

transportation granted by the Department of Transportation ("DOT") or the former Civil Aeronautics Board ("CAB") in the form of a certificate of public convenience and necessity under section 41102 of the Title 49 of the United States Code (Transportation) ("the Statute") or an all-cargo air transportation certificate to perform all-cargo air transportation under section 41103 of the Statute.

*Eligible place* means a place in the United States that—

(1) Was an eligible point under section 419 of the Federal Aviation Act of 1958 as in effect before October 1, 1988;

(2) Received scheduled air transportation at any time between January 1, 1990, and November 4, 1990; and

(3) Is not listed in Department of Transportation Orders 89-9-37 and 89-12-52 as a place ineligible for compensation under Subchapter II of Chapter 417 of the Statute. (For availability of Department of Transportation Orders, see 49 CFR part 7, subpart E and appendix A.)

*Essential air service* is that air transportation which the Department has found to be essential under Subchapter II of Chapter 417 of the Statute.

*FAA* means the Federal Aviation Administration, U.S. Department of Transportation.

\* \* \* \* \*

*Statute* means Subtitle VII of Title 49 of the United States Code (Transportation).

\* \* \* \* \*

#### **§ 323.3 [Amended]**

8. In § 323.3(a)(5), remove the words "section 419(a)(2) or section 419(b)(4) of the Act" and add, in their place, the words "section 41731 or section 41733 of the Statute".

#### **§§ 323.3, 323.4 [Amended]**

9. In §§ 323.3(a)(2), (a)(3), (a)(4) introductory text, (a)(4)(iii), (a)(5), (c)(1), (c)(2), (c)(3) introductory text, (c)(3)(iii), and 323.4(a)(5) introductory text, remove the words "CAB or".

#### **§§ 323.3, 323.7 [Amended]**

10. In §§ 323.3(a)(1), (a)(3), (a)(5), (d), and 323.7(a)(1), remove the word "points" and add, in its place, the word "places".

#### **§§ 323.3, 323.4, 323.5, 323.7, 323.9, 323.13, 323.14 [Amended]**

11. In §§ 323.3(a)(1), (a)(2), (a)(3), (a)(4) introductory text, (a)(5), (c)(1), (c)(2), (c)(3) introductory text, (d), 323.4(a)(5)(i), (a)(5)(ii), (a)(6), 323.5(a)(1)

and (a)(2), 323.7(a)(1), 323.9(a), (b)(3), (b)(4), 323.13(b)(1), 323.14(a) and (c), remove the word "point" wherever it occurs and add, in its place, the word "place".

#### **§ 323.6 [Amended]**

11a. In § 323.6(b), remove the word "point(s)" and add, in its place, the word "place(s)".

#### **§ 323.9 [Amended]**

11b. In § 323.9(c), remove the word "point's" and add, in its place, the word "place's".

#### **§ 323.7 [Amended]**

12. In § 323.7(a)(1), remove the words "section 401" wherever they occur, and add, in their place, the words "section 41102".

13. Section 323.8 is revised to read as follows:

#### **§ 323.8 Exemptions.**

Carriers are exempted from paragraphs (a)(1), (a)(3), and (a)(5) of § 323.3 to the extent that those provisions require them to file a notice when terminating or suspending the domestic leg of an international flight (fill-up service).

#### **§§ 323.14, 323.15 [Amended]**

14. In §§ 323.14(d) and 323.15(b), remove the words "Office of Essential Air Service" and add, in their place, the words "Office of Aviation Analysis".

Issued in Washington, DC, on this 15th day of April, 1996.

Charles A. Hunnicutt,

*Assistant Secretary for Aviation and International Affairs.*

[FR Doc. 96-10741 Filed 4-30-96; 8:45 am]

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### **14 CFR Part 385**

[Docket No. OST-96-1268]

RIN 2105-AC38

#### **Staff Assignments and Review of Action Under Assignments**

**AGENCY:** Office of the Secretary, Department of Transportation.

**ACTION:** Final rule.

**SUMMARY:** The Department is amending its regulations on staff assignments and review of action under assignments to remove or update obsolete provisions and organizational references, and reorder the sequence of assignments in a more logical manner and to more closely reflect the Department's staff organization.

