

to Part 342 does not constitute a "major" rule as defined by the statute.

V. Exemption From Public Notice and Comment

Because the FDIC finds that the new rules are the same in substance as those currently found in Part 342, and that the changes are purely technical in nature, the FDIC has determined for good cause that public notice and comment is unnecessary, and that the rule should be published in final form.

VI. Effective Date

The Administrative Procedure Act (5 U.S.C. 551 *et seq.*) provides that regulations shall become effective thirty days after their publication in the Federal Register. 5 U.S.C. 553. Thus, this amendment to Part 308 and Part 342 of the FDIC's regulations shall become effective on October 15, 1996.

List of Subjects

12 CFR Part 308

Administrative practice and procedure, Banks, banking, Claims, Crime, Equal access to justice, Lawyers, Penalties, State nonmember banks.

12 CFR Part 342

Administrative practice and procedure, Banks, banking.

For the reasons set out in the preamble, and under the authority of 12 U.S.C. 1819, chapter III of title 12 of the Code of Federal Regulations is amended as set forth below:

PART 308—RULES OF PRACTICE AND PROCEDURE

1. The authority citation for part 308 is revised to read as follows:

Authority: 5 U.S.C. 504, 554–557; 12 U.S.C. 93(b), 164, 505, 1817, 1818, 1820, 1831o, 1972, 3102, 3108(a), 3909, 4717; 15 U.S.C. 78 (h) and (i), 78o–4(c), 78o–5, 78q–1, 78s, 78u, 78u–2, 78u–3, and 78w; 31 U.S.C. 330, 5321; 42 U.S.C. 4012a.

2. A new Subpart S comprising §§ 308.400 through 308.402 is added to Part 308 to read as follows:

Subpart S—Applications for a Stay or Review of Actions of Bank Clearing Agencies

Sec.

308.400 Scope.

308.401 Applications for stays of disciplinary sanctions or summary suspensions by a bank clearing agency.

308.402 Applications for review of final disciplinary sanctions, denials of participation, or prohibitions or limitations of access to services imposed by bank clearing agencies.

Subpart S—Applications for a Stay or Review of Actions of Bank Clearing Agencies

§ 308.400 Scope.

This subpart is issued by the Corporation pursuant to sections 17A(b)(3)(g), 17A(b)(5)(C), 19 and 23 of the Securities Exchange Act of 1934 (Exchange Act), as amended (15 U.S.C. 78q–1 (b)(3)(g), (b)(5)(C), 78s, 78w). It applies to applications by banks insured by the Corporation (other than members of the Federal Reserve System) for a stay or review of certain actions by clearing agencies registered under the Exchange Act, for which the Securities and Exchange Commission (Commission) is not the appropriate regulatory agency under section 3(a)(34)(B) of the Exchange Act (bank clearing agencies).

§ 308.401 Applications for stays of disciplinary sanctions or summary suspensions by a bank clearing agency.

Applications to the Corporation for a stay of disciplinary action imposed by registered clearing agencies pursuant to section 17(b)(3)(G) of the Exchange Act, or summary suspension or limitation or prohibition of access under section 17(b)(5)(C) of the Exchange Act shall be made according to the rules adopted by the Commission (17 CFR 240.19d–2). References to the "Commission" in 17 CFR 240.19d–2 are deemed to refer to the "Corporation."

§ 308.402 Applications for review of final disciplinary sanctions, denials of participation, or prohibitions or limitations of access to services imposed by bank clearing agencies.

Proceedings on an application to the Corporation under section 19(d)(2) of the Exchange Act for review of any final disciplinary sanctions, denials of participation, or prohibitions or limitations of access to services imposed by bank clearing agencies shall be conducted according to the procedures set forth in rules adopted by the Commission (17 CFR 240.19d–3). References to the "Commission" in 17 CFR 240.19d–3 are deemed to refer to the "Corporation."

PART 342—[REMOVED AND RESERVED]

1. Part 342 is removed and reserved.

By order of the Board of Directors.

Dated at Washington, DC, this 13th day of August 1996.

Federal Deposit Insurance Corporation.

Jerry L. Langley,

Executive Secretary.

[FR Doc. 96–23228 Filed 9–12–96; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. 28674; Amendment No. 71–28]

Airspace Designations; Incorporation by Reference

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Federal Aviation Regulations relating to airspace designations to reflect the approval by the Director of the Federal Register of the incorporation by reference of FAA Order 7400.9D, Airspace Designations and Reporting Points. This action also explains the procedures the FAA will use to amend the listings of Class A, Class B, Class C, Class D, and Class E airspace areas and reporting points incorporated by reference.

EFFECTIVE DATE: These regulations are effective September 16, 1996, through September 15, 1997. The incorporation by reference of FAA Order 7400.9D is approved by the Director of the Federal Register as of September 16, 1996, through September 15, 1997.

