

standards would not result in an increase in safety that would justify the cost. Therefore, the proposed amendment to part 135 would be of substantial cost, and based on the history, would be of marginal benefit.

#### *Compartment Location*

One commenter proposes that Class D compartments should be allowed in specific areas of the airplane. He believes that they should be permitted to be located outside of the cabin pressure vessel. Such a measure, along with the installation of a fire detection system, would help avoid the spreading of fires, according to the commenter. Such compartments would be relatively small, have carefully controlled ventilation, and be located outside the cabin pressure vessel.

**FAA Response:** In regards to future certification of transport category airplanes with Class D compartments, the FAA does not agree that such compartments would provide an acceptable level of safety. Such compartments would still be inaccessible in flight, and lacking in fire suppression capability; and therefore, with only detection capability, Class D compartments would not be as safe as other compartments.

#### **Conclusion**

Based on the existing safety record and the cost/benefit analysis revised in the light of these comments, the FAA has concluded the cost of requiring part 135 operators to comply with new cargo compartment standards would not result in an increase in safety that would justify the cost. The FAA has determined that no further rulemaking action is appropriate, and is not adopting the amendment to part 135 proposed in Notice No. 97-10. Therefore, the FAA withdraws the amendment to part 135 proposed in Notice No. 97-10 published June 13, 1997 at 62 FR 32412. The amendments to 14 CFR parts 25 and 121 remain in effect as adopted in the final rule.

Issued in Washington, DC on August 30, 2002.

**Luis C. Cusimano,**

*Acting Director, Flight Standards Service.*

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## **DEPARTMENT OF THE TREASURY**

### **Internal Revenue Service**

#### **26 CFR Part 301**

[REG-134026-02]

RIN 1545-BA89

#### **Designated IRS Officer or Employee Under Section 7602(a)(2) of the Internal Revenue Code**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of proposed rulemaking by cross reference to temporary regulations.

**SUMMARY:** In the Rules and Regulations section of this issue of the **Federal Register**, the IRS is issuing temporary regulations that modify the existing regulations promulgated under section 7602(a) of the Internal Revenue Code relating to administrative summonses. The temporary regulations confirm that officers and employees of the Office of Chief Counsel may be included as persons designated to receive summoned books, papers, records, or other data and to take summoned testimony under oath. The text of the temporary regulations also serves as the text of these proposed regulations.

**DATES:** Written comments and requests for a public hearing must be received by December 9, 2002.

**ADDRESSES:** Send submissions to: CC:ITA:RU (REG-134026-02), Room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Alternatively, submissions may be hand delivered Monday through Friday between the hours of 8 a.m. and 5 p.m. to: CC:ITA:RU (REG-134026-02), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC. Comments may also be submitted electronically to the IRS Internet site at [www.irs.gov/regs](http://www.irs.gov/regs).

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Rawlins at 202-622-3630 (not a toll-free number).

#### **SUPPLEMENTARY INFORMATION:**

##### **Explanation of Provisions**

The temporary regulations in the Rules and Regulations section of this issue of the **Federal Register** amend the Procedure and Administration Regulations (26 CFR part 301) under section 7602 of the Internal Revenue Code of 1986 (Code). The text of the temporary regulations also serves as the text of these proposed regulations. The preamble to the temporary regulations explains these proposed regulations.

## **Special Analyses**

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations. In addition, because this notice of proposed rulemaking does not impose a collection of information obligation on small entities, it is not subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6). Pursuant to section 7805(f) of the Code, the temporary regulation will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

#### **Comments and Requests for a Public Hearing**

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments (preferably a signed original and eight (8) copies) that are submitted timely to the IRS or electronically generated comments that are submitted timely to the IRS. The IRS generally requests any comments on the clarity of the proposed rule and how it may be made easier to understand. All comments will be available for public inspection and copying. A public hearing may be scheduled if requested in writing by a person who timely submits written comments. If a public hearing is scheduled, notice of the date, time, and place for the hearing will be published in the **Federal Register**.

#### **Drafting Information**

The principal author of this regulation is Elizabeth Rawlins of the Office of the Associate Chief Counsel (Procedure and Administration), Collection, Bankruptcy and Summonses Division.

#### **List of Subjects in 26 CFR Part 301**

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

#### **Proposed Amendments to the Regulations**

Accordingly, 26 CFR part 301 is amended as follows:

#### **PART 301—PROCEDURE AND ADMINISTRATION**

1. The authority citation for part 301 continues to read in part as follows:

**Authority:** 26 U.S.C. 7805 \* \* \*

2. Section 301.7602-1 is revised to read as follows:

**§ 301.7602-1 Examination of books and witnesses.**

[The text of this proposed section is the same as the text of § 301.7602-1T published elsewhere in this issue of the **Federal Register**.]

