

while still receiving appropriate trust protection under the PACA. To achieve this effect, a definition for the term "ordinary and usual billing or invoice statements" would be added in section 46.46(b), as follows:

"Ordinary and usual billing or invoice statements" as used in section 5(c)(4) of the Act and "invoice or other billing statement" as used in section 46.46(f)(3) mean communications customarily used between parties to a transaction in perishable agricultural commodities in whatever form, documentary or electronic, for billing or invoicing purposes.

This definition would specify that "ordinary and usual billing or invoice statements" as used in the PACA and "invoice or other billing statement" as used in section 46.46(f)(3) include both paper documentation and electronic transmissions customarily used between a seller and a buyer for billing or invoicing purposes. This proposed change to the regulations is similar to the change suggested in the UFFVA petition. The petitioners also suggested a change to section 46.46(f)(3) of the regulations. However, the Department has determined that the proposed definition set out above makes the suggested change unnecessary.

Executive Orders 12866 and 12988

This rule, issued under the Perishable Agricultural Commodities Act (7 U.S.C. 499 *et seq.*), as amended, has been determined to be not significant for the purposes of Executive Order 12866.

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This proposed rule is not intended to have retroactive effect. This proposed rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

Effects on Small Businesses

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), USDA has considered the economic impact of this proposed rule on small entities. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Small agricultural service firms have been defined by the Small Business Administration (13 CFR 121.601) as those whose annual receipts are less than \$5,000,000. The PACA requires all businesses that operate subject to its

provisions maintain a license issued by USDA. There are approximately 15,700 PACA licensees, many of which may be classified as small entities.

The proposed regulations would establish that the electronic transmissions used in perishable agricultural commodity transactions are, in fact, "ordinary and usual billing or invoice statements." The use of electronic transactions would be voluntary, and would specifically provide companies an electronic alternative to paper documentation to give notice of intent to preserve trust rights.

Accordingly, based on the information in the above discussion, AMS has determined that the provisions of this rule would not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

In compliance with Office of Management and Budget (OMB) regulations (5 CFR part 1320) which implement the Paperwork Reduction Act of 1995 (Pub. L. 104-13), the information collection and recordkeeping requirements covered by this proposed rule were approved by OMB on October 31, 1996, and expire on October 31, 1999.

List of Subjects in 7 CFR Part 46

Agricultural commodities, Brokers, Penalties, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 46 is proposed to be amended as follows:

PART 46—[AMENDED]

1. The authority citation for part 46 continues to read as follows:

Authority: Sec. 15, 46 Stat. 537; 7 U.S.C. 499o

2. In § 46.46, paragraph (b)(5) would be added, as follows:

§ 46.46 Statutory trust.

* * * * *

(b) * * *

* * * * *

(5) *Ordinary and usual billing or invoice statements* as used in section 5(c)(4) of the Act, and *invoice or other billing statement* as used in § 46.46(f)(3), mean communications customarily used between parties to a transaction in perishable agricultural commodities in whatever form, documentary or electronic, for billing or invoicing purposes.

Dated: June 17, 1997

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 97-16196 Filed 6-19-97; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 400

RIN 0563-AB07

General Administrative Regulations; Insurance Coverage by Written Agreement

AGENCY: Federal Crop Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: The regulations contained in this subpart are issued pursuant to the Federal Crop Insurance Act, as amended, to prescribe the procedures for offering insurance coverage by written agreement and are applicable to limited and additional coverage policies insured or reinsured by the Federal Crop Insurance Corporation (FCIC).

DATES: Written comments and opinions on this proposed rule will be accepted until close of business August 19, 1997 and will be considered when the rule is to be made final.

ADDRESSES: Written comments on this proposed rule should be sent to the Chief, Product Development Branch, Federal Crop Insurance Corporation, United States Department of Agriculture, 9435 Holmes Road, Kansas City, MO 64131.

FOR FURTHER INFORMATION CONTACT: For further information, contact Bill Smith, Supervisory Program Analyst, Research and Development Division, Product Development Branch, FCIC, at the Kansas City, MO address listed above, telephone (816) 926-7743.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

The Office of Management and Budget (OMB) has determined this rule to be significant for the purposes of Executive Order 12866 and, therefore, this rule has been reviewed by OMB.

Cost-Benefit Analysis

A Cost-Benefit Analysis has been completed and is available to interested persons at the address listed above. In summary, the analysis finds that producers will benefit from this regulation because a greater number of producers will be able to obtain insurance coverage to meet their risk

management needs. The benefit to producers on obtaining insurance coverage not otherwise available outweighs the associated cost.

