

14 CFR Part 71**[Airspace Docket No. 96-ANE-28]****Amendment to Class E Airspace;
Lebanon, NH****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Direct final rule; request for comments.

SUMMARY: This action modifies the Class E airspace at Lebanon, NH (LEB) by removing the Class E airspace extending upward from the surface, effective during the times when the Airport Traffic Control Tower (ATCT) is not operating. This action results from the elimination of continuous weather reporting at Lebanon Municipal Airport.

DATES: Effective 0901 UTC, November 7, 1996.

Comments for inclusion in the Rules Docket must be received on or before October 10, 1996.

ADDRESSES: Send comments on the proposal to: Manager, Operations Branch, ANE-530, Federal Aviation Administration, Docket No. 96-ANE-28, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (617) 238-7530; fax (617) 238-7596. Comments may also be submitted electronically to the following Internet address: "neairspace-comment@mail.hq.faa.gov". Comments must indicate Docket No. 96-ANE-28 in the subject line.

The official docket file may be examined in the Office of the Assistant Chief Counsel, New England Region, ANE-7, Room 401, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (617) 238-7050; fax (617) 238-7055.

An informal docket may also be examined during normal business hours in the Air Traffic Division, Room 408, by contacting the Manager, Operations Branch at the first address listed above.

FOR FURTHER INFORMATION CONTACT: Raymond Duda, Operations Branch, ANE-530.3, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (617) 238-7533; fax (617) 238-7596.

SUPPLEMENTARY INFORMATION: On May 16, 1994, the FAA published a modification to the Class D airspace at Lebanon Municipal Airport, Lebanon, NH (59 FR 25299, effective June 23, 1994) to reflect a change in the operating hours for the Airport Traffic Control Tower (ATCT) at Lebanon. Although the ATCT no longer operates continuously, 24-hour weather reporting remained, thus the FAA also established a Class E airspace area extending

upward from the surface at Lebanon. That Class E airspace, effective during the hours when the ATCT did not operate, provides controlled airspace from the surface upward based on the availability of continuous weather reporting from Lebanon.

The FAA has been advised that continuous surface weather observations are no longer provided at Lebanon. Recently, officials from the FAA, the National Weather Service (NWS), and the aviation industry concluded a comprehensive reassessment of the requirements for surface weather observations at the nation's airports, from completely automated to sites with automated equipment augmented by various levels of observer support. In addition, the FAA has started the process to assume responsibility for aviation surface weather observations as the NWS automates field offices and reallocates its observers. Under this program, the FAA has selected Lebanon, NH as a site for fully automated weather observations using the Automated Surface Observing System (ASOS).

The commissioning the Lebanon ASOS is not expected, however, until late 1997, and continuous observer support has already ended. Accordingly, the FAA must remove the Class E airspace area that extended upward from the surface during the times when the ATCT does not operate. This action does not affect the Class E airspace area that extends upward from 700 feet above the surface, which remains in place to provide adequate controlled airspace for those aircraft using the standard instrument approach procedures at Lebanon when the ATCT is closed.

Class E airspace designations for airspace areas extending upward from the surface of the earth are published in paragraph 6002 of FAA Order 7400.9C, dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be removed subsequently from this Order.

The Direct Final Rule Procedures

The FAA anticipates that this regulation will not result in adverse or negative comment, and, therefore, issues it as a direct final rule. 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. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative

comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the Federal Register indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the Federal Register, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a direct final rule, and was not preceded by a notice of proposed rulemaking, interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 96-ANE-28." The postcard will be date stamped and returned to the commenter.

Agency Findings

The regulations adopted herein will not have substantial direct effects 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. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as these routine matters will only affect air traffic procedures and air navigation. It is certified that these proposed rules will not have 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

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

Paragraph 6002 Class E Airspace Areas Designated as a Surface Area for an Airport

* * * * *

ANE ME E2 Lebanon, NH [Removed]

* * * * *

Issued in Burlington, MA, on August 26, 1996.

David J. Hurley,

Manager, Air Traffic Division, New England Region.

[FR Doc. 96–23091 Filed 9–9–96; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 211

Cooperation With User Organizations

AGENCY: Forest Service, USDA.

ACTION: Final rule; technical amendment.

SUMMARY: On June 22, 1951, the Forest Service published rules authorizing organizations that use National Forest System lands to form permittee associations or advisory boards for cooperating with the Forest Service. In subsequent years, these rules have been superceded by other laws and procedures that have been established to address how the agency works cooperatively with user organizations. The agency identified the need to remove this obsolete regulation during a review of regulations undertaken as part of the President's Regulatory Reinvention Initiative.

EFFECTIVE DATE: This rule is effective September 10, 1996.

FOR FURTHER INFORMATION CONTACT: Elizabeth Anderson, Directives and Regulations, telephone: (703) 235–2994.

SUPPLEMENTARY INFORMATION: Under the authority of the Organic Administrative Act of June 4, 1897 (16 U.S.C. 551), the Secretary of Agriculture promulgated regulations at 36 CFR 211.1 on June 22, 1951 (16 FR 5952), establishing procedures for user organizations to work with the Forest Service in the "systematic betterment of conditions and facilities controlling their use of the national forest lands." In subsequent years, new laws have been passed which govern how the agency works with user organizations, such as the Federal Advisory Committee Act of 1972 (5 U.S.C. App. 2) and the National Forest Management Act of 1976 (16 U.S.C. 1604).

Following a review of Forest Service regulations under the President's Regulatory Reinvention Initiative, the agency identified this regulation as no longer needed, and accordingly, by this amendment, is removing the rule from the Code of Federal Regulations. Because of the narrow scope and limited effect of this action, the agency has determined that this amendment is a technical amendment for which notice and comment pursuant to the Administrative Procedures Act (5 U.S.C. 553) is not necessary.

Regulatory Impact

This rule is a technical amendment to remove an obsolete regulation and, as such, has no substantive effect nor is it subject to review under USDA procedures or Executive Order 12866 on Regulatory Planning and Review. This rule also does not meet the definition of a rule subject to Congressional notice and review pursuant to 5 U.S.C., sections 801–804.

Moreover, because good cause exists to exempt this rule from notice and comment pursuant to 5 U.S.C. 553, this rule is exempt from further analysis under the Unfunded Mandates Reform Act at 1995; Executive Order 12778, Civil Justice Reform; Executive Order 12630, Takings Implications; and the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

List of Subjects in 36 CFR Part 211

Administrative practice and procedure, Intergovernmental relations (Federal/State cooperation), and National forest.

Therefore, for the reasons set forth in the preamble, part 211 of Title 36 of the Code of Federal Regulations is hereby amended as follows:

PART 211—[AMENDED]

1. The authority citation for part 211 is revised to read as follows:

Authority: 16 U.S.C. 551, 472.

§ 211.1 [Removed]

2. Remove § 211.1.

Dated: September 4, 1996.

Joan M. Comanor,
Acting Chief.

[FR Doc. 96–23061 Filed 9–9–96; 8:45 am]

BILLING CODE 3410–11–M