

Boundaries. Beginning at lat. 44°08'40" N., long. 90°44'20" W.; to lat. 44°08'40" N., long. 90°40'22" W.; to lat. 44°09'36" N., long. 90°40'22" W.; to lat. 44°09'36" N., long. 90°36'56" W.; to lat. 44°00'27" N., long. 90°36'45" W.; west along Wisconsin State Highway 21; to lat. 44°00'03" N., long. 90°43'10" W.; to lat. 44°00'03" N., long. 90°44'40" W.; to lat. 44°02'45" N., long. 90°44'30" W.; to the point of beginning.

Designated altitudes. Surface to 20,000 feet MSL.

Time of designation. May 1 through September 30—Continuous; October 1 through April 30—0800–2200 Monday–Thursday and 0800 Friday–2200 Sunday; other times by NOTAM issued at least 24 hours in advance.

Controlling agency. FAA, Minneapolis ARTCC.

Using agency. U.S. Army, Commanding Officer, Fort McCoy, WI.

R-8901B Fort McCoy, WI (New).

Boundaries. Beginning at lat. 44°00'03" N., long. 90°43'10" W.; east along Wisconsin State Highway 21; to lat. 44°00'27" N., long. 90°36'45" W.; to lat. 44°00'02" N., long. 90°36'35" W.; to lat. 44°00'02" N., long. 90°35'15" W.; to lat. 43°56'22" N., long. 90°35'22" W.; to lat. 43°56'22" N., long. 90°39'00" W.; to lat. 43°56'35" N., long. 90°41'00" W.; to lat. 43°56'44" N., long. 90°43'17" W.; to the point of beginning.

Designated altitudes. Surface to 20,000 feet MSL.

Time of designation. By NOTAM issued 24 hours in advance.

Controlling agency. FAA, Minneapolis ARTCC.

Using agency. U.S. Army, Commanding Officer, Fort McCoy, WI.

Issued in Washington, DC, on December 2, 1986.

Harold H. Downey,

Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 86-27779 Filed 12-10-86; 8:45 am]

BILLING CODE 4910-13-M

Office of the Secretary

14 CFR Part 385

[OST Docket No. 1; Amdt. 385-2]

Temporary Assignments of Functions and Delegations of Authority in the Office of the Assistant Secretary for Policy and International Affairs

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Interim final rule.

SUMMARY: This rule makes temporary assignments of functions and delegations of authority in the Office of the Assistant Secretary for Policy and International Affairs.

DATE: This rule is effective December 5, 1986.

FOR FURTHER INFORMATION CONTACT: Patricia N. Snyder, Office of the General Counsel (C-20), U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590; (202) 366-5621.

The Assistant Secretary has decided to reorganize the Office functions and make clear to the public the responsibilities of the offices affected by this delegation.

SUPPLEMENTARY INFORMATION: Effective December 1, 1986, the Office of Essential Air Service and the Office of Aviation Operations within the Office of the Assistant Secretary for Policy and International Affairs will temporarily assume certain additional functions. The changes listed below reflect these temporary assignments of functions and effect temporary delegations of authority necessary to permit continued efficient administration of Department business.

Under this temporary reassignment of function, the Office of Aviation Operations has been assigned the authority to extend the time permitted by statute for acting on complaints filed under the international Air Transportation Fair Competitive Practices Act of 1974 Aviation. The responsibilities of the Office of Essential Air Service have been expanded to include certain analytical work related to air carrier fitness determinations and the conduct of formal hearing cases before administrative law judges, as well as other air transportation regulatory activities. This rule implements those changes by amending 14 CFR Part 385.

Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary and it may be made effective in less than thirty days after publication in the Federal Register.

List of Subjects in 14 CFR Part 385

Authority delegations [government agencies), Organization and functions (government agencies), Transportation Department

For the reasons set out in the preamble, and under authority delegated to me by 49 CFR 1.54(b)(1) and 14 CFR 385.2, 14 CFR Part 385 is amended as follows:

1. The authority for Part 385 continues to read as follows:

Authority: Federal Aviation Act of 1958, as amended (49 U.S.C. 1301 *et seq.*); Airline Deregulation Act of 1978 (Pub. L. No. 95-504, October 24, 1978); Civil Aeronautics Board Sunset Act of 1984 (Pub. L. No. 98-443, October 4, 1984).

