

**ACTION:** Final rule.

**SUMMARY:** This action amends the Class D airspace area at Colorado Springs United States Air Force (USAF) Academy Airstrip, CO. The effect of this action provides additional airspace in the Visual Flight Rules (VFR) traffic pattern by increasing the ceiling of the Class D airspace from 8600' MSL to 8800' MSL.

**EFFECTIVE DATE:** 0901 UTC, October 8, 1998.

**FOR FURTHER INFORMATION CONTACT:** Dennis Ripley, ANM-520.6, Federal Aviation Administration, Docket No. 98-ANM-07, 1601 Lind Avenue, SW., Renton, Washington, 98055-4056; telephone number: (425) 227-2527.

**SUPPLEMENTARY INFORMATION:****History**

On May 4, 1998, the FAA proposed to amend Title 14, Code of Federal Regulations, part 71 (14 CFR part 71) by modifying Class D airspace at Colorado Springs USAF Academy Airstrip, CO (63 FR 24500). The USAF Academy has seen substantial development adjacent to the airfield in recent years causing the VFR traffic pattern altitude to be increased to 7800' MSL (1000' AGL). In the interest of safety at this high intensity student training area, it is considered reasonable and necessary to have a 1000' Class D airspace area above the standard VFR traffic pattern. The 1000' of Class D area allows a student pilot a safety area of 500' above the standard VFR traffic pattern and still have 500' from overflights of the USAF Class D airspace. This rule satisfies the requirement of a 1000' safety area by increasing the Class D airspace area from 8600' MSL to 8800' MSL. Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. No comments were received.

The coordinates for this airspace docket are based on North American Datum 83. Class D airspace areas designated as surface areas are published in Paragraph 5000 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 Class E airspace designation listed in this document will be published subsequently in the Order.

**The Rule**

This amendment to 14 CFR part 71 modifies Class D airspace at Colorado Springs USAF Academy Airstrip, CO, by providing the additional airspace necessary to increase the Class D airspace area from 8600' MSL to 8800' MSL. This modification of airspace

allows the VFR pattern to be fully encompassed within Class D airspace and still provide safe and efficient use of the navigable airspace and to promote safe flight operations under VFR at the Colorado Springs USAF Academy Airstrip.

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.

**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 14 CFR 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 5000 General*

\* \* \* \* \*

**ANM CO D Colorado Springs USAF Academy, CO [Revised]**

Colorado Springs USAF Academy Airstrip, CO

(Lat. 38°58'11" N, long. 104°48'47" W)

That airspace extending upward from the surface to and including 8,800 feet MSL within a 3-mile radius of the USAF Academy Airstrip, excluding that airspace within the

Colorado Springs, CO, Class C airspace area. This Class D 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 Airport/Facility Directory.

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Issued in Seattle, Washington, on July 22, 1998.

**Glenn A. Adams III,**

*Assistant Manager, Air Traffic Division, Northwest Mountain Region.*

[FR Doc. 98-21072 Filed 8-5-98; 8:45 am]

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration****21 CFR Part 5**

**Delegations of Authority and Organization; Office of the Commissioner**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the delegations of authority regulation that covers general redelegations of authority from the Commissioner of Food and Drugs to other officers of FDA. The amendment delegates an authority related to the waiver and reduction of prescription drug user fees to the Deputy Commissioner for Management and Systems and the Director, Office of Financial Management. Redelegation of this authority would allow for more efficient operations. Additionally, this amendment revokes part of the above authority from the FDA User Fee Waiver Officer, Deputy Chief Mediator and Ombudsman, and the Deputy User Fee Waiver Officer.

**EFFECTIVE DATE:** August 6, 1998.

**FOR FURTHER INFORMATION CONTACT:**

Suzanne O'Shea, Office of the Chief Mediator and Ombudsman (HF-7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-3390, or Donna G. Page, Division of Management Systems and Policy (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-4816.

**SUPPLEMENTARY INFORMATION:** FDA is amending the delegations of authority under § 5.20 *General redelegations of authority from the Commissioner to other officers of the Food and Drug Administration* (21 CFR 5.20) by

revising § 5.20(h) to authorize the Deputy Commissioner for Management and Systems and the Director, Office of Financial Management to perform the functions of the Commissioner of Food and Drugs under section 736(d)(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(d)(C)), as amended hereafter, to waive or reduce prescription drug user fees in situations where it is determined that "the fees will exceed the anticipated present and future costs." Further, this authority is revoked from the delegations to the Chief Mediator and Ombudsman/Deputy User Fee Waiver Officer, the Deputy Chief Mediator and Ombudsman, and the Deputy User Fee Waiver Officer, who previously had the authority.

Further redelegation of this authority is not authorized at this time. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

#### List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Imports, Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 5 is amended as follows:

#### PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. The authority citation for 21 CFR part 5 continues to read as follows:

**Authority:** 5 U.S.C. 504, 552, App. 2; 7 U.S.C. 138a, 2271; 15 U.S.C. 638, 1261-1282, 3701-3711a; 15 U.S.C. 1451-1461; 21 U.S.C. 41-50, 61-63, 141-149, 321-394, 467f, 679(b), 801-886, 1031-1309; 35 U.S.C. 156; 42 U.S.C. 241, 242, 242a, 242l, 242n, 243, 262, 263, 264, 265, 300u-300u-5, 300aa-1; 1395y, 3246b, 4332, 4831(a), 10007-10008; E.O. 11921, 41 FR 24294, 3 CFR, 1977 Comp., p. 124-131; E.O. 12591, 52 FR 13414, 3 CFR, 1988 Comp., p. 220-223.

2. Section 5.20 is amended by revising paragraph (h) to read as follows:

#### § 5.20 General redelegations of authority from the Commissioner to other officers of the Food and Drug Administration.

\* \* \* \* \*

(h)(1) The Chief Mediator and Ombudsman, designated as the User Fee Waiver Officer; the Deputy Chief Mediator and Ombudsman; and the Deputy User Fee Waiver Officer are authorized to perform the functions of the Commissioner under the Prescription Drug User Fee Act of 1992, as amended by the FDA Modernization Act of 1997 (21 U.S.C. 379h(d)), as

amended hereafter, relating to waiving or reducing prescription drug user fees except for the functions under 21 U.S.C. 379h(d)(C), which pertains to situations where "the fees will exceed the anticipated present and future costs." These authorities may not be further redelegated.

(2) The Deputy Commissioner for Management and Systems and the Director, Office of Financial Management are authorized to perform the functions of the Commissioner under 21 U.S.C. 379h(d)(C), as amended hereafter, to waive or reduce prescription drug user fees in situations where it is determined that "the fees will exceed the anticipated present and future costs." This authority may not be further redelegated.

(3) The Deputy Commissioner for Operations, designated as the User Fee Appeals Officer, is authorized to hear and decide user fee waiver appeals. The decision of the User Fee Appeals Officer will constitute final agency action on such matters.

\* \* \* \* \*

Dated: July 29, 1998.

**William K. Hubbard,**

*Associate Commissioner for Policy Coordination.*

[FR Doc. 98-20954 Filed 8-5-98; 8:45 am]

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#### NATIONAL INDIAN GAMING COMMISSION

#### 25 CFR Part 518

RIN 3141-AA04

#### Issuance of Certificates of Self Regulation to Tribes for Class II Gaming

**AGENCY:** National Indian Gaming Commission.

**ACTION:** Final rule.

**SUMMARY:** The National Indian Gaming Commission issues this rule which provides a process for the review and approval of petitions for tribal self-regulation of Class II gaming. This rule implements the Class II self-regulatory provisions of the Indian Gaming Regulatory Act and will provide both a financial benefit and reduction in Federal regulations for tribes that obtain certificates under this rule.

**EFFECTIVE DATE:** September 8, 1998.

**FOR FURTHER INFORMATION CONTACT:** Maria Getoff, National Indian Gaming Commission, 1441 L Street, NW, Suite 9100, Washington, DC 20036; telephone: 202-632-7003.

**SUPPLEMENTARY INFORMATION:** The Indian Gaming Regulatory Act (IGRA, or the Act), enacted on October 17, 1988, established the National Indian Gaming Commission (Commission). Under the Act, the Commission is charged with regulating class II gaming and certain aspects of class III gaming on Indian lands. On March 12, 1998, the Commission proposed regulations for the issuance of certificates of self-regulation for class II gaming to Tribes. 63 FR 12319-12323. The Commission requested comments on those proposed regulations. On April 1, 1998, the Commission held a public hearing in Portland, Oregon, on the proposed regulations. Below is the Commission's analysis of the comments received both in writing during the comment period, and at the public hearing. In addition, prior to the drafting of the proposed rules, all gaming tribes were asked to provide comments on the meaning of the term, "self-regulating", which the Commission has also considered. Below is the Commission's analysis of the comments received during the comment period and the text of the final regulations.

#### General Comments

One commenter advocated for negotiated rule making in the promulgation of these regulations. The Commission concluded that negotiated rule making would not allow the Commission to issue these regulations in a timely manner. However, the regulated community was provided several opportunities to comment on both the concept of self-regulation generally and the proposed regulations specifically. On November 13, 1997, the Commission sent a "Notice to Interested Parties" to all gaming tribes requesting comments on the meaning of the term, "self-regulation." In addition, on November 18, 1997, NIGC Chairman Tadd Johnson addressed a gathering of tribes in Santa Fe, New Mexico, where he discussed self regulation. Further, on January 27, 1998, members of the Commission staff met with tribal representatives in Washington, D.C. to discuss the concept of self-regulation. In early February 1998, Commission staff held an open meeting at the Gila River reservation in Arizona for the purpose of discussing self-regulation and other regulations. Then, on April 1, 1998, the Commission held a public hearing on self-regulation in Portland, Oregon. Seven witnesses testified, representing tribes with both large and small gaming operations.

Another commenter stated that "IGRA prohibits the NIGC from regulating Class II gaming by Tribes with certificates,