

SUPPLEMENTARY INFORMATION:

History

On March 3, 1997, the FAA proposed to amend 14 CFR part 71 (part 71) by redefining that portion of Colored Federal Airway A-15 beyond the Put River, AK, NDB (62 FR 9400). The FAA proposed this action in response to a July 10, 1996, United States Air Force (USAF) decommissioning and subsequent removal of the Oliktok, AK, NDB.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice.

Colored Federal airways are published in paragraph 6009 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Colored Federal airway listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 modifies Colored Federal Airway A-15 due to the decommissioning and subsequent removal of the Oliktok, AK, NDB from the NAS by the USAF. The FAA is taking this action to redefine the designation of A-15 by removing that portion of the route beyond the Put River, AK, NDB.

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. Therefore, this regulation—(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—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

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.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

Paragraph 6009(c)—Amber Federal Airways
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A-15 [Revised]

From Ethelda, BC, Canada, NDB via Nichols, AK, NDB; Sumner Strait, AK, NDB; Coghlan Island, AK, RBN; Haines, AK, RBN; Burwash, YT, Canada, RBN; Nabesna, AK, NDB; to Delta Junction, AK, NDB. From Chena, AK, NDB; via Chandalar Lake, AK, NDB; Put River, AK, NDB. The airspace within Canada is excluded (joins Canadian Jet Route J-502).

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Issued in Washington, DC, on October 27, 1997.

John S. Walker,

Program Director for Air Traffic Airspace Management.

[FR Doc. 97-29575 Filed 11-7-97; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 73**

[Airspace Docket No. 97-ASW-15]

RIN 2120-AA66

Change Using Agency for Restricted Areas R-5107B and J, White Sands Missile Range, NM, and R-5111D, Elephant Butte, NM

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action changes the using agency for Restricted Areas 5107B (R-5107B) and R-5107J, White Sands Missile Range, NM, and R-5111D,

Elephant Butte, NM, from “Deputy for Air Force, White Sands Missile Range, NM 88002” to “Commanding General, White Sands Missile Range, NM.” This is an administrative change that was initiated by the U.S. Army to reflect the current organization at White Sands. There are no changes to the boundaries, designated altitudes, times of designation, or activities conducted within the affected restricted areas.

EFFECTIVE DATE: 0901 UTC, January 1, 1998.

FOR FURTHER INFORMATION CONTACT: Steve Brown, 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:

The Rule

This action amends 14 CFR part 73 by changing the using agency for R-5107B and R-5107J, White Sands Missile Range, NM, and R-5111D, Elephant Butte, NM, from “Deputy for Air Force, White Sands Missile Range, NM 88002” to “Commanding General, White Sands Missile Range, NM.” This is an administrative change that was initiated by the U.S. Army to reflect the current organization at White Sands.

This administrative change will not alter the existing boundaries, altitudes, times of designation, or the activities conducted within the affected restricted areas. Therefore, I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary because this action is a minor technical amendment in which the public would not be particularly interested.

Section 73.51 of part 73 was republished in FAA Order 7400.8D, dated July 11, 1996.

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.

Environmental Review

This action changes the using agency of the restricted areas. There are no changes to the existing boundaries, altitudes, times of designation, or the activities conducted within the affected restricted areas. Accordingly, the FAA has determined that this action is not subject to environmental assessments and procedures in accordance with FAA Order 1050.1D, "Policies and Procedures for Considering Environmental Impacts," and the National Environmental Policy Act.

List of Subjects in 14 CFR Part 73

Airspace, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

1. The authority citation for part 73 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.

§ 73.51 [Amended]

2. § 73.51 is amended as follows:

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R-5107B White Sands Missile Range, NM [Amended]

By removing the current "Using agency. Deputy for Air Force, White Sands Missile Range, NM 88002," and substituting "Using agency. Commanding General, White Sands Missile Range, NM."

