

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

[Docket No. 29030; Amendment No. 71-29]

## Airspace Designations; Incorporation By Reference

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This action amends 14 CFR part 71 relating to airspace designations to reflect the approval by the Director of the Federal Register of the incorporation by reference of FAA Order 7400.9E, Airspace Designations and Reporting Points. This action also explains the procedures the FAA will use to amend the listings of Class A, Class B, Class C, Class D, and Class E airspace areas and reporting points incorporated by reference.

**EFFECTIVE DATE:** These regulations are effective September 16, 1997, through September 15, 1998. The incorporation by reference of FAA Order 7400.9E is approved by the Director of the Federal Register as of September 16, 1997, through September 15, 1998.

**FOR FURTHER INFORMATION CONTACT:** Brenda Brown or Janet Glivings, 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:

## History

FAA Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, listed Class A, Class B, Class C, Class D, and Class E airspace areas and reporting points. Due to the length of these descriptions, the FAA requested approval from the Office of the Federal Register to incorporate the material by reference in the Federal Aviation Regulations section 71.1 (14 CFR 71.1). The Director of the Federal Register approved the incorporation by reference of FAA Order 7400.9D in section 71.1, effective September 16, 1996, through September 15, 1997. During the incorporation by reference period, the FAA processed all proposed changes of the airspace listings in FAA Order 7400.9D in full text as proposed rule documents in the **Federal Register**. Likewise, all amendments of these listings were published in full text as final rules in the **Federal Register**. This

rule reflects the periodic integration of these final rule amendments into a revised edition of Airspace Designations and Reporting Points, Order 7400.9E. The Director of the Federal Register has approved the incorporation by reference of FAA Order 7400.9E in section 71.1, as of September 16, 1997, through September 15, 1998. This rule also explains the procedures the FAA will use to amend the airspace designations incorporated by reference in part 71. Section 71.5, 71.31, 71.33, 71.41, 71.51, 71.61, 71.71, 71.79, and 71.901 are also updated to reflect the incorporation by reference of FAA Order 7400.9E.

## The Rule

This action amends part 71 of the Federal Aviation Regulations (14 CFR part 71) to reflect the approval by the Director of the Federal Register of the incorporation by reference of FAA Order 7400.9E, effective September 16, 1997, through September 15, 1998. During the incorporation by reference period, the FAA will continue to process all proposed changes of the airspace listings in FAA Order 7400.9E in full text as proposed rule documents in the **Federal Register**. Likewise, all amendments of these listings will be published in full text as final rules in the **Federal Register**. The FAA will periodically integrate all final rule amendments into a revised edition of the Order, and submit the revised edition to the Director of the Federal Register for approval for incorporation by reference in section 71.1.

The FAA has determined that this action: (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, 1997); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. This action neither places any new restrictions or requirements on the public, nor changes the dimensions or operating requirements of the airspace listings incorporated by reference in part 71. Consequently, notice and public procedure under 5 U.S.C. 553(b) are unnecessary. Because this action will continue to update the changes to the airspace designations, which are depicted on aeronautical charts, and to avoid any unnecessary pilot confusion, I find that good cause exists, under 5 U.S.C. 553(d), for making this amendment effective in less than 30 days.

## 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.

2. Section 71.1 is revised to read as follows:

## § 71.1 Applicability.

The complete listing for all Class A, Class B, Class C, Class D, and Class E airspace areas and for all reporting points can be found in FAA Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The approval to incorporate by reference FAA Order 7400.9E is effective September 16, 1997, through September 15, 1998. During the incorporation by reference period, proposed changes to the listings of Class A, Class B, Class C, Class D, and Class E airspace areas and to reporting points will be published in full text as proposed rule documents in the **Federal Register**. Amendments to the listings of Class A, Class B, Class C, Class D, and Class E airspace areas and to reporting points will be published in full text as final rules in the **Federal Register**. Periodically, the final rule amendments will be integrated into a revised edition of the Order and submitted to the Director of the Federal Register for approval for incorporation by reference in this section. Copies of FAA Order 7400.9E may be obtained from the Airspace and Rules Division, ATA-400, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, (202) 267-8783. Copies of FAA Order 7400.9E may be inspected in Docket No. 29030 at the Federal Aviation Administration, Office of the Chief Counsel, AGC-200, Room 915G, 800 Independence Avenue, SW., Washington, D.C., weekdays between 8:30 a.m. and 5:00 p.m., or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. This section is effective September 16, 1997, through September 15, 1998.

**§ 71.5 [Amended]**

3. Section 71.5 is amended by removing the words "FAA Order 7400.9D" and adding, in their place, the words "FAA Order 7400.9E."

**§ 71.31 [Amended]**

4. Section 71.31 is amended by removing the words "FAA Order 7400.9D" and adding, in their place, the words "FAA Order 7400.9E."

**§ 71.33 [Amended]**

5. Paragraph (c) of Section 71.33 is amended by removing the words "FAA Order 7400.9D" and adding, in their place, the words "FAA Order 7400.9E."

**§ 71.41 [Amended]**

6. Section 71.41 is amended by removing the words "FAA Order 7400.9D" and adding, in their place, the words "FAA Order 7400.9E."

