

**EFFECTIVE DATE:** 0901 UTC, May 22, 1997.

**FOR FURTHER INFORMATION CONTACT:** Benny L. McGlamery, Operations Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5570.

**SUPPLEMENTARY INFORMATION:**

**History**

On December 2, 1996, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by modifying Class E airspace at Deland, FL (61 FR 63765). This action would provide adequate Class E airspace for IFR operations at Deland Muni-Sidney H. Taylor Airport.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. One letter objecting to the proposal was received. The commentor stated that operations at the Lafayette Landings Airport would be adversely affected by amending the Deland Class E airspace. The Lafayette Landings Airport lies under the current Deland Class E airspace, which is being extended from a 7-mile to a 7.6-mile radius of the Deland Muni-Sidney H. Taylor. Therefore, aircraft departing Lafayette Landings Airport that desire to operate clear of this Class E airspace will have to fly .6 of a mile further than they currently do to avoid this airspace. The FAA considers this insignificant in view of the safety required to accommodate aircraft executing SIAPs to Deland Muni-Sidney H. Taylor Airport. Designations for Class E airspace extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9D dated September 4, 1996, and effective September 16, 1996. The Class E airspace designation listed in this document will be published subsequently in the Order.

**The Rule**

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) modifies Class E airspace at Deland, FL. An amendment to the NDB or GPS RWY 30 SIAP has been developed for Deland Muni-Sidney H. Taylor Airport. Additional controlled airspace extending upward from 700 feet above the surface (AGL) is needed to accommodate this SIAP.

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. It, therefore, (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 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, EO 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 Federal Aviation Administration Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, is amended as follows:

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

\* \* \* \* \*

ASO FL E5 Deland, FL [Revised]

Deland Muni-Sidney H. Taylor Field Airport, FL  
(Lat. 29°04'00" N, long. 81°17'03" W)

That airspace extending upward from 700 feet above the surface within a 7.6-mile radius of the Deland Muni-Sidney H. Taylor Field Airport, excluding that airspace within the Daytona Beach, FL Class E airspace area.

\* \* \* \* \*

Issued in College Park, Georgia, on February 3, 1997.

Wade T. Carpenter,

*Acting Manager, Air Traffic Division Southern Region.*

[FR Doc. 97-3504 Filed 2-11-97; 8:45 am]

**BILLING CODE 4910-13-M**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**14 CFR Part 1217**

**RIN 2700-AC12**

**Duty-Free Entry of Space Articles**

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Final rule.

**SUMMARY:** NASA is revising 14 CFR part 1217 to reflect the current import authority for the Agency, as proclaimed by the President on March 23, 1995, and to streamline and clarify NASA's internal procedures for the implementation of this authority.

**EFFECTIVE DATE:** January 1, 1997.

**FOR FURTHER INFORMATION CONTACT:** John F. Hall, Jr., Senior Attorney (Commercial), 202-358-2432.

**SUPPLEMENTARY INFORMATION:** On March 23, 1995, the President issued Proclamation 6780 (60 FR 15845), which included an extension and expansion of NASA's authority with respect to duty-free imports of articles for use by NASA and for the implementation of its international programs. NASA's previous duty-free certification authority expired by operation of law on December 31, 1994.

This final rule revises NASA's duty-free import regulation, found in 14 CFR part 1271, to reflect the broader duty-free import authority promulgated by the President, and additionally streamlines and clarifies the internal Agency procedures for implementation of this authority. In accordance with U.S. note 1 subchapter VIII of chapter 98, Harmonized Tariff Schedule of the United States (HTSUS), as revised by Proclamation 6780, only imports which are procurements for NASA will be subject to customs entry procedures; however, all imports for NASA's domestic and international programs, including procurements, may be certified for duty-free treatment. This rule also permits the issuance of duty-free import certificates by designated officials at NASA Field Centers.

Since this action is administrative in nature and involves Agency policy management procedures, no public comment period is required.

I certify that this action is not a "significant regulatory action" under Executive Order 12866.

