

**SUPPLEMENTARY INFORMATION:**

## History

On Wednesday, January 8, 1997, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E airspace at Hot Springs, SD (62 FR 1069). The proposal was to add controlled airspace extending upward from 700 to 1200 feet AGL to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 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 designation listed in this document will be published subsequently in the Order.

## The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E airspace at Hot Springs, SD to accommodate aircraft executing the GPS Runway 19 SIAP at Hot Springs Municipal Airport. Controlled airspace extending upward from 700 to 1200 feet AGL is needed to contain aircraft executing the approach. The area will be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures.

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.

## 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 14 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 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

AGL SD E5 Hot Springs, SD [New]  
Hot Springs Municipal Airport  
(Lat. 43°22'09" N, long. 103°23'21" W)

That airspace extending upward from 700 feet above the surface within a 7.4-mile radius of Hot Springs Municipal Airport.

\* \* \* \* \*

Issued in Des Plaines, Illinois on February 27, 1997.

Maureen Woods,

Manager, Air Traffic Division.

[FR Doc. 97-6620 Filed 3-14-96; 8:45 am]

BILLING CODE 4910-13-M

**14 CFR Part 71**

[Airspace Docket No. 96-AGL-28]

**Establishment of Class E Airspace; Gregory, SD, Gregory Municipal Airport**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E airspace at Gregory, SD. A Global Positioning System (GPS) standard instrument approach procedure (SIAP) to Runway 31 has been developed for the Gregory Municipal Airport. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. The intended effect of this action is to provide segregation of aircraft using instrument approach procedures in instrument

conditions from other aircraft operating in visual weather conditions.

**EFFECTIVE DATE:** 0901 UTC, May 22, 1997.

**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:**

## History

On Wednesday, January 8, 1997, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E airspace at Gregory, SD (62 FR 1065). The proposal was to add controlled airspace extending upward from 700 to 1200 feet AGL to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 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 designation listed in this document will be published subsequently in the Order.

## The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E airspace at Gregory, SD to accommodate aircraft executing the GPS Runway 31 SIAP at Gregory Municipal Airport. Controlled airspace extending upward from 700 to 1200 feet AGL is needed to contain aircraft executing the approach. The area will be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures.

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.

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 14 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 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

AGL SD E5 Gregory, SD [New]  
Gregory Municipal Airport, SD

(Lat. 43°13'18" N, long. 99°24'12" W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Gregory Municipal Airport, and that airspace extending upward from 1,200 feet above the surface beginning at lat. 43°41'00" N, long. 99°29'00" W, southeastbound to lat. 43°00'00" N, long. 99°00'00" W, westbound to V71, northwestbound to lat. 43°29'30" N, long. 99°39'00" W, to the point of beginning, and that airspace extending upward from 1,200 feet above the surface bounded on the north by lat. 43°20'00" N, on the east by V71, on the south by lat. 43°00'00" N, and on the west by long. 100°05'00" W, excluding that airspace within the Winner, SD, E5 airspace.

\* \* \* \* \*

Issued in Des Plaines, Illinois on February 27, 1997.

Maureen Woods,

Manager, Air Traffic Division.

[FR Doc. 97-6621 Filed 3-14-97; 8:45 am]

BILLING CODE 4910-13-M

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**15 CFR Parts 921, 923 and 930**

RIN 0648-AJ24

**Coastal Zone Management Program Regulations and National Estuarine Research Reserve System Regulations**

**AGENCY:** Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** The National Oceanic and Atmospheric Administration (NOAA) is amending its ocean and coastal resource management regulations concerning the National Estuarine Research Reserve System, Coastal Zone Management Program, and Secretarial review procedures. The Coastal Zone Protection Act of 1996 amended the Coastal Zone Management Act (the Act) and reauthorized NOAA's Coastal Zone Management Program and National Estuarine Research Reserve System under the Act. Among the amendments to the Act were changes to the use of Coastal zone enhancement grants, the formula for financial assistance to the states for National Estuarine Research Reserve (NERR) activities, and the timing for the appeals process under the consistency provisions. NOAA issues this final rule to amend the existing regulations to conform with the statutory amendments.

**EFFECTIVE DATE:** March 17, 1997.

**FOR FURTHER INFORMATION CONTACT:** Vickie A. Allin, Policy Coordination Division, Office of Ocean and Coastal Resource Management, 1305 East-West Highway, N/ORM4, Silver Spring, Maryland 20910. Telephone: 301-713-3086 ext. 126.

**SUPPLEMENTARY INFORMATION:**

**I. Authority**

This final rule is issued under the authority of the Coastal Zone Management Act (CZMA), 16 U.S.C. 1451 et seq., as amended by the Coastal Zone Protection Act of 1996 (CZPA), Pub. L. 104-150.

**II. Background**

The CZMA was enacted to encourage and assist coastal states and territories to develop and implement management programs to preserve, protect, develop and, where possible, restore or enhance the resources of the Nation's coasts. Prior to the 1996 amendments:

- Section 309 of the CZMA identified eight national coastal zone enhancement objectives and authorized grants to states for development and submission of program changes that support attainment of those objectives. Section 309 did not authorize grants for implementation of those changes.

- Section 315 of the CZMA authorized grants to states for the designations, management and use of NERRs. However, section 315 limited, in most cases, the amount of Federal financial assistance that could be used for a NERR activity to a specified percentage of the cost of that activity.

- Section 307 of the CZMA established the Federal consistency requirement, which requires Federal agencies, applicants for Federal licenses, permits or other approvals and state or local government agencies applying for Federal financial assistance to conduct their activities consistent with federally-approved state coastal management programs if an activity is reasonably likely to affect any land or water use or natural resource of a state's coastal zone. Section 307 also provided for an appeal, referred to as a consistency appeal, to the Secretary of Commerce (Secretary) for a Secretarial override of state objections to Federal license or permit or financial assistance activities.

NOAA's regulations at 15 CFR Parts 921, 923 and 930 implement these provisions.

**III. Coastal Zone Protection Act of 1996**

The Coastal Zone Protection Act of 1996 (CZPA) contains the following amendments to the CZMA.

- Section 7 of the CZPA amends section 309 to add, as a ninth coastal zone enhancement objective, the adoption of procedures and policies to evaluate and facilitate the siting of aquaculture in the coastal zone.

- Section 3 of the CZPA amends section 309 to authorize limited use of coastal zone enhancement grants to states for implementation as well as for development and submission of program changes.

- Section 6 of the CZPA amends section 315 to provide that Federal financial assistance provided from amounts recovered as a result of damage to natural resources in the coastal zone may be used to pay for 100% of the cost of a NERR activity.

- Section 8 of the CZPA adds a new section 319 which requires that the Secretary publish a notice in the Federal Register stating when the record in a consistency appeal has closed. Within 90 days after publication of this notice, the Secretary shall issue a final decision