

93-42, 159-24^{also}

14 CFR Part 73

[Airspace Docket No. 80-AGL-49]

Special Use Airspace; Amendment to Restricted Area R-6904A and R-6904B, Volk Field, Wis.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, request for comments.

SUMMARY: This action changes the designated time of use to more accurately reflect actual usage requirements of the using agency and will result in more flexible and efficient military-civil joint use of the affected airspace. The need for night training activities dictates providing the flexibility for these operations by authorizing activation of the restricted area when the need actually arises rather than on a continuous basis. This will permit civilian and nonparticipating aircraft to use the area when the area is not being used for its special use airspace purposes.

DATES: Effective date—June 11, 1981. Comments must be received on or before April 29, 1981.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Great Lakes Region, Attention: Chief, Air Traffic Division, Docket No. 80-AGL-49, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: George O. Hussey, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:
Request for Comments on the Rule

Although this action is in the form of a final rule, which involves flight requirements affecting the safe and efficient utilization of the navigable airspace that need effectivity for the next charting of the affected area (on June 11th) and thus was not preceded by notice and public procedure, comments are invited on the rule. When the

comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 73.69 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is to change the designated time of use for Restricted Areas R-6904A and B from "Continuous, sunrise to sunset" to "Sunrise to 1900 local time. Other times by NOTAM." Section 73.69 of Part 73 of the Federal Aviation Regulations was republished in the *Federal Register* on January 2, 1981 (46 FR 829). This change more accurately reflects the occurrence of occasional lulls in military activity during which time the airspace is made available to the controlling agency for use by nonparticipating aircraft and provides a NOTAM provision to accommodate the military's night training requirement.

Under the circumstances presented, the FAA concludes that there is an immediate need for an amendment to a regulation to improve the safe and efficient utilization of the navigable airspace and provide timely changes in the affected aeronautical charts. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is impractical.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 73.69 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (46 FR 829), is amended, effective 0901 GMT, June 11, 1981, as follows:

1. Under R-6904A Volk Field, Wis., Time of designation., delete the words "Continuous, sunrise to sunset." and substitute for them the words "Sunrise to 1900 local time. Other times by NOTAM."

2. Under R-6904B Volk Field, Wis., Time of designation., delete the words "Continuous, sunrise to sunset." and substitute for them the words "Sunrise to 1900 local time. Other times by NOTAM."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec.

6(c), Department of Transportation Act (49 U.S.C. 1655(c)), and 14 CFR 11.69.)

Note.—The FAA has determined that this regulation is not a major rule under Executive Order 12291, nor a significant rule under DOT Regulatory Policies and Procedures, 44 FR 11034, since this action only involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current. The anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

The FAA has also determined that this regulation is an emergency regulation and not a major rule under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately in order to insure safety.

Issued in Washington, D.C., on March 20, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-9419 Filed 3-27-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Parts 93 and 159

[Docket No. 19948, Amdt. Nos. 93-42 and 159-24]

Metropolitan Washington Airports

AGENCY: Federal Aviation Administration (FAA)/Department of Transportation (DOT).

ACTION: Notice of deferral of effective dates of final rules.

SUMMARY: Notice No. 81-4 requested comments on a proposal to delay the effective date of the Metropolitan Washington Airports Policy and implementing regulations (45 FR 62397; September 18, 1980) in order to enable the Secretary to review its provisions, in light of Executive Order 12291 (46 FR 13193; February 19, 1981), and in view of the Department's inability to complete the permanent rulemaking on slot allocation at Washington National Airport (45 FR 71236; October 27, 1980). Comments received on Notice No. 81-4 have substantiated the reasons stated for the proposal, and the effective date of the Policy and rules will accordingly be delayed until October 25, 1981. Any changes to the existing Policy will be developed by July, 1981.

DATE: The effective date of the amendments to 14 CFR 93 and 159 is delayed until October 25, 1981.

FOR FURTHER INFORMATION CONTACT: Edward S. Faggen, Counsel (703) 557-8123, Metropolitan Washington Airports, Federal Aviation Administration,

Washington National Airport, Hangar 9, Washington, D.C. 20001.

Background

On March 5, DOT/FAA published Notice No. 81-4 (46 FR 15458), requesting comments by March 19 on a proposal to delay the effective date of the Metropolitan Washington Airports Policy and implementing regulations. The Policy and regulations (Amendments 93-37 and 159-20) were to guide the future operation and development of Washington National and Dulles International Airports (45 FR 62398; September 18, 1980) and were scheduled to become effective on January 5, 1981. The Department of Transportation and Related Agencies Appropriations Act, 1981, Pub. L. 96-400, provides that none of the funds appropriated in the Act may be used to mandate any reduction of the number of certificated air carrier slots per hour at Washington National Airport below the number authorized on September 12, 1980, before April 26, 1981. As a result of that law and a decision of the Secretary of Transportation, the FAA postponed the effective date of Amendments 93-37 and 159-20 (Amendments 93-38 and 159-22: 45 FR 71251; October 27, 1980). A new effective date of April 26, 1981, was established for all provisions of the Policy.