**EFFECTIVE DATE:** The rule shall become effective on May 31, 1996.

#### **FOR FURTHER INFORMATION CONTACT:**

Carol A. Woods, Air Carrier Fitness Division, X-56, Department of Transportation, 400 Seventh Street, S.W., Washington, DC 20590, (202) 366-9721.

**SUPPLEMENTARY INFORMATION:** In his Regulatory Reinvention Initiative Memorandum of March 4, 1995, President Clinton directed Federal agencies to conduct a page-by-page review of all of their regulations and to "eliminate or revise those that are outdated or otherwise in need of reform." In response to that directive, the Department has undertaken a review of its aviation economic regulations as contained in 14 CFR Chapter II. This rule is one result of those efforts. Subsequent rulemakings will address other regulations.

In this rulemaking part 385 is being amended to remove or update obsolete provisions and organizational references, to replace references to the Federal Aviation Act with references to Subtitle VII of Title 49 of the United States Code (Transportation), and to reorder and renumber the assignments in a more logical manner and to more closely reflect the Department's staff organization.

Current § 385.13—Authority of the Director, Office of International Aviation, and § 385.14—Authority of the Director, Office of Aviation Analysis (new § 385.12), are being revised to eliminate authorities no longer used, to extend the authority for routine procedural decisions to additional cases (e.g., to add authority to dismiss certificate applications for lack of prosecution, to request applicants to provide additional information, to authorize the refund of filing fees due to the withdrawal or dismissal of an application at an early stage without the issuance of the requested authority), and to reorganize and renumber the authorities in a more logical sequence.

Current § 385.27—Authority of the Director, Office of Aviation Information Management, Research and Special Programs Administration (new § 385.19), and § 385.28—Authority of the Director, Office of Administrative Operations (new § 385.21), are being amended to reflect changes in functions and names of organizations. In addition, newly designated § 385.21(b) is being removed since the delegation of authority for this function is now contained in 49 CFR 89.5—Collection of Claims Owed the United States.

Current § 385.30, which contains the authority assigned to the Director, Office of Community and Consumer Affairs, is being removed as unnecessary. As part

of a staff reorganization, the functions of that office became part of the Office of the General Counsel.

#### Executive Order 12866 (Regulatory Planning and Review)

The Department has analyzed the economic and other effects of the amendments and has determined that they are not "significant" within the meaning of Executive Order 12866. The amendment will not have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. It will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency, and it will not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof. Nor does it raise any novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866. The rule is considered "nonsignificant" under Executive Order 12866 and was not reviewed by the Office of Management and Budget.

#### DOT Regulatory Policies and Procedures

The amendments are not significant under the Department's Regulatory Policies and Procedures, dated February 26, 1979, because they do not involve important Departmental policies; rather, they are being made solely for the purposes of eliminating obsolete requirements, correcting out-of-date references, and enhancing the organization of the regulations used by the Department to administer its aviation economic regulatory functions. The Department has also determined that issuance of this rule will have no economic impact.

#### Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, the Department has evaluated the effects of this action on small entities. For purposes of its aviation economic regulations, Departmental policy categorizes air carriers operating small aircraft (60 seats or less or 18,000 pounds maximum payload or less) as small entities for purposes of the Regulatory Flexibility Act. Based upon this evaluation, the Department certifies that the amendment would not have a significant economic impact on a substantial number of small entities.

#### Executive Order 12612 (Federalism)

These amendments have been analyzed in accordance with the principles and criteria contained in Executive Order 12612. The Department has determined that the amendments do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The amendments will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

#### National Environmental Policy Act

The Department has also analyzed the amendments for the purpose of the National Environmental Policy Act. The amendments will not have any significant impact on the quality of the human environment.

#### Paperwork Reduction Act

There are no reporting or recordkeeping requirements associated with the amendments.

