

Federal Aviation Regulations (14 CFR part 71) to amend Class E airspace at Montrose, Colorado, to accommodate a new GPS SIAP to the Montrose Regional Airport (62 FR 4220).

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 E airspace areas extending upward from the surface, and from 700 feet or more above the surface of the earth, are published in paragraph 6002 and paragraph 6005, respectively, 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 listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of Federal Aviation Regulations amends Class E airspace at Montrose, Colorado. 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 FAA 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. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the 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 Class E Airspace Areas Designated as a Surface Area for an Airport

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ANM CO E2 Montrose, CO [Revised]

Montrose Regional Airport, CO
(Lat. 38°30'32" N, long. 107°53'38" W)
Montrose VOR/DME
(Lat. 38°30'23" N, long. 107°53'58" W)

That airspace extending upward from the surface within a 4.8-mile radius of the Montrose Regional Airport, and within 3.5 miles each side of the Montrose VOR/DME 313° radial extending from the 4.8-mile radius to 12.2 miles northwest of the VOR/DME, and within 2.5 miles each side of the Montrose VOR/DME 360° radial extending from the 4.8-mile radius to 8.5 miles north of the VOR/DME. 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 Airport/Facility Directory.

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Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth

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ANM CO E5 Montrose, CO [Revised]

Montrose Regional Airport, CO
(Lat. 38°30'32" N, long. 107°53'38" W)
Montrose VOR/DME
(Lat. 38°30'23" N, long. 107°53'58" W)

That airspace extending upward from 700 feet above the surface within 4.3 miles northeast and 8.3 miles southwest of the Montrose VOR/DME 313° and 133° radials extending from 6.1 miles southeast to 21.4 miles northwest of the VOR/DME, and within 4 miles each side of the Montrose VOR/DME 360° radial extending to 9.5 miles north of the VOR/DME; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a point beginning at lat. 38°40'00" N, long. 108°46'00" W; to lat. 38°25'00" N, long. 108°42'30" W; to lat. 37°58'00" N, long. 108°10'00" W; to lat. 38°09'00" N, long. 107°35'00" W; to lat. 38°43'00" N, long. 107°39'30" W; to lat. 38°51'30" N, long. 107°41'00" W; to lat. 38°50'00" N, long. 107°53'00" W; to lat. 38°53'00" N, long. 108°03'30" W; thence to the point of beginning.

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Issued in Seattle, Washington, on March 19, 1997.

Helen Fabian Parke,
Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 97-8371 Filed 4-1-97; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 97-AGL-11]

Modification of Class E Airspace Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This action modifies Class E airspace areas at Minot, ND. Presently, these areas are designated as Class D airspace when the associated control tower is in operation. However, controlled airspace to the surface is needed when the control towers located at these areas are closed. The intended effect of this action is to provide adequate Class E airspace for instrument flight rule (IFR) operations when these control towers are closed.

DATES: Effective date: 0901 UTC, May 22, 1997. Comment date: Comments must be received on or before April 15, 1997.

ADDRESSES: Send comments on the rule in triplicate to: Manager, Air Traffic Division, Operations Branch, AGL-530, Docket No. 97-AGL-11, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the office of the Assistant Chief Counsel, Federal Aviation Administration, 2300 E. Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: John A. Clayborn, Air Traffic Division, Operations Branch, AGL-530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294-7568.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, and 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. If the FAA receives no adverse comments in response to this action, this rule will become effective on the date specified in the **DATES** section. After the review, if the FAA finds that further chances 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 in determining whether additional rulemaking is required. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the rule which might suggest the need to modify the rule.

The Rule

This amendment to part 71 of the Federal Aviation Regulations establishes Class E airspace areas at Minot, ND. Currently, this airspace is designated as Class D when the associated control tower is in operation. Nevertheless, controlled airspace to the surface is needed for IFR operations at Minot International Airport, Minot, ND, when the control towers are closed. The intended effect of this action is to provide adequate Class E airspace for IFR operations at these airports when these control towers are closed. As noted in the Airspace Reclassification Final Rule, published in the **Federal Register** on December 17, 1991, airspace at an airport with a part-time control tower should be designated as a Class D airspace area when the control tower is in operation, and as a Class E airspace area when the control tower is closed (56 FR 65645).