**List of Subjects in 14 CFR Part 1217**

Customs duties and inspection, Space transportation and exploration.

For the reasons set out in the preamble, 14 CFR part 1217 is revised to read as follows:

**PART 1217—DUTY-FREE ENTRY OF SPACE ARTICLES**

## Sec.

- 1217.100 Scope.
- 1217.101 Applicability.
- 1217.102 Background.
- 1217.103 Authority to certify.
- 1217.104 Certification forms.
- 1217.105 Procedures.
- 1217.106 Articles brought into the United States by NASA from space.

Authority: Sections 101 and 103 of Pub. L. 103-465, 108 Stat. 4814 and 4819; Proclamation No. 6780 of March 23, 1995, 60 FR 15845 (March 27, 1995).

**§ 1217.100 Scope.**

This part sets forth policy and procedures with respect to the use of the NASA's authority to certify to the U.S. Commissioner of Customs duty-free entry of articles into the United States for the use of NASA or for implementation of a NASA international program, including articles that will be launched into space, spare parts for such articles, ground support equipment, or uniquely associated equipment for use in connection with a NASA international program or launch service agreement. This Part also sets forth NASA's procedures with respect to the use of its authority to bring foreign-owned articles and articles from space into the customs territory of the United States, and describes the nonimport status of such articles.

**§ 1217.101 Applicability.**

This part applies to qualifying articles entered or withdrawn from warehouse for consumption in the customs territory of the United States, and to articles brought into the customs territory of the United States by NASA from space or from foreign country as part of the NASA international program.

**§ 1217.102 Background.**

In order to encourage and facilitate the use of NASA's launch services for the exploration and use of space, section 116 of Public Law 97-446 provided for the duty-free entry into the United States of certain articles imported by NASA for its space-related activities or articles imported by another person or entity for the purpose of meeting its obligations under a launch services agreement with NASA. Such articles were certified by NASA to the Commissioner of Customs for duty-free entry to be launched into space or space parts or necessary and uniquely associated support equipment for use in connection with a launch into space. This exemption from duty was provided for in Subheading 9808.00.80, Harmonized Tariff Schedule of the United States (HTSUS) (19 U.S.C. 1202).

Also, HTSUS, Chapter VIII, U.S. note 1, pursuant to the same law, provided that return of articles by NASA from space to the United States would not be considered an importation, and similarly not be subject to a duty.

As a result of the Uruguay Round agreements of the 1994 General Agreement on Tariffs and Trade, this authority was revised and expanded in scope. It now provides that imports of articles for NASA's use and articles imported to implement NASA's international programs, including articles to be launched into space, parts thereof, ground support equipment, and uniquely associated equipment for use in connection with NASA's international programs and launch service agreements would be eligible for duty-free customs entry upon certification by NASA to the Commissioner of Customs. The revised authorities also provided, in U.S. note 1 to subchapter VIII of chapter 98 of the HTSUS, that articles brought into the customs territory of the United States by NASA from space or from a foreign country as part of a NASA's international programs would not be considered imports or subject to customs entry requirements.

**§ 1217.103 Authority to certify.**

(a) The following NASA officials, their deputies, and designees within their respective organizations are authorized, under the conditions described herein, to make the certification to the Commissioner of Customs required for the duty-free entry of space articles pursuant to subheading HTSUS 9808.00.80.

(1) The NASA Associate Administrator for Procurement is authorized to issue the certification for articles imported into the United States which are procured by NASA or by other U.S. Government agencies, or by U.S. Government contractors or subcontractors when title to the articles is or will be vested in the U.S. Government pursuant to the terms of the contract or subcontract. Requests for certification should be sent to: Office of Procurement, Attn: HK/Director, Contract Management Division, National Aeronautics and Space Administration, Washington, DC 20546.

(2) The NASA Associate Administrator for External Relations is authorized to issue the certification for articles imported into the United States pursuant to international agreements. Requests for certification should be sent to: Office of External Relations, Attn: ID/Manager, International Technology Transfer Policy, National Aeronautics

and Space Administration, Washington, DC 20546.

