Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) This amendment becomes effective on December 10, 1997.

Issued in Fort Worth, Texas, on October 30, 1997.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 97–29237 Filed 11–4–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

14 CFR Part 71

[Airspace Docket No. 97–AGL–59]

Modification of Class D Airspace; Minot, ND

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action reinstates controlled airspace extending upward from the surface at Minot Air Force Base (AFB), ND. The airspace areas are necessary to accommodate precision standard instrument approach procedures (SIAP) serving Minot AFB. The affected airspace, formerly surface area extensions to the Minot AFB Control Zone, was inadvertently omitted from United States controlled airspace during Airspace Reclassification in 1993. This action corrects that omission.

DATES: Effective date: November 5, 1997.

FOR FURTHER INFORMATION CONTACT: Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7573.

SUPPLEMENTARY INFORMATION:

The Rule

This action amends 14 CFR part 71 by reinstating controlled airspace extending upward from the surface at Minot AFB, ND. The affected airspace, formerly surface area extensions to the Minot AFB Control Zone, was inadvertently omitted from United States controlled airspace during Airspace Reclassification in 1993. This action corrects that error.

Federal Aviation Administration (FAA) Order 7400.6G, dated September 4, 1990, and now obsolete, described a Control Zone serving Minot AFB which consisted of a circle with a 5 Statute Mile (SM) radius and two extensions, one to the southeast and one to the northwest, each of which was 5 SM wide and extended from the radius to 7 SM southeast and northwest respectively of the Deering Tactical Air Navigation (TACAN) facility. The Deering TACAN is located near the center of the 5 SM radius circle. The Minot AFB Control Zone, as described in FAA Order 7400.6G, was established by a final rule published in the **Federal Register** on August 12, 1970 (35 FR 12751).

In accordance with the Airspace Reclassification final rule published December 17, 1991, and effective September 16, 1993 (56 FR 65638), distances were converted from SM to Nautical Miles (NM), and Control Zones were generally redesignated as Class D airspace areas, and most Control Zone extensions were redesignated as Class E airspace areas.

In preparation for Airspace Reclassification, the FAA redrafted the legal descriptions of all airspace areas under United States jurisdiction. Part of this process involved dividing Control Zones into Class D and E airspace areas where necessary. In redrafting the legal description for the Minot AFB Control Zone, the FAA redesignated the 5 SM-radius circle as a 4.5 NM-radius Class D airspace area. The FAA did not, however, redesignate the Control Zone extensions as Class E airspace areas. This omission was unintentional as the surface area extensions remained, and continue to be, necessary to accommodate SIAP's serving Minot AFB. The FAA has never purposely and affirmatively acted to revoke the controlled airspace.

The fact that the Control Zone extensions were not redesignated as Class E airspace, and that consequently the affected areas are currently Class G airspace, was discovered in a recent joint FAA/Air Force review of the airspace requirements for Minot AFB. As a result of the discovery, the FAA and the Air Force have been forced to discontinue use of all precision SIAP's serving Minot AFB pending reinstatement of the controlled airspace areas.

The precision SIAP's at Minot AFB serve important flight safety and national security interests. Airspace standards, however, require that the SIAP's be contained entirely within controlled airspace. The FAA finds that the safety and national security concerns created by the lack of a precision SIAP at Minot AFB, combined with the fact that the agency did not intend to permit the affected airspace to revert to uncontrolled status, makes notice and public procedure under 5 U.S.C 553(b) impractical and contrary to the public interest. Furthermore, for the reasons listed above, the FAA finds that good cause exists, pursuant to 5 U.S.C. 553(d), to make this amendment effective in less than 30 days.

The coordinates for this airspace docket are based on North American Datum 83. Class D airspace designations are published in Paragraph 5000 of FAA Order 7400.9E dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1 The Class D 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 modify these Class D airspace areas in order to promote the safe and efficient handling of air traffic in these areas.

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.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

Paragraph 5000 Class D Airspace

* * * * *

AGL ND D Minot AFB, ND [Revised]

Minot AFB, ND
(lat. 48°24′56″N, long. 101°21′28″W)
Deering TACAN
(lat. 48°24′54″N, long. 101°21′54″W)

That airspace extending upward from the surface to and including 4,200 feet MSL within a 4.5-mile radius of Minot AFB, and within 2.2 miles each side of the Deering TACAN 113° radial extending from the 4.5-mile radius to 6.1 miles southeast of the TACAN, and within 2.2 miles each side of the Deering TACAN 303° radial, extending from the 4.5-mile radius to 6.1 miles northwest of the TACAN. This Class D 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 October 14, 1997.

Maureen Woods,

Manager, Air Traffic Division.

[FR Doc. 97–29195 Filed 11–4–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 255

[Docket OST–96–1145 [49812]]

RIN 2105–AC35

Computer Reservations System (CRS) Regulations

AGENCY: Office of the Secretary (DOT).

ACTION: Final rule.

SUMMARY: The Department is adopting a rule that will prohibit each computer reservations system (CRS) from adopting or enforcing contract clauses that bar a carrier from choosing a level of participation in that system that would be lower than the carrier's level of participation in any other system, if neither the carrier nor any affiliate of the carrier owns or markets a CRS. The Department believes that this rule is necessary to promote competition in the CRS and airline industries, since the contract clauses at issue unreasonably limit the ability of airlines without CRS interests to choose how to distribute their services through travel agencies. This rule will allow a CRS to enforce such a contract clause against an airline that owns or markets a competing CRS or that has an affiliate that owns or markets a CRS. The Department is acting on a rulemaking petition filed by Alaska Airlines.

DATES: This rule is effective December 5, 1997.

FOR FURTHER INFORMATION CONTACT: Thomas Ray, Office of the General Counsel, 400 Seventh St. SW., Washington, DC 20590, (202) 366–4731.

SUPPLEMENTARY INFORMATION:

Introduction

Almost all airlines in the United States depend heavily on travel agencies for the distribution of their services, and travel agencies in turn rely heavily on computer reservations systems (CRSs) in responding to their customers' requests for information on airline services and for booking seats. The large majority of travel agencies use only one CRS (the agencies using a system are called ''subscribers''). As a result, virtually every airline must make its services available through each of the four CRSs operating in the United States in order to distribute its services through the travel agencies using each system (the airlines that make their services available through a system are called ''participating airlines''). Because each airline must participate in each system, the systems do not compete with each other for airline participants and have long been able to dictate the terms for participation (in contrast, the systems compete for travel agency users). Each of the systems is controlled by one or more airlines or airline affiliates, which can use their market power over airline participants to distort airline competition. We therefore have rules regulating CRS operations. 14 CFR Part 255, adopted by 57 FR 43780, September 22, 1992, after publication of a notice of proposed rulemaking, 56 FR 12586, March 26, 1991.

Alaska Airlines asked us to amend those rules by adding a prohibition of parity clauses—contract terms imposed by three of the four CRSs operating in the United States that require a participating airline to purchase at least as high a level of service from it as the airline does from any other system. We issued a notice of proposed rulemaking that tentatively determined to adopt such a rule. 61 FR 42197, August 14, 1996. Our proposed rule stated: ''No system may require a carrier to maintain any particular level of participation in its system on the basis of participation levels selected by that carrier in any other system.'' We tentatively determined that the proposed rule would make airline operations more efficient and promote competition in the CRS and airline industries.

However, airlines that own or market a CRS (or have an affiliate that does so) may limit their participation in a competing system in order to frustrate that system's ability to obtain travel agency subscribers. Our notice therefore asked whether we should allow a system to enforce a parity clause against an airline that owned or marketed a competing system.

After considering the comments and reply comments, we have determined to prohibit parity clauses, subject to an exception allowing a system to impose such a clause on an airline that owns or markets a competing system (this reference to airlines that own or market a system, and other such references in this document, include airlines with affiliates that own or market a system). Since the parity clauses are currently injuring some carriers, we are making a final decision now on Alaska's rulemaking petition rather than waiting for the completion of other pending CRS proceedings.

As explained in more detail below, parity clauses cause airlines either to buy more CRS services than they wish to buy from some systems or to stop buying services from other systems that they would like to buy, which creates economic inefficiencies and injures airline competition. In addition, the clauses eliminate competition between the systems for higher levels of participation. Without the clauses, such competition would exist, since the airlines' need to participate in systems does not compel them to buy the higher levels of service from each system. For these reasons the Department of Justice, several smaller airlines, and the CRS that does not use a parity clause, Galileo, support our proposal.

We have considered the arguments made by the parties opposing the proposal, but we have determined that the rule would benefit competition and airline efficiency. None of the opponents denies that the parity clauses compel airlines to buy services that they do not want and that the clauses provide no significant benefit to airlines. We also conclude that our rule will not adversely affect travel agencies. Each airline's interest in facilitating travel agency sales of its services should ensure that no important airline will reduce its participation in any system by enough to seriously interfere with the efficiency of travel agency operations.

By adopting this rule we are following our long-standing policy of promoting the ability of airlines to choose how they will distribute information on their services and enable travel agencies to carry out booking and ticketing transactions through electronic means. Parity clauses unreasonably interfere with the ability of individual airlines without CRS ties to choose the level of CRS service they will buy and to choose how best to communicate with travel