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas designated as surface areas for airports are published in Paragraph 6002 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 designations listed in this document will be published subsequently in the Order. Under the circumstances presented, the FAA concludes that there is an immediate need to establish these Class E airspace areas in order to promote the safe and efficient handling of air traffic in these areas. Therefore, I find that notice and public procedures under 5 U.S.C. 553(b) are impracticable and contrary to the public interest.

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—[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.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the 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 Class E airspace areas designated as a surface area for an airport
* * * * *

AGL ND E4 Minot, ND [Revised]

Minot International Airport, ND
(Lat. 48°15'34" N., long. 101°17'14" W.)

That airspace extending upward from the surface within 3.5 miles each side of the Minot VORTAC 129° radial extending from the 4.2-mile radius of Minot International Airport to 7 miles southeast of the VORTAC and within 3.5 miles each side of the Minot VORTAC 260° radial, extending from the 4.2-mile radius of the airport to 7 miles west of the VORTAC and within 3.5 miles each side of the Minot VORTAC 327° radial, extending from the 4.2-mile radius of the airport to 7 miles northwest of the VORTAC and within 3.5 miles each side of the Minot VORTAC 097° radial, extending from the 4.2-mile radius to 7 miles east of the VORTAC, excluding the portion which overlies the Minot AFB, ND, Class D airspace area. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.
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Issued in Des Plaines, Illinois on March 19, 1997.

Maureen Woods,
Manager, Air Traffic Division.

[FR Doc. 97–8369 Filed 4–1–97; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 202

[Release Nos. 33–7407; 34–38446; 35–26695; 39–2349; IC–22587; IA–1624]

Informal Guidance Program for Small Entities

AGENCY: Securities and Exchange Commission.

ACTION: Policy statement.

SUMMARY: The Securities and Exchange Commission is issuing a policy statement discussing its informal guidance program for small entities (and others) as required by the Small Business Regulatory Enforcement Fairness Act, Public Law 104–121, 110 Stat. 857 (1996).

DATES: This Policy becomes effective March 29, 1997.

FOR FURTHER INFORMATION CONTACT: For General Information: Amy Kroll, Assistant General Counsel, at (202–942–0927) or Anne H. Sullivan, Senior Counsel, at (202–942–0954), Office of General Counsel. For information from specific divisions or offices, as follows: James R. Budge, Special Counsel, at (202–942–295), Division of Corporation Finance; Natalie Bej, Special Counsel, at (202–942–0660), Division of Investment Management; Gary W. Sutton, Special Counsel, at (202–942–0073), Division of Market Regulation; Robert E. Burns, Chief Counsel, at (202–942–4400), Office of Chief Accountant.

SUPPLEMENTARY INFORMATION: On March 29, 1996, Congress adopted the Small Business Regulatory Enforcement Fairness Act ("SBREFA"),¹ which seeks to improve the regulatory climate for small entities² by, among other things:

¹ Pub. L. 104–121, 110 Stat. 857 (1996) (codified in scattered sections of 5 U.S.C., 15 U.S.C., and as a note to 5 U.S.C. 601).

² The definition of "small entity" under SBREFA is the same as the definition of "small entity" under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* ("Reg. Flex. Act"). SBREFA section 221(1). The Reg. Flex. Act defines "small entity" to include "small business." Pursuant to the Reg. Flex. Act, 5 U.S.C. 601(3), the Commission adopted appropriate definitions of "small business" for purposes of the Reg. Flex. Act. See 17 CFR 270.0–10; 17 CFR 275.0–7; 17 CFR 240.0–10; 17 CFR 230.157; and 17 CFR 250.110. The Commission recently proposed amendments to these definitions. *Definitions of "Small Business" or "Small Organization" Under the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Exchange Act of 1934, and the Securities Act of 1933*, Securities Act Rel. No. 7383, 62 FR 4106 (Jan. 28, 1997). The Commission extended the comment period on the proposed amendments to the definitions to April 30, 1997, 62 FR 13356 (Mar. 20, 1997).

Based on an analysis of the language and legislative history of the Regulatory Flexibility Act,