**§ 71.51 [Amended]**

7. Section 71.51 is amended by removing the words "FAA Order 7400.9D" and adding, in their place, the words "FAA Order 7400.9E."

**§ 71.61 [Amended]**

8. Section 71.61 is amended by removing the words "FAA Order 7400.9D" and adding, in their place, the words "FAA Order 7400.9E."

**§ 71.71 [Amended]**

9. Paragraphs (b), (c) (d), (e), and (f) of Section 71.71 are amended by removing the words "FAA Order 7400.9D" and adding, in their place, the words "FAA Order 7400.9E."

**§ 71.79 [Amended]**

10. Section 71.79 is amended by removing the words "FAA Order 7400.9D" and adding, in their place, the words "FAA Order 7400.9E."

**§ 71.901 [Amended]**

11. Paragraph (a) of Section 71.901 is amended by removing the words "FAA Order 7400.9D" and adding, in their place, the words "FAA Order 7400.9E."

Issued in Washington, DC, September 30, 1997.

**John S. Walker,**

*Program Director for Air Traffic Airspace Management.*

[FR Doc. 97-26610 Filed 10-7-97; 8:45 am]

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**DEPARTMENT OF JUSTICE****28 CFR Part 0**

**Deputization of State and Local Law Enforcement Officers as Task Force Officers, and Cross-Designation of Federal Law Enforcement Officers; Redefinition of Authority**

**AGENCY:** Department of Justice.

**ACTION:** Final rule.

**SUMMARY:** This final rule authorizes the Drug Enforcement Administration (DEA) Chief, State and Local Section, Office of Domestic Operations, Operations Division, to deputize state and local law enforcement officers as Task Force Officers, and authorizes the Chief, Domestic Liaison Section, Office of Domestic Operations, Operations Division, to cross-designate Federal law enforcement officers to undertake title 21 drug investigations under the supervision of DEA.

**EFFECTIVE DATE:** September 25, 1997.

**FOR FURTHER INFORMATION CONTACT:** Calvin F. McFarland, Chief, Domestic Liaison Section, Office of Domestic Operations, Operations Division, Drug Enforcement Administration, (202) 307-8932, or Jayme S. Walker, Associate Chief Counsel, Office of Chief Counsel, Drug Enforcement Administration, (202) 307-8030.

**SUPPLEMENTARY INFORMATION:** The Controlled Substances Act, 21 U.S.C. 801 et seq., as amended (CSA), specifically, 21 U.S.C. 878(a), provides that Federal, state or local law enforcement officers designated by the Attorney General may exercise certain powers of Federal law enforcement personnel. Under title 21 sections 873 and 965, the Attorney General may request other Federal law enforcement agencies to provide law enforcement assistance to DEA. Designated law enforcement officers may undertake title 21 drug investigations under the supervision of DEA.

The Attorney General delegated the functions vested in the Attorney General by the CSA to the Administrator of DEA, at 28 CFR 0.100(b), with leave for the DEA Administrator to further redelegate those functions to any of his subordinates, at 28 CFR 0.104.

The Administrator had previously delegated the authority to deputize state and local law enforcement officers as DEA Task Force Officers, and to cross-designate Federal law enforcement officers to undertake title 21 drug investigations under the supervision of DEA, to the Deputy Assistant Administrator for Investigative Support, at 28 CFR, Part 0, Appendix to Subpart

R—Redelegation of Functions, sections 10 and 11. That position was, however, eliminated in 1995 during an internal DEA reorganization. This final rule amends sections 10 and 11 by transferring those duties previously assigned to the Deputy Assistant Administrator for Investigative Support, to the Chief, State and Local Section, Office of Domestic Operations, Operations Division, and to the Chief, Domestic Liaison Section, Office of Domestic Operations, Operations Division, respectively.

The Administrator certifies that this action will have no impact upon entities whose interests must be considered under the Regulatory Flexibility Act (5 U.S.C. 601). Pursuant to sections 1(a)(3) and 1(b) of Executive Order 12291, this rule is not a major rule and relates only to the organization of functions within DEA. Accordingly, it has not been reviewed by the Office of Management and Budget. This action has been analyzed in accordance with Executive Order 12612 and it has been determined that this matter has no federalism implications which would warrant the preparation of a Federalism Assessment.

**List of Subjects in 28 CFR Part 0**

Authority delegations (Government agencies), Organizations and functions (Government agencies).

For the reasons set forth above, and pursuant to the authority vested in the Administrator of the Drug Enforcement Administration by 28 CFR 0.100 and 0.104, and 21 U.S.C. 871, title 28 of the Code of Federal Regulations, part 0, Appendix to Subpart R, Redefinition of Functions, sections 10 and 11, are amended as follows:

**PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE**

1. The authority citation for part 0 continues to read as follows:

**Authority:** 5 U.S.C. 301; 28 U.S.C. 509, 510, 515-519.

2. The appendix to subpart R, sections 10 and 11, are revised to read as follows:

**Appendix to Subpart R—Redelegation of Functions**

\* \* \* \* \*

Sec. 10. *Deputization of State and Local Law Enforcement Officers.* The Chief, State and Local Section, Office of Domestic Operations, Operations Division is authorized to exercise all necessary functions with respect to the deputization of state and local law enforcement officers as Task Force Officers of DEA pursuant to 21 U.S.C. 878(a).