#### Notice and Opportunity for Public Comment Unnecessary

Under the Administrative Procedure Act (5 U.S.C. 553), the Department determines that notice and an opportunity for public comment are unnecessary and contrary to the public interest. The amendments made in this document are ministerial, removing obsolete and redundant material or making minor technical and terminology changes. These changes will have no substantive impact, and the Department would not anticipate receiving meaningful comments on them. Comment is therefore unnecessary, and it would be contrary to the public interest to delay unnecessarily this effort to eliminate or revise outdated rules.

#### Lists of Subjects in 14 CFR Part 385

Authority delegations (government agencies), Organization and functions (government agencies).

#### Final Rule

For the reasons set out in the preamble, Title 14, Chapter II of the Code of Federal Regulations is amended as follows:

#### PART 385—[AMENDED]

1. The authority citation for part 385 is revised to read as follows:

Authority: 49 U.S.C. Subtitle I, Chapters 401, 411, 413, 415, 417.

2. In § 385.1, remove the first two definitions, *Act* and *Board*.

3. In § 385.1, definition of *Reviewing Official*, remove the words "the Assistant Secretary for Governmental Affairs, the Assistant Secretary for Administration,".

4. In § 385.1, definition of *Staff action*, remove the words "Title IV or X of the Act" and add, in their place, the words "Subparts I, II and IV of Subtitle VII of Title 49 of the United States Code (Transportation)".

5. In § 385.1, add a new definition in alphabetical order to read as follows:

#### § 385.1 Definitions.

\* \* \* \* \*

*Statute* means Subtitle VII of Title 49 of the United States Code (Transportation).

#### § 385.2 [Amended]

6. In § 385.2, remove the words "section 204 of the Federal Aviation Act" and add, in their place, the words "section 40113 of the Statute"; remove the words "Titles IV and X of the Act" and add, in their place, the words "Subparts I, II, and IV of the Statute".

#### §§ 385.3, 385.4, 385.13, 385.19, 385.28, 385.54 [Amended]

7. The authority citations at the end of §§ 385.3, 385.4, 385.13, 385.19, 385.28, and 385.54 are removed.

#### § 385.14 [Redesignated as § 385.12]

8. Section 385.14 is redesignated as § 385.12 and is revised to read as follows:

#### § 385.12 Authority of the Director, Office of Aviation Analysis.

The Director, Office of Aviation Analysis, has authority:

(a) With respect to applications filed under section 41102 to engage in interstate or foreign scheduled or charter air transportation, section 41103 to engage in all-cargo air transportation, or section 41738 to engage in certain commuter air transportation:

(1) To issue an order stating the Department's intention to process the application through show-cause procedures or other expedited procedures, where that course of action is clear under current policy and precedent.

(2) To issue an order to show cause proposing to grant such application in those cases where no objections to the application have been filed, and where the Department has already found the applicant to be fit, willing and able to provide service of the same basic scope and character.

(3) To issue an order, subject to any Presidential review required under

section 41307 of the Statute, making final an order to show cause issued under paragraph (a)(2) of this section, where no objections to the order to show cause have been filed.

(4) To issue an order dismissing an application:

- (i) When dismissal is requested or consented to by the applicant;
- (ii) For lack of prosecution; or
- (iii) When the application has become moot.

(5) To review Air Carrier Certificates and Operations Specifications issued by the Federal Aviation Administration to carriers that have been granted certificate or commuter air carrier authority, and information concerning those carriers' fitness to operate under that authority that emerged following the issuance of orders establishing their fitness, and—

- (i) To amend orders issuing the certificate or commuter air carrier authority to advance the effective dates of the authority if the review is satisfactory;
- (ii) To stay the effectiveness of such orders for up to 30 days if the review is unsatisfactory;
- (iii) To lift the stay of effectiveness imposed under paragraph (a)(5)(ii) of this section when the unsatisfactory conditions that required issuance of the stay have been resolved; or
- (iv) To issue notices announcing the effective date of the certificate or commuter air carrier authority.

(b) To approve or deny applications of air carriers:

(1) For exemptions from section 41102 or 41103 of the Statute, and from orders issued thereunder, and from applicable regulations under this chapter where the course of action is clear under current policy or precedent.