PART 385—[AMENDED]

2. Section 385.13 is amended by adding a new paragraph (hhh) to read as follows:

§ 385.13 Authority of the Director, Office of Aviation Operations.

(hhh) Extend for an additional period or periods of 30 days each (to a maximum of four such extensions) the time allowed for action on a complaint filed under section 2 of the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 1159b).

3. Section 385.14 is amended by adding the following new paragraphs (p) through (ee) to read as follows:

§ 385.14 Authority of the Director, Office of Essential Air Service.

(p)(l) Approve or deny applications of certificated route air carriers for exemptions to perform single flights outside the authority contained in their certificates.

(2) Approve, when no person disclosing a substantial interest protests, or deny applications of certificated route air carriers for exemptions to perform any other operation prohibited by a term, condition, or limitation in a certificate.

(q) Approve or deny applications of air carriers for exemptions from section 401 of the Act and from applicable regulations under this chapter where the course of action is clear under current precedent or policies.

(r) Approve or disapprove applications of air carriers for permission to do business in names other than those authorized pursuant to regulation or order of the Department.

(s) Waive the provisions of § 377.10(c) of this chapter with respect to the time for filing applications for the renewal of temporary authorizations so as to permit their filing within shorter periods than required by that section when, in the Director's judgment, the public interest would be served, except that the interim extension provisions of § 377.10(d) of this chapter shall, if otherwise pertinent, apply to authorizations involved in applications filed pursuant to such waivers.

(t) With respect to applications filed under section 401 of the Act for authority to engage in interstate, overseas or foreign air transportation that are either accompanied by a petition for an order to show cause, or request show-cause treatment or the use of expedited procedures under Subpart Q of Part 302 of this chapter, and can be handled by show-cause orders:

(1) Issue an order to show cause proposing to grant such application in those cases where no objections to the application have been filed, and where the Department has already found the applicant to be fit, willing and able to provide service of the same basic scope and character;

(2) Issue an order stating the Department's intention to process the application through show-cause procedures or other expedited procedures, where the course of action is clear under precedent and policy; and

(3) Issue an order, subject to any presidential review required under section 801(a) of the Act, making final an order to show cause issued under paragraph (t)(1) of this section, where no objections to the order to show cause have been filed.

(u) Grant or deny requests for waiver of Parts 207, 208, 212, 372, and 380 of this chapter, where grant or denial of the request is in accordance with established precedent.

(v) Approve or disapprove escrow agreements filed pursuant to § 8 207.17, 208.40, and 212.15, respectively, as security for customers' deposits made with such carriers as advance payment for charter flights.

(w) Reject or accept Public Charter prospectuses in accordance with § 380.25.

(x) Grant or deny, in accordance with established precedent, applications for relief, under section 101(3) of the Act, to hold out, arrange, and coordinate the operation of air ambulance flights as indirect air carriers.

(y) With respect to an application under section 401 of the Act for a certificate to engage in interstate, overseas, or foreign scheduled air transportation or to engage in interstate, overseas or foreign charter air transportation, issue an order instituting an investigation of the applicant's fitness and other issues related to the application, where no person has already filed an objection to the application and the investigation will be conducted by oral evidentiary hearing procedures.

(z)(1) Approve applications for registration filed under Part 297 of this chapter, or require that a registrant under Part 297 submit additional information, or reject an application for registration for failure to comply with Part 297.

(2) Cancel the registration of any foreign air freight forwarder or foreign cooperative shippers association that files a written notice with the Department indicating the

discontinuance of common carrier activities.

(3) Grant or deny requests by foreign air freight forwarders or foreign cooperative shippers associations for permission to deviate from the documentation requirements of § 297.32 of this chapter. Such requests will be granted upon a showing that the record retention system of the forwarder permits ready access to information otherwise required on a manifest; that the name of the person determining rates and charges, together with the commodity rate applied, appears on the airwaybill; that the forwarder will provide copies of airwaybills to the consignor of consignee when either so requests; and that the recordkeeping operations of the forwarder otherwise comport with the policy set forth in Order E-19074 of December 7, 1962.

(4) Exempt the registrant from the requirement contained in § 297.20 of this chapter that substantial ownership and effective control reside in citizens of the country that the applicant claims as its country of citizenship, where the course of action is clear under current precedent or policies.

