

Issued in Jamaica, New York, on December 20, 1994.

John S. Walker,

Manager, Air Traffic Division.

[FR Doc. 95-354 Filed 1-5-95; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 94-AEA-04]

Establishment of Class E Airspace; Islip, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes additional controlled airspace extending upward from the surface at the Long Island MacArthur Airport, Islip, NY, during the hours that the Air Traffic Control Tower (ATCT) is not in operation in order to accommodate aircraft operating under instrument flight rules. Additionally, a minor technical correction is being made to the legal description from that proposed in the original notice, to reflect the operational hours associated with this airspace area.

EFFECTIVE DATE: 0901 U.T.C. March 30, 1995.

FOR FURTHER INFORMATION CONTACT: Frank Jordan, Designated Airspace Specialist, System Management Branch, AEA-530, F.A.A. Eastern Region, Fitzgerald Federal Building # 111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 553-0857.

SUPPLEMENTARY INFORMATION:

History

On August 22, 1994, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E Airspace at Islip, New York, when the associated ATCT is not in operation (59 FR 46364). The proposal would establish additional-controlled airspace extending upward from the surface of the earth to accommodate aircraft operations conducted under instrument flight rules.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received on the proposal.

Airspace Reclassification, in effect as of September 16, 1993, has discontinued the use of the term "Control Zone," and airspace designated as a surface area for an airport is now Class E airspace.

Except for editorial changes, this amendment is the same as that proposed in the notice. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace designations for areas designated as a surface area for an airport are published in Paragraph 6002 of FAA Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. 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 establishes Class E Airspace at Islip, New York, when the associated ATCT is not in operation to accommodate aircraft operations conducted under instrument flight rules.

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 part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9596, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective

September 16, 1994, is amended as follows:

Paragraph 6002—Class E airspace areas designated as a surface area an airport

* * * * *

AEA NY E2 Long Island MacArthur Airport, Islip, NY [NEW]

Long Island MacArthur Airport
(Lat. 40°47'44"N., long. 73°05'58"W.)

Bayport Aerodrome
(Lat. 40°45'30"N., long. 73°03'13"W.)

Within a 5-mile radius of the Long Island MacArthur Airport, excluding that airspace from the surface to but not including 700 feet MSL within 1 mile west of Bayport Aerodrome and parallel to Runway 18/36 from south of the Sunrise Highway southbound to the 5-mile radius of the Long Island MacArthur Airport, counterclockwise to south of Nichols Road thence northbound along Nichols Road to south of and parallel to the Sunrise Highway westbound to the beginning point. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

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Issued in Jamaica, New York, on December 20, 1994.

John S. Walker,

Manager, Air Traffic Division.

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14 CFR Part 97

[Docket No. 28009; Amdt. No. 1641]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which affected airport is located; or
3. The Flight Inspection Area Office which originated the SIAP.

*For Purchase—*Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

*By Subscription—*Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT:

Paul J. Best, Flight Procedures Standards Branch (AFS-420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 14 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials.

Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provision of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAM for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been cancelled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPS). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

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. For the same reason, the FAA certifies that this amendment 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 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC, on December 16, 1994.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. app. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

* * * *Effective Upon Publication*

FDC date	State	City	Airport	FDC No.	SIAP
11/30/94 ...	PA	Harrisburg	Capital City	FDC 4/6737	ILS Rwy 8 Amdt 10A. VOR OR GPS Rwy 35, Amdt 17.
12/02/94 ...	NE	North Platte	North Platte Regional	FDC 4/6750	
12/02/94 ...	NE	North Platte	North Platte Regional	FDC 4/6751	ILS Rwy 30R, Amdt 5. VOR-A Amdt 2.
12/07/94 ...	MN	Maple Lake	Maple Lake Muni	FDC 4/6821	
12/07/94 ...	OH	Cincinnati	Cincinnati-Blue Ash	FDC 4/6820	NDB OR GPS Rwy 6 ORIG. NDB Rwy 31, Amdt 18.
12/08/94 ...	OR	Salem	Salem/McNary Field	FDC 4/6822	
12/08/94 ...	OR	Salem	Salem/McNary Field	FDC 4/6823	LOC BC Rwy 12, Amdt 6. ILS Rwy 31, Amdt 27. LOC/DME Rwy 31, Amdt 2.
12/08/94 ...	OR	Salem	Salem/McNary Field	FDC 4/6824	
12/08/94 ...	OR	Salem	Salem/McNary Field	FDC 4/6825	ILS Rwy 2 Amdt 22. VOR OR GPS-A, Amdt 6A. VOR/DME OR GPS Rwy 36, Amdt 4. ILS/DME-1, Rwy 11, Amdt 5C. ILS Rwy 2 Amdt 15.
12/09/94 ...	HI	Kahului	Kahului	FDC 4/6875	
12/12/94 ...	WY	Jackson	Jackson Hole	FDC 4/6904	VOR/DME OR GPS Rwy 36, Amdt 4. ILS/DME-1, Rwy 11, Amdt 5C. ILS Rwy 2 Amdt 15.
12/12/94 ...	WY	Jackson	Jackson Hole	FDC 4/6905	
12/13/94 ...	AK	Ketchikan	Ketchikan Intl	FDC 4/6916	ILS/DME-1, Rwy 11, Amdt 5C. ILS Rwy 2 Amdt 15.
12/14/94 ...	CT	New Haven	Tweed-New Haven	FDC 4/6944	

