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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 96–AAL–19]

Revision of Class E Airspace; Aniak, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises Class E airspace at Aniak Airport, AK. The development of a Global Positioning System (GPS) instrument approach to RWY 10 at Aniak, AK, has made this action necessary. The intended effect of this action is to provide adequate controlled airspace for IFR operations at Aniak Airport, AK.

EFFECTIVE DATE: 0901 UTC, January 30, 1997.

FOR FURTHER INFORMATION CONTACT: Robert van Haastert, System Management Branch, AAL–538, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5863.

SUPPLEMENTARY INFORMATION:

History

On July 31, 1996, a proposal to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the Class E airspace at Aniak was published in the Federal Register (61 FR 39919). The development of a GPS instrument approach procedure to RWY 10 at Aniak Airport, AK, has made this action necessary.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposals were received, thus, the rule is adopted as written.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas designated as 700/1200 foot transition areas are published in Paragraph 6005 of Federal Aviation Administration Order 7400.9D, dated September 4, 1996, and effective September 16, 1996, which are incorporated by reference in 14 CFR 71.1 (61 FR 48403; September 13, 1996). The Class E airspace designations 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 located at Aniak, AK, to provide controlled airspace extending upward from 700 feet AGL for aircraft executing instrument landing and departing procedures.

The Federal Aviation Administration has determined that these proposed regulations only involve 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. 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. 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 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 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 Class E airspace extending upward from 700 feet or more above the surface of the earth.

* * * * *

AAL AK E5 Aniak, AK [Revised]

Aniak Airport, AK
(Lat. 61°34′53″ N, long. 159°32′35″ W)
Aniak NDB
(Lat. 61°35′25″ N, long. 159°35′52″ W)
Aniak Localizer
(Lat. 61°34′36″ N, long. 159°31′32″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Aniak Airport and within 4 miles north and 8 miles south of the 265° bearing of the Aniak NDB to 16 miles west of the NDB and within 2.5 miles each side of the Aniak NDB 113° bearing extending from the 6.5-mile radius of the airport to 14.7 miles east of the airport and 4 miles each side of the Aniak Localizer front course extending from the 6.5-mile radius of the airport to 14.8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles north and 4 miles south of the Aniak Localizer front course extending from the airport to 27 miles west of the airport and within 4 miles north and 8 miles south of the Aniak NDB 113° bearing extending from 5.6 miles east of the airport to 21.6 miles east of the airport.

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Issued in Anchorage, AK, on October 15, 1996.

Willis C. Nelson,

Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 96–27189 Filed 10–22–96; 8:45 pm]

BILLING CODE 4910–13–P

14 CFR Part 71

[Airspace Docket No. 94–ASW–14]

RIN 2120–AA66

Alteration of VOR Federal Airways; Louisiana

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule realigns nine Federal airways located in Louisiana. The New Orleans Very High Frequency

Omnidirectional Range/Tactical Air Navigation (VORTAC) will be decommissioned because the platform on which it is located is deteriorating. As a result, the Reserve, LA, Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME) and the Harvey, LA, VORTAC will be upgraded and the airways will be realigned using these navigational aids.

EFFECTIVE DATE: 0901 UTC, December 5, 1996.

FOR FURTHER INFORMATION CONTACT: Bill Nelson, Airspace and Rules Division, ATA–400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

On February 2, 1995, the FAA proposed to amend Title 14 of the Code of Federal Regulations part 71 (14 CFR part 71) to realign nine Federal airways located in Louisiana (60 FR 6462). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received. Except for editorial changes, a radial change in V–20 from ''083°'' to ''084°''; radial changes in V–114 from ''083°'' to ''084°'' and from ''115°'' to ''112°''; and the amendment to V–114 that was published in the Federal Register on July 3, 1996, Airspace Docket (ASD) No. 93–ASW–4 (61 FR 34722) with an effective date of October 10, 1996, that supported the Dallas/Fort Worth Metroplex Plan but did not alter V–114 in the state of Louisiana; an amendment to V–566 that was published in the Federal Register on October 20, 1994, ASD No. 94–ASW–9 (59 FR 52895) with an effective date of December 8, 1994, that changed the name ''Shreveport to ''Belcher''; this amendment is the same as that proposed in the notice. Domestic VOR Federal airways are published in paragraph 6010(a) 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 airways listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 realigns nine Federal airways located in Louisiana. The New Orleans, LA, VORTAC will be decommissioned because the platform on which it is located is deteriorating. As a result, the Reserve, LA, VOR/DME and the Harvey, LA, VORTAC will be upgraded and the airways will be realigned using the navigational aids. This action enhances air traffic procedures and accommodates concerns of airspace users.