(aa)(1) Approve (with or without condition) or reject applications for registration filed under Part 294 of this chapter, or require that an applicant under Part 294 submit additional information.

(2) Cancel, revoke, or suspend the registration of any Canadian charter air taxi operator using small aircraft registered under Part 294 of this chapter that:

(i) Filed with the Department a written notice that it is discontinuing operations;

(ii) No longer is designated by its home government to operate the services contemplated by its registration;

(iii) Holds a foreign air carrier permit under section 402 to operate large aircraft charters between the United States and Canada;

(iv) Fails to keep its filed certificate of insurance current;

(v) No longer is substantially owned or effectively controlled by persons who are (A) citizens of Canada, (B) the Government of Canada, or (C) a combination of both; or

(vi) No longer holds current effective operations specifications issued by the FAA.

(3) Grant or deny requests for a waiver of Part 294 of this chapter, where grant or denial of the request is in accordance with current precedent or policy.

(bb) With respect to an application filed under section 401 of the Act for authority to provide interstate, overseas or foreign air transportation and with respect to which an order instituting an oral evidentiary hearing has not been issued:

(1) Dismiss the application when dismissal is requested or consented to by the applicant.

(2) Dismiss the application when it has become moot.

(cc) With respect to the procedures for the registration of foreign charter operators under Subpart F of Part 380 of this chapter:

(1) Approve the registration application under § 380.64(a)(1).

(2) Reject the registration application under § 380.64(a)(4);

(3) Request additional information from the applicant under § 380.64(a)(2);

(4) Notify the applicant under § 380.64(a)(3) that its application will require further analysis or procedures, or is being referred to the Assistant Secretary for Policy and International Affairs for formal action;

(5) Cancel the registration of a foreign charter operator under § 380.66(a) if it files a written notice with the Department that it is discontinuing its charter operations;

(6) Waive provisions of Subpart F of Part 380 of this chapter under § 380.69.

(dd) Issue Fitness Certificates and Certificates of Public Convenience and Necessity when revisions thereof are necessitated by a change in the name of the carrier or of points specified in the certificate: **Provided**, that no issue of substance concerning the operating authority of a carrier is involved.

(ee) Review Federal Aviation Administration reports on the safety of newly certificated air carriers, and

(1) Amend orders issuing certificates to advance the effective dates of the certificate if the review is satisfactory, or

(2) Stay the effectiveness of such orders for up to 30 days if the review is unsatisfactory.

Issued in Washington, DC on December 5, 1986.

Mathew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 86-27853 Filed 12-10-86; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[14 CFR Part 385]

(OST Docket No. 1; Amdt. 385- 2)

TEMPORARY ASSIGNMENTS OF FUNCTIONS
AND DELEGATIONS OF AUTHORITY
IN THE OFFICE OF

THE ASSISTANT SECRETARY FOR POLICY AND INTERNATIONAL AFFAIRS.

AGENCY: Department of Transportation (DOT), Office of the
Secretary

ACTION: Interim Final Rule

SUMMARY: This rule makes temporary assignments of functions and
delegations of authority in the Office of the Assistant Secretary
for Policy and International Affairs.

DATE: This rule is effective December 5, 1986.

FOR FURTHER INFORMATION CONTACT: Patricia N. Snyder, Office of the
General Counsel (C-201, U.S. Department of Transportation, 400
Seventh Street, SW, Washington, D.C. 20590; (202) 366-5621.

51FR (44578)

12-11

SUPPLEMENTARY INFORMATION:

Effective December 1, 1986, the Office of Essential Air Service and the Office of Aviation Operations within the Office of the Assistant Secretary for Policy and International Affairs will temporarily assume certain additional functions. The changes listed below reflect these temporary assignments of functions and effect temporary delegations of authority necessary to permit continued efficient administration of Department business.

Under this temporary reassignment of function, the Office of Aviation Operations has been assigned the authority to extend the time permitted by statute for acting on complaints filed under the International Air Transportation Fair Competitive Practices Act of **1974** Aviation. The responsibilities of the Office of Essential Air Service have been expanded to include certain analytical work related to air carrier fitness determinations and the conduct of formal hearing cases before administrative law judges, as well as other air transportation regulatory activities. This rule implements those changes by amending 14 C.F.R. Part 385.

Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary and it may be made effective in less than thirty days after publication in the Federal Register.

List of Subjects in 14 C.F.R. Part 385:

Authority delegations (government agencies);
Organization and functions (government agencies);
Transportation Department

For the reasons set out in the preamble, and under authority delegated to me by 49 C.F.R. **§ 1.54(b)(1)** and 14 C.F.R. **§ 385.2**, **14 C.F.R. Part 385** is amended as follows: .

1. The authority for Part 385 continues to read as follows:
Federal Aviation Act of 1958, as amended (49 U.S.C. 1301 et seq.);
Airline Deregulation Act of 1978 (Pub. L. No. **95-504**, October **24**,
1978); Civil Aeronautics Board Sunset Act of 1984 (Pub. L. No. 98-
443, October 4, 1984).

PART 385

§ 385.13

2. Section 385.13 is amended by adding a new paragraph **(hhh)** to read as follows:

(hhh) Extend for an additional period or periods of 30 days each (to a maximum of four such extensions) the time allowed for action on a complaint filed under section 2 of the International Air Transportation Fair Competitive Practices Act of 1974 (**49 U.S.C. § 1159b**).

§ 385.14

3. Section 385.14 is amended by adding the following new paragraphs **(p)** through **(ee)** to read as follows:

(p) (1) Approve or deny applications of certificated route air carriers for exemptions to perform single flights outside the authority contained in their certificates.

(2) Approve, when no person **disclosing a** substantial interest protests, or deny applications of certificated route air carriers for exemptions to perform any other operation prohibited by a term, condition, or limitation in a certificate.

(q) Approve or deny applications of air carriers for -exemptions from section 401 of the Act and from applicable regulations under this chapter where the course of action is clear under current precedent or policies.

(r) Approve or disapprove applications of air carriers for permission to do business in names other than those authorized pursuant to regulation or order of the Department.

(s) Waive the provisions of **§ 377.10(c)** of this chapter with respect to the time for filing applications for the renewal of temporary authorizations so as to permit their filing within shorter periods than required by that section when, in the Director's judgment, the public interest would be served, except that the interim extension provisions of **§ 377.10(d)** of this chapter shall, if otherwise pertinent, apply to authorizations involved in applications filed pursuant to such waivers.

(t) With respect to applications filed under section 401 of the Act for authority to engage in interstate, overseas or foreign air transportation that are either accompanied by a petition for an order to show cause, or request show-cause treatment or the use of expedited procedures under Subpart Q of Part 302 of this chapter, and can be handled by show-cause orders:

(1) Issue an order to show cause proposing to grant such application in those cases where no objections to the application have been filed, and where the Department has already found the applicant to be fit, willing and able to provide service of the same basic scope and character;

(2) Issue an order stating the Department's intention to process the application through show-cause procedures or other expedited procedures, where the course of action is clear under precedent and policy; and

(3) Issue an order, subject to any Presidential review required under section 801(a) of the Act, making final an order to show cause issued under subsection (1) of this paragraph, where no objections to the order to show cause have been filed.

(u) Grant or deny requests for waiver of Parts 207, 208, 212, 372, and 380 of this chapter, where grant or denial of the request is in accordance with established precedent.

(v) Approve or disapprove escrow agreements filed pursuant to §§ 207.17, 208.40, and 212.15, respectively, as security for customers* deposits made with such carriers as advance payment for charter flights.

(w) Reject or accept Public Charter prospectuses in accordance with § 380.25.

(x) Grant or deny, in accordance with established precedent, applications for relief, under section 101(3) of the Act, to hold out, arrange, and coordinate the operation of air ambulance flights as indirect air carriers.

(y) With respect to an application under section 401 of the Act for a certificate to engage in interstate, overseas, or foreign scheduled air transportation or to engage in interstate, overseas or foreign charter air transportation, issue an order instituting an investigation of the applicant's fitness and other issues related to the application, where no person has already filed an objection to the application and the investigation will be conducted by oral evidentiary hearing procedures.

(z) (1) Approve applications for registration filed under Part 297 of this chapter, or require that a registrant under Part 297 submit additional information, or reject an application for registration for failure to comply with Part 297.

(2) Cancel the registration of any foreign air freight forwarder or foreign cooperative shippers association that files a written notice with the Department indicating the discontinuance of common carrier activities.