(2) For waivers of the Department's filing fee requirements under part 389 of this chapter, in accordance with current policy or precedent.

(3) For relief under section 40109 of the Statute to hold out, arrange, and coordinate the operation of air ambulance flights as indirect air carriers in accordance with established precedent.

(c) To waive the deadlines in § 377.10(c) of this chapter for filing applications for the renewal of temporary authorizations when, in the Director's judgment, the public interest would be served. The provisions of § 377.10(d) of this chapter shall apply in the same manner as to a timely filed application.

(d) With respect to air carrier names:

(1) To register names and trade names of certificated and commuter air carriers pursuant to part 215 of this chapter.

(2) To reissue certificates issued under sections 41102 or 41103 of the Statute when revisions thereof are necessitated by a change in the name of a carrier, provided that no issue of substance concerning the operating authority of the carrier is involved.

(e) To approve, deny, or cancel registrations filed with the Department by air taxi operators and commuter air carriers pursuant to part 298 of this chapter.

(f) With respect to Canadian charter air taxi operations:

(1) To approve applications for registration, or require that a registrant submit additional information, or reject an application for registration for failure to comply with part 294 of this chapter.

(2) To cancel, revoke, or suspend the registration of any Canadian charter air taxi operator using small aircraft registered under part 294 of this chapter that:

- (i) Filed with the Department a written notice that it is discontinuing operations;
- (ii) No longer is designated by its home government to operate the services contemplated by its registration;
- (iii) Holds a foreign air carrier permit under section 41302 to operate large aircraft charters between the United States and Canada;
- (iv) Fails to keep its filed certificate of insurance current;
- (v) No longer is substantially owned or effectively controlled by persons who are:

- (A) Citizens of Canada;
- (B) The Government of Canada; or
- (C) A combination of both; or

(vi) No longer holds current effective Operations Specifications issued by the FAA.

(3) To grant or deny requests for a waiver of part 294 of this chapter, where grant or denial of the request is in accordance with current policy or precedent.

(g) To approve certificates of insurance filed with the Department on behalf of U.S. and foreign air carriers in accordance with the provisions of part 205 of this chapter.

(h) With respect to foreign air freight forwarders:

(1) To approve applications for registration, or require that a registrant submit additional information, or reject an application for registration for failure to comply with part 297 of this chapter.

(2) To cancel the registration of any foreign air freight forwarder or foreign cooperative shippers association that files a written notice with the Department indicating the discontinuance of common carrier activities.

(3) To exempt the registrant from the requirement contained in § 297.20 of this chapter that substantial ownership and effective control reside in citizens of the country that the applicant claims as its country of citizenship, where the course of action is clear under current precedent or policies.

(i) With respect to charter operations:

(1) To grant or deny requests for waiver of parts 207, 208, 212, 372, and 380 of this chapter, where grant or denial of the request is in accordance with established precedent.

(2) To approve or disapprove direct air carrier escrow agreements filed pursuant to parts 207, 208, and 212 of this chapter.

(3) To reject or accept Public Charter prospectuses filed under part 380 of this chapter.

(4) With respect to the procedures for the registration of foreign charter operators under subpart F of part 380 of this chapter:

(i) To approve applications for registration, or require that a registrant submit additional information, or reject an application for registration for failure to comply with part 380 of this chapter.

(ii) To notify the applicant that its application will require further analysis or procedures, or is being referred to the Assistant Secretary for Aviation and International Affairs for formal action.

(iii) To cancel the registration of a foreign charter operator if it files a written notice with the Department that it is discontinuing its charter operations.

(iv) To waive provisions of subpart F of part 380 of this chapter.

(j) With respect to mail rates:

(1) To issue show-cause orders proposing to make modifications of a technical nature in the mail rate formula applicable to temporary or final service mail rate orders.

(2) To issue final orders establishing temporary and final service mail rates:

(i) In those cases where no objection has been filed following release of the show-cause order, and where the rates established are the same as those proposed in the show-cause order; and

(ii) In those cases where it is necessary to make modifications of a technical nature in the rates proposed in the show-cause order.