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 154, 157, 270, 271, 272,
273, 274 and 275

[Docket No. RM94-18-002; Order No. 567-
B]

Removal of Outdated Regulations Pertaining to the Sales of Natural Gas Production

Issued December 15, 1994.

AGENCY: Federal Energy Regulatory
Commission; DOE.

ACTION: Final rule; order on rehearing.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is issuing an order on rehearing concerning the deletion of a section of the Commission's regulations implementing the Natural Gas Policy Act (NGPA). That section provided that any sale by an affiliate of an interstate pipeline, intrastate pipeline, or local distribution company (LDC) is a first sale under the NGPA unless the Commission determines not to treat it as such. The Commission finds that Congress eliminated the only statutory basis for defining pipeline and LDC affiliate marketers as first sellers and reaffirms the Commission's finding that, with the decontrol of wellhead pricing, no purpose is any longer served by the anti-circumvention rule deleted by the Commission's previous order.

EFFECTIVE DATE: December 15, 1994.

FOR FURTHER INFORMATION CONTACT: Sandra Elliott, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, (202) 208-0694.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in Room 3308, 941 North Capitol Street, N.E., Washington, D.C. 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208-1397. To access CIPS, set your communications software to 19200, 14400, 12000, 9600, 7200, 4800, 2400, 1200 or 300bps, full duplex, no parity, 8 data bits, and 1 stop bit. The full text of this document will be available on CIPS for 60 days from the date of issuance in ASCII and WordPerfect 5.1 format. After 60 days the document will be archived, but still accessible. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in Room 3308, 941 North Capitol Street, N.E., Washington, D.C. 20426.

Before Commissioners: Elizabeth Anne Moler, Chair; Vicky A. Bailey, James J.

Hoecker, William L. Massey, and Donald F. Santa, Jr.

Order on Rehearing

I. Introduction

This order addresses requests for rehearing or reconsideration of the Commission's October 17, 1994 order¹ on rehearing issued in the above referenced proceeding. The October 17, 1994 order denied rehearing of the Commission's July 28, 1994 final rule (Order No. 567),² which, in pertinent part, deleted section 270.203(c) of the Commission's regulations implementing the NGPA. That section provided that any sale by an affiliate of an interstate pipeline, intrastate pipeline, or local distribution company (LDC) is a first sale under the NGPA unless the Commission determines not to treat it as such. Enron Capital & Trade Resources Corporation (Enron), Coastal Gas Marketing Company (Coastal), and Designated Parties request rehearing.³ The petitioners argue that the Commission erred and should reinstate section 270.203(c). For the reasons discussed below and in the October 17, 1994 order, the Commission denies rehearing and reconsideration.

II. Background

The Natural Gas Wellhead Decontrol Act of 1989 (Decontrol Act) eliminated

¹ 69 FERC ¶ 61,055 (1994).

² Removal of Outdated Regulations Pertaining to the Sales of Natural Gas Production, 59 FR 40,240 (August 8, 1994), III FERC Stats. & Regs. Preambles ¶ 30,999 (July 28, 1994).

³ The Designated Parties consist of Amoco Energy & Trading Corp.; Aquila Energy Marketing Corp.; Chevron U.S.A., Inc.; Hadson Gas Systems, Inc.; Heartland Energy Services, Inc.; Natural Gas Clearinghouse; O&R Energy, Inc.; and Texaco, Inc.