

received. All comments submitted 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 Office of the Assistant Chief Counsel, AEA-7, 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) to amend the Class E airspace area at Olean, NY. A GPS RWY 22 SIAP and a GPS RWY 4 SIAP has been developed for the Cattaraugus County-Olean Airport. Additional controlled airspace extending upward from 700 feet above the surface (AGL) is needed to accommodate this SIAP and for IFR operations at the airport. Class E airspace designations for airspace area extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9D, dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation 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. Therefore, this proposed 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 would only affect air traffic procedures and air navigation, it is certified that this proposed rule would 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).

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.

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9D, dated September 4, 1996, and effective September 16, 1996, is proposed to be amended as follows:

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

* * * * *

AEA NY E5 Olean, NY [Revised]

Cattaraugus County-Olean Airport, NY
(lat. 42°14'24" N., long. 78°22'18" W.)
OLEAN NDB

(lat. 42°17'01" N., long. 78°20'06" W.)

That airspace extending upward from 700 feet above the surface within a 10.3-mile radius of Cattaraugus County-Olean Airport and within 3.1 miles each side of the OLEAN NDB 032° bearing extending from the 10.3-mile radius to 10 miles northeast of the NDB.

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Issued in Jamaica, New York, on February 21, 1997.

James K. Buckles,

Acting Manager, Air Traffic Division, Eastern Region.

[FR Doc. 97-5435 Filed 3-4-97; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF DEFENSE

Corps of Engineers; Department of the Army

33 CFR Part 207

Navigation Regulations

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Corps is proposing to amend the navigation regulations for the Red River Waterway, Louisiana and the Yazoo Diversion Canal at Vicksburg, Mississippi. It is proposed to amend the

Red River Waterway navigation regulation which prescribe maximum length, width, and draft of vessel tows that are allowed to enter the lock chamber for each lockage. It is proposed to mend the Yazoo Diversion Canal navigation regulation that establishes procedures for mooring of vessels along the banks. If the proposal is approved for the Red River Waterway, the maximum length of allowable vessel tow that may enter the lock chamber for each lockage will be increased from 685 feet to 705 feet. The maximum allowable width and draft of tow remains the same at 80 feet and 9 feet, respectively. Increasing the usable tow length to 705 feet will increase the efficiency of lock operations by reducing the number of tow breakups during a locking operation. If the proposal is approved for the Yazoo Diversion Canal, the navigation regulation would clarify vessel mooring locations along the canal banks for various river stages and that fairways will be established by the Vicksburg District Engineer. Establishment of fairways and specifying locations along the banks that vessels may moor for various river stages, will control indiscriminate vessel moorings and improve navigation safety.

DATES: Comments must be submitted on or before April 15, 1997.

ADDRESSES: HQUSACE, ATTN: CECW-OD, Washington, DC 20314-1000.

FOR FURTHER INFORMATION CONTACT: Mr. Jim Hilton, Dredging and Navigation Branch (CECW-OD) at (202) 761-8830 or Mr. Jim Jeffords, Vicksburg District, Operations Division at (601) 631-5274.

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), the Corps proposes to amend the regulations in 33 CFR Part 207. The Commanding Officer, Lower Mississippi Valley Division, Vicksburg, Mississippi has requested an amendment to the regulations in 33 CFR 207.249(b)(5)(iv) and 33 CFR 207.260 (c) and (g). The 685 feet maximum tow length currently allowed in the Red River Waterway lock chamber is based on the design vessel tow length. Increasing the tow length that may safely enter the lock chamber for each lockage to 705 feet, will not affect the safety of either the lock structure or the tow in the chamber during a filling or emptying operation, if the tow is properly secured and positioned. In addition to the publication of this proposed rule, the Corps Vicksburg District Engineer is concurrently soliciting public comment on these proposed changes to the Navigation

Regulations by distribution of a public notice to all known interested parties.

Procedural Requirements

a. Executive Order 12866

This proposed rule is not a significant regulatory action under E.O. 12866. The Corps expects the economic impact of this rule, if approved, to be so minimal that further regulatory evaluation is unnecessary. We have concluded this because we expect that the proposed change will benefit the commercial towing industry.

b. Review Under the Regulatory Flexibility Act

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 change to the tow length on the Red River Waterway and mooring locations on the Yazoo Diversion Canal, would have a positive affect on the towing industry and the general public, with no anticipated navigational safety or interference with existing waterway traffic and accordingly, certifies that this proposal, if adopted, will have no significant economic impact on small entities.

