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**SUPPLEMENTARY INFORMATION:** A final rule AD, FR Doc, 02-29355 applicable to General Electric Company CF34-8C1 turbofan engines was published in the **Federal Register** on November 20, 2002 (67 FR 70004). The following correction is needed:

#### § 39.13 [Corrected]

On page 70005, in the first column, in the Comments Section, in the fourth paragraph, in the eighth and again in the thirteenth lines, "Table 805" is corrected to read "Table 801". Also on page 70005, in the third column in the ninth paragraph, "Table 805" is corrected to read "Table 801".

Dated: Issued in Burlington, MA, on December 4, 2002.

**Francis A. Favara,**

*Assistant Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 02-31173 Filed 12-10-02; 8:45 am]

**BILLING CODE 4910-13-P**

## BROADCASTING BOARD OF GOVERNORS

### 22 CFR Part 507

#### Sunshine Act Meetings

**AGENCY:** The Broadcasting Board of Governors.

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes rules for implementing open meetings under the Sunshine Act for the Broadcasting Board of Governors (BBG or Agency).

**EFFECTIVE DATE:** December 11, 2002.

**FOR FURTHER INFORMATION CONTACT:** Carol M. Booker, Legal Counsel, at (202) 401-3736.

**SUPPLEMENTARY INFORMATION:** Public Law 103-236, the United States Broadcasting Act of 1994, created the BBG within the United States Information Agency (USIA). By law, the bipartisan board consisted of nine members—eight members who were appointed by the President, by and with the advice and consent of the Senate, and the USIA Director.

On October 21, 1998, President Clinton signed Pub. L. 105-277, the Omnibus Consolidated Emergency Supplemental Appropriations Act for Fiscal Year 1999. Contained as Division G of this legislation was the Foreign Affairs Reform and Restructuring Act of 1998, which reorganized the foreign affairs agencies of the U.S. Government. Under this reorganization, the

Broadcasting Board of Governors became an independent Federal entity on October 1, 1999. Under the reorganization of the foreign affairs agencies, the responsibilities of the Board remained intact, and the membership of the Board remained the same, except that the USIA Director was replaced by the Secretary of State.

The BBG has responsibility for oversight of all United States sponsored, non-military broadcasting to foreign countries. The BBG oversees the operations of the International Broadcasting Bureau (IBB), which includes the worldwide broadcasting services of the Voice of America (VOA), WORLDNET, the Office of Cuba Broadcasting (OCB), Engineering and Technical Operations. The BBG also oversees two grantee organizations, Radio Free Europe/Radio Liberty (RFE/RL) and Radio Free Asia (RFA). The Board members also serve as the members of the Board of Directors of both RFE/RL and RFA.

The Board's authorities include, among others:

- To review and evaluate the mission and operation of, and assess the quality, effectiveness, and professional integrity of, all such activities within the broad foreign policy objectives of the United States;
- To make and supervise grants for broadcasting and related activities of RFE/RL and RFA;
- To review, evaluate and determine, at least annually, the addition or deletion of language services; and
- To allocate funds appropriated for international broadcasting activities among the various elements of the IBB and grantees, subject to reprogramming notification.

In total, the BBG broadcasting entities transmit more than 2,000 hours of weekly programming in 61 languages to more than 100 million weekly listeners worldwide.

The Sunshine Act (5 U.S.C. 552b) is a Federal Law that requires meetings of Federal Agencies to remain public and in most cases the time, place and subject matter of the meeting should be announced prior to its occurrence.

In accordance with 5 U.S.C. 605(b), the BBG certifies that the rules do not have a significant adverse economic impact on a substantial number of small entities. This rule is not considered significant regulatory action within the meaning of section 3(f) of Executive Order 12866, nor does this rule have Federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order 12612.

Dated: December 3, 2002.

**Carol M. Booker,**

*Legal Counsel, Broadcasting Board of Governors.*

#### List of Subjects in 22 CFR Part 507

Sunshine Act.

Accordingly, for the reasons set out in the preamble, 22 CFR Part 507 is added to read as follows:

### PART 507—RULES FOR IMPLEMENTING OPEN MEETINGS UNDER THE SUNSHINE ACT FOR THE BROADCASTING BOARD OF GOVERNORS

Sec.

- 507.1 General policies.
- 507.2 Definitions.
- 507.3 Requirement for open meetings.
- 507.4 Grounds on which meetings may be closed.
- 507.5 Procedures for announcing meetings.
- 507.6 Procedures for closing meetings.
- 507.7 Reconsideration of opening or closing a meeting.
- 507.8 Recording keeping of closed meetings.

**Authority:** Pub. L. 93-129, 87 Stat. 956, 5 U.S.C. 552b.

#### § 507.1 General policies.

The Broadcasting Board of Governors will provide the public with the fullest practical information regarding its decision making process while protecting the rights of individuals and its abilities to carry out its responsibilities.

