

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

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. 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g), 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, 1996, is amended as follows:

* * * * *

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

* * * * *

AAL AK E5 Buckland, AK [Revised]

Buckland Airport, AK

(lat. 65° 58' 40" N, long. 161° 07' 44" W)

Buckland NDB

(lat. 65° 58' 45" N, long. 161° 08' 56" W)

Kotzebue VOR/DME

(lat. 66° 53' 09" N, long. 162° 32' 24" W)

Selawik VOR/DME

(lat. 66° 36' 00" N, long. 159° 59' 50" W)

AKUDY

(lat. 66° 04' 23" N, long. 161° 30' 08" W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Buckland Airport; and that airspace extending upward from 1,200 feet above the surface within 6 miles southwest and 4 miles northeast of the 303° bearing of the Buckland NDB extending from the 6.5-mile radius to 21 miles northwest, and 4 miles either side of a line between AKUDY and the Kotzebue VOR/DME, and 4 miles either side of a line between AKUDY and the Selawik VOR/DME, excluding that airspace inside Kotzebue, AK, and Selawik, AK, Class E airspace areas.

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Issued in Anchorage, AK, on December 26, 1996.

Willis C. Nelson,

Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 97-175 Filed 1-3-97; 8:45 am]

BILLING CODE 4910-13-P

14 CFR Part 71

[Airspace Docket No. 96-AAL-16]

Revision of Class E Airspace; Dillingham, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This action revises Class E airspace at Dillingham Airport, AK. The development of Global Positioning System (GPS) and Microwave Landing System (MLS) instrument approaches to RWY 1 and RWY 19 at Dillingham, AK, have made this action necessary. The intended effect of this action is to provide adequate controlled airspace for IFR operations at Dillingham Airport, AK.

EFFECTIVE DATE: 0901 UTC, February 27, 1997.

FOR FURTHER INFORMATION CONTACT:

Robert van Haastert, System Management Branch, AAL-538, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513-7587; telephone number (907) 271-5863.

SUPPLEMENTARY INFORMATION:**History**

On October 16, 1996, a proposal to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the Class E airspace at Dillingham was published in the Federal Register (61 FR 53881). The development of GPS and MLS instrument approach procedures to RWY 1 and RWY 19 at Dillingham Airport, AK, has made this action necessary.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposals were received. However, the proposal was published with incorrect coordinates which have been corrected to read: Dillingham Airport (lat. 59°02'43" N, long. 158°30'12" W). The Federal Aviation Administration has determined that these changes are editorial in nature and will not increase the scope of this rule. Except for the non-substantive changes just discussed, the rule is adopted as written.

The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as surface areas for an airport are published in paragraph 6002 of FAA Order 7400.9D dated September 4, 1996, and effective September 16, 1996; 700/1200 foot transition areas are published in paragraph 6005 of FAA Order

7400.9D, dated September 4, 1996, and effective September 16, 1996. Paragraphs 6002 and 6005 are incorporated by reference in 14 CFR 71.1 (61 FR 48403; September 13, 1996). The Class E airspace designations 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) revises Class E airspace located at Dillingham, AK, to provide controlled airspace extending upward from 700 feet AGL for aircraft executing instrument landing and departing procedures.

The Federal Aviation Administration has determined that these proposed regulations only involve 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.

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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. 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 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, 1996, is amended as follows:

* * * * *

Paragraph 6002 The Class E airspace areas listed below are designated as a surface area for an airport.

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AAL AK E2 Dillingham, AK [Revised]

Dillingham Airport, AK

(lat. 59°02'43" N, long. 158°30'12" W)

Dillingham VOR/DME

(lat. 58°59'39" N, long. 158°33'08" W)

Within a 4.1-mile radius of the Dillingham Airport and within 3.1 miles each side of the Dillingham VOR/DME 207° radial extending from the 4.1-mile radius to 10.4 miles southwest of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Supplement Alaska (Airport/Facility Directory).

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

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AAL AK E5 Dillingham, AK [Revised]

Dillingham Airport, AK

(lat. 59°02'43" N, long. 158°30'12" W)

Dillingham VOR/DME

(lat. 58°59'39" N, long. 158°33'08" W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Dillingham Airport and within 3.1 miles each side of the 207° radial of the Dillingham VOR/DME extending from the 6.6-mile radius to 14.1 miles southwest of the airport; and that airspace extending upward from 1,200 feet above the surface within a 22-mile radius of the VOR/DME.