FOR FURTHER INFORMATION CONTACT: Brenda Brown or Janet Glivings, Airspace and Rules Division (ATA–400), Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

FAA Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, listed Class A, Class B, Class C, Class D, and Class E airspace areas and reporting points. Due to the length of these descriptions, the FAA requested approval from the Office of the Federal Register to incorporate the material by reference in the Federal Aviation Regulations (FAR) section 71.1 (14 CFR § 71.1). The Director of the Federal Register approved the incorporation by reference of FAA Order 7400.9C in section 71.1, effective September 16, 1995, through September 15, 1996. During the incorporation by reference period, the FAA processed all proposed changes of the airspace listings in FAA Order 7400.9C in full text as proposed rule documents in the Federal Register. Likewise, all amendments of these listings were

published in full text as final rules in the Federal Register. This rule reflects the periodic integration of these final rule amendments into a revised edition of Airspace Designations and Reporting Points, Order 7400.9D. The Director of the Federal Register has approved the incorporation by reference of FAA Order 7400.9D in § 71.1, as of September 16, 1996, through September 15, 1997. This rule also explains the procedures the FAA will use to amend the airspace designations incorporated by reference in part 71. Sections 71.5, 71.31, 71.33, 71.41, 71.51, 71.61, 71.71, 71.79, and 71.901 are also updated to reflect the incorporation by reference of FAA Order 7400.9D.

The Rule

This action amends part 71 of the Federal Aviation Regulations to reflect the approval by the Director of the Federal Register of the incorporation by reference of FAA Order 7400.9D effective September 16, 1996, through September 15, 1997. During the incorporation by reference period, the FAA will continue to process all proposed changes of the airspace listings in FAA Order 7400.9D in full text as proposed rule documents in the Federal Register. Likewise, all amendments of these listings will be published in full text as final rules in the Federal Register. The FAA will periodically integrate all final rule amendments into a revised edition of the Order, and submit the revised edition to the Director of the Federal Register for approval for incorporation by reference in § 71.1.

The FAA has determined that this action: (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. This action neither places any new restrictions or requirements on the public, nor changes the dimensions or operating requirements of the airspace listings incorporated by reference in part 71. Consequently, notice and public procedure under 5 U.S.C. 553(b) are unnecessary. Because this action will continue to update the changes to the airspace designations, which are depicted on aeronautical charts and to avoid any unnecessary pilot confusion, I find that good cause exists, under 5 U.S.C. 553(d), for making this amendment effective in less than 30 days.

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 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.

2. Section 71.1 is revised to read as follows:

§ 71.1 Applicability.

The complete listing for all Class A, Class B, Class C, Class D, and Class E airspace areas and for all reporting points can be found in FAA Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The approval to incorporate by reference FAA Order 7400.9D is effective September 16, 1996, through September 15, 1997. During the incorporation by reference period, proposed changes to the listings of Class A, Class B, Class C, Class D, and Class E airspace areas and to reporting points will be published in full text as proposed rule documents in the Federal Register. Amendments to the listings of Class A, Class B, Class C, Class D, and Class E airspace areas and to reporting points will be published in full text as final rules in the Federal Register. Periodically, the final rule amendments will be integrated into a revised edition of the order and submitted to the Director of the Federal Register for approval for incorporation by reference in this section. Copies of FAA Order 7400.9D may be obtained from the Airspace and Rules Division, ATA-400, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, (202) 267-8783. Copies of FAA Order 7400.9D may be inspected in Docket No. 28674 at the Federal Aviation Administration, Office of the Chief Counsel, AGC-200, Room 915G, 800 Independence Avenue, SW., Washington, DC, weekdays between 8:30 a.m. and 5:00 p.m., or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. This section is

effective September 16, 1996, through September 15, 1997.

§ 71.5 [Amended]

3. Section 71.5 is amended by removing the words "FAA Order 7400.9C" and adding, in their place, the words "FAA Order 7400.9D."

§ 71.31 [Amended]

4. Section 71.31 is amended by removing the words "FAA Order 7400.9C" and adding, in their place, the words "FAA Order 7400.9D."

§ 71.33 [Amended]

5. Paragraph (c) of § 71.33 is amended by removing the words "FAA Order 7400.9C" and adding, in their place, the words "FAA Order 7400.9D."

§ 71.41 [Amended]

6. Section 71.41 is amended by removing the words "FAA Order 7400.9C" and adding, in their place, the words "FAA Order 7400.9D."

§ 71.51 [Amended]

7. Section 71.51 is amended by removing the words "FAA Order 7400.9C" and adding, in their place, the words "FAA Order 7400.9D."

§ 71.61 [Amended]

8. Section 71.61 is amended by removing the words "FAA Order 7400.9C" and adding, in their place, the words "FAA Order 7400.9D."

§ 71.71 [Amended]

9. Paragraphs (b), (c), (d), (e), and (f) of § 71.71 are amended by removing the words "FAA Order 7400.9C" and adding, in their place, the words "FAA Order 7400.9D."

§ 71.79 [Amended]

10. Section 71.79 is amended by removing the words "FAA Order 7400.9C" and adding, in their place, the words "FAA Order 7400.9D."

§ 71.901 [Amended]

11. Paragraph (a) of § 71.901 is amended by removing the words "FAA Order 7400.9C" and adding, in their place, the words "FAA Order 7400.9D."

Issued in Washington, DC, September 4, 1996.

Harold W. Becker,

Acting Program Director for Air Traffic Airspace Management.

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