

14 CFR Part 71**[Airspace Docket No. 95-AGL-4]****Removal of Class D Airspace; K.I. Sawyer (AFB), MI****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

SUMMARY: This action removes Class D airspace at K.I. Sawyer (AFB), MI. On August 31, 1995, the Air Force closed Sawyer AFB and ceased all operations. As a result, Class D airspace at this location is no longer necessary.

EFFECTIVE DATE: 0901 UTC, August 15, 1996.

FOR FURTHER INFORMATION CONTACT: Peter H. Salmon, Air Traffic Division, Operations Branch, AGL-530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294-7568.

SUPPLEMENTARY INFORMATION:**History**

On January 31, 1996, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to remove Class D airspace at K.I. Sawyer AFB, MI (61 FR 3346).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class D airspace designations are published in paragraph 5000 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class D designation listed in this document will be removed subsequently in the Order.

The Rule

The amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) removes Class D airspace at K.I. Sawyer AFB, MI. On August 31, 1995 the Air Force closed Sawyer AFB and ceased all operations. As a result Class D airspace at this location is no longer necessary.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a

Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

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AGL MI D K.I. Sawyer, MI [Removed]

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Issued in Des Plaines, Illinois on May 2, 1996.

Maureen Woods,

Acting Manager, Air Traffic Division.

[FR Doc. 96-13253 Filed 5-24-96; 8:45 am]

BILLING CODE 4910-13-M

14 CFR part 73**[Docket No. 27400; Amendment No. 73-8]****Special Use Airspace****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule; technical amendment.

SUMMARY: This action replaces the title of the Director, Office of Air Traffic System Management, with Program Director for Air Traffic Operations. This change is necessary to make the regulation consistent with the current Air Traffic organizational structure.

EFFECTIVE DATE: May 28, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph C. White, Air Traffic Rules,

ATA-431, Airspace and Rules Division, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-8783.

SUPPLEMENTARY INFORMATION:**Background**

On April 1, 1996, the Air Traffic Services of the FAA underwent a reorganization that affected the Washington headquarters and regional offices. One result of the reorganization was a realignment of functions with corresponding changes in office names. Section 73.19, Reports by Using Agency, of Title 14, Code of Federal Regulations (14 CFR) requires agencies using special use airspace to report their annual use of assigned restricted areas to the Director, Office of Air Traffic System Management. The office with current responsibility for managing those reports now is the Program Director for Air Traffic Operations. This technical amendment updates the rule to reflect the change in office name.

Because this action is merely a technical amendment reflecting the change in the name of an office, the FAA finds that notice and public procedure under 5 U.S.C. 553(b) are unnecessary. For the same reason, the FAA finds that good cause exists under 5 U.S.C. 5553(d) for making this amendment effective upon publication.

The FAA has determined that this regulation; (1) is not “significant” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is minimal. Since this is a routine matter that will affect only air traffic procedures, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 73

Air safety, Air traffic control, Air transportation, Airmen, Airports, Aviation safety.

The Amendment

In consideration of the above, the FAA amends 14 CFR Part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

1. The authority citation for Part 73 continues to read as follows:

Authority: 49 U.S.C. 106(G), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p.389, 14 CFR 11.69.

2. In Section 73.19, paragraphs (a) and (c) are revised as follows:

§ 73.19 Reports by using agency.

(a) Each using agency shall prepare a report on the use of each restricted area assigned thereto during any part of the preceding 12-month period ended September 30, and transmit it by the following January 31 of each year to the Manager, Air Traffic Division in the regional office of the Federal Aviation Administration having jurisdiction over the area in which the restricted area is located, with a copy to the Program Director for Air Traffic Operations, Federal Aviation Administration, Washington, DC 20591.

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(c) If it is determined that the information submitted under paragraph (b) of this section is not sufficient to evaluate the nature and extent of the use of a restricted area, the FAA may request the using agency to submit supplementary reports. Within 60 days after receiving a request for additional information, the using agency shall submit such information as the Program Director for Air Traffic Operations considers appropriate. Supplementary reports must be sent to the FAA officials designated in paragraph (a) of this section.

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Issued in Washington, DC, on May 17, 1996.

