

which has the concurrence of an FAA Principal Maintenance Inspector, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of the inspections required by this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer, may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective June 6, 1987, as to all persons, except those persons to whom it was made immediately effective by Telegraphic AD T87-05-52, issued March 11, 1987.

Issued in Seattle, Washington, on May 13, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.
(FR Doc. 87-11437 Filed 5-19-87; 8:45 am)

BILLING CODE 4910-13-M

14 CFR Parts 71 and 75

[Airspace Docket No. 86-AWP-18]

Alteration of VOR Federal Airway and Jet Routes-Nevada

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the descriptions of Federal Airway V-32 and Jet Routes J-32 and J-94 located in the vicinity of Lovelock, NV. The Lovelock very high frequency omnidirectional radio range and tactical air navigational aid (VORTAC) has been relocated and this action alters the descriptions of all airways and jet routes affected by this relocation.

EFFECTIVE DATE: 0901 UTC, July 30, 1987.

FOR FURTHER INFORMATION **CONTACT:** Lewis W. Still, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (262) 267-9250.

SUPPLEMENTARY INFORMATION:

History

On March 20, 1987, the FAA proposed to amend Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) to realign VOR Federal Airway

V-32 and Jet Routes J-32 and J-94 located in the vicinity of Lovelock, NV (52 FR 8920). 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. Except for editorial changes, these amendments are the same as those proposed in the notice. Sections 71.123 and 75.100 of Parts 71 and 75 of the Federal Aviation Regulations were republished in Handbook 7400.6C dated January 2, 1967.

The Rule

These amendments to Parts 71 and 75 of the Federal Aviation Regulations realign VOR Federal Airway V-32 and Jet Routes J-32 and J-94 located in the vicinity of Lovelock, NV. The Lovelock VORTAC has been moved approximately 5 miles north of its current location to lat. 40°07'30"N., long. 118°34'35"W. Also, the centerline of J-32 and J-94 has been realigned to the north to provide additional separation from the Gabbs North MOA. This action increases safety.

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 "major rule" under Executive Order 12291; (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 Parts 71 and 75

Aviation safety, VOR Federal airways and Jet routes

Adoption of the Amendments

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) are amended, as follows:

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.123 [Amended]

2. § 71.123 is amended as follows:

V-32 [Amended]

By removing the words "INT Lovelock 053° end Battle Mountain, NV, 264° radials" and substituting the words "INT Lovelock 057° and Battle Mountain, NV, 264° radials"

PART 75—[AMENDED]

3. The authority citation for Part 75 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 75.100 [Amended]

4. § 75.100 is amended as follows:

J-32 [Amended]

After "Mustang, NV;" insert "Lovelock, NV;"

J-94 [Amended]

After "Mustang, NV;" insert "Lovelock, NV;"

Issued in Washington, DC, on May 12, 1987.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 87-11434 Filed 5-19-87; 8:45 am]

BILLING CODE 4910-13-M

Office of the Secretary

14 CFR Part 300,

[OST Docket No. 1; Amdt. 300-7]

Aviation Proceedings; Rules of Conduct in DOT Proceedings

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

ACTION: Final rule.

SUMMARY: This rule broadens an existing exception to the prohibition of substantive communications between concerned DOT employees and interested persons regarding public proceedings, to make clear that it includes all communications with Executive departments and agencies in connection with the section 801 Presidential review process.

EFFECTIVE DATE: This rule is effective May 20, 1987.

FOR FURTHER INFORMATION **CONTACT:** Lawrence Myers, Office of the General Counsel (C-20), U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590; (202) 366-9183.

SUPPLEMENTARY INFORMATION: Section 601 of the Federal Aviation Act (49 U.S.C. 1461) provides for Presidential review of DOT orders affecting carrier operating rights or pricer in foreign air

transportation. The President may disapprove any such order for foreign relations or national defense reasons, within 60 days in the case of orders affecting carrier certificates or permits, and within 10 days in the case of orders affecting fares, rates or charges.

Executive orders implementing this review process have permitted federal departments and agencies to advise the President on the foreign relations and national defense implications of such orders. Executive Order 12547, issued February 6, 1986, assigned to the Department the function of transmitting its reviewable orders to certain specified Executive departments and agencies and soliciting their recommendations, if any, for transmittal to the President, if no agency or department recommended disapproval, or a statement of reasons for non-disapproval, the Order directed the Department to so indicate in a memorandum to the President through the Assistant to the President for National Security Affairs. If any such recommendations were received, the Department was to forward them to the Assistant to the President for National Security Affairs for his or her summary and recommendation to the President.