(3) The NASA Associate Administrator for Space Flight is authorized to issue the certification for articles imported into the United States by persons or entities under agreements other than those identified in paragraphs (a)(1) and (a)(2) of this section, including launch services agreements. Requests for certification should be sent to: Office of Space Flight, Attn: M/Director, Space Operations Utilization, National Aeronautics and Space Administration, Washington, DC 20546.

(b) Each certification by the officials identified in paragraphs (a)(1), (a)(2), and (a)(3) of this section shall receive the concurrence of the Office of the General Counsel.

(c) Subject to procedures established by the officials identified in paragraphs (a)(1), (a)(2), or (a)(3) of this section, as appropriate, the Center Procurement Officer or a Program Manager at a NASA Installation who is designated by an official identified in paragraphs (a)(1), (a)(2), or (a)(3) of this section may make the certification to the Commissioner of Customs required for the duty-free entry of space articles pursuant to subheading HTSUS 9808.00.80. Such procedures shall include the following requirements:

(1) All such certifications by designated Procurement Officers or Program Managers shall receive the concurrence of the Chief Counsel of the issuing NASA Installation; and

(2) All such certifications by designated Procurement Officers or Program Managers shall be promptly reported to an official identified in paragraphs (a)(1), (a)(2), or (a)(3) of this section, as appropriate.

**§ 1217.104 Certification forms.**

To the extent an authorized NASA official approves a request for certification, that official shall sign a certificate in the following form:

(a) For articles procured by NASA, a Customs Service Form CF 7501 (Entry Summary) shall be completed, and the following certification shall be used:

Articles for the National Aeronautics and Space Administration

*Item 9808.00.80, Harmonized Tariff Schedule of the United States*

Program: \_\_\_\_\_

I hereby certify that the articles identified in [attached invoice] are being imported for the use of the National Aeronautics and Space Administration (NASA) in accordance with 9808.00.80, Harmonized Tariff Schedule of the United States.

Name \_\_\_\_\_

Date \_\_\_\_\_

(b) For articles imported by NASA to implement international programs of NASA to which NASA will take title, or which remain the property of foreign entities under such programs, no entry is required pursuant to U.S. note 1 to HTSUS subchapter VIII of chapter 98. For such articles, the following certification shall be used:

Articles for Use in an International Program of the National Aeronautics and Space Administration

*Item 9808.00.80, Harmonized Tariff Schedule of the United States*

Program: \_\_\_\_\_

Foreign Owner(s) (if applicable): \_\_\_\_\_

In accordance with subheading 9808.00.80 and U.S. note 1 to subchapter VIII of chapter 98, Harmonized Tariff Schedule of the United States, I hereby certify that the above-described shipment is being brought into the customs territory of the United States as part of an international program of the National Aeronautics and Space Administration (NASA). No CF 7501 entry is required for this shipment. All articles contained in this shipment are, and shall remain, the property of NASA or of the foreign entities identified above. Except for articles consumed in the execution of the above-described Program, none of these articles will be made available for sale or other disposition to persons or institutions not directly involved in the Program identified above.

Name \_\_\_\_\_

Date \_\_\_\_\_

(c) A blanket certificate for a series of imports under a specific NASA international program or procurement is authorized but shall require written verification by a NASA official designated by a Director of a receiving NASA Installation that the articles received meet the conditions of the certificate. The blanket certificate shall be in the form of the certifications set forth in paragraphs (a) or (b) of this section, as appropriate, but shall include the following paragraph at the end thereof:

Before this certification is used to obtain duty-free entry of these articles, a cognizant NASA official at the receiving NASA Installation, who is designated by the Installation Director, shall verify in writing that specifically identified articles to be entered on a particular date are the articles described in this certificate or its attachments. This verification and this certification shall be presented to the U.S. Customs Service at the time entry for the particular articles is sought.

