

Issued in Washington, DC on September 30, 1998.

Donald P. Byrne,
Assistant Chief Counsel.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98-AAL-6]

RIN 2120-AA66

Realignment of Colored Federal Airway; AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Colored Federal Airway Amber 4 (A-4) and revokes Colored Federal Airway Amber 6 (A-6) due to the decommissioning and subsequent removal of the Umiat Nondirectional Radio Beacon (NDB), AK, from the National Airspace System (NAS).

EFFECTIVE DATE: 0901 UTC, December 3, 1998.

FOR FURTHER INFORMATION CONTACT: Ken McElroy, 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:

Background

On June 5, 1998, the FAA proposed to amend 14 CFR part 71 (part 71) to modify Colored Federal Airway A-4 and revoke Colored Federal Airway A-6 due to the decommissioning and subsequent removal of the Umiat NDB (63 FR 30666). Interested parties were invited to participate in this rulemaking by submitting written comments on the proposal to the FAA. One comment objecting to the proposal was received from the Cape Smythe Air Service Safety Officer, opposing the swiftness of the FAA action to decommission the Umiat NDB and the subsequent loss of an instrument flight rules (IFR) alternate airport.

The FAA does not agree with this comment for the following reasons: (1) there is no standard instrument approach procedure supporting Umiat Airport; (2) this airport does not meet the requirements to be used as an IFR alternate airport; (3) the airport weather information is unavailable; and (4)

lighting at the airport is nonoperational. Airport operations at Umiat do not justify the cost of maintaining the Umiat NDB.

Except for editorial changes this amendment is the same as that proposed in the notice.

The Rule

The FAA is amending 14 CFR part 71 to modify Colored Federal Airway A-4 by removing that portion of the airway that extends beyond the Anaktuvuk, NDB, AK, and revoking Colored Federal Airway A-6. The FAA is taking this action due to the decommissioning and subsequent removal of the Umiat, NDB, AK, from the NAS.

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, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Colored Federal airways are published in paragraph 6009 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, 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.

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 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 6009(c)—Amber Federal Airways

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A-4 [Revised]

From Evansville, NDB, AK to Anaktuvuk Pass, NDB, AK.

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A-6 [Revoked]

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Issued in Washington, DC, on September 29, 1998.

Reginald C. Matthews,

Acting Program Director for Air Traffic Airspace Management.

[FR Doc. 98-26599 Filed 10-2-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Airspace Docket No. 97-ASO-9]

RIN 2120-AA66

Amendment to Time of Designation for Restricted Area R-2908, Pensacola, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the time of designation for Restricted Area R-2908 (R-2908) by reducing the published time frame for routine activation of the area. A special use airspace utilization review conducted by the FAA determined that the user no longer requires regular use of the restricted area on a year-round basis. The amended time of designation more accurately reflects the user's current requirements.

EFFECTIVE DATE: 0901 UTC, December 3, 1998.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, 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:

Background

Restricted Area R-2908 is currently designated for daily use, 12 months of

the year. However, the user's mission requirements for the airspace now occur during the months of November and December, during the time periods of 0800–1600 local time, Monday–Friday, with an occasional requirement to activate R–2908 outside these periods by Notice to Airmen (NOTAM). This change to the time of designation will more accurately reflect the user's airspace needs and to better inform the flying public as to when that area may be in use.

The Rule

This action amends 14 CFR part 73 by changing the time of designation for R–2908 from "Intermittent, sunrise-sunset, daily; other times by NOTAM 24 hours in advance," to "November–December, Monday–Friday, 0800–1600 local time; other times by NOTAM 24 hours in advance." This administrative change reduces the time of designation for R–2908 but does not alter the boundaries, altitudes, or activities conducted within the restricted area. Therefore, I find that notice and public procedures 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 73.29 of part 73 was republished in FAA Order 7400.8E, dated November 7, 1997.

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.

Environmental Review

This action is a minor administrative change to reduce the published time of designation for Restricted Area R–2908. There are no changes to air traffic control procedures or routes as a result of this action. Therefore, 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 of 1969.

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.

§ 73.29 [Amended]

2. § 73.29 is amended as follows:

* * * * *

R–2908 Pensacola, FL [Amended]

By removing the words "Time of designation. Intermittent, sunrise-sunset, daily; other times by NOTAM 24 hours in advance," and adding the words "Time of designation. November–December, Monday–Friday, 0800–1600 local time; other times by NOTAM 24 hours in advance."

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Issued in Washington, DC, on September 28, 1998.

Reginald C. Matthews,

Acting Program Director for Air Traffic Airspace Management.

[FR Doc. 98–26600 Filed 10–2–98; 8:45 am]

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

Arizona State Plan; Change in Level of Federal Enforcement: Concrete and Asphalt Batch Plants Connected to Mines

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: This document gives notice of the resumption of Federal enforcement responsibility in the State of Arizona over private sector employment at concrete and asphalt batch plants which are physically connected to a mine or so interdependent with the mine as to form one integral enterprise.

OSHA is hereby amending its regulations on approved plans to reflect this change to the level of Federal enforcement authority in Arizona.

EFFECTIVE DATE: October 5, 1998.

FOR FURTHER INFORMATION CONTACT:

Bonnie Friedman, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room, N–3637, 200 Constitution Avenue, N.W., Washington, D.C. 20210, (202) 219–8148.

SUPPLEMENTARY INFORMATION:

A. Background

Section 18 of the Occupational Safety and Health Act of 1970 (the Act), 29 U.S.C. 667, provides that States which wish to assume responsibility for developing and enforcing their own occupational safety and health standards, may do so by submitting, and obtaining Federal approval of, a State plan. State plan approval occurs in stages which include initial approval under section 18(c) of the Act and, ultimately, final approval under section 18(e).

The Arizona State plan was initially approved on October 29, 1974 (39 FR 39037). On June 20, 1985, OSHA announced the final approval of the Arizona State plan pursuant to section 18(e) and amended Subpart CC of 29 CFR Part 1952 to reflect the Assistant Secretary's decision (50 FR 25571). As a result, Federal OSHA relinquished its authority with regard to occupational safety and health issues covered by the Arizona plan. Federal OSHA retained its authority over safety and health in private sector maritime employment, in copper smelters, within Indian reservations and with regard to Federal government employers and employees.

29 CFR 1952.355, which codifies OSHA's final approval decision, provides that any hazard, industry, geographical area, operation or facility over which the State is unable to effectively exercise jurisdiction for reasons not related to the required performance or structure of the plan shall be deemed to be an issue not covered by the plan and shall be subject to Federal enforcement.

The Industrial Commission of Arizona, the State plan agency responsible for occupational safety and health enforcement, is precluded by law from covering working conditions with respect to which any State agency acting under Title 27, Chapter 3, of Arizona Revised Statutes, exercises statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health (Arizona Revised Statutes, section 23–402). Under Arizona Revised Statutes section 27–301(8), the State Mine Inspector has jurisdiction over concrete and asphalt plants that are "physically connected to the mine or so interdependent with the