Notice 81-4 gave five reasons for delaying the effective date of the Policy once again:

1. Executive Order 12291 (46 FR 13193; February 19, 1981) established new government-wide standards for the issuance rules and required that "major" rules issued but not yet in effect as of February 17 be suspended or postponed while undergoing reconsideration under the Order.

2. At my confirmation hearing, at the request of members of the Senate Commerce Committee, I agreed to undertake a review of the Policy. That review is now under way.

3. An additional rulemaking to determine whether to permit quieter aircraft to operate after curfew hours has not been issued. If the Policy were imposed on April 26, commuter air carrier flights operating in the early morning and late evening hours would be barred.

4. Provisions of the Policy shifting four operating slots per hour from scheduled air carriers to commuter air carriers and redefining the commuter air carrier category have made agreement in the air carrier and commuter air carrier scheduling committees almost

impossible, thus necessitating DOT action to allocate slots if the Policy were not delayed.

5. The Department's rulemaking on a permanent method of slot allocation at National Airport (45 FR 71236; October 27, 1980) has not yet been completed. This means that the Department does not have an adequate means of allocating slots in the event the scheduling committees fail to agree on slot distribution for the summer (April 26-October 24) season.

The Airline Scheduling Committee, upon receipt of the Notice proposing a delay, undertook a hypothetical allocation of 40 slots per hour for the hours 7 a.m. to 10 p.m., as permitted by the existing rule, and successfully resolved a schedule. Thus we know that slot allocation at National will not require Departmental action if the Policy is delayed.

Public Comment

Over forty comments were received in response to the Notice. For the most part, commenters restated their positions on the Policy itself: community groups, local governmental bodies, and local Congressional representatives, expressing varying degrees of satisfaction with it, urged that it be permitted to take effect as scheduled; air carriers and cities that desire more service to National urged that the Policy be delayed.

Some commenters urged an interim Policy incorporating their favored provisions. Eastern Air Lines, consistent with a petition for rulemaking it had previously filed with the FAA, asked that widebody aircraft be permitted to operate at National immediately. New York Air, also consistent with a petition it had filed, sought an exemption from the High Density Rule for flights in the Northeast Corridor. These petitions will be dealt with on an individual basis; they will not be addressed here.

The City of New Orleans and the Chamber-New Orleans & the River Region asked that the perimeter rule, which would permit non-stop flights of 1,000 miles from National, take effect as scheduled. The City of Houston repeated its allegations that such a perimeter rule is unlawful. Imposition of the perimeter rule separate from the rest of the Policy provisions would be inappropriate. In the meantime, perimeter restrictions are maintained by informal agreement, not by Departmental regulation.

Commenters also expressed conflicting views on the applicability of Executive Order 12291, consistent with their views on whether the Policy should

be delayed. The Department has not yet determined whether the implementing rules should be classified as "major" under the Order, but it is clear in any event that, even if the Department decides that they are not, the Office of Management and Budget must be given an opportunity to review the question. A delay in the effective date is needed to provide sufficient time to answer this question.

In sum, the comments received have not led us to change our position on any of the five reasons originally stated for amending the effective date of the Metropolitan Washington Airports Policy and implementing regulations. Accordingly, the effective dates are amended to October 25, 1981. The Policy will be reviewed over the next several months, and any changes to it that may be developed will be published in July.

Immediate Effectiveness

This amendment will obviate major schedule adjustments by the scheduled air carriers and commuter air carriers, avoiding serious disruption and uncertainty of service at National Airport and resultant inconvenience to the traveling public. Therefore, it would be contrary to the public interest to delay its issuance. It will therefore take effect March 30, 1981.

Adoption of the Amendment

In order to provide adequate time to review the Policy, for an additional rulemaking on the curfew to be conducted, and for the scheduling committees to implement their present tentatively agreed-upon schedules for the summer season, effective March 30, 1981, the effective dates of the Metropolitan Washington Airports Policy (45 FR 62397; September 18, 1980) and Amendments 93-37 and 159-20 (45 FR 62406; September 18, 1980), as amended by Amendments 93-38 and 159-22 (45 FR 71251; October 27, 1980) are further amended to October 25, 1981.

(Secs. 103, 307 (a), (b), and (c), and 313(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1303, 1348 (a), (b), and (c) and 1354(a)); Secs. 2 and 5 of the Act for the Administration of Washington National Airport, 54 Stat. 686, as amended by 61 Stat. 94; Sec. 4 of the Second Washington Airport Act, 64 Stat. 770; Sec. 6 of the Department of Transportation Act (49 U.S.C. 1655))

Note.—This change of effective dates is not a significant regulation under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Washington, D.C. on March 24, 1981.

Andrew L. Lewis, Jr.,
Secretary of Transportation.

[FR Doc. 81-9633 Filed 3-27-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Part 4a

Classification, Declassification and Public Availability of National Security Information; Correction

AGENCY: Office of the Secretary, Commerce.

