

**DEPARTMENT OF THE TREASURY****Internal Revenue Service****26 CFR Parts 1 and 31**

[REG-142686-01]

RIN 1545-BA26

**Application of the Federal Insurance Contributions Act, Federal Unemployment Tax Act, and Collection of Income Tax at Source to Statutory Stock Options; Correction****AGENCY:** Internal Revenue Service (IRS), Treasury.**ACTION:** Proposed rules; extension of time to submit written comments; correction.

**SUMMARY:** This document corrects the **DATES** section of the document published on January 28, 2002 (67 FR 3846), which changed the date of the public hearing on the proposed regulations that relate to incentive stock options and options granted under employee stock purchase plans and extended the time to submit outlines of oral comments. This document corrects the **DATES** section to indicate that we are also extending the time to submit written comments and for the hearing. The **DATES** section is corrected to read as set forth below.

**DATES:** The public hearing will be held May 14, 2002, beginning at 10 a.m. Written comments and outlines of oral comments must be received by April 23, 2002.

**ADDRESSES:** The public hearing will be held in the Auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Send submissions to: CC:ITA:RU (REG-142686-01), Room 5226, Internal Revenue Service POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday between the hours of 8 a.m. and 5 p.m. to CC:ITA:RU (REG-142686-01), Courier's Desk, Internal Revenue, 1111 Constitution Avenue, NW., Washington, DC. Alternatively, taxpayers may submit comments electronically via the Internet by selecting the "Tax Regs" option on the IRS Home Page, or by submitting comments directly to the IRS Internet site at [http://www.irs.ustreas.gov/tax\\_regs/regslst.html](http://www.irs.ustreas.gov/tax_regs/regslst.html).

**FOR FURTHER INFORMATION CONTACT:** Concerning the proposed regulations, Stephen Tackney of the Office of Division Counsel/Associate Chief Counsel (Tax Exempt and Government Entities), (202) 622-6040; concerning submissions of comments, the hearing,

and/or to be placed on the building access list to attend the hearing, Treena Garrett of the Regulations Unit, Associate Chief Counsel (Income Tax and Accounting), (202) 622-7180 (not toll-free numbers).

**SUPPLEMENTARY INFORMATION:****Background**

A notice of proposed rulemaking and notice of public hearing that appeared in the **Federal Register** on November 14, 2001, (66 FR 57023), announced that a public hearing on the proposed regulations relating to incentive stock options and options granted under employee stock purchase plans would be held on March 7, 2002, in the IRS Auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Subsequently, the date of the public hearing has changed to May 14, 2002, at 10 a.m. in the IRS Auditorium. Written comments and outlines of oral comments must be received April 23, 2002.

**Guy Traynor,**

*Acting Chief, Regulations Unit, Associate Chief Counsel, (Income Tax and Accounting).*

[FR Doc. 02-2417 Filed 1-30-02; 4:01 pm]

BILLING CODE 4830-01-P

**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 117**

[CGD7-01-144]

RIN 2115-AE47

**Drawbridge Operation Regulations; Sanibel Causeway Drawbridge, Okeechobee Waterway, Fort Myers, FL****AGENCY:** Coast Guard, DOT.**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to change the operating regulations of the Sanibel Causeway Drawbridge, mile 151, Okeechobee Waterway, Fort Myers, Florida. This proposed rule would allow the drawbridge to open on signal, except that from 7 a.m. until 6 p.m., Monday through Friday except Federal holidays, the draw need only open on the hour and half hour. On Saturday, Sunday and Federal holidays the draw shall open on signal, except that from 7 a.m. until 6 p.m., the draw need only open on the hour, quarter hour, half hour and three quarter hour. This action is intended to improve the movement of vehicular traffic while not unreasonably interfering with the needs of navigation.

**DATES:** Comments and related material must reach the Coast Guard on or before April 5, 2002.

**ADDRESSES:** You may mail comments and related material to Commander (obr), Seventh Coast Guard District, 909 S. E. 1st Avenue, Room 406, Miami, FL 33131. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket [CGD07-01-144] and are available for inspection or copying at Commander (obr), Seventh Coast Guard District, 909 S. E. 1st Avenue, Miami, FL 33131 between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Barry Dragon, Bridge Branch, 909 SE 1st Ave, Miami, FL 33130, telephone number 305-415-6743.

**SUPPLEMENTARY INFORMATION:****Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking [CGD07-01-144], 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 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 Bridge Branch, Seventh Coast Guard District, 909 SE 1st Ave, Room 406, Miami, FL 33131, 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 Sanibel Causeway bascule bridge is a two lane, narrow, undivided arterial roadway which is the only roadway onto and off of Sanibel Island. This roadway is severely congested due to insufficient vehicular capacity. The existing operating schedule is published in 33 CFR 117.317(j). The existing regulation allows the draw to open on signal; except that from 11 a.m. to 6

p.m., the draw need open only on the hour, quarter hour, half hour, and three quarter hour. From 10 p.m. to 6 a.m., the draw will open on signal if at least a five minute advance notice is given. The proposed rule will allow the bridge to open the bridge on the hour and half hour during the heavy vehicle traffic period from 7 a.m. until 6 p.m. each weekday.