(3) To issue final orders amending mail rate orders of air carriers to reflect changes in the names of the carriers subject to the orders.

(4) To issue a letter, in the case of air mail contracts filed with the Department under part 302 of this chapter against which no complaints have been filed, stating that the contract will not be disapproved by the Department and may become effective immediately.

(k) With respect to essential air service proceedings:

- (1) To establish procedural dates.
- (2) To issue orders setting interim rates of compensation for carriers required to provide essential air service.
- (3) To issue orders approving a carrier's alternate service pattern if:
  - (i) The resulting level of service at the eligible place would be equal to or greater than the level of service earlier determined to be essential for that place;
  - (ii) The community concerned does not object to the carrier's implementation of the alternate service pattern; and
  - (iii) The carrier is not receiving a subsidy for the service or implementation of the alternate service pattern would not increase the carrier's subsidy.

(4) To issue orders adjusting the operational and/or financial unit rates of the payout formula for a carrier receiving subsidy under section 41732 of the Statute where the adjustment will not increase the total amount of compensation that the carrier will receive.

(5) To renew, up to five times in succession, an order under section 41734 of the Statute to an air carrier to continue providing essential air service while the Department attempts to find a replacement carrier.

(6) To request service and subsidy proposals from carriers interested in providing essential air service to an eligible place that is not receiving essential air service and for which no appeal of its essential air service determination is pending.

(7) To request service and subsidy proposals from carriers interested in providing essential air service when no proposals were filed in response to a previous request for proposals.

(8) To issue final orders establishing interim or final subsidy rates under section 41732 or final adjustments of compensation for continued service under section 41732 in those cases where no objection has been filed to a show-cause order, and where the rates established are the same as or less than those proposed in the approved show-cause order.

(9) With respect to provisions for terminations, suspensions, or reductions of service under part 323 of this chapter:

- (i) To require any person who files a notice, objection, or answer to supply additional information.
- (ii) To require service of a notice, objection, or answer upon any person.
- (iii) To accept late-filed objections or answers, upon motion, for good cause shown.
- (iv) To extend the time for filing objections for answers, when the initial

notice has been filed earlier than required under § 323.5.

9. Section 385.13 is revised to read as follows:

**§ 385.13 Authority of the Director, Office of International Aviation.**

The Director, Office of International Aviation, has authority to:

(a) Approve or deny applications for exemptions, where the course of action is clear under current policy or precedent:

- (1) For air carriers, from chapter 411 of the Statute and from certificates and orders issued under that chapter;
- (2) For foreign air carriers, from section 41301 and from permits and related orders issued under chapter 413;
- (3) For air carriers and foreign air carriers, from chapter 415 and from orders issued and tariffs filed under that chapter; and

(4) From orders and applicable regulations under this chapter.

(b) With respect to applications for certificates of public convenience and necessity under section 41102 and foreign air carrier permits under section 41302:

(1) Issue an order to show cause proposing to grant such application in those cases where no objections to the application have been filed, and the applicant has already been found fit, willing, and able by the Department to provide service of the same basic scope and character;

(2) Issue an order stating the Department's intention to process the application through show-cause procedures;

(3) Issue an order, subject to Presidential review under section 41307, to make final an order to show cause issued under the circumstances of paragraph (b)(1) of this section, where no objections to the show-cause order have been filed; and

(4) Reissue certificates of public convenience and necessity and foreign air carrier permits when revisions are necessitated by a change in the name of the carrier or of points specified, provided that no issue of substance concerning the operating authority of a carrier is involved.

(c) With respect to an application under section 41102 for a certificate to engage in foreign scheduled air transportation, issue an order instituting an investigation of the applicant's fitness and other issues related to the application, where no person has already filed an objection to the application and the investigation will be conducted by oral hearing procedures.