ACTION: Final rule; Correction.

SUMMARY: This document corrects the effective date of a final rule relating to the classification, declassification and public availability of national security information published at 46 FR 16251, March 12, 1981.

FOR FURTHER INFORMATION CONTACT: Alan F. Brown, 202-377-1722.

SUPPLEMENTARY INFORMATION: The effective date of 15 CFR Part 4a as revised in FR Doc. 81-7640 published at 46 FR 16251, March 12, 1981, third column, was incorrectly listed as September 1980. The correct effective date should be September 4, 1980.

William H. Randolph,

Director, Office of Investigations and Security, U. S. Department of Commerce.

[FR Doc. 81-8884 Filed 3-27-81; 8:45 am]

BILLING CODE 3510-BX-M

15 CFR Part 19

Federal Interaction With Voluntary Standards Bodies; Procedures

AGENCY: Assistant Secretary of Commerce for Productivity, Technology and Innovation, Department of Commerce.

ACTION: Deferral of effective date of final rule.

SUMMARY: The Procedures on Federal Interaction with Voluntary Standards Bodies were published at 46 FR 1574, January 6, 1981 to become effective February 5, 1981. In response to President Reagan's Memorandum of January 29, 1981, the effective date of these procedures was postponed until March 30, 1981 by notice of rulemaking published at 46 FR 11657, February 10, 1981. The effective date is being further postponed until April 29, 1981 to allow time to complete a rulemaking proceeding on the issues of (1) whether

the procedures should be suspended indefinitely pending reexamination, and (2) whether the procedures should be allowed to have interim effect while they are under review. See FR Doc. 81-9525 in Proposed Rules section of this issue.

EFFECTIVE DATES: The effective date of 15 CFR Part 19 is deferred until April 29, 1981. This amendment is effective March 27, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert B. Ellert, Acting Assistant Secretary for Productivity, Technology and Innovation, Room 3859, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377-5394; or Mr. Donald M. Malone, Deputy Assistant General Counsel for Productivity, Technology and Innovation, Room 3859, Department of Commerce, Washington, D.C. 20230, telephone (202) 377-5394.

SUPPLEMENTARY INFORMATION: The Department of Commerce issued, on December 31, 1980 Part 19 of Title 15, entitled "Federal Interaction With Voluntary Standards Bodies; Procedures." This part appeared in the *Federal Register* for January 6, 1981. These procedures were issued in response to Section 7a(1)(a) of OMB Circular A-119, entitled "Federal Participation in the Development and Use of Voluntary Standards". In response to President Reagan's Memorandum of January 29, 1981 entitled, "Postponement of Pending Regulations", the effective date of the procedures was postponed to March 30, 1981 (see 46 FR 11657, February 10, 1981).

During the period of postponement ordered in the President's Memorandum of January 29, 1981, comments were received questioning the appropriateness of the procedures. A decision has therefore been made to reexamine these procedures, insofar as there is lawful discretion to do so. A notice of proposed rulemaking appears in this issue in the proposed rules section (FR Doc 81-9525). That notice proposes to suspend the procedures for an indefinite period of time while they are being reexamined, and further proposes that they be permitted to go into effect on an interim basis during the period of reexamination. To allow time for completion of the rulemaking proceeding initiated by that notice, the effective date of the procedures is being extended for an additional 30 days until April 29, 1981.

Effective date of this amendment: March 27, 1981.

Issued: March 25, 1981.

Robert B. Ellert,
Acting Assistant Secretary for Productivity, Technology and Innovation.

1. The preamble to FR Doc 81-254, published at 46 FR 1574, January 6, 1981 is amended by revising the effective date caption in the first column to read "Effective Date: April 29, 1981."

§ 19.5 [Amended]

2. The first sentence of § 19.5 of Title 15 of the Code of Federal Regulations (46 FR 1574, 1579) is amended to read as follows:

This subpart shall become effective on April 29, 1981.

[FR Doc. 81-9524 Filed 3-27-81; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

15 CFR Parts 935 and 936

Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries; Partial Suspension of Regulations

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of deferral of effective date of final rules; request for comments.

SUMMARY: The majority of the regulations issued pursuant to the designations of the Channel Islands and Point Reyes-Farallon Islands national marine sanctuaries will become final as originally scheduled (15 CFR Parts 935 and 936). However, those provisions which would directly prohibit or have the effect of prohibiting hydrocarbon development within each Sanctuary will be suspended for an additional period of 30 days during which NOAA will consider whether to further suspend the regulations or make them effective on an interim basis while they are being reconsidered in accordance with Executive Order 12291. This reconsideration will involve an analysis of the costs and benefits to the nation which would result from imposing prohibitions on hydrocarbon activities in addition to the controls imposed under the Outer Continental Shelf Lands Act and other Federal statutes and may take up to six months.

DATES: The provisions in §§ 935.6, 935.7 and 936.6 which would directly prohibit or have the effect of prohibiting hydrocarbon development are suspended until April 30, 1981.