

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 supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, environmental, and energy related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 95-AEA-13". The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments received will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the System Management Branch, Air Traffic Division, AEA-530, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishing Class E5 airspace at Clinton County Airport and revoking the existing E5 airspace at Plattsburgh AFB, Plattsburgh, NY, to accommodate current SIAPs and for IFR operations at

the Clinton County Airport. The Plattsburgh AFB has closed and the VALCOUR TACAN has been decommissioned. The Clinton County Airport has a VOR or GPS RWY 19 SIAP and an ILS RWY 1 SIAP. The modification and description proposed would be based on existing navigation devices, and would accommodate these SIAPs and instrument flight rules (IFR) operations at Clinton County Airport. Class E5 airspace areas extending upward from 700 feet or more above the earth are published in Paragraph 6005 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 designations listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed 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 would only affect air traffic procedures and air navigation, it is certified that this proposed rule would 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).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 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; 14 CFR 11.69.

§ 71.1 Amended

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 6005 Class E airspace areas extending from 700 feet or more above the earth.

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AEA NY E5 Plattsburgh, NY [Removed]
Plattsburgh AFB, Plattsburgh, NY

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AEA NY E5 Plattsburgh, NY [New]
Clinton County Airport, Plattsburgh, NY
(Lat. 44°41'15" N, long. 73°31'28" W)
Plattsburgh VORTAC
(Lat. 44°41'06" N., long. 73°31'22" W)

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of Clinton County Airport and within 4.4 miles each side of the Plattsburgh VORTAC 350° radial extending from the 9.5-mile radius of the Clinton County Airport to 12 miles north of the VORTAC and 4 miles each side of the Plattsburgh VORTAC 155° radial extending from the 9.5-mile radius of the Clinton County Airport to 18.5 miles southeast of the VORTAC.

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Issued in Jamaica, New York, on January 29, 1996.

John S. Walker,

Manager, Air Traffic Division.

[FR Doc. 96-3974 Filed 2-26-96; 8:45 am]

BILLING CODE 4910-13-M

INTERNATIONAL TRADE COMMISSION
19 CFR Part 210
Post-Investigation Retention and Use of Confidential Business Information From Investigation on Unfair Practices in Import Trade; Decision Not to Issue Final Rules

AGENCY: U.S. International Trade Commission.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Commission will not adopt at this time changes to certain rules for investigations and related proceedings under section 337 of the Tariff Act of 1930. The proposed amendments would have codified a proposed new policy of allowing counsel who are signatories to an administrative protective order (APO) to retain certain confidential business information (CBI) from an investigation for prescribed periods and to use that CBI for certain limited purposes.

FOR FURTHER INFORMATION CONTACT: P.N. Smithey, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-205-3061. Hearing-impaired individuals can obtain information concerning the proposed rulemaking by contacting the Commission's TDD terminal at 202-205-1810.

SUPPLEMENTARY INFORMATION: The notice of proposed rulemaking was published at 60 FR 7723 (Feb. 9, 1995). The American Bar Association's Section on International Law and Practice and the ITC Trial Lawyers Association were the only organizations that commented on the proposed rules. The Commission has determined not to resolve these rules issues through rulemaking at this time. Post-investigation use and retention of CBI will continue to be governed by the terms of the APO issued by the presiding administrative law judge in each investigation.

By Order of the Commission.

Dated: February 13, 1996.

Donna R. Koehnke,
Secretary.

[FR Doc. 96-3953 Filed 2-26-96; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF DEFENSE

Corps of Engineers

33 CFR Part 334

Chesapeake Bay Off Fort Monroe, VA, and Canaveral Harbor Adjacent to the Navy Pier at Port Canaveral, FL; Restricted Areas

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Corps proposes to amend the regulations which establish a restricted area in the waters off of Fort Monroe, which is located at Hampton Roads in the Chesapeake Bay. The purpose of the amendment is to increase the size of the restricted area to protect sensitive test equipment operated by the Navy in that area. The equipment is susceptible to damage by commercial fishing vessels, anchoring and dragging. The Corps also proposes to amend the regulations which establish a restricted area in Canaveral Harbor in the waters adjacent to the Navy pier at Port Canaveral, Florida. This amendment concerns the replacement of a warning light system in the Canaveral area. The change is necessary because the existing rules refer to a red ball displayed on the Port Canaveral water tower which has been dismantled. The light has been relocated.