(3) Grant or deny requests by foreign air freight forwarders or foreign cooperative shippers associations for permission to deviate from the documentation requirements of § 297.32 of this chapter. Such requests will be granted upon a showing that the record retention system of the forwarder permits

ready access to information otherwise required on a manifest; that the name of the person determining rates and charges, together with the commodity rate applied, appears on the airwaybill; that the forwarder will provide copies of airwaybills to the consignor of consignee when either so requests; and that the recordkeeping operations of the forwarder otherwise comport with the policy set forth in Order E-19074 of December 7, 1962.

(4) Exempt the registrant from the requirement contained in § 297.20 of this chapter that substantial ownership and effective control reside in citizens of the country that the applicant claims as its country of citizenship, where the course of action is clear under current precedent or policies.

(aa)(1) Approve (with or without condition) or reject applications for registration filed under Part 294 of this chapter, or require that an applicant under Part 294 submit additional information.

(2) Cancel, revoke, or suspend the registration of any Canadian charter air taxi operator using small aircraft registered under Part 294 of this chapter that:

(i) Filed with the Department a written notice that it is discontinuing operations;

(ii) No longer is designated by its home government to operate the services contemplated by its registration;

(iii) Holds a foreign air carrier permit under section 402 to operate large aircraft charters between the United States and Canada;

(iv) Fails to keep its filed certificate of insurance current;

(v) No longer is substantially owned or effectively controlled by persons who are (A) citizens of Canada, (B) the Government of Canada, or (C) a combination of both; or

(vi) No longer holds current effective operations specifications issued by the FAA.

(3) Grant or deny requests for a waiver of Part 294 of this chapter, where grant or denial of the request is in accordance with current precedent or policy.

(bb) With respect to an application filed under section 401 of the Act for authority to provide interstate, overseas or foreign air transportation and with respect to which an order instituting an oral evidentiary hearing has not been issued:

(1) Dismiss the application when dismissal is requested or consented to by the applicant.

(2) Dismiss the application when it has become moot.

(cc) with respect to the procedures for the registration of foreign charter operators under Subpart F of Part 380 of this chapter:

(1) Approve the registration application under § 380.64(a) (1).

(2) Reject the registration application under § 380.64(a) (4);

(3) Request additional information from the applicant under § 380.64(a) (2);

(4) Notify the applicant under **§ 380.64(a)(3)** that its application will require further analysis or procedures, or is being referred to the Assistant Secretary for Policy and International Affairs for formal action;

(5) Cancel the registration of a foreign charter operator under **§ 380.66(a)** if it files a written notice with the Department that it is discontinuing its charter operations;

(6) Waive provisions of Subpart F of Part 380 of this chapter under **§ 380.69**.

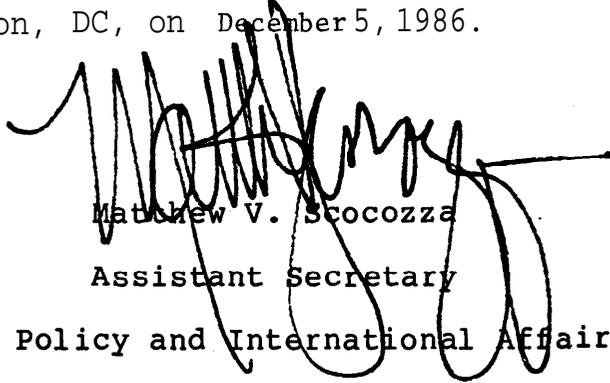
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(ee) Review Federal Aviation Administration reports on the safety of newly certificated air carriers, and

(1) Amend orders issuing certificates to advance the effective dates of the certificate if the review is satisfactory,
or

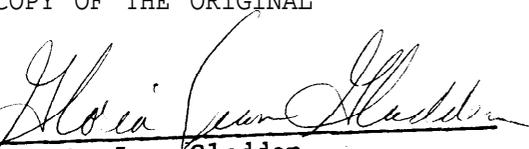
(2) Stay the effectiveness of such orders for up to 30 days if the review is unsatisfactory.

Issued in Washington, DC, on December 5, 1986.



Matthew V. Scocozza
Assistant Secretary
for Policy and International Affairs

CERTIFIED TO BE A TRUE
COPY OF THE ORIGINAL



Gloria Jean Gladden
Alternate Certifying Officer