any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This rule also does not have tribal implications because it will 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing 111(d)/129 plan submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a 111(d)/129 plan submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a 111(d)/129 plan submission, to use VCS in place of a 111(d)/129 plan submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 3, 2003. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action approving the District of Columbia and City of Philadelphia, Pennsylvania negative declarations for municipal solid waste landfills may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Aluminum, Fertilizers, Fluoride, Intergovernmental relations, Paper and paper products industry, Phosphate, Reporting and recordkeeping requirements, Sulfur oxides, Sulfuric acid plants, Waste treatment and disposal.

Dated: December 20, 2002.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

40 CFR part 62 is amended as follows:

PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart J—District of Columbia

2. Subpart J is amended by adding an undesignated center heading and § 62.2140 to read as follows:

Landfill Gas Emissions From Existing Municipal Solid Waste Landfills

§ 62.2140 Identification of plan—negative declaration.

Letter from the Department of Consumer and Regulatory Affairs submitted September 11, 1997, certifying that there are no existing municipal solid waste landfills in the District of Columbia that are subject to 40 CFR part 60, subpart Cc.

Subpart NN—Pennsylvania

3. Section 62.9633 is added to Subpart NN, "Landfill Gas Emissions From Existing Municipal Solid Waste Landfills" to read as follows:

§ 62.9633 Identification of plan—negative declaration.

Letter from the City of Philadelphia, Department of Public Health, submitted February 27, 1996, certifying that there are no existing municipal solid waste landfills in the City of Philadelphia that are subject to 40 CFR part 60, subpart Cc.

[FR Doc. 02–33100 Filed 12–31–02; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF ENERGY

48 CFR Parts 904, 952, and 970

RIN 1991–AB42

Acquisition Regulation: Security Amendments To Implement Executive Order 12829, National Industrial Security Program

AGENCY: Department of Energy (DOE).

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) is adopting as final without change an Interim Final Rule amending the Department of Energy Acquisition Regulation (DEAR) to ensure a uniform and simplified security system for contractors and others requiring access authorization for classified national security or restricted atomic energy information. The Final Rule also adopts the provision in the Interim Final Rule which allows the Secretary of Energy to waive the prohibition on award of a national security contract to an entity controlled by a foreign government if an environmental restoration requirement is involved.

DATES: This rule was effective May 28, 2002 pursuant to the interim final rule published March 28, 2002.

FOR FURTHER INFORMATION CONTACT: Richard B. Langston, Office of Procurement and Assistance Policy (ME–61), 202–586–8247; *richard.langston@pr.doe.gov.*

SUPPLEMENTARY INFORMATION: DOE is adopting as final the Interim Final Rule published on March 28, 2002, at 67 FR 14873 amending the DEAR to

implement Executive Order 12829, National Industrial Security Program (January 6, 1993), and Section 828 of the National Defense Authorization Act for Fiscal Year 1997, and to bring the DEAR into conformance with existing practices.

Background

Executive Order 12829 requires a uniform system for classifying, safeguarding, and declassifying national security information. The Federal agencies are adopting the National Industrial Security Program as the uniform Federal industrial security program within the limitations of their separate statutory requirements. Among the more significant features of the program is the use of a Standard Form 328, Certificate Pertaining to Foreign Interests, to gather information relative to foreign ownership, control or influence. Previously, DOE used a separate questionnaire of its own with more and somewhat different questions. Now all agencies will collect the same information. This feature will result in the greatest savings for both contractors and Federal agencies because agencies will accept each others' clearances on a reciprocal basis, in most circumstances. The Final Rule makes changes to the DEAR to bring it into conformance with the new program.

The Final Rule also includes a provision (revised section 904.7102 of the DEAR) to allow the Secretary of Energy to waive a prohibition on award of a national security contract to an entity controlled by a foreign government if an environmental restoration requirement is involved. Section 2536(b)(1)(B) of title 10 U.S.C. provides waiver authority for a contract for environmental restoration, remediation, or waste management at a DOD or DOE facility. For such a contract, the prohibition on award of a contract under a national security program to an entity controlled by a foreign government that requires access to a proscribed category of information to perform the contract may be waived only if the Secretary concerned determines that: (1) A waiver will advance the environmental restoration, remediation, or waste management objectives of the cognizant Department; (2) a waiver will not harm the national security interests of the United States; and (3) the entity to which the contract is to be awarded is controlled by a foreign government with which the cognizant Secretary has authority to exchange Restricted Data under section 144.c. of the Atomic Energy Act of 1954 (42 U.S.C. 2164(c)).