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Issued in Anchorage, AK, on December 26, 1996.

Willis C. Nelson,

Manager, Air Traffic Division, Alaskan Region.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 37

[Docket No. RM95-9-000]

Open Access Same-Time Information System (OASIS) and Standards of Conduct

Issued December 27, 1996.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule; order granting request for clarification.

SUMMARY: The Federal Energy Regulatory Commission, at the request

of the How Working Group, is clarifying its Phase 1 OASIS regulations concerning "next hour" reservations of transmission service. The Commission finds that, during Phase 1, a request for transmission service made after 2:00 p.m. of the day preceding the commencement of such service, will be "made on the OASIS" if it is made directly on the OASIS, or, if it is made by facsimile or telephone and promptly (within one hour) posted on the OASIS by the Transmission Provider. In all other circumstances, requests for transmission service must be made exclusively on the OASIS.

EFFECTIVE DATE: December 27, 1996.

FOR FURTHER INFORMATION CONTACT: Marvin Rosenberg (Technical Information), Office of Economic Policy, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426 (202) 208-1283

William C. Booth (Technical

Information), Office of Electric Power Regulation, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, (202) 208-0849

Gary D. Cohen (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, (202) 208-0321

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the Federal Register, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in the Public Reference Room at 888 First Street, N.E., Washington, DC 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing 202-208-1397 if dialing locally or 1-800-856-3920 if dialing long distance. CIPS is also available on the Internet through the Fed World system. To access CIPS, set your communications software to 19200, 14400, 12000, 9600, 7200, 4800, 2400, or 1200 bps, full duplex, no parity, 8 data bits and 1 stop bit. The full text of this order will be available on CIPS in ASCII and Wordperfect 5.1 format. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in the Public

Reference Room at 888 First Street, N.E., Washington, DC 20426.

Order Granting Request for Clarification

Background

On December 23, 1996, the How Working Group¹ filed a letter seeking clarification of whether the Commission intended, in the OASIS Final Rule,² to require that the OASIS serve as a "next hour" reservation tool during Phase 1 of OASIS implementation. Specifically, the letter states:

It was the interpretation of the How Working Group that a Provider would accept reservation requests after 2 p.m. of the preceding day, only if practical. Otherwise, these requests would be accepted off-line and posted after-the-fact. It was our view that "next hour" functionality was not feasible in Phase 1. The How Working Group asks us to confirm its interpretation.

Discussion

The OASIS Final Rule makes a clear distinction between reserving transmission service and scheduling transmission service.³ The Phase 1 OASIS regulations create a mechanism for making reservations of transmission service, while the inclusion of energy scheduling as part of the OASIS requirements was left as a Phase 2 OASIS issue. The problem, however, is that for near-term transactions, the distinction between scheduling and reservations tends to blur.

The OASIS regulations provide, at 18 CFR § 37.6(e)(1), that "[a]ll requests for transmission services offered by Transmission Providers under the *pro forma* tariff must be made on the OASIS." Notwithstanding the clear language of this regulation, the How Working Group would like to accommodate requests for service, made after 2:00 p.m. of the day preceding the commencement of such service, off the OASIS and states that it is not feasible to handle such requests on the OASIS during Phase 1.⁴

¹ The How Working Group is an industry-led group, with diverse industry and customer representatives, working to reach consensus on OASIS-related issues.

² Open Access Same-Time Information System and Standards of Conduct, Final Rule, Order No. 889, FERC Stats. & Regs. ¶ 31,037, 61 FR 21737 (May 10, 1996), *reh'g pending*.

³ See 61 FR at 21743.

⁴ The 2:00 p.m. deadline is consistent with § 14.6 of the *pro forma* tariff, which provides: "Schedules for Non-Firm Point-to-Point Transmission Service must be submitted to the Transmission Provider no later than 2:00 p.m. . . . of the day prior to commencement of such service. Schedules submitted after 2:00 p.m. will be accommodated, if practicable."