(2) *Action by port director*—(i) *If a hearing is requested.* If the appeal requests that a hearing be held, the port director will first review the appeal to determine whether there is a genuine issue of fact that is material to the revocation or suspension action. If a hearing is required because the port director finds that there is a genuine 43 issue of fact that is material to the revocation or suspension action, a hearing will be held, and a decision on the appeal will be rendered, in accordance with paragraphs (d) through (f) of this section. If the port director finds that there is no genuine issue of fact that is material to the revocation or suspension action, no hearing will be held and the port director will forward the administrative record as provided in paragraph (c)(2)(ii) of this section for the rendering of a decision on the appeal under paragraph (c)(3) of this section.

(ii) *CMC review.* If no hearing is requested or if the port director finds that a requested hearing is not required, following receipt of the appeal the port director will forward the administrative record to the director of field operations at the Customs Management Center having jurisdiction over the office of the port director for a decision on the appeal. The transmittal of the port director must include a response to any disputed issues raised in the appeal.

(3) *Action by the director.* Following receipt of the administrative record from the port director, the director of field operations will render a written decision on the appeal based on the record forwarded by the port director. The decision will be rendered within 30 calendar days of receipt of the record and will be transmitted to the port director and served by the port director on the employee. A decision on an appeal rendered under this paragraph will constitute the final administrative action on the matter.

(d) *Hearing.* A hearing will be conducted in connection with an appeal of a final notice of revocation or suspension of access to the Customs security area only if the 44 affected employee in writing requests a hearing and demonstrates that there is a genuine issue of fact that is material to the revocation or suspension action. If a hearing is required, it must be held before a hearing officer designated by the Commissioner, or his designee. The employee will be notified of the time and place of the hearing at least 5 calendar days before the hearing. The employee may be represented by counsel at the revocation or suspension hearing. All evidence and testimony of witnesses in the proceeding, including substantiation of charges and the answer to the charges, must be presented. Both parties will have the right of cross'examination. A stenographic record of the proceedings will be made upon request and a copy furnished to the employee. At the conclusion of the proceedings or review of a written appeal, the hearing officer must promptly transmit all papers and the stenographic record to the director of field operations, together with the recommendation for final action. If neither the employee nor his attorney appears for a scheduled hearing, the hearing officer must record that fact, accept any appropriate testimony, and conclude the hearing. The hearing officer must promptly transmit all papers, together with his recommendations, to the director of field operations.

(e) *Additional written views.* Within 10 calendar days after delivery of a copy of the stenographic record of the hearing to the director of field operations, either party may submit to the director of field operations additional written views and arguments on matters in the record. A copy of any submission will be provided to the other party. Within 10 calendar days of receipt of the copy of the submission, the other party may file a reply with the director of field operations, and a copy of the reply will be provided to the other party. No further submissions will be accepted.

(f) *Decision.* After consideration of the recommendation of the hearing officer and any additional written submissions and replies made under paragraph (e) of this section, the director of field operations will render a written decision. The decision will be transmitted to the port director and served by the port director on the employee. A decision on an appeal rendered under this paragraph will constitute the final administrative action on the matter.

9. In § 122.188:

a. The section heading is amended by removing the word ''identification'' and adding, in its place, the words ''Customs access seal'';

b. Paragraph (a) is amended by removing the words ''identification card, strip, or seal'' in two places in the first sentence and adding, in their place, the words ''Customs access seal'' and by removing the words ''identification card'' in the last sentence and adding, in their place, the words ''Customs access seal'';

c. Paragraph (b) is amended by removing the words ''identification card, strip, or seal'' wherever they appear and adding, in their place, the words ''Customs access seal'';

d. Paragraph (c) is amended by removing the words ''identification card, strip, or seal'' in the second and third sentences and adding, in their place, the words ''Customs access seal'' and by removing the words ''identification cards, strips, or seals'' in the last sentence and adding, in their place, the words ''Customs access seal''; and

e. Paragraph (d) is amended by removing the words ''identification card, strip, or seal'' wherever they appear and adding, in their place, the words ''Customs access seal''.

10. New § 122.189 is added to read as follows:

§ 122.189 Bond liability.

Any failure on the part of a principal to comply with the conditions of the bond required under § 122.182(c), including a failure of an employer to comply with any requirement applicable to the employer under this subpart, will constitute a breach of the bond and may result in a claim for liquidated damages under the bond.

Robert C. Bonner,

Commissioner of Customs.

Approved: July 24, 2002.

Timothy E. Skud,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 02–19055 Filed 7–26–02; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD09–02–063]

Safety Zones; Annual Fireworks Events in the Captain of the Port Detroit Zone

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation of regulation.

SUMMARY: The Coast Guard is implementing safety zones for annual fireworks displays in the Captain of the Port Detroit Zone during August 2002. This action is necessary to provide for the safety of life and property on navigable waters during these events. These zones will restrict vessel traffic from a portion of the Captain of the Port Detroit Zone.

DATES: The safety zone for the Maritime Day Fireworks, occurring in Marine City, MI, will be enforced from 9:30 p.m. until 11 p.m. on August 10, 2002. The safety zone for the Venetian

Festival Boat Parade & Fireworks, occurring in St. Clair Shores, MI, will be enforced from 8:30 p.m. until 10:30 p.m. on August 10, 2002.

FOR FURTHER INFORMATION CONTACT: Lieutenant Junior Grade Brandon Sullivan, U.S. Coast Guard Marine Safety Office Detroit, at (313) 568–9580.