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. 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:

§ 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 6010(a)—Domestic VOR Federal Airways

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V–9 [Revised]

From Leeville, LA; McComb, MS; Jackson, MS; Sidon, MS; Gilmore, AR; Malden, MO; Farmington, MO; St. Louis, MO; Capital, IL; Pontiac, IL; INT Pontiac 343° and Rockford, IL, 169° radials; Rockford; Janesville, WI; Madison, WI; Oshkosh, WI; Green Bay, WI; Iron Mountain, MI; to Houghton, MI.

* * * * *

V–20 [Revised]

From McAllen, TX, via INT McAllen 038° and Corpus Christi, TX, 178° radials; 10 miles 8 miles wide, 37 miles 7 miles wide (3 miles E and 4 miles W of centerline), Corpus Christi; INT Corpus Christi 054° and Palacios, TX, 226° radials; Palacios; Hobby, TX; Beaumont, TX; Lake Charles, LA; Lafayette, LA; Reserve, LA; INT Reserve 084° and Gulfport, MS, 247° radials; Gulfport; Semmes, AL; INT Semmes 048° and Monroeville, AL, 231° radials; Monroeville; Montgomery, AL; Tuskegee, AL; Columbus, GA; INT Columbus 068° and Athens, GA, 195° radials; Athens; Electric City, SC; Sugarloaf Mountain, NC; Barretts Mountain, NC; South Boston, VA; Richmond, VA; INT Richmond 039° and Brooke, VA, 132° radials; INT Patuxent, MD, 228° and Nottingham, MD, 174° radials; to Nottingham. The airspace on the main airway above 14,000 feet MSL from McAllen to 49 miles northeast and the airspace within Mexico is excluded. The airspace within R–4007A and R–4007B is excluded.

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V–114 [Revised]

From Amarillo, TX, via Childress, TX; Wichita Falls, TX; INT Wichita Falls 117° and Blue Ridge, TX, 285° radials; Blue Ridge; Quitman, TX; Gregg County, TX; Alexandria, LA; INT Baton Rouge, LA, 307° and Lafayette, LA, 042° radials; 7 miles wide (3 miles north and 4 miles south of centerline); Baton Rouge; INT Baton Rouge 112° and Reserve, LA, 323° radials; Reserve; INT Reserve 084° and Gulfport, MS, 247° radials; Gulfport; INT Gulfport 344° and Eaton, MS, 171° radials; to Eaton, excluding the portion within R–3801B and R–3801C.

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V–240 [Revised]

From Harvey, LA, via Harvey 065° and Semmes, AL, 224° radials; to Semmes.

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V–455 [Revised]

From Reserve, LA, via Picayune, MS; Eaton, MS; to Meridian, MS.

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V–543 [Revised]

From Leeville, LA, via INT Leeville 356° and Eaton, MS, 221° radials; Eaton; INT Eaton 010° and Meridian, MS, 221° radials; Meridian.

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V–552 [Revised]

From Beaumont, TX, via INT Beaumont 056° and Lake Charles, LA, 272° radials; Lake Charles; INT Lake Charles 064° and Lafayette, LA, 281° radials; Lafayette; Tibby, LA; Harvey, LA; Picayune, MS; Semmes, AL; INT Semmes 063° and Monroeville, AL, 216° radials; to Monroeville.

* * * * *

V–555 [Revised]

From Picayune, MS, via McComb, MS; INT McComb 019° and Jackson, MS, 169° radials; Jackson; INT Jackson 010° and Sidon, MS, 159° radials; to Sidon.

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V–566 [Revised]

From Gregg County, TX, via Belcher, LA; INT Belcher 176° and Alexandria, LA, 302° radials; Alexandria; INT Alexandria 109° and Reserve, LA, 323° radials; to Reserve; excluding the portion within R–3801B and R–3801C.

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Issued in Washington, DC, on October 16, 1996

Jeff Griffith,

Program Director for Air Traffic Airspace Management.

[FR Doc. 96–27182 Filed 10–22–96; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

27 CFR Part 16

[T.D. ATF–385]

RIN 1512–AB62

Implementation of the Debt Collection Improvement Act of 1996 (Public Law 104–134) With Respect to the Civil Penalties Provision of the Alcoholic Beverage Labeling Act of 1988 (96R–023P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule implements the provisions of the Debt Collection Improvement Act of 1996 with respect to the civil penalties provision of the Alcoholic Beverage Labeling Act of 1988 (ABLA). This regulation implements the statute by increasing the maximum civil monetary penalty from $10,000 to $11,000 for violations of the provisions of the ABLA.

EFFECTIVE DATE: The effective date of this final rule is October 23, 1996.

