

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 187

[Docket No. 28860; Amendment No. 187-8]

RIN 2120-AG17

Fees for Air Traffic Services for Certain Flights Through U.S.-Controlled Airspace; Technical Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Interim final rule; correction and technical amendment.

SUMMARY: This amendment makes minor technical changes to the interim final rule published on March 20, 1997 (62 FR 13496). The interim final rule published on March 20, 1997, established fees for FAA air traffic and related services for certain aircraft that transit U.S.-controlled airspace but neither take off from, nor land in, the United States. That document allows the FAA to reasonably recover the costs it incurs in performing these services. This amendment will not impose any additional restrictions on persons affected by these regulations.

DATES: Effective on May 19, 1997, 0001 GMT.

FOR FURTHER INFORMATION CONTACT: Jeffrey Wharff; telephone (202) 267-7035.

SUPPLEMENTARY INFORMATION:

Correction to the Preamble

In rule FR Doc. 97-6980 published on March 20, 1997, make the following correction. The definition of domestic airspace is to be corrected in the preamble on page 13497, under the title The Interim Final Rule, second paragraph, first sentence. The first sentence of the second paragraph is being replaced to read as follows:

For the purpose of this rulemaking the U.S.-controlled airspace includes both U.S. sovereign air space and the adjacent airspace (transition airspace) where air traffic services are provided (hereafter "domestic airspace") and all other airspace allocated to the United States by the International Civil Aviation Organization (hereafter "oceanic airspace").

In addition the time at which the rule will become effective was inadvertently omitted. Therefore, on page 34956, in the first column, the first line of the Dates heading is corrected to read as follows: **DATES:** May 19, 1997, 0001 GMT.

Technical Amendment

The technical amendment will correct the definition of domestic airspace in the rule language.

List of Subjects in 14 CFR Part 187

Administrative practice and procedure and Air transportation.

Accordingly, Title 14 of the Code of Federal Regulations (CFR) part 187 is amended as follows:

PART 187—FEES

1. The authority citation for part 187 continues to read as follows:

Authority: 31 U.S.C. 9701; 49 U.S.C. 106(g), 40104-40105, 40109, 40113-40114, 44702, 45301-45303.

2. Appendix B is amended by revising paragraph (a) to read as follows:

Appendix B to Part 187—Fees for Air Traffic Services for Certain Flights Through U.S.-Controlled Airspace

(a) *Applicability.* Except as provided in paragraph (b) and (c) of this appendix, this appendix applies to any person who conducts a flight through U.S.-controlled airspace that does not include a landing or takeoff in the United States. U.S.-controlled airspace includes both U.S. sovereign air space and the adjacent airspace (transition airspace) where air traffic services are provided (hereafter "domestic airspace") and all other airspace allocated to the United States by the International Civil Aviation Organization (hereafter "oceanic airspace").

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Issued in Washington, D.C. on April 28, 1997.

Donald P. Byrne,

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