspace extending upward from 700 feet above the surface within a 6.4 mile—radius of Oreck Airport; excluding that airspace within the Bogalusa, LA, Class E airspace area.

\* \* \* \* \*

Issued in College Park, Georgia, on August 29, 2002.

**Walter R. Cochran,**

*Acting Manager, Air Traffic Division, Southern Region.*

[FR Doc. 02-22751 Filed 9-5-02; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD01-02-102]

#### Drawbridge Operation Regulations: Saugatuck River, CT

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations for the Metro North Saga Bridge, mile 1.1, across the Saugatuck River in Connecticut. This temporary deviation will allow the bridge to remain in the closed position from 1 a.m. on September 7, 2002 through 8 p.m. on September 8, 2002. This temporary deviation is necessary to facilitate structural repairs at the bridge. **DATES:** This deviation is effective from September 7, 2002 through September 8, 2002.

#### FOR FURTHER INFORMATION CONTACT:

Joseph Schmied, Project Officer, First Coast Guard District, at (212) 668-7195.

**SUPPLEMENTARY INFORMATION:** The Metro North Saga Bridge has a vertical clearance in the closed position of 13 feet at mean high water and 20 feet at mean low water. The existing regulations are listed at 33 CFR 117.221.

The bridge owner, Metro North, requested a temporary deviation from the drawbridge operating regulations to facilitate structural maintenance,

replacement of timber rail stringers and structural steel, at the bridge. The bridge must remain closed during these structural repairs.

The bridge opening records indicate this bridge has not received any requests to open during the requested closure time during the past four years; therefore, no navigational impacts to the marine transit system are expected.

This deviation from the drawbridge operation regulations will allow the bridge to remain in the closed position from 1 a.m. on September 7, 2002 through 8 p.m. on September 8, 2002.

This deviation from the drawbridge operation regulations is authorized under 33 CFR 117.35, and will be performed with all due speed in order to return the bridge to normal operation as soon as possible.

Dated: August 26, 2002.

**V.S. Crea,**

*Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.*

[FR Doc. 02-22736 Filed 9-5-02; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Substance Abuse and Mental Health Services Administration

#### 42 CFR Part 51d

**RIN 0930-AA09**

### Mental Health and Substance Abuse Emergency Response Criteria

**AGENCY:** Substance Abuse and Mental Health Services Administration (SAMHSA), HHS.

**ACTION:** Final rule.

**SUMMARY:** Section 3102 of the Children's Health Act of 2000, Pub. L. 106-310, amends section 501 of the Public Health Service (PHS) Act (42 U.S.C. 290aa) to add a new subsection (m) entitled "Emergency Response." This newly enacted subsection 501(m) authorizes the Secretary to use up to, but no more than, 2.5% of all amounts appropriated under Title V of the PHS Act, other than those appropriated under Part C, in each fiscal year to make "noncompetitive grants, contracts or cooperative agreements to public entities to enable such entities to address emergency substance abuse or mental health needs in local communities."

Because Congress believed the Secretary needed the ability to respond to emergencies, it exempted any grants, contracts, or cooperative agreements authorized under this section from the

peer review process. See section 501(m)(1) of the PHS Act. Instead, the Secretary is to use an objective review process by establishing objective criteria to review applications for funds under this authority.

**DATES:** This Final Rule will become effective on September 6, 2002.

**FOR FURTHER INFORMATION CONTACT:**

Joseph D. Faha, Substance Abuse and Mental Health Services Administration (SAMHSA), (301) 443-7017.

**SUPPLEMENTARY INFORMATION:**

#### Background

In the *Federal Register* of October 11, 2001 (66 FR 51873), the Department of Health and Human Services (the Department) published an Interim Final Rule to implement the new emergency grant program under its recent reauthorization legislation, which was signed into law on October 17, 2000, Pub. L. 106-310. Section 3102 of this law adds a new subsection, entitled "Emergency Response" to section 501 of the Public Health Service (PHS) Act. This newly enacted subsection enables the Secretary to use a small portion of funds appropriated each fiscal year to make "noncompetitive grants, contracts or cooperative agreements to public entities to enable such entities to address emergency substance abuse or mental health needs in local communities." The Interim Final Rule established procedures by which the Department may provide these funds.

#### Comments and Agency Response

In response to the October 11, 2001, Interim Final Rule, SAMHSA received two comments. Both commenters believe that the emergency criteria are too narrow in requiring that the emergency must have a "sudden, rapid onset and definite conclusion." They point out, for example, that because the health needs of their community resulting from asbestos-related diseases "unfolded as an ongoing process of discovering long term latent health effects that occurred in the past, the precipitating event would not fit the criteria." The Secretary has purposely included the criteria of "sudden, rapid onset and definite conclusion" to be consistent with the definition of an emergency in the regulations of the Federal Emergency Management Agency and declines to modify the criteria.

The commenters also noted the importance of standardizing data collection from funded programs, in order to develop response models that fit each type of disaster, and to provide for meaningful evaluations of overall effectiveness and meta analysis. The

Secretary responds that the primary purpose of the Emergency Response grants is to provide substance abuse and mental health services in the event of an emergency, and that focusing on data collection efforts to develop response models, evaluation, and meta analysis is outside the purview of this primary goal.

#### Technical Corrections

We are making a few minor technical changes to the rule. We find that these minor technical changes do not rise to the level of substantive change and thus comment is unnecessary. See 5 U.S.C. 553(b)(3)(B).

First, the term "Presidential disaster declaration" is defined in § 51d.2, but is not used in the regulation. We are deleting this definition because it is unnecessary.

Second, the Interim Final Rule, at § 51d.8, mistakenly indicated that 42 CFR part 50, subpart D—Public Health Service grant appeals procedure applies to the Emergency Grant awards. However, the Department amended this regulation to remove SAMHSA from the list of agencies to which these informal appeal procedures apply. Aggrieved grantees have direct access to the Departmental Appeals Board and that Board's original jurisdiction. See 63 FR 66062 (Dec. 1, 1998). We are deleting reference to this section to avoid any confusion.

Finally, the Interim Final Rule mistakenly indicated that 45 CFR part 75—Informal grant appeals procedures applies to the Emergency Grant awards. This provision has been deleted from the Code of Federal Regulations, as obsolete and ineffective. See 62 FR 38217 (July 17, 1997). We are deleting reference to this section to avoid any confusion.

#### Executive Order 12866: Economic Impact

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when rulemaking is necessary, to select regulatory approaches that provide the greatest net benefits (including potential economic, environmental, public health, safety distributive and equity effects). As noted in the October 11, 2001, Interim Final Rule, we have determined that the rule is not a "significant regulatory action" under section 3(f) of the Executive Order. This rule does not have an annual effect on the economy of \$100 million or more, create a serious inconsistency or otherwise interfere with an action taken or planned by another agency, materially alter the budgetary impact of entitlements,