(d) Issue an order to show cause why a foreign air carrier permit should not be revoked under section 41304 when:

(1) The government of the permit holder's home country represents that it does not object to revocation of the permit; and

(2) The permit holder—

- (i) Has ceased operations; or
- (ii) No longer holds valid authority from its own government to operate the services in its permit.

(e) Approve or disapprove requests by foreign air carriers for authorizations provided for, or waivers of restrictions contained, in any agreement or in any permit or order of the Department, when no person disclosing a substantial interest objects or where the course of action is clear under current policy or precedent.

(f) Waive the deadlines in § 377.10(c) of this chapter for filing applications for renewal of unexpired temporary authorizations when, in the Director's judgment, the public interest would be served. The provisions of § 377.10(d) of this chapter shall apply in the same manner as to a timely filed application.

(g) Extend the time allowed for action on a complaint of unfair or discriminatory practices, filed under section 41310, for an additional period or periods of 30 days each, not to exceed the 180th day after filing unless that deadline has been waived by the complainant.

(h) Grant or deny applications for statements of authorization under parts 207, 208, and 212 of this chapter, and requests for waivers of the requirements of parts 207, 208, and 212 of this chapter, where grant or denial of the request is in accordance with current policy or precedent.

(i) Approve or disapprove charter trips by foreign air carriers, and those by air carriers that are predominantly in foreign air transportation, when prior authorization is required by:

- (1) Any provision of this chapter; or
- (2) An order of the Department.

(j) Approve or disapprove requests by foreign air carriers for waivers of the 30-day advance filing requirement for proposed schedules whose filing the Department has ordered under part 213 of this chapter.

(k) Approve, when no person disclosing a substantial interest objects, or disapprove requests by foreign air carriers for special authorizations provided for in part 216 of this chapter.

(l) With respect to applications for statements of authorization to conduct intermodal cargo services under part 222 of this chapter:

(1) Approve applications under part 222 of this chapter where no person with a substantial interest raises objections citing specific facts of

nonreciprocity or of restraints on competition by U.S. air carriers;

(2) Reject applications under part 222 of this chapter where there is no agreement by the United States permitting the proposed services; or

(3) Require that an applicant under part 222 of this chapter submit additional information.

(m) Approve or disapprove issuance of foreign aircraft permits provided for in part 375, subparts E and H, of this chapter.

(n) Grant or deny applications of foreign air carriers for renewal of emergency exemptions granted under 49 U.S.C. 40109(g).

(o) Grant or deny applications by air carriers and foreign air carriers under part 389 of this chapter for waivers of the Department's filing fee requirements, in accordance with current policy or precedent.

(p) Determine matters in proceedings under section 40109 and chapters 411, 413 and 415, that have not been set for oral evidentiary hearing, in addition to those authorized under § 385.3, such matters to include, *inter alia*, filing times, service of documents, submissions of additional information, filing of otherwise unauthorized documents, access to information for which confidential treatment has been requested, rejection of incomplete or otherwise defective applications, and solicitation of applications for authority.

(q) Approve or disapprove applications under part 223 of this chapter for permission to furnish free or reduced-rate foreign air transportation.

(r) With respect to International Air Transport Association (IATA) agreements filed with the Department pursuant to sections 41309 and 41308 of the Statute, or pursuant to Civil Aeronautics Board Order E-9305 of June 15, 1955:

(1) Issue orders approving or disapproving IATA agreements relating to fare and rate matters under section 41309, and granting or denying antitrust immunity under section 41308, where the course of action is clear under current policy and precedent.

(2) Issue orders describing filed agreements, establishing procedural dates for submission of justification, comments and replies, which support or oppose agreements, and prescribing the particular types of data to be included in such submission.

(s) Reject any tariff, supplement, or revised page that is filed by any U.S. air carrier or foreign air carrier, and that is subject to rejection because it is not consistent with chapter 415 of the Statute or with part 221 or 222 of this chapter. Where a tariff, supplement or

loose-leaf page is filed on more than 60 days' notice and is not rejected within the first 30 days (including the filing date), it shall not be rejected after such 30-day period under this authority unless the issuing carrier is given an opportunity to remove the cause for rejection by the effective date, by special tariff permission if necessary, and fails to take such corrective action.

