

Done in Washington, DC, this 10th day of February 2003.

**Peter Fernandez,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 03-3686 Filed 2-13-03; 8:45 am]

BILLING CODE 3410-34-P

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 166

[Docket No. 03-008-1]

#### Swine Health Protection

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** We are amending the swine health protection regulations by removing Kansas and Oregon from the list of States that permit the feeding of treated garbage to swine and adding them to the list of States that prohibit garbage feeding. This action is necessary to reflect changes in the status of Kansas and Oregon, and thereby facilitate the administration of the swine health protection regulations.

**DATES:** This rule is effective February 14, 2003.

**FOR FURTHER INFORMATION CONTACT:** Dr. Adam Grow, National Surveillance Coordinator, National Center for Animal Health Programs, VS, APHIS, 4700 River Road, Unit 43, Riverdale, MD 20737-1231; (301) 734-3752.

#### SUPPLEMENTARY INFORMATION:

##### Background

The swine health protection regulations in 9 CFR part 166 (referred to below as the regulations) were established under the Swine Health Protection Act (7 U.S.C. 3801 *et seq.*, referred to below as the Act). The Act and the regulations contain provisions concerning the treatment of garbage to be fed to swine and the feeding of that garbage to swine. These provisions operate as safeguards against the spread of certain swine diseases in the United States.

The regulations in § 166.15 categorize States according to the respective status of each with regard to the feeding of garbage to swine. Some States prohibit this activity, while other States permit the feeding of garbage to swine; these States are listed in § 166.15(a) and (b), respectively.

Under section 10 of the Act (7 U.S.C. 3809), a State will have primary enforcement responsibility for

violations of laws and regulations related to the treatment and feeding of garbage if the Secretary determines that the State: (1) Has adopted adequate laws and regulations governing the treatment of garbage to be fed to swine and the feeding thereof which laws and regulations meet the minimum standards of the Act and regulations, (2) has adopted and is implementing adequate procedures for the effective enforcement of its garbage feeding laws and regulations, and (3) will keep records and make reports showing compliance with its garbage feeding laws and regulations and their enforcement as the Secretary may require by regulation. States that have primary enforcement responsibility are listed in § 166.15(c).

Prior to this rulemaking, Kansas and Oregon were listed in § 166.15(b) as States that permitted the feeding of treated garbage to swine and in § 166.15(c) as States with primary enforcement responsibility. However, Kansas and Oregon have both repealed their laws permitting the feeding of treated garbage to swine. We are, therefore, removing Kansas and Oregon from the list of States in § 166.15(b) that permit the feeding of treated garbage to swine and are adding them to the list of States in § 166.15(a) that prohibit the feeding of garbage to swine. We are also removing both States from the list in § 166.15(c) of States that have primary enforcement responsibility.

##### Effective Date

We are taking this action to update our regulations with respect to changes that have already occurred in the laws of Kansas and Oregon regarding the feeding of garbage to swine. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to the administrative procedure provisions in 5 U.S.C. 553, we find upon good cause that prior notice and other public procedure with respect to this rule are unnecessary. We also find good cause for making this rule effective less than 30 days after publication in the **Federal Register**.

#### Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review under Executive Order 12866.

The decision regarding whether or not a State will permit the feeding of garbage to swine is made at the State

level. Since the State of Kansas and the State of Oregon have each notified APHIS that State law now prohibits the feeding of garbage to swine, this rule simply amends the regulations to reflect each State's decision.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

#### Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

#### Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

#### Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### List of Subjects in 9 CFR Part 166

Animal diseases, Hogs, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 166 is amended as follows:

#### PART 166—SWINE HEALTH PROTECTION

1. The authority citation for part 166 continues to read as follows:

**Authority:** 7 U.S.C. 3801-3813; 7 CFR 2.22, 2.8, and 371.4.

##### § 166.15 [Amended]

2. Section 166.15 is amended as follows:

a. In paragraph (a), by adding, in alphabetical order, the words "Kansas," and "Oregon,".

b. In paragraph (b), by removing the words "Kansas," and "Oregon,".

c. In paragraph (c), by removing the words "Kansas," and "Oregon,".

Done in Washington, DC, this 10th day of February 2003.

**Peter Fernandez,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 390

[Docket No. RM02-10-000]

#### Electronic Registration

February 11, 2003.

