

Authority: 49 U.S.C. 1384(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.

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Fort Worth Alliance Airport, TX [Revised]

Within a 5-mile radius of the Alliance Airport (latitude 32°59'11" N., longitude 97°19'02" W.), and 1 mile each side of the 350° bearing from the airport extending from the 5-mile radius to 6 miles north of the airport and 1 mile each side of the 170° bearing from the airport extending from the 5-mile radius to 6 miles south of the airport; excluding that airspace within a 1-mile radius of the Stagecoach Hill Airpark (latitude 32°58'01" N., longitude 97°13'57" W.). This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Director.

Issued in Fort Worth, TX, on June 18, 1990.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 90-15996 Filed 7-9-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 90-ASW-05]

Removal of Transition Area: Matagorda, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action will remove the transition area located at Matagorda, TX. This action is necessary since the only standard instrument approach procedure (SIAP) serving the Matagorda Peninsula Airport has been canceled. The intended effect of this action is to return that controlled airspace no longer required for aircraft executing the SIAP to the Matagorda Peninsula Airport. Coincident with this action will be the changing of the status of the airport from instrument flight rules (IFR) to visual flight rules (VFR).

EFFECTIVE DATE: 0901 u.t.c., August 23, 1990.

FOR FURTHER INFORMATION CONTACT: Bruce C. Beard, System Management Branch, Air Traffic Division, Southwest Region, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530, telephone (817) 624-5561.

SUPPLEMENTARY INFORMATION:

History

On April 2, 1990, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to remove the transition area located at Matagorda, TX (55 FR 13803).

Interested persons 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, this amendment is the same as that proposed in the notice. Section 71.181 of part 71 of the Federal Aviation Regulations was published in Handbook 7400.6F, dated January 2, 1990.

The Rule

This amendment to part 71 of the Federal Aviation Regulations will remove the transition area located at Matagorda, TX. This action is necessary since the only SIAP serving the Matagorda Peninsula Airport has been canceled, thus negating the need for a 700-foot transition area. The intended effect of this action is to return that controlled airspace no longer required for aircraft executing the SIAP to the Matagorda Peninsula Airport. Coincident with this proposal will be the changing of the status of the Matagorda Peninsula Airport from IFR to VFR.

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 Part 71

Aviation safety, Transition area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES CONTROLLED AIRSPACE, AND REPORTING POINTS

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.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Matagorda, TX [Removed]

Issued in Fort Worth, TX, on June 15, 1990.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 90-16002 Filed 7-9-90; 8:45 am]

BILLING CODE 4910-23-M

14 CFR Part 71

[Airspace Docket No. 89-AEA-21]

Establishment of Transition Area; Louisa, VA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects an error in the magnetic variation and the geographical coordinates of a final rule that was published in the *Federal Register* on April 10, 1990 (55 FR 13263), Airspace Docket No. 89-AEA-21.

EFFECTIVE DATE: July 10, 1990.

FOR FURTHER INFORMATION CONTACT:

Mr. Curtis L. Brewington, Airspace Specialist, System Management Branch, AEA-530, Federal Aviation Administration, Fitzgerald Federal Building # 111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 917-0857.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 90-8195, Airspace Docket No. 89-AEA-21, published on April 10, 1990 (55 FR 13263), established a new Transition Area at Louisa, VA. Since the publication date of the final rule, the geographic coordinates of the Louisa County/Freeman Field Airport, Louisa, VA, have changed. Additionally, an error was discovered in the magnetic variation used to calculate a bearing from the airport based on True North. This action corrects that error.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, the geographic coordinates of the Louisa County/Freeman Field Airport, Louisa, VA, and the Transition Area description, as published in the Federal Register on April 10, 1990 (55 FR 13283), (Federal Register Document 90-8195; page 13264, column 1), are corrected as follows:

§ 71.181 [Corrected]**2. Louisa, VA [Corrected]**

By removing "(lat. 36°00'37" N., long. 77°58'04" W.)" and substituting "(lat. 38°00'35" N., long. 77°58'20" W.)";

By removing "266° (T)" and substituting "263° (T)".

Issued in Jamaica, New York, on June 15, 1990.

Gary W. Tucker,

Manager, Air Traffic Division.

[FR Doc. 90-18003 Filed 7-9-90; 8:45 am]

BILLING CODE 4910-13-M.

14 CFR Part 73

[Docket No. 26141, SFAR No. 59]

RIN 2120-AD54

Temporary Prohibited Areas; 1990 Goodwill Games in the State of Washington

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects an editorial error which appeared in a final rule, published on May 14, 1990, establishing, for the period July 11, 1990, through August 6, 1990, temporary prohibited areas overlying competition sites and other locations during the 1990 Goodwill Games in the State of Washington.

DATES: Effective July 11, 1990. SFAR No. 59 expires August 6, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. Ricahrd K. Kagehiro, Air Traffic Rules Branch, ATP-230, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8783.