(t) Approve or disapprove any application for special tariff permission under part 221, subpart P, of this chapter to make tariff changes upon less than statutory notice.

(u) Approve or disapprove applications for waiver of part 221 of this chapter.

(v) Institute an investigation of, or institute an investigation and suspend the effectiveness of, a tariff or change in a tariff which:

(1) Is substantially similar to a prior tariff under investigation or suspension; and

(2) Is filed by or on behalf of one or more of the parties to the prior tariff; and

(3) Is filed within 90 days after the expiration, modification, or cancellation of the prior tariff, or within 90 days after the effective date of an order requiring its cancellation or modification.

(w) In instances when an investigation of a tariff is pending, or the tariff is under suspension, or when a complaint requesting investigation or suspension of a tariff has been filed:

(1) Permit cancellation of the tariff; or

(2) If the grounds for the investigation or complaint have been removed through cancellation, expiration or modification of the tariff, either dismiss the investigation or complaint, or terminate the suspension.

(x) Extend the period of suspension of a tariff when the proceedings concerning the lawfulness of such tariff cannot be concluded before the expiration of the existing suspension period, provided that the aggregate of such extensions may not be for a longer period than permitted under section 41509.

(y) Cancel the suspension of and/or dismiss an investigation of a tariff relating to service predominantly in foreign air transportation where the course of action is clear under current policy and precedent.

10. In part 385 the following sections are redesignated as set forth in the following table:

Old section	New section
385.17 .....	385.20
385.19 .....	385.14

Old section	New section
385.20 .....	385.17
385.21 .....	385.18
385.22 .....	385.15
385.23 .....	385.16
385.27 .....	385.19

11. In newly designated § 385.19, the section heading and the introductory text are revised to read as follows:

**§ 385.19 Authority of the Director, Office of Aviation Information, Bureau of Transportation Statistics.**

The Director, Office of Aviation Information, Bureau of Transportation Statistics (BTS) has authority to:

\* \* \* \* \*

**§ 385.19 [Amended]**

12. In newly designated § 385.19, remove the words "Titles IV and X of the Act" in paragraph (a) and "Title IV and X of the Act" in paragraph (b), and add, in their place, the words "Subparts I, II, and IV of the Statute".

**§§ 385.24, 385.25, 385.26, 385.29 [Removed]**

13. Sections 385.24, 385.25, 385.26, and 385.29, currently reserved, are removed.

**§ 385.30 [Removed]**

14. Section 385.30 is removed.

**§ 385.28 [Redesignated as § 385.21]**

15. Section 385.28 is redesignated as § 385.21.

16. In newly designated § 385.21, the section heading, the introductory text, and paragraph (a) are revised to read as follows:

**§ 385.21 Authority of the Chief, Accounting Division, Office of Budget and Policy, Federal Transit Administration.**

The Chief, Accounting Division, Office of Budget and Policy, Federal Transit Administration, has authority to:

(a) Approve and order the payment of refunds of filing fees paid under § 389.27(b) of this chapter when such refunds have been authorized by either the Director, Office of Aviation Analysis, or the Director, Office of International Aviation.

\* \* \* \* \*

**§ 385.21 [Amended]**

17. In newly designated § 385.21, paragraph (b) is removed and paragraphs (c), (d), and (e) are redesignated as paragraphs (b), (c), and (d), respectively.

18. In newly designated § 385.21(d) before the period, add the words "for small community service under 49 U.S.C. 41737".

19. In subpart C, the following sections are redesignated as set forth in the following table:

Old section subpart C	New section subpart C
385.50 .....	385.30
385.51 .....	385.31
385.52 .....	385.32
385.53 .....	385.33
385.54 .....	385.34

#### **§ 385.31 [Amended]**

20. In newly designated § 385.31(c), remove the reference “§ 385.22(a)” and add, in its place, the reference “§ 385.15(a)”.

Issued in Washington DC, on this 15th day of April, 1996.