Paperwork Reduction Act of 1995

The information collection requirements contained in these regulations are being reviewed by OMB pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35) under OMB control number 0563-0053. The written agreements are described in the background.

The title of this information collection is "Multiple Peril Crop Insurance."

The burden associated with the written agreement is estimated at 20 minutes per response from approximately 23,597 respondents each year for a total number of 7,865 hours.

The information requested is necessary to for the insurance providers and FCIC to provide insurance and reinsurance, determine eligibility, determine the correct parties to the agreement or contract, determine and collect premiums, and pay indemnities. Failure to furnish this number will result in rejection of or substantial reduction in any claim for indemnity, ineligibility for insurance, and a unilateral determination of the amount of premium due.

FCIC is requesting comments for the following: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms or information gathering technology.

Comments regarding paperwork reduction should be submitted to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

OMB is required to make a decision concerning the collections of information contained in these proposed regulations between 30 and 60 days after submission to OMB. Therefore, a comment to OMB is best assured of having full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment on the proposed regulation.

Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, FCIC generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, or tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. When such a statement is needed for a rule, section 205 of the UMRA generally requires FCIC to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective or least burdensome alternative that achieves the objectives of the rule.

This rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Executive Order 12612

It has been determined under section 6(a) of Executive Order 12612, Federalism, that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The policies and procedures contained in this rule will not have a substantial direct effect on States or their political subdivisions, or on the distribution of power and responsibilities among the various levels of government.

Regulatory Flexibility Act

This regulation will not have a significant impact on a substantial number of small entities. Therefore, this action is determined to be exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. 605) and no Regulatory Flexibility Analysis was prepared.

Federal Assistance Program

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which require intergovernmental consultation with State and local officials. See the Notice related to 7 CFR

part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

Executive Order 12778

The Office of the General Counsel has determined that these regulations meet the applicable standards provided in subsections 2(a) and 2(b)(2) of Executive Order 12778. The provisions of this rule will preempt State and local laws to the extent such State and local laws are inconsistent herewith. The administrative appeal provisions published at 7 CFR part 11 must be exhausted before action for judicial review may be brought.

Environmental Evaluation

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Background

FCIC publishes actuarial tables which exclude certain land, farming practices, crop classes or types from insurability since the associated risk does not conform to general methods of establishing insurance yields and rates employed by FCIC. This proposed rule provides the regulatory authority for FCIC to make insurance offers on any insurable crops in counties where insurance coverage is not provided for the crop, crop type, land, or farming practice and to allow written agreements to amend specified terms of insurance. This authority provides a risk management tool to the greatest number of producers in a cost-effective manner and is fair to the participants yet does not expose FCIC to excessive insurance risk. Authority for reinsured companies to issue and approve written agreements designated by FCIC is provided.

List of Subjects in 7 CFR Part 400

Crop insurance.

Accordingly, as set forth in the preamble, the Federal Crop Insurance Corporation proposes to add a new subpart S to 7 CFR part 400, as follows:

PART 400—GENERAL ADMINISTRATIVE REGULATIONS

Subpart S—Insurance Coverage by Written Agreement

Sec.

400.511 Basis and applicability.

400.512 OMB control numbers.

400.513 Definitions.

400.514 Availability of written agreements.

400.515 Qualifications for written agreements to provide insurance for insurable crops in counties without an actuarial table.

400.516 Qualifications for written agreements in counties with actuarial tables.

400.517 Responsibilities.

400.518 Issuance and approval of written agreements by a reinsured company.

Authority: 7 U.S.C. 1506(i), 1506(p).

Subpart S—Insurance Coverage by Written Agreement

§ 400.511 Basis and applicability.

The regulations contained in this subpart are issued pursuant to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*) to prescribe the rules and criteria for offering insurance coverage by written agreement and are applicable to limited and additional coverage policies insured or reinsured by FCIC.

§ 400.512 OMB control numbers.

The collecting of information requirements in this subpart has been approved by the Office of Management and Budget and assigned OMB control numbers 0563–0053.

§ 400.513 Definitions.

Acreage reporting date. The date contained in the Special Provisions by which the insured is required to submit an acreage report.

APH form. An FCI–19A Actual Production History (APH) or FCIC approved company form which is used to report the yield history of the insurance unit for the purpose of calculating the approved insurance yield.

Actual yield. Refer to 7 CFR part 400, subpart G.

Actuarial table. The forms and related material for the crop year approved by FCIC, which are available to the public, and show premium rates, practices, price elections, levels of coverage, production guarantees, amounts of insurance, special provisions, insurable and uninsurable acreage, insurance program dates, and other related information for a crop program in a county.