#### § 507.2 Definitions.

The following definitions apply:

(a) The term agency includes any establishment in the executive branch of the government headed by a collegial body composed of two or more individual members, a majority of whom are appointed to such position by the President with the advice and consent of the Senate, and any subdivision thereof authorized to act on behalf of the agency. The Broadcasting Board of Governors is a government agency headed by a nine-member board, eight of whom are appointed by the President with the advice and consent of the Senate, and the ninth being the Secretary of State. Therefore, the Broadcasting Board of Governors is an "agency" under these terms.

(b) The term meeting means the deliberation of this Board where such deliberations determine or result in the joint conduct or disposition of official Board business.

(c) The term member means an individual who belongs to the Board who has been appointed by the President and confirmed by the Senate or is the Secretary of State.

**§ 507.3 Requirement for open meetings.**

Members shall not jointly conduct or dispose of agency business other than in accordance with this part. Except as provided in § 507.4 every portion of every meeting of the agency shall be open to public observation.

**§ 507.4 Grounds on which meetings may be closed.**

The Board shall open every portion of every meeting of the agency for public observation except where the agency determines that such portion or portions of the meeting or the disclosure of such information is likely to:

- (a) Disclose matters that are:
  - (1) Specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign policy, and
  - (2) In fact properly classified pursuant to such Executive order;
- (b) Relate solely to the internal personnel rules and practice of the agency;
- (c) Disclose matters specifically exempted from disclosure by statute: Provided, that such statute:
  - (1) Requires that the matters be withheld from the public in such manner as to leave no discretion on the issue, or
  - (2) Established practical criteria for withholding or refers to particular types of matters to be withheld;
- (d) Disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (e) Involve accusing any person of a crime, or formally censuring any person;
- (f) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- (g) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would:
  - (1) Interfere with enforcement proceedings,
  - (2) Deprive a person of a right to a fair trial on an impartial adjudication,
  - (3) Constitute an unwarranted invasion of personal privacy,
  - (4) Disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential source,
  - (5) Disclose investigative techniques and procedures, or

(6) Endanger the life or physical safety of law enforcement personnel;

(h) Disclose information, the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action. This shall not apply in any instance where the Board has already disclosed to the public the content or the nature of its proposed action, or where the Board is required by law to make such disclosures on its own initiative prior to taking final Board action on such proposal; or

(i) Specifically concern the Board's issuance of a subpoena, or the Board's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct or disposition by the Board of a particular case of formal agency adjudication, or otherwise involving a determination on the record after opportunity for a hearing.

**§ 507.5 Procedures for announcing meetings.**

(a) In the case of each meeting, the Board shall make public, at least one week before the meeting, the time, place, and subject matter of the meeting, whether it is to be open or closed to the public, and the name and phone number of the official designated by the Board to respond to requests for information about the meeting. Such announcement shall be made unless a majority of the members of the Board determine by a recorded vote that such meeting must be called at an earlier date, in which case the Board shall make public announcement of the time, place, subject matter of such meeting and whether it is open or closed to the public, at the earliest practical time.

(b) Immediately following the public announcement, the Board will publish it in the **Federal Register**.

**§ 507.6 Procedures for closing meetings.**

(a) The closing of a meeting shall occur only when:

(1) A majority of the membership of the Board votes to take such action. A separate vote of the Board members shall be taken with respect to each Board meeting, a portion or portions of which are proposed to be closed to the public, or with respect to any information which is proposed to be withheld under § 507.4. A single vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to the public, or with respect to any information concerning such series of meetings, so long as each meeting in such series involves the same particular

matters and is scheduled to be held not more than thirty days after the initial meeting in such series. The vote of each Board member participating in such vote shall be recorded and no proxies shall be allowed.

(2) Whenever any person whose interest may be directly affected by a portion of the meeting requests that the Board close such a portion to the public for any of the reasons referred to in § 507.4 (e), (f) or (g), the Board, upon request of any of its Board members, shall take a recorded vote, whether to close such portion of the meeting.

(b) Within one day of any vote taken, the Board shall make publicly available a written copy of such vote reflecting the vote of each member on the question and full written explanation of its action closing the entire or portion of the meeting together with a list of all persons expected to attend the meeting and their affiliation.

(c) The Board shall announce the time, place and subject matter of the meeting at least eight (8) days before the meeting.

(d) For every closed meeting, the Board's Legal Counsel shall publicly certify that, in his or her opinion, the meeting may be closed to the public and shall state each relevant exemptive provision. A copy of such certification, together with a statement from the presiding officer of the meeting setting forth the time and place of the meeting, and the persons present, shall be retained by the Board.

**§ 507.7 Reconsideration of opening or closing a meeting.**

The time or place of a Board meeting may be changed following the public announcement only if the Board publicly announces such change at the earliest practicable time. The subject matter of a meeting, or the determination of the agency to open or close a meeting, or a portion of a meeting, to the public, may be changed following the public announcement only if a majority of the Board members determines by a recorded vote that Board business so requires and that no earlier announcement of the change was possible, and the Board publicly announces such change and the vote of each member upon such change at the earliest practicable time.

**§ 507.8 Recording keeping of closed meetings.**

(a) The Board shall maintain an electronic recording of the proceedings of each meeting, or portion of a meeting, closed to the public.

(b) The Board, after review by the Chairman, shall make promptly

available to the public in a place easily accessible to the public, a complete transcript or electronic record of the discussion of any item on the agenda, or any item of testimony of any witness received at the Board meeting, except for such item or items of such discussion or testimony as the Board determines to contain information which may be withheld under § 507.4. Copies of such record, disclosing the identity of each speaker, shall be furnished to any person at the actual cost of duplication. The Board shall maintain a complete transcript or electronic copy of each meeting, or portion of a meeting, closed to the public, for a period of at least two years after such meeting, or until one year after the conclusion of any Board proceeding with respect to which the meeting or portion was held, whichever occurs later.

[FR Doc. 02-31168 Filed 12-10-02; 8:45 am]

BILLING CODE 8610-01-P

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD08-02-027]

RIN 2115-AE47

#### Drawbridge Operation Regulation; Mississippi River, Clinton, IA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary rule.

**SUMMARY:** The Commander, Eighth Coast Guard District, is temporarily changing the regulation governing the Clinton Railroad Drawbridge, Mile 518.0, Upper Mississippi River. From 7:30 a.m., December 15, 2002, until 7:30 a.m., March 1, 2003, the drawbridge shall open on signal if at least 24 hours advance notice is given. This temporary rule is issued to facilitate annual maintenance and repair on the bridge.

**DATES:** This temporary rule is effective 7:30 a.m. on December 15, 2002, to 7:30 a.m. on March 1, 2003.

**ADDRESSES:** Documents referred to in this rule are available for inspection or copying at room 2.107f in the Robert A. Young Federal Building, Eighth Coast Guard District, Bridge Branch, 1222 Spruce Street, St. Louis, MO 63103-2832, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (314) 539-3900, extension 2378. Commander, Eighth Coast Guard District (obr) maintains the public docket for this rulemaking.

**FOR FURTHER INFORMATION CONTACT:** Mr. Roger K. Wiebusch, Bridge Administrator, (314) 539-3900, extension 2378.

#### SUPPLEMENTARY INFORMATION:

##### Good Cause for Not Publishing an NPRM

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. This rule is being promulgated without an NPRM due to the short time frame between the submission of the request by the Union Pacific Railroad Company and the date of requested closure. This rule would not become effective in time to begin repair work on the drawbridge if an NPRM were published, thus defeating the purpose of this rule.

##### Good Cause for Making Rule Effective in Less Than 30 Days

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Due to the short time frame between the submission of the request by the Union Pacific Railroad Company and the date of the requested closure, this rule could not be published more than 30 prior to its effective date. If there were a 30 day delay in its publication, this rule would not become effective in time to begin repair work on the drawbridge which would defeat the purpose of this rule.

##### Background and Purpose

On September 20, 2002, the Union Pacific Railroad Company requested a temporary change to the operation of the Clinton Railroad Swing Bridge across the Upper Mississippi River, Mile 518.0 at Clinton, Iowa. Union Pacific Railroad Company requested that 24 hours advance notice be required to open the bridge during the maintenance period. The maintenance is necessary to ensure the continued safe operation of the drawbridge. Advance notice may be given by calling the Clinton Yardmaster's office at (319) 244-3204 at anytime; or (319) 244-3269 weekdays between 7 a.m. and 3:30 p.m.; or Mr. Tomaz Gawronski, office (515) 263-4536 or cell phone (515) 229-2793.

The Clinton Railroad Drawbridge navigation span has a vertical clearance of 18.7 feet above normal pool in the closed to navigation position. Navigation on the waterway consists primarily of commercial tows and recreational watercraft. Presently, the draw opens on signal for passage of river traffic. The Union Pacific Railroad

Company requested the drawbridge be permitted to remain closed to navigation from 7:30 a.m., December 15, 2002, until 7:30 a.m., March 1, 2003 unless 24 hours advance notice is given to open the drawbridge to allow time to make repairs. The Clinton Railroad Drawbridge, Mile 518.0, Upper Mississippi River, is located upstream from Lock 17. Winter freezing of the Upper Mississippi River coupled with the closure of Army Corps of Engineer's Lock No. 17 (Mile 437.0 UMR) and Lock No. 19 (Mile 364.1 UMR) until 7:30 a.m. March 1, 2002 will reduce any significant navigation demands for the drawspan opening. Performing maintenance on the bridge during the winter when the number of vessels likely to be impacted is minimal is preferred to restricting vessel traffic during the commercial navigation season. This temporary change to the drawbridge's operation has been coordinated with the commercial waterway operators. No objections to the proposed temporary rule were raised.

##### Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 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 vessel traffic in the area of Clinton, Iowa will be greatly reduced by winter icing of the Upper Mississippi River and the closure of Locks 17 and 19, it is expected that this rule will have minimal economic or budgetary effects on the local community.

##### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this 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.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

The temporary rule will have a negligible impact on vessel traffic. The primary users of the Upper Mississippi