From March 1, 2001 to April 30, 2001, the Coast Guard authorized a temporary deviation from the published regulations to determine the impacts of a change in the current operating regulation. The temporary deviation entitled Notice of temporary deviation from regulations (CGD07-01-005) was published on February 9, 2001 in 66 FR 9660. This temporary deviation allowed the bridge to open on signal, except that from 7 a.m. to 6 p.m. daily, the draw only had to open on the hour and half-hour. The five-minute advanced notice from 10 p.m. until 6 a.m. in 33 CFR 117.317(j) remained in effect during the deviation. This test resulted in a minor improvement for vehicular traffic; however, during weekends and Federal holidays there was a significant increase in vessel traffic congestion while awaiting the timed bridge openings. Due to the strong currents and sea conditions in the immediate area where vessels were required to standby for the next bridge opening, vessel safety was reduced.

We received 72 timely comments from the public concerning the temporary deviation. Sixty-one of the comments supported the half-hour opening on the weekdays and 11 supported the quarter-hour opening on weekends during the testing period of March 1, 2001 to April 30, 2001. The 61 comments were from motorists and the 11 comments were from vessels owners.

### Discussion of Proposed Rule

In order to meet the reasonable needs of navigation while not significantly impacting vehicular traffic, the Coast Guard proposes to allow the Sanibel Causeway bridge to open on signal, except that from 7 a.m. until 6 p.m., Monday through Friday except Federal holidays the bridge need open only on the hour and half hour. On Saturday, Sunday and Federal holidays the draw shall open on signal, except from 7 a.m. until 6 p.m., the draw need only open on the hour, quarter hour, half hour, and three quarter hour. From 10 p.m. until 6 a.m. daily, the draw shall open on signal if at least five minutes advance notice is given to the bridge tender. This proposed rule will facilitate the movement of vehicle traffic across the bridge while not unreasonably

interfering with or decreasing vessel safety while awaiting passage through the draw.

### Regulatory Evaluation

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979) because this proposed rule only slightly modifies the existing bridge operation schedule.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

This proposed rule may affect the following entities, some of which might be small entities: the owners or operators of vessels and vehicles intending to transit under and over the Sanibel Causeway bridge during the hours of 7 a.m. to 6 p.m. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities because this proposed rule only slightly modifies the existing bridge operation schedule.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions

concerning its provisions or options for compliance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

### Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

### Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

### Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$1,000,000 or more in any one year. Though this proposed rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

### Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

### Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

## Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

## Environment

We considered the environmental impact of this proposed rule and concluded that, under figure 2-1, paragraph (32)(e) of Commandant Instruction M16475.1D, this proposed rule is categorically excluded from further environmental documentation.

## Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

## Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

## List of Subjects in 33 CFR Part 117:

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

### PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g).

2. Section 117.317(j) is revised to read as follows:

### § 117.317 Okeechobee Waterway.

\* \* \* \* \*

(j) The draw of the Sanibel Causeway bridge, mile 151, shall open on signal, except that from 7 a.m. until 6 p.m., Monday through Friday except Federal holidays, the draw need only open on the hour and half hour. On Saturday, Sunday and Federal holidays the draw shall open on signal, except from 7 a.m. until 6 p.m., the draw need only open on the hour, quarter hour, half hour, and three quarter hour. From 10 p.m. until 6 a.m. daily, the draw shall open on signal if at least five minutes advance notice is given to the bridge tender.

Dated: January 16, 2002.

**James S. Carmichael,**

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

[FR Doc. 02-2636 Filed 2-1-02; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[AK-01-004b; FRL-7133-2]

### Approval and Promulgation of State Implementation Plans; State of Alaska; Fairbanks

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Alaska. This revision provides for attainment of the carbon monoxide (CO) national ambient air quality standards (NAAQS) in the Fairbanks Nonattainment Area. This action also proposes to approve the use of the "CO Emissions Model" for SIP development purposes in EPA Region 10.

**DATES:** Written comments must be received in writing by March 6, 2002.

**ADDRESSES:** Written comments should be addressed to: Connie Robinson, EPA, Office of Air Quality (OAQ-107), 1200 Sixth Avenue, Seattle, Washington 98101.

Copies of the State's request and other information supporting this action are available for inspection during normal business hours at the following locations: EPA, Office of Air Quality (OAQ-107), 1200 Sixth Avenue, Seattle, Washington 98101, and the Alaska Department of Environmental Conservation, 410 Willoughby Avenue Suite 303, Juneau, AK 99801-1795.

**FOR FURTHER INFORMATION CONTACT:** Connie Robinson, Office of Air Quality (OAQ-107), EPA, 1200 Sixth Avenue, Seattle, Washington, (206) 553-1086.

**SUPPLEMENTARY INFORMATION:** In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no relevant adverse comments. If no relevant adverse comments are received in response to this action, no further activity is contemplated. If the EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives relevant adverse comment on an amendment, paragraph or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of a relevant adverse comment.

For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: January 16, 2002.

**Randall F. Smith,**

*Acting Regional Administrator, Region 10.*

[FR Doc. 02-2506 Filed 2-1-02; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[TX-139-1-7535; FRL-7137-4]

### Proposed Approval and Promulgation of Implementation Plans; Texas; Agreed Orders with Airlines and Memoranda of Agreement with Airport Owners and Operators Regarding Control of Pollution from Airport Ground Support Equipment for the Dallas/Fort Worth Ozone Nonattainment Area

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The EPA proposes to approve Agreed Orders and Memoranda of Agreement (MOA) requiring airlines and owners and operators at major airports in the Dallas/Fort Worth (DFW) area to reduce oxides of nitrogen (NO<sub>x</sub>) emissions from airport Ground support