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Final Rule: Notice of Suspension.

**SUMMARY:** The Federal Energy Regulatory Commission is suspending the requirement that users of its online applications register electronically. On December 20, 2002, the Commission issued an order extending the requirement's effective date from the original effective date of January 7, 2003. Through inadvertence, that order was not published in the **Federal Register** until January 15, 2003. The Commission is issuing this order, which is identical in substance to the December 20 order, for the sake of clarity.

**DATES:** 18 CFR 390.1, published on August 12, 2002 (67 FR 52410) is suspended as of January 7, 2003.

**FOR FURTHER INFORMATION CONTACT:** Christopher Cook (information technology advisor), Office of the Chief Information Officer, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502-8102.

Wilbur Miller (legal advisor), Office of General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502-8953.

#### SUPPLEMENTARY INFORMATION:

#### Notice of Suspension of Effective Date of Electronic Registration

1. On August 5, 2002, the Commission issued Order No. 891, establishing a system of electronic registration to act as a gateway to its online services.<sup>1</sup> The eRegistration system will allow users to input identifying information only once as a precursor to using services such as

electronic filing, electronic subscription, or electronic service. The registration system has been available on the Commission's Web site, <http://www.ferc.gov>, since September as a voluntary system. Order No. 891 provided that eRegistration would become mandatory on January 7, 2003.<sup>2</sup>

2. Currently, eRegistration is not fully integrated with the online services with which it will operate, and this was expected to be the case on the original effective date. The Commission thus, on December 20, 2002, issued an order extending the effective date until adequate integration is achieved. 68 FR 1964 (Jan. 15, 2003.). The Commission stated that, once the system is ready, the Secretary of the Commission will issue a notice of the time when the eRegistration requirement will become effective. In the interim, eRegistration may be a prerequisite for the use of some informational services, such as electronic subscription.

3. Through inadvertence, the Commission's order of December 20, 2002, was not published in the **Federal Register** until January 15, 2003. 68 FR 1964. For the sake of clarity, the Commission in this order will suspend the effectiveness of eRegistration on the same terms as announced in the December 20 order.

#### The Commission Orders

18 CFR 390.1 is suspended until the new effective date is announced by the Secretary, in a document published in the **Federal Register**.

By the direction of the Commission.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. 03-3740 Filed 2-13-03; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 73

[Docket No. 00C-1321]

#### Listing of Color Additives Exempt From Certification; Mica-Based Pearlescent Pigments; Confirmation of Effective Date

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule; confirmation of effective date.

**SUMMARY:** The Food and Drug Administration (FDA) is confirming the effective date of November 26, 2002, for the final rule that appeared in the **Federal Register** of October 24, 2002 (67 FR 65311). The final rule amended the color additive regulations to provide for the safe use of mica-based pearlescent pigments as color additives in contact lenses.

**DATES:** Effective date confirmed: November 26, 2002.

#### FOR FURTHER INFORMATION CONTACT:

Aydin Örstan, Center for Food Safety and Applied Nutrition (HFS-265), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 202-418-3076.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of October 24, 2002 (67 FR 65311), FDA amended the color additive regulations to add § 73.3128 *Mica-based pearlescent pigments* (21 CFR 73.3128) to provide for the safe use of mica-based pearlescent pigments as color additives in contact lenses.

FDA gave interested persons until November 25, 2002, to file objections or requests for a hearing. The agency received no objections or requests for a hearing on the final rule. Therefore, FDA finds that the effective date of the final rule that published in the **Federal Register** of October 24, 2002, should be confirmed.

#### List of Subjects in 21 CFR Part 73

Color additives, Cosmetics, Drugs, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 342, 343, 348, 351, 352, 355, 361, 362, 371, 379e) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), notice is given that no objections or requests for a hearing were filed in response to the October 24, 2002, final rule. Accordingly, the amendments issued thereby became effective November 26, 2002.

Dated: February 7, 2002.

**Margaret M. Dotzel,**

*Assistant Commissioner for Policy.*

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<sup>1</sup> See 18 CFR part 390 (2001).

<sup>2</sup> FERC Stats. & Regs. ¶ 31,132, at p. 30,195 (2002), codifying requirement at 18 CFR 390.1.