Charles A. Hunnicutt,

*Assistant Secretary for Aviation and International Affairs.*

[FR Doc. 96-10742 Filed 4-30-96; 8:45 am]

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## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **15 CFR Part 902**

#### **50 CFR Parts 253 and 255**

[Docket No. 960319086-6086-01; I.D. 021696A]

RIN 0648-AF48

### **Fisheries Obligation Guarantee Program and Interjurisdictional Fisheries Act Program; Consolidation and Simplification of Regulations**

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

**ACTION:** Final rule.

**SUMMARY:** NMFS amends the Fisheries Obligation Guarantee (FOG) Program and Interjurisdictional Fisheries Act (IFA) Program regulations to consolidate, clarify and simplify them in accordance with the National Performance Review (NPR). This final rule also amends reference to Paperwork Reduction Act (PRA) information-collection requirements to reflect the consolidation.

**EFFECTIVE DATE:** May 1, 1996.

**ADDRESSES:** Michael L. Grable, Chief, Financial Services Division, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Michael L. Grable, (301) 713-2390.

**SUPPLEMENTARY INFORMATION:** The FOG Program provides long-term debt to the fisheries and aquacultural industries. The IFA Program promotes and encourages state activities in support of the management of interjurisdictional fisheries resources identified in interstate or Federal fishery management plans. The two regulations governing these programs are consolidated and revised to comply with the NPR's clarity and simplicity objectives. The revision reduces the regulations to about 45 percent of their former size. It replaces outdated, confusing, burdensome, duplicative, or superfluous provisions with clear policies that efficiently effect statutory intent. It adds the minimum provisions needed to make the regulations current. The revision is extensive, so the revised regulations are republished in their entirety.

Section 3506(c)(B)(i) of the PRA requires that agencies inventory and display a current control assigned by the Director, Office of Management and Budget (OMB), for each agency information collection. Section 902.1(b) identifies the location of NOAA regulations for which OMB approval numbers have been issued. This final rule eliminates recordkeeping and recording requirements previously contained in § 255.4.

#### **Classification**

This rule refers to collection of information requirements that have been approved by OMB under the Paperwork Reduction Act (PRA). Applications for the Fisheries Obligation Guarantee Program have been approved under OMB Control No. 0648-0012, with an estimated response time of 8 hours per application. Applications for financial assistance under the Interjurisdictional Fisheries Act Program use standard Federal application procedures approved under OMB Control Numbers 0348-0043, 0348-0044, and 0348-0046.

The estimated response time above includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of the collection of information to NMFS at the **ADDRESSES** above, and to OMB at the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503 (Attention: NOAA Desk Officer).

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

This rule consolidates and simplifies existing regulations and is administrative in nature. No useful purpose would be served by prior notice and opportunity for comment.

Accordingly, under 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries, NOAA, for good cause finds that prior notice and opportunity for comment is unnecessary. Also, because this rule is administrative in nature and not a substantive rule under 5 U.S.C. 533(d), it will be immediately effective upon publication.

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

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

#### **List of Subjects**

##### **50 CFR Part 253**

Disaster assistance, Fisheries, Grant programs-business, Intergovernmental relations, Reporting and recordkeeping requirements, Research.

##### **50 CFR Part 255**

Fisheries, Fishing vessels, Loan programs-business, Reporting and recordkeeping requirements.

Catalog of Federal Domestic Assistance numbers CFDA No. 11.415 and CFDA No. 11.407, respectively.

Dated: April 23, 1996.

Gary Matlock,

*Program Management Officer, National Marine Fisheries Service.*

For the reasons set out in the preamble, 15 CFR chapter IX and 50 CFR chapter II are amended as follows:

## **15 CFR CHAPTER IX**

### **PART 902—NOAA INFORMATION COLLECTION REQUIREMENTS UNDER THE PAPERWORK REDUCTION ACT: OMB CONTROL NUMBERS**

1. The authority citation for part 902 continues to read as follows:

Authority: 44 U.S.C. 3501 *et seq.*

2. In § 902.1, paragraph (b) the table, is amended by adding in the left column under 50 CFR, in numerical order, the