Applicant. The named person as shown on the application submitted to a reinsured company or FSA office. This term does not extend to any other person having a share or interest in the crop unless specifically indicated on the application.

Approved APH yield. Refer to 7 CFR part 400, subpart G.

Assigned yield. Refer to 7 CFR part 400, subpart G.

Base period. Refer to 7 CFR part 400, subpart G.

CCC. The Commodity Credit Corporation, a wholly owned corporation within the United States Department of Agriculture.

CCC program crop. Barley, corn, cotton, ELS cotton, grain sorghum, oats, rice, and wheat. These regulations also include hybrid corn seed, hybrid sorghum seed, and soybeans.

Crop year. Refer to 7 CFR part 400, subpart G.

Days. Calendar days.

Expiration date. The date established in the written agreement by which it must be accepted by the applicant or insured.

FCIC. The Federal Crop Insurance Corporation, a wholly owned corporation within the United States Department of Agriculture.

FSA. The Farm Service Agency (formerly the Agricultural Stabilization and Conservation Service).

FSA program yield. For barley, corn, cotton, ELS cotton, grain sorghum, oats, rice, and wheat, the yield established by the FSA county committee or proven from production records for individual farms by FSA farm serial number (FSN). Generally, these yields are provided on an ASCS–156EZ, ASCS–423, ASCS–424 or ASCS–476 form or their successor forms. Historical Weighted Yields (HWY) shown on these forms are not considered program yields and are not used for APH purposes.

Insured. The named person as shown on the application for insurance which has been accepted by a reinsured company or FSA office. This term does not extend to any other person having a share or interest in the crop unless specifically indicated on the accepted application.

Local producing area. An area in a county without an actuarial table that has similar production capabilities, cropping practices and conditions and which borders a county with an actuarial table for the subject crop.

Marketing outlet. A place where the crop is bought and sold.

Nonprogram crop. Includes all crops that are not defined as CCC program crops and for which an insurance policy is established by FCIC.

Production guarantee. The quantity determined by multiplying the approved yield per acre times the coverage level percentage elected.

Production report. Refer to 7 CFR part 400, subpart G.

Reference county. The county, designated in the written agreement, used to obtain the information normally provided in the actuarial table for the county where the insured is farming.

Reference state. The state, designated on the written agreement, used to obtain

the information normally provided in the actuarial table for the county where the insured is farming.

Request for actuarial change form. An FCI–5 or FCIC approved company form that provides information required by the FCIC to evaluate requests for written agreements.

Sales closing date. The date designated in the Special Provisions on which sales for each crop year ceases. For the purposes of requests for written agreements in counties without an actuarial table, the sales closing date will be the applicable crop cancellation date in the policy or Special Provisions for the area where the county is located.

Special Provisions. A document which displays specific information concerning the county crop program including, but not limited to, administrative dates (sales closing date, final planting date, acreage reporting date, and billing date) and statements pertaining to insurance coverage, price elections, and amounts of insurance.

Transitional yield (T-yield). Refer to 7 CFR part 400, subpart G.

Verifiable records. Refer to 7 CFR part 400, subpart G.

Verifier. Refer to 7 CFR part 400, subpart G.

Viable markets. An outlet for the production of the crop that is located within a reasonable distance and capable of accepting the volume that is reasonably expected to be produced from the insured acreage.

§ 400.514 Availability of written agreements.

For limited and additional coverage policies, FCIC authorizes the use of written agreements for insurable crops for the following purposes:

(a) To provide insurance coverage for insurable crops in counties without a published actuarial table;

(b) To assign actuarial classifications if such classifications are not provided, or amend actuarial classifications contained in the actuarial documents if information is provided in a request for reconsideration of the published classification which would substantially change the classification;

(c) To provide insurance coverage for farming practices for which a premium rate is not included in the actuarial table;

(d) To provide insurance coverage for crop classes, types, or varieties for which a premium rate is not included in the actuarial table or Special Provisions;

(e) To provide insurance for acreage designated as unrated or unclassified by the actuarial table;

(f) To provide alternative methods of unit division on an individual basis

when geographic features or good farming practices make it impossible for the insured to conform to optional unit division guidelines;

(g) To insure overage stands of forage provided an acceptable stand exists;

(h) To insure portions of fields which extend across a county line when the exact location of the county line is not determinable;

(i) To amend the terms of insurance provided in the insurance policy when specifically permitted by the policy;

(j) To offer alternative rates and or coverages based on a request for reconsideration of actuarial classifications assigned to land which is designated as high risk by the actuarial table;

(k) To amend or remove Nonstandard Classification System (NCS) as a result of an appeal determination or error in assignment of such classifications; or

(l) To amend other actuarial classifications as a result of appeal determinations.

§ 400.515 Qualifications for written agreements to provide insurance for insurable crops in counties without an actuarial table.

(a) FCIC is authorized to provide insurance coverage by written agreement for insurable crops, at its own discretion and upon its sole determination that:

(1) Adequate information is available to develop an actuarially sound premium rate and insurance coverage;

(2) The crop, including practice, type, and variety, is suited and adapted to the prevalent conditions in the county including, but not limited to, soils, topography, climate, rainfall, length of growing season, and other such considerations, with reasonable production risks;

(3) The crop is commercially grown in the county;

(4) All required information is received by the specified deadlines; and

(5) All other criteria outlined in this subpart are satisfied.

(b) FCIC will deny any request that does not meet the requirements of these regulations, or which involves a crop that:

(1) Is not insurable;

(2) FCIC does not have adequate data to establish actuarially sound premium rates and insurance coverage;

(3) Is not commercially grown in the county; or

(4) FCIC cannot determine that viable markets are available.

(c) A Request for Actuarial Change Form must be submitted to an agent of a reinsured company or the FSA office by the applicant no later than the sales

closing date and must include the following:

(1) A completed APH form based on verifiable records of actual yields for at least the most recent three consecutive crop years during the base period: (If the producer expands the farming operation across a county or state line into a local producing area, FCIC may consider existing production reports from the current crop production to be sufficient);

(2) The dates the applicant and other growers in the area normally plant and harvest the crop;

(3) The name and location of, and approximate distance to, the location at which the crop will be marketed by the applicant;

(4) A copy of the ASCS-156EZ, ASCS-423, ASCS-424, or ASCS-476 forms (or successor forms) providing notice of crop acreage bases, program yields, allotments or quotas for the acreage on which insurance is requested, if applicable; and

(5) The legal description of the land and FSA aerial photographs or maps delineating field boundaries where the applicant intends to plant the crop for which insurance is requested.

(d) If FCIC authorizes a written agreement, the written agreement will include:

(1) Transitional yields or factors, APH yields, classifications or any other basis of insurance coverage as appropriate for the crop;

(2) The premium rate;

(3) The reference state and county for determining the Special Provisions, if applicable;

(4) Terms and conditions including any exceptions to the Special Provisions of the reference state and county;

(5) The expiration date; and

(6) Other necessary administrative statements as determined by FCIC.

§ 400.516 Qualifications for written agreements in counties with actuarial tables.

(a) FCIC is authorized to provide written agreements for such purposes as noted in § 400.514 (b)(1) at its own discretion and upon its determination that:

(1) Adequate information is available to develop an actuarially sound premium rate and insurance coverage;

(2) The requested insurance or variation to the terms of insurance represents practices, types, varieties, or other conditions which are suited and adapted to the prevalent production practices of the county and able to produce the yield upon which the insurance guarantee would be based;

(3) All required information is received by the specified deadlines; and

(4) All other criteria outlined in this subpart are satisfied.

(b) FCIC will deny requests that do not meet the requirements of this subpart or which:

(1) FCIC does not have available data to establish actuarially sound premium rates and insurance coverage;

(2) The requested change to the terms of insurance does not conform to sound insurance principles as determined by FCIC;

(3) FCIC determines the risk is excessive;

(4) The requested change would result in an insignificant variation from the terms established by the policy or actuarial table as determined by FCIC; or

(5) The requested change to the terms of insurance are prohibited by the Federal Crop Insurance Act, applicable laws and regulations, or by the insurance policy or not specifically authorized by the regulations or policy.

(c) If a request for written agreement is denied, an authorized written agreement is not executed by the expiration date, the written agreement is rejected or the written agreement is not approved, the original terms of the insured's contract will remain in force. The request must specify that the original terms of the contract are effective if any of these actions apply.