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R-5107J White Sands Missile Range, NM [Amended]

By removing the current "Using agency. Deputy for Air Force, White Sands Missile Range, NM 88002," and substituting "Using agency. Commanding General, White Sands Missile Range, NM."

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R-5111D Elephant Butte, NM [Amended]

By removing the current "Using agency. Deputy for United States Air Force, White Sands Missile Range, NM 88002," and substituting "Using agency. Commanding General, White Sands Missile Range, NM."

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Issued in Washington, DC, on October 29, 1997.

Reginald C. Matthews,

Acting Program Director for Air Traffic Airspace Management.

[FR Doc. 97-29574 Filed 11-7-97; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 11

RIN 1090-AA21 & 1090-AA23

Natural Resource Damage Assessments—Type A Procedures

AGENCY: Department of the Interior.

ACTION: Final rule: correcting amendments.

SUMMARY: On May 7, 1996, the Department of the Interior published a final rule establishing two simplified, or "type A," procedures for assessing natural resource damages under the Comprehensive Environmental Response, Compensation, and Liability Act. 61 FR 20559. Those procedures incorporated two computer models. This rule makes several technical corrections to those models.

DATES: This final rule is effective November 10, 1997. The incorporation by reference listed in this rule was approved by the Director of the Federal Register and is effective November 10, 1997.

FOR FURTHER INFORMATION CONTACT: David Rosenberger at (202) 208-3301. Interested parties may obtain copies of the computer models and supporting documentation free of charge from the Department through February 27, 1998, and thereafter for a fee from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, ph: (703) 487-4650. The models are also on the Internet at <http://www.doi.gov/oepe/oepecb.html>.

SUPPLEMENTARY INFORMATION:

Background

The Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 *et seq.*) (CERCLA) provides that certain categories of persons, known as potentially responsible parties (PRPs), are liable for natural resource damages resulting from a release of a hazardous substance. CERCLA sec. 107(a). Natural resource damages are monetary compensation for injury to, destruction of, or loss of natural resources. CERCLA sec. 107(a)(4)(C). Only those Federal,

State, and Indian tribe officials designated as natural resource trustees may recover natural resource damages. CERCLA requires the President to promulgate regulations for the assessment of natural resource damages resulting from hazardous substance releases. CERCLA sec. 301(c). The President delegated the responsibility for promulgating these regulations to the Department. E.O. 12316, as amended by E.O. 12580. CERCLA requires that the natural resource damage assessment regulations include two types of assessment procedures. "Type A" procedures are "standard procedures for simplified assessments requiring minimal field observation." CERCLA sec. 301(c)(2)(A). "Type B" procedures are "alternative protocols for conducting assessments in individual cases." CERCLA sec. 301(c)(2)(B). Both types of procedures are codified at 43 CFR part 11.

On May 7, 1996, the Department published a final rule that revised an existing type A procedure for assessing natural resource damages from minor releases in coastal areas and established an additional type A procedure for minor releases in the Great Lakes. Trustees obtain a rebuttable presumption in litigation for damages, up to \$100,000, calculated in accordance with those procedures. Both procedures incorporate computer models. The type A procedure for coastal areas incorporates the Natural Resource Damage Assessment Model for Coastal and Marine Environments (NRDAM/CME) and the type A procedure for Great Lakes incorporates the Natural Resource Damage Assessment Model for Great Lakes Environments (NRDAM/GLE). The regulations identify the conditions under which trustees may use the models. 43 CFR 11.34.

Trustees must supply a number of data inputs to operate the NRDAM/CME and the NRDAM/GLE. After trustees supply the data inputs, the models themselves perform the remaining calculations necessary to establish if there has been an injury, quantify the extent of injury, estimate the cost of restoration actions, and value economic losses.

Programming Errors

The May 7, 1996, rule incorporated Version 2.4 of the NRDAM/CME and Version 1.4 of the NRDAM/GLE. Since the publication of that rule, the Department has identified six programming errors in those versions of the models.

First, the models were designed to include in the damage figure the cost of