

sentences in their place to read as follows:

**§ 1.62-2 Reimbursements and other expense allowance arrangements.**

\* \* \* \* \*

(e) \* \* \*

(2) \* \* \* See § 1.274-5(g) and (j), which grant the Commissioner the authority to establish optional methods of substantiating certain expenses. Substantiation of the amount of a business expense in accordance with rules prescribed pursuant to the authority granted by § 1.274-5(g) or (j) will be treated as substantiation of the amount of such expense for purposes of this section.

\* \* \* \* \*

3. Section 1.274-5 is amended by:

1. Adding paragraph (j)(3).

2. Adding a new sentence at the end of paragraph (m).

The additions read as follows:

**§ 1.274-5 Substantiation requirements.**

[The text of proposed § 1.274-5(j)(3) and the proposed new sentence at the end of § 1.274-5(m) are the same as the text of § 1.274-5T(j)(3) and the last sentence of § 1.274-5T(m) published elsewhere in this issue of the **Federal Register**.]

**Robert E. Wenzel,**

*Deputy Commissioner of Internal Revenue.*

[FR Doc. 02-28544 Filed 11-8-02; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### 31 CFR Part 103

**RIN 1506-AA28**

#### **Financial Crimes Enforcement Network; Anti-Money Laundering Programs for Insurance Companies; Correction**

**AGENCY:** Financial Crimes Enforcement Network (FinCEN), Treasury.

**ACTION:** Proposed rule; correction.

**SUMMARY:** This document corrects the preamble to a proposed rule published in the **Federal Register** of September 26, 2002, regarding anti-money laundering programs for insurance companies. This correction clarifies that comments on the collection of information contained in the proposed rule should be received by November 25, 2002, rather than by November 12, 2002.

**FOR FURTHER INFORMATION CONTACT:** Office of Chief Counsel, FinCEN, (703) 905-3590.

## Correction

In proposed rule FR Doc. 02-24144, beginning on page 60625 in the issue of September 26, 2002, make the following correction, in the **SUPPLEMENTARY INFORMATION** section. On page 60629 in the 3d column, remove the third sentence of the first paragraph under "VI. Paperwork Reduction Act," and add in its place the following: "Comments on the collection of information should be received by November 25, 2002."

Dated: November 5, 2002.

**Cynthia L. Clark,**

*Deputy Chief Counsel, Financial Crimes Enforcement Network.*

[FR Doc. 02-28664 Filed 11-8-02; 8:45 am]

**BILLING CODE 4810-02-P**

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### **33 CFR Part 110**

**[CGD08-02-017]**

**RIN 2115-AA98**

#### **Anchorage Regulation; Boothville Anchorage, Venice, LA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to amend its regulation on Boothville Anchorage, located near mile 12.9, Lower Mississippi River, Venice, Louisiana. This amendment is necessary to accommodate the construction of Sea Point, a container transshipment facility. The anchorage would be reduced in size approximately 0.8 miles.

**DATES:** Comments and related material must reach the Coast Guard on or before January 13, 2003.

**ADDRESSES:** You may mail comments and related material to Commander, Eighth Coast Guard District (m), Hale Boggs Federal Bldg., 501 Magazine Street, New Orleans LA 70130, or comments and related material may be delivered to Room 1341 at the same address between 8 a.m. and 3:30 p.m., Monday through Friday, except federal holidays. Commander, Eighth Coast Guard District (m) 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 Commander, Eighth Coast Guard District (m) between 8 a.m. and

3:30 p.m., Monday through Friday, except federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant (LT) Karrie Trebbe, Project Manager for Eighth Coast Guard District Commander, telephone (504) 589-6271.

#### **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 (CCGD08-02-017), 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 Commander, Eighth Coast Guard District (m) 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 Coast Guard received a request from Sea Point LLC to reduce the size of the Boothville Anchorage by approximately 0.8 miles in order to accommodate the construction of Sea Point, a container transshipment facility in Venice, Louisiana. Sea Point is designed to provide the immediate transfer of containers from deep draft vessels to barges destined for ports on the Mississippi River and along the Gulf of Mexico.