(d) A Request for Actuarial Change Form must be submitted to an agent of a reinsured company or the FSA office by the applicant or insured no later than the sales closing date and must include:

(1) A copy of the most recent APH forms;

(2) A copy of the ASCS-156EZ, ASCS-423, ASCS-424, or ASCS-476 (OMB control number 0560-0092) forms (or successor forms) providing notice of crop acreage bases, program yields, allotments and quotas for the acreage on which insurance is requested, if applicable;

(3) The legal description of the land and FSA aerial photographs or, legible maps delineating field boundaries where the acreage is planted or intended to be planted to the crop for which insurance is requested or requested to be amended;

(4) Evidence of adaptability if the request is to provide insurance for practices, types or varieties that are not designated as insurable or are specifically excluded from insurability by the Special Provisions;

(5) A copy of the contract between the wildlife management agency and the insured if the request is to insure land contained in a wildlife protection or management area;

(6) The full scientific and common name of the plant, hardiness zone, and number of years that the nursery has been growing the plant, if the request is to insure nursery crops not listed on the "Nursery Eligible Plant Listing";

(7) A report of prices received for a specific class (type) of dry beans and either two years of university test plot data and recommendations or two years of seed company data supplemented by university data, if the request is to insure a class (type) of dry beans which is not designated as insurable by the actuarial table. If university or seed company data is not available, then two years of production data for the requested class and prices received must be provided; and

(8) A statement that the original terms of the contract that will be in effect if the written agreement is denied.

(e) If FCIC authorizes a written agreement, all variations to the contract will be specified in the written agreement, including:

(1) The actuarial document, form, term or condition amended by the agreement;

(2) Applicable transitional yield or factor, APH yield, and classifications or any other basis for coverage for the crop;

(3) Applicable premium rate;

(4) The terms and conditions of the agreement;

(5) The expiration date; and

(6) Other necessary administrative statements as determined by FCIC.

(f) In unusual situations FCIC may, at its discretion, provide or amend insurance coverage by written agreements for requests submitted after the sales closing date if the insured was unaware of the condition requiring a written agreement. In addition to the requirements contained in this section, the following apply:

(1) Such requests should be submitted when the need for a written agreement is discovered, but must be submitted to the agent or the FSA office by the insured no later than the acreage reporting date.

(2) FCIC will require a growing season inspection if the written agreement establishes insurability and if the crop has been planted at the time that the written agreement terms are presented to the insured. FCIC will not approve any insurance if the inspection does not determine that the crop has the expectancy of making at least ninety percent (90%) of the yield per acre used to determine the production guarantee or amount of insurance. Insurance liability will be assumed as of the date of the inspection if the agreement is given final approval by FCIC.

(3) No prevented planting liability will be established for requests submitted after the sales closing date.

§ 400.517 Responsibilities.

A final decision authorizing a written agreement will be made by FCIC within 30 days of receipt of all required information. A written agreement or letter of rejection will be provided to the reinsured company or FSA office by FCIC.

(a) A reinsured company or FSA may issue the written agreement on the form provided by FCIC or use its own form with FCIC authorized language, which must include the authorized expiration date. If the agreement is accepted by the applicant or insured, the company will provide a copy of the agreement to the insured, the agent, and FCIC. The FSA office will provide a copy of the accepted agreement to the insured and FCIC. If the agreement is not accepted by the applicant or the insured by the expiration date, a copy will be returned to FCIC with the rejection noted. The reinsured company will provide to FCIC a copy of any agreement it does not approve.

(b) FCIC will provide final approval of written agreements requested after the sales closing date, as provided in § 400.516(f), and any written agreement for an FSA applicant or insured.

(c) The written agreement offer is valid until the expiration date unless the crop is damaged, as provided in § 400.516(f)(2), prior to acceptance by the applicant or insured.

(d) The applicant or insured may reject a written agreement if FCIC determines the approved offer differs from the original request made by the applicant or insured.

(e) The approved written agreement is valid only for the crop year shown in the agreement.

(f) FCIC may authorize a reinsured company or FSA to reissue a written agreement from year to year provided no substantial changes are made to the farming operation, actual production reports are properly provided, and the agreement is in place prior to the sales closing date. All required elements of written agreements must be contained in subsequent agreements.

§ 400.518 Issuance and approval of written agreements by a reinsured company.

FCIC may permit a reinsured company to issue and approve written agreements designated by FCIC, in accordance with the requirements contained in this subpart.

Signed in Washington, D.C., on June 16, 1997.

Kenneth D. Ackerman,
Manager, Federal Crop Insurance
Corporation.

[FR Doc. 97-16232 Filed 6-19-97; 8:45 am]

BILLING CODE 3410-08-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97-AWP-17]

Proposed Establishment of VOR Federal Airway; CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish a Very High Frequency Omnidirectional Range (VOR) Federal airway 607 (V-607) to be located in the Mendocino, CA, area. This proposal would provide an airway between Mendocino and Arcata, CA. The proposed airway is necessary to efficiently manage air traffic operations during those periods when nonradar procedures are in use.

DATES: Comments must be received on or before August 5, 1997.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, AWP-500, Docket No. 97-AWP-17, Federal Aviation Administration, P. O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Ken McElroy, 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:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis