

## V. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act<sup>28</sup> that the proposed rule (SR-Phlx-2002-04), as amended by Amendments No. 1 through 7, is approved and Amendment No. 8 is approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>29</sup>

**Margaret H. McFarland,**  
Deputy Secretary.

[FR Doc. 02-28747 Filed 11-12-02; 8:45 am]

BILLING CODE 8010-01X-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Agency Information Collection Activities Under OMB Review

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

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Requests (ICR) abstracted below have been forwarded to the Office of Management and Budget (OMB) for extension of the currently approved collections. The ICR describes the nature of the information collection and the expected burden. The Federal Register Notice with a 60-day comment period soliciting comments on the following collections of information was published on July 24, 2002, page 48501.

**DATES:** Comments must be submitted on or before December 13, 2002. A comment to OMB is most effective if OMB receives it within 30 days of publication.

**FOR FURTHER INFORMATION CONTACT:** Judy Street on (202) 267-9895.

#### SUPPLEMENTARY INFORMATION:

##### Federal Aviation Administration (FAA)

1. *Title:* Flight Engineers and Flight Navigators—FAR Part 63.

*Type of Request:* Extension of a currently approved collection.

*OMB Control Number:* 2120-0007.

*Forms(s):* FAA Form 8400-3, Application for an Airman Certificate and/or Rating.

*Affected Public:* A total of 2,760 airmen.

*Abstract:* 49 U.S.C. 44902(a), 44702(a)(2), and 44707(1) authorize issuance of airman certificates and

provide for examination and rating of flying schools. FAR 63 prescribes requirements for flight navigator certification and training course requirements for these airmen. Information collected is used to determine certification eligibility.

*Estimated Annual Burden Hours:* An estimated 1,416 hours annually.

2. *Title:* ACSEP Evaluation Customer Feedback Report.

*Type of Request:* Extension of a currently approved collection.

*OMB Control Number:* 2120-0605.

*Forms(s):* FAA Form 8100.7.

*Affected Public:* A total of 450 certified aircraft suppliers.

*Abstract:* The information will be collected from holders of FAA production approvals and selected suppliers to obtain their input on how well the agency is performing the administration and conduct of the Aircraft Certification Systems Evaluation Program (ACSEP). The agency will use the information as a customer service standard and to continually improve ACSEP.

*Estimated Annual Burden Hours:* An estimated 450 hours annually.

3. *Title:* Additional Flight Data Recorder Requirements for Certain Boeing 737 Airplanes.

*Type of Request:* Extension of a currently approved collection.

*OMB Control Number:* 2120-0651.

*Forms(s):* NA.

*Affected Public:* A total of 1,200 owners/operators of Boeing 737 airplanes.

*Abstract:* This rule requires the recording of additional operating parameters for certain Boeing 737 airplanes. These additional parameters allow the NTSB and FAA to investigate and establish causes for accidents so that the aviation industry can make appropriate modifications to prevent future incidents.

*Estimated Annual Burden Hours:* An estimated 1 hours annually.

**ADDRESSES:** Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention FAA Desk Officer.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimates of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the

burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC on November 4, 2002.

**Judith D. Street,**

FAA Information Collection Clearance Officer, Standards and Information Division, APF-100.

[FR Doc. 02-28827 Filed 11-12-02; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Intent To Rule on Request to Release Airport Land at Hilo and Kahului Airports, Hawaii

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

**ACTION:** Notice of request to release airport land.

**SUMMARY:** The FAA proposes to rule and invites public comment on the release of airport land needed to comply with the Hawaii Department of Transportation's (HDOT) obligations under the Tri-Party Agreement of 1984. The purpose of the Tri-Party Agreement was to extinguish lawsuits pending in state court that contested HDOT's use of certain lands for non-airport purposes. The Agreement called for HDOT to exchange land and money to compensate for subject land. The FAA objected to the transfer of land needed for airport or wildlife mitigation purposes. To resolve this matter, HDOT has proposed that other non-aeronautical use land be substituted for those parcels identified in the Tri-Party Agreement.

**DATES:** Comments must be received on or before December 13, 2002.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Mr. Ronnie V. Simpson, Manager, FAA Honolulu Airports District Office, 300 Ala Moana Blvd., Room 7-128, Honolulu, HI 96813.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ronnie V. Simpson, Manager, Honolulu Airports District Office, 300 Ala Moana Blvd., Room 7-128, Honolulu, HI 96813, Telephone: (808) 541-1232. The request to release airport property may be reviewed in person at this same location.

**SUPPLEMENTARY INFORMATION:** On April 5, 2000, new authorizing legislation became effective. That bill, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR

<sup>28</sup> 15 U.S.C. 78s(b)(2).

<sup>29</sup> 17 CFR 200.30-3(a)(12).

21), Pub. L. 10–181 (Apr. 5, 2000; 114 Stat. 61), requires that a 30-day public notice must be provided before the Secretary may waive any condition imposed on an interest in surplus property.

*The following is a brief overview of the request:*

The state agencies have agreed to substitute new airport parcels for those identified in the Tri-Party Agreement. The following is a description of the parcels proposed for release:

(a) HDOT will convey 22.419 acres at Kahului, subject to an avigation easement, to Department of Land and Natural Resources (DLNR). The land is presently occupied by state agencies that are using it for non-aeronautical purposes.

(b) At Hilo, HDOT and DLNR will each swap 1.082 acres. Presently, HDOT airport land is occupied by a state agency and the DLNR land is occupied by the FAA/National Weather Service Station. By swapping land of equal size and value, HDOT will acquire 1.082 acres of aviation-use land and DLNR will acquire 1.082 acres, subject to an avigation easement, of non-aeronautical use land.

(c) HDOT will convey 41.067 acres, subject to avigation easement, at Hilo to DLNR. The land consists of a quarry and the former Hawaii National Guard site, that cannot be used for aeronautical purposes since it is isolated from the airport by a major roadway. It has never been used and will not be used for future aeronautical purposes.

(d) HDOT will convey another 16.941 acres, subject to avigation easement, of the quarry site at Hilo to DLNR. The state will pay HDOT fair market value of \$2,140,000, none of which is airport revenue, for the additional land. The additional 16.941 acres, along with the 41.067 acres above, represent the entire quarry and Hawaii National Guard site that has never been used for aeronautical purposes and which HDOT does not need for airport purposes.

Issued in Hawthorne, California, on October 30, 2002.

**Herman C. Bliss,**

*Manager, Airports Division, Western-Pacific Region.*

[FR Doc. 02–28828 Filed 11–12–02; 8:45 am]

**BILLING CODE 4910–13–Ma**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Artisan Liens on Aircraft; Recordability

**AGENCY:** Federal Aviation Administration

**ACTION:** Notice.

**SUMMARY:** This notice of legal opinion is issued by the Aeronautical Center Counsel to provide legal advice to the Aircraft Registration Branch, Mike Monroney Aeronautical Center, Oklahoma City, Oklahoma, also identified as the FAA Aircraft Registry. Since December 17, 1981, the Aeronautical Center Counsel has issued opinions in the **Federal Register** of those states from which artisan liens will be accepted for recordation by the FAA Aircraft Registry. This opinion is to advise interested parties of the addition of the States of Louisiana, Massachusetts, and Rhode Island to that list.

**ADDRESSES:** Copies of prior opinions on the recordability of artisan liens from states which have statutes authorizing their recording may be obtained from: Aeronautical Center Counsel, AMC–7, P.O. Box 25082, Oklahoma City, OK 73125–4904.

**FOR FURTHER INFORMATION CONTACT:** Joseph R. Standell, Aeronautical Center Counsel, address above, or call (405) 954–3296.

**SUPPLEMENTARY INFORMATION:** In 46 FR 61528, December 17, 1981, the Federal Aviation Administration, Mike Monroney Aeronautical Center, published its legal opinion on the recordability of artisan liens, with the identification of those states from which artisan liens would be accepted. In 49 FR 17112, April 23, 1984, we advised that Florida, Nevada, and New Jersey had passed legislation that, in our opinion, allows the Aircraft Registry to accept artisan liens from those states. In 51 FR 21046, June 10, 1986, we advised that Minnesota and New Mexico had passed legislation that, in our opinion, allows the Aircraft Registry to accept artisan liens from those states. In 54 FR 23716, June 23, 1988, we advised that Missouri had passed legislation that, in our opinion, allows the Aircraft Registry to accept artisan liens from that state. In 54 FR 38584, September 19, 1989, we advised that Texas was identified as a state from which artisan liens will be accepted. In 54 FR 51965, October 17, 1989, we advised that North Dakota was identified as a state from which artisan liens will be accepted. In 55 FR 31938, August 6, 1990, we advised that Michigan and Tennessee was identified as states from which artisan liens will be accepted. In 56 FR 27989, June 18, 1991, we advised that Arizona was identified as a state which artisan liens will be accepted. In 56 FR 36189–36190, July 31, 1991, we advised that Iowa was identified as a state from which artisan

liens will be accepted. In 58 FR 50387, September 27, 1993, we advised that the states of California (General Aviation only), Connecticut, Ohio, and Virginia were identified as states from which artisan liens will be accepted.

The purpose of this opinion is to advise interested parties that in addition to those states previously identified, the states of Louisiana, Massachusetts and Rhode Island are identified as states from which artisan liens will be accepted. Massachusetts was inadvertently omitted from the previous Notice published in 58 FR 50387, September 27, 1993, however, despite that omission FAA's Aircraft Registry has accepted and recorded artisan liens filed pursuant to Massachusetts law.

*The complete list of states from which artisan liens on aircraft will be accepted as of this date are:* Alaska, Arizona, Arkansas, California (General Aviation Only), Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virgin Islands, Virginia, Washington, Wyoming.

Issued in Oklahoma City on October 21, 2002.

**Joseph R. Standell,**

*Aeronautical Center Counsel.*

[FR Doc. 02–28830 Filed 11–12–02; 8:45 am]

**BILLING CODE 4910–13–M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Availability of Draft Supplemental Part 150 Study and Draft Environmental Assessment, Notice of Public Comment Period, and Notice of Public Hearing/Workshop for Proposed Noise Abatement Air Traffic measures for the Toledo Express Airport Located in Toledo, OH

**AGENCY:** Federal Aviation Administration, Department of Transportation.

**ACTION:** Notice of availability, notice of comment period, notice of public hearing/workshop.

**SUMMARY:** The Federal Aviation Administration (FAA) is issuing this notice to advise the public that the 2002 Draft Supplemental Part 150 Study and Draft Environmental Assessment (EA) have been prepared and are available for public review and comment. The 2002 Draft Supplemental Part 150 Study is a