Sea Point LLC has advised two local pilot organizations of its intended construction. The Crescent River Pilot's Association and the Associated Federal Pilots and Docking Masters of Louisiana, pilot organizations that pilot vessels through this area and anchor vessels in the anchorage, voiced no objections to the proposed reduction in the size of the anchorage.

#### **Discussion of Proposed Rule**

The proposed amendment would reduce the size the southern end of the Boothville Anchorage by 0.8 miles to

accommodate the construction of a container transshipment facility. The new anchorage would be 5.5 miles in length along the right descending bank of the river extending from mile 13.0 to 18.5 above Head of Passes. The width of the anchorage would remain unchanged.

### 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).

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This anchorage is primarily used for deep draft vessels waiting for mooring facilities further up river, vessels waiting for fog to dissipate, and for vessels waiting for heavy weather in the Gulf of Mexico to diminish. The proposed amendment would not obstruct the regular flow of traffic nor would it adversely affect vessels requiring anchorage as the anchorage has been more than ample to accommodate all vessels desiring to use it.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have 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.

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 anchorage is primarily used for deep draft vessels waiting for mooring facilities further up river, vessels waiting for fog to dissipate, and vessels waiting for heavy weather in the Gulf of Mexico to diminish. The proposed shortening of this anchorage would not obstruct the regular flow of traffic nor have an adverse impact to anchoring vessels.

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 (Pub. L. 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, LT Karrie Trebbe, Project Manager for Eighth Coast Guard District Commander, telephone (504) 589–6271.

### 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 \$100,000,000 or more in any one year. Though this proposed rule would 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 affect 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 would not create an environmental risk to health or risk to safety that might disproportionately affect children.

### Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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.

We invite your comments on how this proposed rule might impact tribal governments, even if that impact may not constitute a "tribal implication" under the Order.

### 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.

### Environment

We have considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph (34)(f), of Commandant Instruction M16475.ID, this rule is categorically excluded from further environmental documentation because this rule is an amendment to a regulation already in effect. A "Categorical Exclusion Determination" is available in the docket where indicated under **ADDRESSES**.

**List of Subjects in 33 CFR Part 110**

Anchorage grounds.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 110 as follows:

**PART 110—ANCHORAGE REGULATIONS**

1. The authority citation for part 110 continues to read as follows:

**Authority:** 33 U.S.C. 471, 1221 through 1236, 2030, 2035, 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g).

2. Amend § 110.195 by revising paragraph (a)(4) to read as follows:

**§ 110.195 Mississippi River below Baton Rouge, LA, including South and Southwest Passes.**

(a) \* \* \*

(4) *Boothville Anchorage.* An area 5.5 miles in length along the right descending bank of the river extending from mile 13.0 to mile 18.5 above Head of Passes. The width of the anchorage is 750 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 250 feet from the water's edge into the river as measured from the Low Water Reference Plane (LWRP). The outer boundary of the anchorage is a line parallel to the nearest bank 1,000 feet from the water's edge into the river as measured from the LWRP.

\* \* \* \* \*

Dated: November 1, 2002.

**Roy J. Casto,**

*Rear Admiral, Coast Guard, Commander, Eighth District Coast Guard.*

[FR Doc. 02–28680 Filed 11–8–02; 8:45 am]

**BILLING CODE 4910–15–P**

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[VA127–5059; FRL–7406–5]

**Approval and Promulgation of Air Quality Implementation Plans; Virginia; Nitrogen Oxides Budget Trading Program**

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve the NO<sub>x</sub> Budget Trading Program submitted as a revision to the Virginia State Implementation Plan (SIP), with the exception of its NO<sub>x</sub> allowance banking provisions, which EPA proposes to conditionally approve. The revision was submitted in response to EPA's regulation entitled, "Finding of

Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone," otherwise known as the "NO<sub>x</sub> SIP Call." The revision establishes and requires a nitrogen oxides (NO<sub>x</sub>) allowance trading program for large electric generating and industrial units, beginning in 2004. The intended effect of this action is to propose approval of Virginia's NO<sub>x</sub> Budget Trading Program because it substantively addresses the requirements of the NO<sub>x</sub> SIP Call, with the following exception: Its NO<sub>x</sub> allowance banking provision is proposed to be conditionally approved because it must be revised to require that flow control begin in 2005, in accordance with the revised model rule. EPA is proposing approval of this revision, with the exception noted, in accordance with the requirements of the Clean Air Act.