A new procedure was adopted by Executive Order 12597, of May 13, 1987 (52 FR 18335). By that Order the President authorized the Secretary to receive reviewable DOT orders on his behalf, and delegated to her the exercise of his statutory review authority in the case of orders which elicit no written recommendations from the coordinating Executive departments and agencies within specified response periods. In such cases, the Secretary may determine not to disapprove the order and issue it for immediate effectiveness. Where written recommendations are received, the existing procedure is to be followed.

In a companion rule, the Secretary's review authority is delegated to the General Counsel.

This rule broadens an existing exception to the prohibition of substantive communications "between any concerned DOT employee and any interested person outside DOT, concerning a public proceeding" in § 300.2 of this Part to make clear that communications with Executive departments and agencies provided for by Executive Order in connection with the section 801 Presidential review process are not prohibited or restricted in hearing as well as nonhearing cases. Specifically, it amends paragraph (e) of § 300.2 expressly to permit communications on national defense or foreign policy matters in hearing cases,

if the communicator's position cannot otherwise be fairly presented. Such communications are not included as part of the hearing record.

The explicit exception provided herein is for certification only. It is not intended to narrow the current scope of paragraph (e). Nor does it imply that the coordinating departments and agencies, are "interested persons" within the rule, or that such communications are not otherwise exempt because they take place "after final disposition of the proceeding" or because they are "as provided by Federal statute". In this instance, an amendment appears preferable to an interpretive rule.

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. This rule is a nonsignificant rule under the Department of Transportation's Regulatory Policies and Procedures.

List of Subjects in 14 CFR Part 300

Prohibited communications (exceptions)

As Secretary of the Department of Transportation, I amend 14 CFR Part 300, *Rules of Conduct in DOT Proceedings* under this Chapter, as follows:

PART 300—(AMENDED)

1. The authority of Part 300 continues to read as follows:

Authority: 49 U.S.C. 1324, 1371-1389, 1471, 1473, 1481, 1482 and 1487; 18 U.S.C. 20(b)(c); 49 U.S.C. Subtitle 1.

2. Revise paragraph (e) of § 300.2 to read as follows:

§ 300.2 Prohibited communications.

(e) *National defense and foreign policy.* In nonhearing cases, paragraph (a) of this section shall not apply to communications concerning national defense or foreign policy matters, including international aviation matters. In hearing cases, any communications on those subjects that would be barred by paragraph (a) of this section are permitted if the communicator's position with respect thereto cannot otherwise be fairly presented, but such communications shall not be included as part of the record on which decisions must be made.

Issued in Washington, DC, on May 13, 1987.

Elizabeth Hanford Dole,
Secretary of Transportation.

[FR Doc. 87-11519 Filed 5-19-87; 8:45 am]

BILLING CODE 4910-02-M

14 CFR Part 385

[OST Docket No. 1; Amdt. 385-3]

Aviation Proceedings; Staff Assignments and Review of Action Under Assignments

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

ACTION: Final rule.

SUMMARY: This rule assigns to the Chief, Coordination Section, Documentary Services Division, the authority to perform the coordination functions assigned to the Department by Executive orders establishing procedures for Presidential review of certain Departmental decisions.

EFFECTIVE DATE: This rule is effective May 20, 1987.

FOR FURTHER INFORMATION CONTACT: Lawrence Myers, Office of the General Counsel (C-20), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590; (202) 366-9183.

SUPPLEMENTARY INFORMATION: Section 801 of the Federal Aviation Act (49 U.S.C. 1461) provides for Presidential review of DOT decisions affecting carrier operating rights or prices in foreign air transportation. The President may disapprove any such order for foreign relations or national defense reasons, within 60 days in the case of orders affecting carrier certificates or permits, and within 10 days in the case of orders affecting fares, rates or charges.

Executive Order 12597, issued May 13, 1987 (52 FR 18335) assigned to the Department various coordination functions incident to the exercise of that authority, including the transmittal of the Department's decisions to specified Executive departments and agencies, the receipt of the decisions on behalf of the President, the receipt and implementation of classification determinations under Executive Order 12356, the receipt of clearances or written recommendations to the President from the coordinating departments and agencies, and the timely transmittal of any such written recommendations to the Assistant to the President for National Security Affairs for further action. In the case of decisions which elicit no written recommendations to the President,

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[14 CFR Part 300]

(OST Docket No.1; Amdt. 300-7)

RULES OF CONDUCT IN DOT PROCEEDINGS UNDER THIS CHAPTER

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

ACTION: Final Rule

SUMMARY: This rule broadens an existing exception to the prohibition of substantive communications between concerned DOT employees and interested persons regarding public proceedings, to make clear that it includes all communications with Executive departments and agencies in connection with the section 801 Presidential review process.