SUPPLEMENTARY INFORMATION: The Coast Guard is implementing the permanent safety zones in 33 CFR 165.907(a)(22) and (23), for fireworks displays in the Captain of the Port Detroit Zone during August 2002.

The following safety zones will be enforced during fireworks displays occurring in the month of August 2002:

Maritime Day Fireworks, Marine City, MI. This safety zone will be enforced on August 10, 2002 from 9:30 p.m. until 11 p.m.

Venetian Festival Boat Parade & Fireworks, St. Clair Shores, MI. This safety zone will be enforced on August 10, 2002, from 8:30 p.m. until 10:30 p.m.

In order to ensure the safety of spectators and transiting vessels, these safety zones will be enforced for the duration of the events. In cases where shipping is affected, commercial vessels may request permission from the Captain of the Port Detroit to transit the safety zone. Approval will be made on a case-by case basis. Requests must be made in advance and approved by the Captain of Port Detroit before transits will be authorized. The Captain of the Port Detroit may be contacted via U.S. Coast Guard Group Detroit on Channel 16, VHF–FM.

Dated: July 19, 2002.

P. G. Gerrity,

Commander, Coast Guard, Captain of the Port Detroit.

[FR Doc. 02–19138 Filed 7–26–02; 8:45 am]

BILLING CODE 4910–15–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[ET Docket No. 01–278; FCC 02–211]

Radar Detectors

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document requires radar detectors to comply with limits on radiated emissions in the 11.7–12.2 GHz band to prevent interference to satellite services. Radar detectors are required to be approved by the Federal Communications Commission or another designated organization before they can be marketed within the United States.

DATES: Effective August 28, 2002. See § 15.37(k) for Applicability Dates.

FOR FURTHER INFORMATION CONTACT: Hugh Van Tuyl, Office of Engineering and Technology, (202) 418–7506.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *First Report and Order,* ET Docket No. 01–278, FCC 02–211, adopted July 12, 2002, and released July 19, 2002. The full text of this document is available for inspection and copying during regular business hours in the FCC Reference Center (Room CY–A257), 445 12th Street, SW., Washington, DC 20554. The complete text of this document also may be purchased from the Commission's copy contractor, Qualex International, 445 12th Street, SW., Room, CY–B402, Washington, DC 20554. The full text may also be downloaded at: *www.fcc.gov.* Alternative formats are available to persons with disabilities by contacting Brian Millin at (202) 418–7426 or TTY (202) 418–7365.

Summary of the First Report and Order

1. By this action, the Commission is requiring that radar detectors comply with radiated emission limits in the 11.7–12.2 GHz band under part 15 of the rules, and that all radar detectors be certified to demonstrate compliance with the emission limits before they can be marketed. The requirements will become effective thirty days from the publication of the rules in the **Federal Register** for radar detectors being manufactured and imported, and sixty days after publication of the rules in the **Federal Register** for radar detectors being marketed. This action will significantly reduce interference from radar detectors to very small aperture satellite terminals (VSATs.)

2. Most receivers contain one or more oscillators that generate radio frequency signals intended to be used internally within the device in tuning the received signal. These generated signals can radiate from the receiver and have the potential to interfere with other nearby receivers. For this reason, part 15 of the Commission's rules requires certain receivers to meet the radiated emission limits for ''unintentional radiators'' to minimize the possibility of interference. The current rules require only receivers that tune in the range of 30–960 MHz and Citizen's Band receivers to comply with these limits. Other receivers are not required to comply with the limits, but the rules require that any receiver that causes interference must cease operation. When these requirements were established, most consumer receivers tuned only below 960 MHz. Because there was less probability of receivers that tune above 960 MHz causing interference, the rules did not require such receivers to meet emission limits or to receive an equipment authorization. The emission limit that applies to unintentional radiators other than receivers at frequencies above 960 MHz is a field strength limit of 500 μV/m measured at a distance of 3 meters.

3. Radar detectors that warn of the presence of police speed-measuring radars are currently exempt from complying with the part 15 emission limits because they are receivers that tune only above 960 MHz. They are designed to monitor for the presence of police radar in several frequency bands, including the 10.50–10.55 GHz, 24.05–24.25 GHz and 33.4–36.0 GHz bands. Radar detectors contain a tuning oscillator that operates above the 10.50–10.55 GHz band. In older models this oscillator generally operated on frequencies below the 11.7–12.2 GHz VSAT downlink band, and we have not received complaints of interference to VSATs from such models. However, the potential for radar detectors to interfere with VSATs has recently increased because radar detector manufacturers have begun using oscillators at higher frequencies that place swept frequency emissions within the VSAT downlink band. The purpose of these changes was to enhance detection of police radar while making it more difficult for police to detect the presence of radar detectors in vehicles.

4. On October 15, 2001, the Commission adopted a *Notice of Proposed Rule Making and Order* (''NPRM'') 66 FR 59209, November 27, 2001, that proposed to make a number of changes to part 15 and other parts of the rules. The *NPRM* sought comment on whether there is a need to require radar detectors to comply with radiated emission limits to minimize the possibility of interference to authorized services including VSAT operations, and if so, the appropriate limits that should be applied. The *NPRM* also sought comments on whether there are other receivers that tune above 960 MHz that should be required to comply with emission limits, and if so, the appropriate limits and frequency bands where they should apply. Further, the *NPRM* sought comment concerning the timeframe for affected receivers that should be required to comply with any new emission limits.

5. We have found that radar detectors being marketed emit high level radio signals that can cause interference to VSATs. Accordingly, we conclude that