FOR FURTHER INFORMATION CONTACT: James P. Ficaretta, Wine, Beer and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202–927–8230).

SUPPLEMENTARY INFORMATION:

Background

Debt Collection Improvement Act of 1996

The Debt Collection Improvement Act of 1996 (Pub. L. 104–134, § 31001(s), 110 Stat. 1321–358, 1321–373), enacted on April 26, 1996, amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410, 104 Stat. 890, hereinafter ''the Act''), 28 U.S.C. 2461 note, by requiring the inflation adjustment of civil monetary penalties. A ''civil monetary penalty'' is defined in the Act as any penalty, fine or other such sanction that (1) is for a specific monetary amount as provided by Federal law, or has a maximum amount provided for by Federal law; (2) is assessed or enforced by an agency pursuant to Federal law; and, (3) is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts. The purpose of the law is to provide more effective tools for collections of delinquent debts owed to the Government.

The amendment to the Act requires that the head of each Federal agency shall, not later than 180 days after the date of enactment of the Debt Collection Improvement Act of 1996, and at least once every 4 years thereafter, adjust each civil monetary penalty provided by law within the jurisdiction of the respective agency by the inflation adjustment described under section 5 of the Act. The adjustment of the civil monetary penalty must be done by regulation and published in the Federal Register. The first inflation adjustment is required by October 23, 1996, 180 days after the date of enactment of the Debt Collection Improvement Act of 1996.

Any increase in a civil monetary penalty made pursuant to the amendment will apply only to violations which occur after the date the increase takes effect. The amendment also provides that the first adjustment of a penalty made pursuant to the amendment may not exceed 10 percent of such penalty.

Certain civil monetary penalties are excluded from the mandatory inflation adjustment. The statute specifically provides that the inflation adjustment does not apply to penalties under the Internal Revenue Code of 1986, the Tariff Act of 1930, the Occupational Safety and Health Act of 1970, and the Social Security Act. Most of the civil monetary penalties administered by ATF are imposed by the Internal Revenue Code of 1986, and are thus not subject to the inflation adjustment mandated by the Act. Accordingly, the only civil monetary penalty enforced by ATF which is subject to the inflation adjustment is the civil monetary penalty imposed by the Alcoholic Beverage Labeling Act (ABLA), 27 U.S.C. 218.

Alcoholic Beverage Labeling Act

On November 18, 1988, the Alcoholic Beverage Labeling Act of 1988, Title VIII of the Anti-Drug Abuse Act of 1988, was enacted. The law requires that the following health warning statement appear on the labels of all containers of alcoholic beverages sold or distributed in the United States, as well as on containers of alcoholic beverages that are sold, distributed, or shipped to members or units of the U.S. Armed Forces, including those located outside the United States:

Government Warning: (1) According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects. (2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery, and may cause health problems.

See 27 U.S.C. 215. The health warning statement requirement applies to alcoholic beverages bottled on or after November 18, 1989.

Section 207 of the ABLA, 27 U.S.C. 218, provides that any person who violates the provisions of the ABLA is subject to a civil penalty of not more than $10,000, with each day constituting a separate offense.

Civil Monetary Penalty Inflation Adjustment for Non-Compliance With the ABLA

The Act provides that the inflation adjustment will be determined by increasing the maximum civil monetary penalty by the cost-of-living adjustment. The ''cost-of-living'' adjustment is the percentage by which the consumer price index for all-urban consumers (CPI) for the month of June of the calendar year preceding the adjustment exceeds the CPI for the month of June of the calendar year in which the amount of such civil monetary penalty was last set or adjusted pursuant to law. Any increase determined under section 5 of the Act must be rounded in accordance with the provisions of that section, which provides that for penalties less than or equal to $10,000, the increase shall be rounded to the nearest multiple of $1,000.

Since the ABLA was enacted in 1988, the inflation adjustment is achieved by calculating the percentage by which the CPI for June of 1995 (456.7) exceeds the CPI for June of 1988 (353.5). This results in an inflation factor of approximately 1.29. Thus, the maximum penalty amount after increase and rounding would be $13,000. However, the Debt Collection Improvement Act of 1996 provides that the first adjustment of a civil monetary penalty may not exceed 10 percent of such penalty. Accordingly, the regulations in Part 16 are amended to provide that the maximum penalty amount for violations of the ABLA is $11,000 ($10,000×10%=$1,000; $10,000×$1,000=$11,000).

The regulations in 27 CFR Part 16 implement the statutory requirement for a health warning statement under the ABLA; however, the current regulations do not specifically reference the penalty imposed by 27 U.S.C. 218. ATF is accordingly amending the regulations to include a new section 16.33 which will set forth the $10,000 penalty imposed by the ABLA. The new regulation will