DATES: Comments must be submitted on or before April 12, 1996.

ADDRESS: HQUSACE, CECW-OR, Washington, D.C. 20314-1000.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph Eppard, Regulatory Branch, CECW-OR at (202) 761-1783, or

questions concerning the Fort Monroe restricted area may be directed to Ms. Alice G. Riley of the Norfolk District at (804) 441-7389, and questions concerning the Port Canaveral restricted area may be directed to Ms. Shirley Stokes of the Jacksonville District at (904) 232-1668.

SUPPLEMENTARY INFORMATION: Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3), the Corps is proposing to amend the regulations in 33 CFR Part 334. The Commanding Officer, Naval Surface Warfare Center, Dahlgren Detachment, Fort Monroe, Virginia has requested an amendment to the regulations in 334.360, which establish a restricted area in the Chesapeake Bay off Fort Monroe, Virginia. The restricted area was established in 1948 and last amended October 31, 1990. The last revision resulted in reducing the size of the restricted area to accommodate Coast Guard Range lights. According to the Navy, this change if approved, will slightly enlarge the area over that in effect prior to the 1990 change. The restricted area is necessary to protect Government-owned test equipment. The Navy maintains an underwater test range used to develop underwater sensors at that site off Fort Monroe, Virginia. There is no prohibition on vessels transiting the area. The restriction on anchoring, trawling, fishing and dragging in the restricted area remain unchanged. In paragraph (b)(1), of the regulations, the words "danger zone" are incorrect and replaced by "restricted area". Also in subparagraph (b)(1) we are identifying a local Agency to contact in the event further information is necessary regarding the area or the prohibitions listed.

The Commanding Officer, Naval Ordnance Test Unit, Cape Canaveral, Florida, has requested the regulations which establish a restricted area in the waters adjacent to the Navy pier at Port Canaveral, Florida, be amended to delete a reference to a red warning light on a water tower and replace it with a new warning light system. The regulation will be amended to show that the area will be closed when a red square flag (bravo), and depending on the status of the hazardous operation, either an amber or red beacon, steady burning or rotating, day or night, is displayed from any of the three berths along the wharf. No other changes to these regulations are proposed.

Copies of all comments received in response to proposed changes to 33 CFR 334.360 will be available for inspection at the Norfolk District Office located at Fort Norfolk, 803 Front Street, Norfolk, Virginia. Comments received in response to the proposed change to 33 CFR 334.530 will be available for inspection at the Jacksonville District Office at 400 West Bay Street, Jacksonville, Florida.

Economic Assessment and Certification

This proposed rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply. These proposed rules have been reviewed under the Regulatory Flexibility Act (Pub. L. 96-354), which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (i.e., small businesses and small governments). The Corps expects that the economic impact of the changes to the restricted areas will have practically no impact on the public, no anticipated navigational hazard or interference with existing waterway traffic and accordingly, certifies that this proposal if adopted, will have no significant economic impact on small entities.

National Environmental Policy Act Certification

An environmental assessment will be prepared for these proposed actions. We have preliminarily concluded, based on the minor nature of these proposed amendments that the action will not have a significant impact to the human environment, and preparation of an environmental impact statement is not required. Copies of the environmental assessment may be reviewed at the District Offices listed at the end of **SUPPLEMENTARY INFORMATION**, above.

List of Subjects in 33 CFR Part 334

Danger zones, Marine safety, Navigation (water), Transportation, Waterways.

For the reasons set out in the preamble, 33 CFR Part 334 is proposed to be amended as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

1. The authority citation for Part 334 continues to read as follows:

Authority: 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

2. Section 334.360 is amended by revising paragraphs (a) and (b)(1) to read as follows: