

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the Kit Carson County Airport; that airspace extending upward from 1,200 feet above the surface beginning at lat. 39°48'00" N, long. 103°10'00" W; to lat. 39°29'00" N, long. 101°37'00" W; to lat. 39°18'30" N, long. 101°37'00" W; to lat. 38°57'00" N, long. 102°05'00" W; to lat. 39°00'00" N, long. 102°50'30" W; to lat. 39°38'30" N, long. 103°18'00" W; thence to point of beginning, excluding the airspace within the State of Kansas.

\* \* \* \* \*

Issued in Seattle, Washington, on January 30, 1997.

George L. Orr,

*Acting Manager, Air Traffic Division,  
Northwest Mountain Region.*

[FR Doc. 97-3754 Filed 2-13-97; 8:45 am]

BILLING CODE 4910-13-M

## 14 CFR Part 71

[Airspace Docket No. 97-AEA-13]

### Proposed Amendment to Class E Airspace; Clearfield, PA

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to amend the Class E airspace area at Clearfield, PA. The development of a new Standard Instrument Approach Procedure (SIAP) at Clearfield-Lawrence Airport based on the Global Positioning System (GPS) has made this proposal necessary. Additional controlled airspace extending upward from 700 feet above the surface (AGL) is needed to accommodate this SIAP and for instrument flight rules (IFR) operations at the airport.

**DATES:** Comments must be received on or before March 25, 1997.

**ADDRESSES:** Send comments on the proposal in triplicate to: Manager, Operations Branch, AEA-530, Docket No. 97-AEA-13, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy Int'l Airport Jamaica, NY 11430.

The official docket may be examined in the Office of the Assistant Chief Counsel, AEA-7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430.

An informal docket may also be examined during normal business hours in the Operations Branch, AEA-530, F.A.A. Eastern Region, Federal Building, #111, John F. Kennedy International Airport, Jamaica, NY 11430.

**FOR FURTHER INFORMATION CONTACT:** Mr. Francis T. Jordan, Jr., Airspace Specialist, Operations Branch, AEA-530

F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 553-4521.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 97-AEA-13." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

##### Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Assistant Chief Counsel, AEA-7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

##### The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the Class E airspace area at Clearfield, PA. A GPS RWY 30 SIAP has been developed for the Clearfield-

Lawrence Airport. Additional controlled airspace extending upward from 700 feet above the surface (AGL) is needed to accommodate this SIAP and for IFR operations at the airport. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface 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 would be published subsequently in the order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed 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 would only affect air traffic procedures and air navigation, it is certified that this proposed rule would not have 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).

##### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 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.

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9D, dated September 4, 1996, and effective September 16, is proposed to be amended as follows:

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

\* \* \* \* \*

AEA PA E5 Clearfield, PA [Revised]

Clearfield-Lawrence Airport, Clearfield, PA  
(Lat. 41°02'55"N, long. 78°24'47"W)

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Clearfield-Lawrence Airport, excluding that portion which overlies the Philipsburg, PA Class E airspace area.

\* \* \* \* \*

Issued in Jamaica, New York, on February 3, 1997.

James K. Buckles,

*Acting Manager, Air Traffic Division, Eastern Region.*

[FR Doc. 97-3752 Filed 2-13-97; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### 31 CFR Parts 500, 505 and 515

#### **Foreign Assets Control Regulations; Regulations Prohibiting Transactions Involving the Shipment of Certain Merchandise Between Foreign Countries; Cuban Assets Control Regulations; Civil Penalty Administrative Hearings**

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Treasury Department proposes to amend the Foreign Assets Control Regulations and the Cuban Asset Control Regulations to add procedures for the conduct of administrative hearings in civil penalty cases and for settlement of civil penalty cases in lieu of administrative hearings. A conforming amendment is proposed to be made to the Transaction Control Regulations.

**DATES:** Written comments must be received by March 17, 1997.

**ADDRESSES:** Comments may be mailed to the Director, Office of Foreign Assets Control, U.S. Treasury Department, 1500 Pennsylvania Avenue, NW—Annex, Washington, DC 20220.

**FOR FURTHER INFORMATION CONTACT:** Mrs. B.S. Scott, Chief, Civil Penalties Program (tel.: 202/622-6140), or William B. Hoffman, Chief Counsel (tel.: 202/622-2410), Office of Foreign Assets Control, U.S. Treasury Department, Washington, DC 20220.

#### **SUPPLEMENTARY INFORMATION:**

##### **Electronic and Facsimile Availability**

This document is available as an electronic file on *The Federal Bulletin Board* the day of publication in the Federal Register. By modem, dial 202/512-1387 and type "/GO FAC," or call 202/512-1530 for disk or paper copies. This file is available for downloading without charge in WordPerfect 5.1, ASCII, and Adobe Acrobat™ readable

(\* .PDF) formats. For Internet access, the address for use with the World Wide Web (Home Page), Telnet, or FTP protocol is: fedbbs.access.gpo.gov. The document is also accessible for downloading in ASCII format without charge from Treasury's Electronic Library ("TEL") in the "Business, Trade and Labor Mall" of the FedWorld bulletin board. By modem, dial 703/321-3339, and select the appropriate self-expanding file in TEL. For Internet access, use one of the following protocols: Telnet = fedworld.gov (192.239.93.3); World Wide Web (Home Page) = <http://www.fedworld.gov>; FTP = <ftp.fedworld.gov> (192.239.92.205). Additional information concerning the programs of the Office of Foreign Assets Control is available for downloading from the Office's Internet Home Page: <http://www.ustreas.gov/treasury/services/fac/fac.html>, or in fax form through the Office's 24-hour fax-on-demand service: call 202/622-0077 using a fax machine, fax modem, or (within the United States) a touch-tone telephone.

#### **Background**

The Foreign Assets Control Regulations, 31 CFR part 500, and the Cuban Asset Control Regulations, 31 CFR part 515 (jointly, the "Regulations"), are proposed to be amended to provide for detailed procedures governing administrative hearings, as provided in section 1710(c) of the Cuban Democracy Act of 1992 (22 U.S.C. 6001-6010 — the "CDA"). A conforming amendment is proposed to be made to § 505.50 of the Regulations Prohibiting Transactions Involving the Shipment of Certain Merchandise Between Foreign Countries, 31 CFR part 505, which incorporates by reference the penalty provisions of part 500. Because the CDA amends section 16 of the Trading with the Enemy Act (50 U.S.C. App. 16) to permit the imposition of civil monetary penalties and civil forfeiture with opportunity for hearing and discovery, subpart G of the Regulations is proposed to be revised to establish the procedures governing administrative hearings.

Before this proposed rule is adopted as a final rule, consideration will be given to written comments (a signed original and 2 copies) that are timely submitted to the OFAC. All comments will be available for public inspection and copying.

#### **Regulatory Flexibility Act**

It has been determined that this notice of proposed rulemaking is not a "significant regulatory action" as defined in Executive Order 12866. Therefore, a regulatory assessment is not

required. It is hereby certified, pursuant to the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities, so that no regulatory flexibility analysis is required. The factual basis for this certification is as follows: Since civil penalty procedures under the Regulations were adopted (June 29, 1993, for part 515; April 8, 1994, for part 500), all recipients of a prepenalty notice under the Regulations have been provided the opportunity to request an administrative hearing, with prehearing discovery, prior to imposition of a penalty. §§ 500.702(b) & 515.702(b). As of December 20, 1996, the cumulative number of hearing requests pending was 27. Of these, only 10 involved respondents that are small business entities with fewer than 500 employees. A respondent's decision to use the administrative hearing process is strictly voluntary, and any final agency action imposing a civil penalty, with or without an administrative hearing, remains appealable pursuant to section 702 of the Administrative Procedure Act (5 U.S.C. 553-596 — the "APA").

The collection of information in the proposed rules arises in the conduct of administrative actions or investigations by OFAC against specific individuals or entities and is, therefore, not subject to the requirements of the Paperwork Reduction Act pursuant to 44 U.S.C. 3518(c)(1)(B)(ii).

#### **List of Subjects**

##### **31 CFR Part 500**

Administrative practice and procedure, Banks, banking, Blocking of assets, Cambodia, Currency, Estates, Exports, Finance, Foreign claims, Foreign investment in the United States, Foreign trade, Imports, Information and informational materials, International organizations, North Korea, Penalties, Reporting and recordkeeping requirements, Securities, Services, Specially designated nationals, Terrorism, Travel restrictions, Trusts and trustees, Vessels, Vietnam.

##### **31 CFR Part 505**

Administrative practice and procedure, Arms and munitions, Banks, banking, Communist countries, Exports, Finance, Foreign trade, Nuclear materials, Penalties, Reporting and recordkeeping requirements.

##### **31 CFR Part 515**

Administrative practice and procedure, Air carriers, Banks, banking, Blocking of assets, Cuba, Currency,