Name \_\_\_\_\_

Date \_\_\_\_\_

With respect to articles represented to be: procurements by NASA; or imports to implement international programs of NASA to which NASA will take title, or

foreign-owned articles for use in a NASA international program, the NASA official issuing the blanket certificate shall review the proposed articles and approve their eligibility for duty-free entry. A description of these articles shall either be referred to in the blanket certificate and provided in Form CF 7501 (Entry Summary) for procurements or attached to the certificate for imports to implement NASA international programs, as appropriate.

#### **§ 1217.105 Procedures.**

(a) Requests for certification shall be forwarded to an appropriate NASA official or designee as provided for in § 1217.103 of this part.

(b) Each request for certification shall be accompanied by:

(1) A proposed certificate as provided for in § 1217.104 of this part;

(2) The information and documentation required by 19 CFR 10.102(a), including invoice documentation or a description of covered articles; and

(3) The anticipated date of entry of entry and port of entry for each article. If the article is to be transported in bond from the port of arrival to another port of entry in the United States, identify both ports.

(c) The signed certificate and its attachment(s) will be forwarded to the NASA Installation responsible for duty-free entry of the materials, unless issued at such Installation by an authorized official in accordance with § 1217.103(c) of this part. These documents shall be presented to an appropriated Customs official at the port(s) of entry. The procedures specified in 19 CFR 10.102 will be followed by the NASA Installation in obtaining duty-free entry at the Customs port(s) of entry. The NASA Installation should ensure that, at the time the articles are to be released after Customs entry, the custody of the imported articles is transferred directly from the carrier or from the U.S. Customs Service to the NASA Installation, its agent, or the launch service customer in the case of a Launch and Associated Services Agreement.

(d) If articles procured under contract by NASA are imported prior to compliance with these procedures and it is essential that the articles be released from Customs custody prior to such compliance, the procedures outlined in 19 CFR 10.101 may be followed by cognizant NASA officials to secure the release of the articles from Customs custody. To the extent applicable, the procedures in § 1217.105 of this part shall be followed when time permits to obtain duty-free entry for the articles released from Customs custody.

#### **§ 1217.106 Articles brought into the United States by NASA from space.**

Pursuant to U.S. note 1 subchapter VIII of chapter 98, HTSUS, articles brought into the customs territory of the United States by NASA from space shall not be considered an importation, and no certification or entry of such materials through U.S. Customs shall be required. This provision is applicable to articles brought to the U.S. from space whether or not the articles were launched into space aboard a NASA vehicle.

Daniel S. Goldin,

*Administrator.*

[FR Doc. 97-3415 Filed 2-11-97; 8:45 am]

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## **SECURITIES AND EXCHANGE COMMISSION**

### **17 CFR Part 240**

[Release No. 34-38246; File No. S7-30-95]

RIN 3235-AG66

### **Order Execution Obligations**

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Revised compliance dates; exemptive order.

**SUMMARY:** The Securities and Exchange Commission is revising the compliance dates and is providing exemptive relief to responsible brokers and dealers, electronic communications networks, exchanges, and associations with respect to certain Nasdaq securities to be phased-in under Rule 11Ac1-4 ("Limit Order Display Rule") and amendments to Rule 11Ac1-1 ("ECN Amendment") (cumulatively "Order Execution Rules").

**DATES:** Effective: February 5, 1997. *Compliance Dates:* Compliance with the Order Execution Rules shall continue to be required with respect to exchange-listed securities and the 50 Nasdaq securities that were phased-in on January 20, 1997. The phase-in schedule with respect to the next 100 Nasdaq securities shall be as follows: (1) 50 Nasdaq securities shall be phased-in on February 10, 1997; (2) an additional 50 Nasdaq securities shall be phased-in on February 24, 1997.

*Exemptive Relief:* The Commission is exempting responsible brokers and dealers, electronic communications networks, exchanges, and associations, until April 14, 1997, from the requirements of the Order Execution Rules with respect to the Nasdaq securities not phased-in under such rules as of February 24, 1997.