DOE invited comments from the public, which were to be submitted on or before April 29, 2002. No comments were received. DOE has determined that no changes are needed to the Interim Final Rule and adopts the DEAR amendments as final without change.

Issuance of this Final Rule has been approved by the Office of the Secretary of Energy.

List of Subjects in 48 CFR Parts 904, 952 and 970

Government procurement.

Issued in Washington, DC, on December 20, 2002.

Richard H. Hopf,

Director, Office of Procurement and Assistance Management, OMBE, Department of Energy.

Robert C. Braden, Jr.,

Director, Office of Procurement and Assistance Management, National Nuclear Security Administration.

For the reasons set forth in the preamble, the interim final rule amending 10 CFR Parts 904, 952, and 970 which was published at 67 FR 14873 on March 28, 2002, is adopted as a final rule without change.

[FR Doc. 02–32994 Filed 12–31–02; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration (RSPA)

49 CFR Parts 192 and 195

Pipeline Safety: Qualification of Pipeline Personnel

AGENCY: Office of Pipeline Safety, Research and Special Programs Administration, DOT.

ACTION: Notice of public meeting.

SUMMARY: The Research and Special Programs Administration's (RSPA) Office of Pipeline Safety (OPS) will conduct a public meeting to discuss progress in implementing the operator personnel qualification (OQ) rule for gas and hazardous liquid pipelines. OPS will introduce and describe the operator qualification inspection protocol development process and provide an opportunity for public comment. A panel of experts will respond to questions from the public.

DATES: The public meeting will be held on January 22, 2003, beginning promptly at 9 a.m. and will continue until 5 p.m. Persons wishing to make a presentation or statement at the meeting should notify Janice Morgan, (202) 366–2392, no later than January 15, 2003.

ADDRESSES: The public meeting will be held at the Hyatt Regency San Antonio (Riverwalk), 123 Losoya Street, San Antonio, TX 78205 (Tel: 210–222–1234; Fax: 210–227–4928; Web: *http://www.sanantonioregency.hyatt.com.* This meeting is free and open to the public. You may register electronically for this meeting at: *http://primis.rspa.dot.gov/meetings/MtgHome.mtg?&mtg=5.*

Following presentations by OPS on operator qualification compliance and inspection protocols, the public will have the opportunity to provide comments and to submit documents for the record. Preregistered organizations and individuals will be afforded the first opportunity to make their presentations.

Although we encourage persons wishing to comment on operator qualification compliance and inspection protocols to participate in the public meeting, written comments will be accepted. You may submit written comments on operator qualification implementation and compliance issues to Richard Huriaux, U.S. Department of Transportation, Room 7128, 400 Seventh Street, SW, Washington, DC 20590–0001.

FOR FURTHER INFORMATION CONTACT: You may contact Richard Huriaux at (202) 366–4565, regarding the agenda of this public meeting. General information about OPS programs may be obtained by accessing OPS's Internet home page at *http://ops.dot.gov.*

Information on Services for Individuals with Disabilities. For information on facilities or services for individuals with disabilities or to request special assistance, contact Janice Morgan, (202) 366–2392.

SUPPLEMENTARY INFORMATION: The operator qualification rules at 49 CFR 192.801 (for gas pipelines) and at 49 CFR 195.501 (for hazardous liquid pipelines) require every pipeline operator to have and follow a written personnel qualification program that includes provisions to identify covered tasks and to ensure that all persons performing these tasks are qualified to safely and effectively complete the tasks. By October 28, 2002, all gas and hazardous liquid pipeline operators should have completed the qualification of all individuals performing covered tasks on pipeline facilities.

On January 22, 2003, OPS will conduct a public meeting to discuss progress in implementing the operator personnel qualification rule for gas and hazardous liquid pipelines. OPS will present a detailed review of the development of the operator qualification inspection protocols.