Harold W. Becker,

*Acting Program Director for Air Traffic
Airspace Management.*

[FR Doc. 96-13256 Filed 5-24-96; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric
Administration****15 CFR Part 902****50 CFR Parts 611 and 620**

[Docket No. 960222043-6131-02; I.D.
111595B]

RIN 0648-AC61

**Foreign and Domestic Fishing;
Scientific Research Activity and
Exempted Fishing**

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues new and revised definitions for certain regulatory terms to distinguish clearly among scientific research activities, exempted fishing, and exempted educational activities; to

clarify and standardize issuance procedures for letters of acknowledgement of notification of scientific research activity and exempted fishing permits (EFPs); and to facilitate scientific research activities.

EFFECTIVE DATE: June 27, 1996.

ADDRESSES: Comments regarding burden-hour estimates or other aspects of the collection-of-information requirements contained in this rule should be sent to Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, NMFS, 1315 East-West Highway, Silver Spring, MD 20910, and to the Office of Management and Budget, Paperwork Reduction Project (0648-0214), Washington, DC 20503 (Attention: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: William D. Chappell at 301-713-2341

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (Magnuson Act) authorizes the Secretary of Commerce (Secretary) to conserve and manage fishery resources in the exclusive economic zone (EEZ) by regulating "fishing." Excluded expressly from the definition of "fishing," and therefore from the Magnuson Act's purview, is "scientific research activity which is conducted by a scientific research vessel." However, the Magnuson Act does not define "scientific research activity" or "scientific research vessel." The legislative history provides little guidance on Congress' intent in exempting scientific research conducted from a scientific research vessel from the Magnuson Act's requirements. In this rule, NMFS defines "scientific research activity," "scientific research vessel," and related terms.

"Exempted fishing," an activity that has been regulated under fishery management plans (FMPs) prepared by Regional Fishery Management Councils (Councils) or the Secretary, is defined in this rule for domestic vessels only. NMFS anticipates that individual FMPs that currently authorize "experimental fishing" will be amended, as necessary, to replace existing references to "experimental fishing" with references to "exempted fishing," and to standardize terminology and procedures for issuance of EFPs by replacing existing regulatory text with references to these rules. In the absence of specific regulations for each fishery, these procedures will be followed. Authority to allow exempted fishing in any regulated fishery would be established through the governing FMP and/or its implementing regulations.

In addition, NMFS proposes to define "exempted educational activity" for the domestic fishing regulations to distinguish between commercially oriented exempted fishing and those activities of very limited scope and duration, conducted by educational institutions, that may involve activities that are not in accordance with regulations implemented under authority of an FMP. In the absence of specific regulations for each fishery, these procedures will be followed.

NMFS published a proposed rule at 61 FR 10712, March 15, 1996, requesting comments by April 15, 1996. No comments from the general public or other agencies were received. The following addresses internal comments generated during review.

Throughout the rule, the term "Center Director" is replaced by the term "Science and Research Director" to reflect accurately the title of the Directors of NMFS's Fishery Science Centers.

Under the definition of the term "scientific research plan" for both the foreign and domestic regulations, paragraph (5) has been revised to include expected quantities of fish to be taken instead of an absolute amount, retaining some flexibility for researchers.

In § 620.10(b)(1), the authority of the Regional Director to issue EFPs is expanded to include reasons of health and safety, environmental cleanup, and hazard removal. This provision allows an exemption for fishing gear to be used in oil rig removal cleanup, oil spill cleanup, or other contingencies not directly related to fishing.

In § 620.10(b)(3)(i), the requirement for a comment period on EFPs is modified to allow comment to be taken at a Council meeting instead of, or in conjunction with, a more formal comment period. This allows some Councils to continue their current practice, which has proven sufficient for public comment and is more efficient in providing timely response to the applicants.

In § 620.10(d)(3)(ii)(F), the paragraph is corrected to reference exempted educational activity instead of EFP.

Under NOAA Administrative Order 205-11, 7.01, dated December 17, 1990, the Under Secretary for Oceans and Atmosphere has delegated, to the Assistant Administrator for Fisheries, NOAA, the authority to sign material for publication in the Federal Register.

Classification

This final rule has been determined to be not significant for purposes of E.O. 12866.