

Issued in Des Plaines, Illinois on November 13, 1996.

Maureen Woods,

Manager, Air Traffic Division.

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## 14 CFR Part 71

[Airspace Docket No. 96-AGL-14]

### Establishment of Class E Airspace; Tomahawk, WI

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

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E airspace at Tomahawk Regional Airport, Tomahawk, WI, to accommodate a Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME-A). 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, December 5, 1996.

**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 September 17, 1996, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish the Class E at Tomahawk Regional Airport, Tomahawk, WI (61 FR 48868). 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 airspace areas extending upward from 200 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 71.7. 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 Tomahawk Regional Airport, Tomahawk, WI, to accommodate a Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME-A). 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 CFR 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 The Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

AGL WI E5 Tomahawk, WI [New]

Tomahawk Regional Airport, WI  
(Lat. 45°28'10"N., long. 89°48'16"S.)

That airspace extending upward from 700 feet above the surface within a 6.4 mile radius of Tomahawk Regional Airport.

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Maureen Woods,

Manager, Air Traffic Division.

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## Coast Guard

### 33 CFR Part 157

[CGD 91-045]

RIN 2115-AE01

### Operational Measures To Reduce Oil Spills From Existing Tank Vessels Without Double Hulls; Partial Suspension of Regulation

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule; partial suspension of regulation with request for comments.

**SUMMARY:** On July 30, 1996, the Coast Guard published a final rule requiring the owners, master, or operators of tank vessels of 5,000 gross tons or more that do not have double hulls and that carry oil in bulk as cargo to comply with certain operational measures. This final rule included a provision requiring owner notification of the vessel's calculated under-keel clearance which is scheduled to go into effect on November 27, 1996. Following issuance of the final rule, the Coast Guard received comments expressing concern on how the owner notification portion of the under-keel clearance provision will be implemented and seeking an additional comment period before the provision is fully enforced. Because the Coast Guard is still developing its own internal guidance on acceptable forms of owner notification and because the public has concerns about how this provision will be implemented, the Coast Guard is suspending the effective date of the owner notification part of this final rule. The Coast Guard requests comments on the under-keel clearance provision.

**DATES:** 33 CFR 157.455(a) (5) and (6) scheduled to become effective on November 27, 1996, in the final rule published at 61 FR 39770, July 30, 1996,

is suspended as of November 27, 1996. Comments must be received on or before January 27, 1997.

**ADDRESSES:** Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406) (CGD 91-045), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or may be delivered to Room 3406 at the same address between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal Holidays. The telephone number is (202) 267-1477.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard headquarters, between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal Holidays.

**FOR FURTHER INFORMATION CONTACT:** LCDR Suzanne Englebert, Project Manager, Project Development Division, at (202) 267-1492.

**SUPPLEMENTARY INFORMATION:**

**Regulatory History**

The regulatory history for this rulemaking is recounted in the preamble of the final rule entitled "Operational Measures to Reduce Oil Spills from Existing Tank Vessels without Double Hulls" (61 FR 39770; July 30, 1996).

**Reason for Suspension of Effectiveness**

After publication of the final rule, the Coast Guard received comments and petitions for reconsideration from the International Association of Independent Tanker Owners, the International Chamber of Shipping, and the Baltic and International Maritime Council expressing concern about the implementation of certain minimum under-keel clearance requirements in Section 157.455. The provision relates to owner notification of the calculated anticipated under-keel clearance contained in Section 157.455(a) (5) and (6) of the final rule. The regulated community has requested an additional opportunity to comment on the owner notification provision of the under-keel clearance requirement. The Coast Guard is therefore delaying implementation of 33 CFR 157.455(a) (5) and (6) until further notice and is opening a 60 day comment period on the provision. In addition, the Coast Guard is opening an additional 60 day comment period on the under-keel clearance calculation requirements in Section 157.455(a) (1) through (4).

**Request for Comments**

The Coast Guard encourages interested persons to submit specific

comments limited to the requirements of 33 CFR 157.455(a). The Coast Guard particularly seeks comments on the owner's responsibility to provide guidance to the master on under-keel clearance or make a determination of adequate under-keel clearance based on input from the vessel's master. The Coast Guard is currently developing implementation guidance on all of the operational measures in the final rule, including examples of company guidance on under-keel clearance. This guidance will be published in a Navigation and Vessel Inspection Circular (NVIC) in the near future. Suggestions on the implementation guidance in the NVIC should be submitted to the Office of Compliance (G-MOC) at 2100 Second Street SW., Washington, DC 20593-0001. The Coast Guard will consider all comments received during the comment period. It may change 33 CFR 157.455(a) based on the comments.

**Regulatory Process Considerations**

Although the final rule is a significant regulatory action under section 3(f) of Executive Order 12866, the Office of Management and Budget (OMB) does not consider this partial suspension of the final rule as a significant action. This action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) and 1996 amendments (enacted as Chapter 8 of Title 5, U.S. Code).

Any final response to petitions for reconsideration on this final rule will address any economic impacts, including impacts on small businesses.

Dated: November 25, 1996.

R.D. Herr,

*Vice Admiral, U.S. Coast Guard, Acting Commandant.*

[FR Doc. 96-30489 Filed 11-25-96; 2:08 pm]

**BILLING CODE 4910-14-M**

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**POSTAL SERVICE**

**39 CFR Part 111**

**Domestic Mail Manual; Miscellaneous Amendments**

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** This document describes the numerous amendments consolidated in the Transmittal Letter for Issue 50 of the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations, see 39 CFR 111.1. These amendments reflect changes in

mail preparation standards and other miscellaneous mailing requirements.

**EFFECTIVE DATE:** July 1, 1996.

**FOR FURTHER INFORMATION CONTACT:**

Neil Berger, (202) 268-2859.

**SUPPLEMENTARY INFORMATION:** The Domestic Mail Manual (DMM), incorporated by reference in title 39, Code of Federal Regulations, part 111, contains the basic standards of the U.S. Postal Service governing its domestic mail services; describes the mail classes and special services and conditions governing their use; and provides detailed instructions on the standards for rate eligibility and mail preparation. The document is amended and republished about every 6 months, with each issue sequentially numbered.

DMM Issue 50, the current edition of the DMM, was released on July 1, 1996. That issue contains substantive changes to mail preparation standards and mail classification as published in the Federal Register on March 12, 1996 (61 FR 10068-10217). These standards were approved on March 4, 1996, by the Postal Service to implement the Decision of the Governors of the Postal Service in Postal Rate Commission Docket No. MC 95-1, Classification Reform I. These standards took effect at 12:01 a.m., July 1, 1996. The following excerpt from the Summary of Changes section of the transmittal for DMM Issue 50 covers the minor changes not previously described in that final rule or in other interim or final rules published in the Federal Register. These changes were first announced in various issues of the Postal Bulletin, a biweekly document published by the Postal Service to state or to revise policy and procedure.

Domestic Mail Manual Issue 50  
Summary of Changes

*Barcoded Mail Preparation*

M812.4.2, M812.4.3, and M812.4.4 (renumbered as M891.4); M813.5.3, M813.5.4, and M813.5.5 (M892.5); M814.3.2, M814.3.3, and M814.3.4 (M893.3); M815.4.3, M815.4.4, and M815.4.5 (M894.4); M816.6.3, M816.6.4, and M816.6.5 (M895.6); and M823.5.4 (M897.5) revise preparation of Barcoded rate mail. Effective November 23, 1995; mandatory January 20, 1996 (PB 21907 (11-23-95)).

*Delivery Statistics*

A930.5.0 includes all post offices with rural delivery, highway contract delivery, and post office box delivery. Effective October 12, 1995 (PB 21904 (10-12-95)).