**DATES:** Written comments must be received on or before December 12, 2002.

**ADDRESSES:** Written comments should be mailed to Walter Wilkie, Acting Chief, Air Quality Planning and Information Services Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103 and Virginia Department of Environmental Quality (VADEQ), 629 East Main Street, Richmond, Virginia, 23219.

**FOR FURTHER INFORMATION CONTACT:** Marilyn Powers, (215) 814–2308, or by e-mail at [powers.marilyn@epa.gov](mailto:powers.marilyn@epa.gov). Please note that any comments on this rule must be submitted in writing, as provided in the ADDRESSES section of this document.

**SUPPLEMENTARY INFORMATION:** On June 25, 2002, VADEQ submitted a revision to its SIP to address the requirements of the NO<sub>x</sub> SIP Call. The revision consists of the adoption of Regulation for Emissions Trading, 9 VAC Chapter 140, part I—NO<sub>x</sub> Budget Trading Program. The information in this section of this document is organized as follow:

**I. EPA's Action**

A. What Action Is EPA Taking in This Proposed Rulemaking?

B. What Are the General NO<sub>x</sub> SIP Call Requirements?

C. What Is EPA's NO<sub>x</sub> Budget Trading Program?

D. What standards did EPA use to evaluate Virginia's submittal?

II. Virginia's NO<sub>x</sub> Budget Trading Program

A. When Did Virginia Submit the SIP Revision to EPA in Response to the NO<sub>x</sub> SIP Call?

B. What Is Virginia's NO<sub>x</sub> Budget Trading Program?

C. What Is the Result of EPA's Evaluation of Virginia's Program?

III. Proposed Action

IV. Administrative Requirements

**I. EPA's Action**

A. *What Action Is EPA Taking in This Proposed Rulemaking?*

EPA is proposing to approve the Virginia NO<sub>x</sub> Budget Trading Program submitted as a SIP revision on June 25, 2002, with the exception of its NO<sub>x</sub> allowance banking provisions, which EPA proposes to conditionally approve.

B. *What Are the General NO<sub>x</sub> SIP Call Requirements?*

On October 27, 1998 (63 FR 57356), EPA published a final rule entitled, "Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone," otherwise known as the "NO<sub>x</sub> SIP Call." The NO<sub>x</sub> SIP Call requires the District of Columbia and 22 States, including Virginia, to meet statewide NO<sub>x</sub> emission budgets during the May 1 through September 30 ozone season. By meeting these budgets the States will reduce the amount of ground level ozone that is transported across the eastern United States. EPA has previously determined statewide NO<sub>x</sub> emission budgets for each affected jurisdiction to be met by the year 2007. EPA identified NO<sub>x</sub> emission reductions, by source category, that could be achieved by using cost-effective measures. The source categories included were electric generating units (EGUs), non-electric generating units (non-EGUs), area sources, nonroad mobile sources and highway sources. However, the NO<sub>x</sub> SIP Call allowed States the flexibility to decide which source categories to regulate in order to meet the statewide budgets. In the NO<sub>x</sub> SIP Call rule's preamble, EPA suggested that imposing statewide NO<sub>x</sub> emission caps on large fossil-fuel fired industrial boilers and EGUs would provide a highly cost effective means for States to meet their NO<sub>x</sub> budgets. In fact, the State-specific budgets were set assuming an emission rate of 0.15 pounds NO<sub>x</sub> per million British thermal units (lbs. NO<sub>x</sub>/MMBtu)