**David A. Mader,**

*Acting Deputy Commissioner of Internal Revenue.*

[FR Doc. 02-22926 Filed 9-9-02; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD01-02-100]

RIN 2115-AE47

#### Drawbridge Operation Regulations; Connecticut River, CT

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to temporarily change the drawbridge operating regulations governing the operation of the Route 82 Bridge, at mile 16.8, across the Connecticut River at East Haddam, Connecticut. This temporary rule will allow the bridge to operate on a fixed opening schedule for recreational vessels and a notice schedule for commercial vessels, from 6 a.m. on October 15, 2002 through 6 p.m. on April 30, 2004. This action is necessary to facilitate major rehabilitation of the bridge.

**DATES:** Comments must reach the Coast Guard on or before October 10, 2002.

**ADDRESSES:** You may mail comments to Commander (obr), First Coast Guard District Bridge Branch, at 408 Atlantic Avenue, Boston, MA 02110-3350, or deliver them to the same address between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223-8364. The First Coast Guard District Bridge Branch, maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the First Coast Guard District, Bridge Branch, 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Joseph Schmied, Project Officer, First Coast Guard District, (212) 668-7165.

**SUPPLEMENTARY INFORMATION:**

#### Regulatory Information

The Coast Guard has determined that good cause exists under the Administrative Procedure Act (5 U.S.C. 553) for a shortened comment period of thirty days instead of a sixty-day comment period and for making this rule effective in less than thirty days after publication in the **Federal Register**.

The Coast Guard believes that any delay encountered in this regulation's effective date would be unnecessary and contrary to the public interest because the repairs scheduled to be performed under this temporary rule were originally scheduled to be performed in 2001, but were cancelled due to a funding shortage. Subsequent to that, the bridge has continued to deteriorate, making it necessary to perform these repairs to the bridge with all due speed to ensure the safe, reliable, and continued operation of the bridge.

The Coast Guard and the bridge owner coordinated this temporary operating schedule with the mariners that normally transit this bridge. No objections were received. A similar operating schedule was established several years ago to facilitate bridge repairs at the Route 82 Bridge with satisfactory results.

The Coast Guard believes the shortened comment period is reasonable as a result of all the above stated reasons.

#### Request for Comments

We encourage you to participate in this rulemaking by submitting comments or related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD01-02-100), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know if they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

#### Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to the First

Coast Guard District, Bridge Branch, at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

#### Background and Purpose

The Route 82 Bridge has a vertical clearance of 22 feet at mean high water, and 25 feet at mean low water in the closed position. The existing drawbridge operating regulations are listed at 33 CFR 117.205(c), and require the bridge to open on signal at all times; except that, from May 15 to October 31, 9 a.m. to 9 p.m., the bridge shall open for recreational vessels on the hour and half hour only and for commercial vessels on signal.

The Route 82 Bridge was scheduled for major repairs in the summer of 2001, but due to a funding short fall the work was delayed. Subsequent to that, the bridge has continued to deteriorate. Funding has now been made available and the necessary repairs should be performed with due speed to ensure safe, reliable, and continued operation of the bridge.

The bridge owner, Connecticut Department of Transportation, has requested a temporary rule to allow the bridge to open for recreational and commercial vessels at specific times; however, commercial vessels may obtain unscheduled openings at any time provided they give a twenty-four hour notice with a two-hour confirmation to the bridge tender.

The bridge owner has also requested one seven day bridge closure, two eight-hour closures and one twenty-four hour bridge closure required to facilitate the bridge repairs. The exact dates for the above closures are not known at this time and will be determined as construction progresses. The Coast Guard plans to publish additional rulemaking once the exact times and dates of the above closures are known.

#### Discussion of Proposed Rule

The proposed operating schedule that would be in effect at the Route 82 Bridge from 6 a.m. on October 15, 2002 through 6 p.m. on April 30, 2004, is as follows:

From November 1 through July 6, the draw would open on signal at 5:30 a.m., 1:30 p.m., and 8 p.m., daily.

From July 7 through October 31, the draw would open on signal Monday through Thursday at 6:30 a.m., 1:30 p.m., and 8 p.m., with one additional opening on Friday at 11:30 p.m.; three additional openings on Saturday at 9:30 a.m., 4 p.m., and 11:30 p.m.; and two