DATE: This rule is effective upon publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Lawrence Myers, Office of the General Counsel (C-201, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, D.C. 20590; (202) 366-9183.

SUPPLEMENTARY INFORMATION: Section 801 of the Federal Aviation Act (49 U.S.C. 1461) provides for Presidential review of DOT orders affecting carrier operating rights or prices in foreign air transportation. The President may disapprove any such order for foreign relations or national defense reasons, within 60 days in the case of orders affecting carrier certificates or permits, and within 10 days in the case of orders affecting fares, rates or charges.

Executive orders implementing this review process have permitted federal departments and agencies to advise the President on the foreign relations and national defense implications of such orders. Executive Order 12547, issued February 6, 1986, assigned to the Department the function of transmitting its reviewable orders to certain specified Executive departments and agencies and soliciting their recommendations, if any, for transmittal to the President. If no agency or department recommended disapproval, or a statement of reasons for non-disapproval, the Order directed the Department to so indicate in a memorandum to the President through the Assistant to the President for National Security Affairs. If any such recommendations were received, the Department was to forward them to the Assistant to the President for National Security Affairs for his or her summary and recommendation to the President.

A new procedure was adopted by Executive Order 12597 , of May 13 , 1987 (52 F.R. 3.8335). By that Order the President authorized the Secretary to receive reviewable DOT orders on his behalf, and delegated to her the exercise of his statutory review authority in the case of orders which elicit no written recommendations from the coordinating Executive departments and agencies within specified response periods. In such cases, the Secretary may determine not to disapprove the order and issue it for immediate effectiveness. Where written recommendations are received, the existing procedure is to be followed.

In a companion rule, the Secretary's review authority is delegated to the General Counsel.

This rule broadens an existing exception to the **prohibition of** substantive communications "between any concerned DOT employee and any interested person outside DOT, concerning a public proceeding" in section 300.2 of this Part to make clear that communications with Executive departments and agencies provided for by Executive Order in connection with the section 801 Presidential review process are not prohibited or restricted in hearing as well as nonhearing cases. Specifically, it amends paragraph (e) of section 300.2 expressly to permit communications on national defense or foreign policy matters in hearing cases, if the communicator's position cannot otherwise be fairly presented. Such communications are not included as part of the hearing record.

The explicit exception provided for herein is for clarification only. It is not intended to narrow the current scope of paragraph (e). Nor does it imply that the coordinating departments and agencies are "interested persons" within the rule, or that such communications are not otherwise exempt because they take place "after final disposition of the proceeding" or **because** they are "as provided **by** Federal statute". In this instance, an amendment appears preferable to an interpretive rule.

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. This rule is a nonsignificant rule under the Department of Transportation's Regulatory Policies and Procedures.

List of Subjects in 14 CFR Part 300:

Prohibited Communications (exceptions)

As Secretary of the Department of Transportation, I amend 14 CFR Part **300**, Rules of Conduct in DOT Proceedings under this Chapter, to read as follows:

1. The authority of Part 300 continues to read as follows:

AUTHORITY: 49 U.S.C. 1324, **1471-1389**, 1471, 1473, 1481, 1482 and 1487; 18 U.S.C. **20(b)(c)**; 49 U.S.C. Subtitle 1.

2. Amend paragraph (e) of §300.2 to read as follows:

§300.2 Prohibited Communications

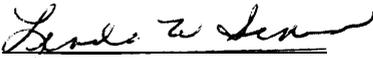
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(e) National Defense and foreign policy. In nonhearing cases, paragraph (a) of this section shall not apply to communications concerning national defense or foreign policy matters, including international aviation matters. In hearing cases, any communications on those subjects that would be barred by paragraph (a) are permitted if the communicator's position with respect thereto cannot otherwise be fairly presented, but such communications shall not be included as part of the record on which decisions must be made.

* * * *

Issued in Washington, DC, on May 13, 1987

CERTIFIED TO BE A TRUE
COPY OF THE ORIGINAL:


LINDA W SENESE
CERTIFYING OFFICER


Elizabeth Hanford Dole
Secretary of Transportation