c. Review Under the National Environmental Policy Act

An environmental assessment has been prepared for this action. We have concluded, based on the Red River Waterway increase in tow length and Yazoo Diversion Canal mooring locations, there will not be a significant impact to the human environment, and preparation of an environmental impact statement is not required. The environmental assessment may be reviewed at the Corps Vicksburg District Office, in room 129, Regulatory Branch, located at 4155 E. Clay Street, Vicksburg, Mississippi.

d. Collection of information

This proposed rule contains no collection of information under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

e. Federalism

The Corps has analyze this proposed rule under principles and criteria in E.O. 12612 and has determined that this proposed rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

f. Unfunded Mandates Act

This proposed rule does not impose an enforceable duty among the private sector and therefore, is not a Federal private sector mandate and is not subject to the requirements of Section 202 or 205 of the Unfunded Mandates Act. We have also found, under Section 203 of the Act, that small Governments will not be significantly and uniquely affected by this rulemaking.

List of Subjects in 33 CFR Part 207

Navigation (water), Transportation, and Lockage.

For the reasons set out in the preamble, we propose to amend 33 CFR Part 207, as follows:

PART 207—NAVIGATION REGULATIONS

The authority citation for Part 207 continues to read as follows:

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

2. Section 207.249 is amended by revising paragraphs (b)(5)(iv) to read as follows:

§ 207.249 Ouachita and Black Rivers, Ark, and La. Mile 0.0 to Mile 338.0 (Camden, Ark.) above the mouth of the Black River; the Red River, La., Mile 6.7 (Junction of Red, Atchafalaya and Old Rivers) to Mile 228.0 (Shreveport, La.); use, administration, and navigation.

(b) * * *

(5) * * *

(iv) The maximum dimensions on the Red River Waterway of a vessel tow attempting to pass through the lock during normal pool stages in a single passage are 80 feet wide, 705 feet long, and 9 feet draft. Tows requiring breaking into two or more sections to pass through the lock may transit the lock at such time as the lockmaster/lock operator determines that they will neither unduly delay the transit of craft of lesser dimensions, nor endanger the lock structure and appurtenances because of wind, current, and other adverse conditions. These craft are also subject to such special handling requirements as the lockmaster/lock operator finds necessary at the time of transit.

* * * * *

3. Section 207.260 is amended by revising paragraphs (c) and (g) to read as follows:

§ 207.260 Yazoo Diversion Canal, Vicksburg, Miss., from its mouth to the entrance of the upper Vicksburg Harbor Extension.

* * * * *

(c) *Mooring.* No vessel or raft shall be moored along the west bank of the canal

between points Latitude 32°21'22", Longitude 90°53'02" and Latitude 32°20'48", Longitude 90°53'22", which is approximately 2000 feet above and 2000 feet below the public boat launch (foot of Clay Street) at Vicksburg City Front. No vessel or raft shall be moored along the west bank of the canal at any stage from the mouth of the Yazoo Diversion Canal where it enters into the Mississippi River to Latitude 32°20'21", Longitude 90°53'44" which is approximately 1200 feet from the mouth. At stages below 20 on the Vicksburg gage, no vessel or raft shall be moored along the east bank of the canal from the mouth of the Yazoo Diversion Canal where it enters into the Mississippi River to Latitude 32°20'12", Longitude 90°53'41", which is approximately 750 feet from the mouth. When tied up, boats, barges, or rafts shall be moored by bow and stern lines parallel to the bank and as close in as practicable. Lines shall be secured at sufficiently close intervals to insure the vessel or raft will not be drawn away from the bank by winds, current, or other passing vessels. No vessel or raft shall be moored along the banks of the canal for a period longer than five (5) days without written permission from the District Engineer, Corps of Engineers, Vicksburg District Office, 4155 E. Clay St, Vicksburg, Mississippi 39180-3435.

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(g) *Fairway.* A clear channel not less than 175 feet wide as established by the District Engineer shall be left open at all times to permit free and unobstructed navigation by all types of vessels.

Dated: February 19, 1997.

John P. D'Aniello,

Deputy Director of Civil Works.

[FR Doc. 97-5048 Filed 3-4-97; 8:45 am]

BILLING CODE 3710-92-M

PANAMA CANAL COMMISSION

35 CFR Part 103

RIN 3207-AA40

Preference in the Transit Schedule/Order of Transiting Vessels; Passenger Steamers Given Preference in Transiting

AGENCY: Panama Canal Commission.

ACTION: Notice of proposed rule with request for comments.

SUMMARY: This document proposes a test of a revised vessel transit reservation system. The proposed rule incorporates certain new features, including increasing the number of