SUPPLEMENTARY INFORMATION:**Background**

On May 14, 1990, the FAA published Special Federal Aviation Regulation (SFAR) No. 59 (55 FR 20100) which establishes temporary prohibited areas overlying the Goodwill Games competition sites and other locations. The regulatory description of the Pasco (Vista) site which appears on page 20103

in the paragraph titled "Boundaries." is incorrect. This action corrects that error.

Correction to Final Rule

An editorial error in the regulatory text of Section 12 of SFAR No. 59, page 20103, in the paragraph entitled "Boundaries." is corrected by making the following change:

SFAR No. 59—Temporary Prohibited Areas; 1990 Goodwill Games in the State of Washington

* * * * *

12. Pasco (Vista). Effective July 11, 1990, until August 6, 1990.

[Corrected]

Boundaries. That airspace within a 1-nautical mile radius of lat. 46°13'17"N., long. 119°13'44" W., excluding the airspace within a ¼-nautical mile radius of lat. 46°13'15"N., long. 119°12'15" W.

* * * * *

Issued in Washington, DC on July 3, 1990.

Harold W. Becker,

Acting Director, Air Traffic Rules and Procedures Service.

[FR Doc. 90-15998 Filed 7-9-90; 8:45 am]

BILLING CODE 4910-13-M.

14 CFR Part 97

[Docket No. 26270; Amdt. No. 1429]

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 the adoption of new or revised criteria, or 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: Effective: 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 matters 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 the affected airport is located; or

3. The Flight Inspection Field 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 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 of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. 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 on 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 provisions 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.

This amendment to part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may 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 some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, 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 SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. 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 some SIAPs effective in less than 30 days.

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. 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

Approaches, Standard Instrument, Incorporation by reference. Issued in Washington, DC on June 22, 1990.

Daniel C. Beaudette,
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 G.M.T. on the dates specified, as follows:

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

Authority: 49 U.S.C. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 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 August 23, 1990

Birmingham, AL—Birmingham, LOC RWY 23, Amdt. 5
Birmingham, AL—Birmingham, NDB RWY 5, Amdt. 30
Birmingham, AL—Birmingham, NDB RWY 23, Amdt. 16
Birmingham, AL—Birmingham, ILS RWY 5, Amdt. 38
Birmingham, AL—Birmingham, RADAR-1, Amdt. 18
Atlantic, IA—Atlantic Muni, NDB RWY 12, Amdt. 8
Olathe, KS—Johnson County Executive, VOR RWY 35, Amdt. 10
Olathe, KS—Johnson County Executive, LOC RWY 17, Amdt. 6
Olathe, KS—Johnson County Executive, NDB RWY 17, Amdt. 3
Olathe, KS—Johnson County Executive, NDB-B, Amdt. 2
Topeka, KS—Forbes Field, VOR/DME or TACAN RWY 3, Amdt. 5
Topeka, KS—Forbes Field, VOR/DME or TACAN RWY 21, Amdt. 6
Topeka, KS—Forbes Field, NDB RWY 13, Amdt. 5
Topeka, KS—Forbes Field, NDB RWY 31, Amdt. 7

Topeka, KS—Forbes Field, ILS RWY 31, Amdt. 8
Topeka, KS—Forbes Field, RNAV RWY 13, Amdt. 3
Topeka, KS—Philip Billard Muni, VOR RWY 22, Amdt. 19
Topeka, KS—Philip Billard Muni, LOC BC RWY 31, Amdt. 18
Topeka, KS—Philip Billard Muni, NDB RWY 13, Amdt. 28
Topeka, KS—Philip Billard Muni, ILS RWY 13, Amdt. 30
Topeka, KS—Philip Billard Muni, RNAV RWY 18, Amdt. 6
Sulphur, LA—Southland Field, VOR/DME-A, Amdt. 1
Seward, NE—Seward Municipal, NDB RWY 16, Amdt. 1
Seward, NE—Seward Municipal, NDB RWY 34, Amdt. 1
Charlotte, NC—Charlotte/Douglas Intl, VOR/DME RWY 23, Orig.
Lexington, NC—Lexington Muni, VOR-A, Amdt. 4
Lexington, NC—Lexington Muni, VOR/DME RWY 8, Amdt. 6
Lexington, NC—Lexington Muni, NDB RWY 8, Amdt. 5
Raleigh/Durham, NC—Raleigh/Durham, ILS RWY 23R, Amdt. 6
Spartanburg, SC—Spartanburg-Downtown Memorial, VOR-B, Amdt. 2
Spartanburg, SC—Spartanburg-Downtown Memorial, LOC RWY 4, Amdt. 2
Spartanburg, SC—Spartanburg-Downtown Memorial, NDB-A, Amdt. 8
Spartanburg, SC—Spartanburg-Downtown Memorial, RNAV RWY 4, Amdt. 6
Houston, TX—William P. Hobby, VOR RWY 12R, Amdt. 17
Houston, TX—William P. Hobby, VOR/DME RWY 4, Amdt. 16
Houston, TX—William P. Hobby, VOR/DME RWY 22, Amdt. 22
Houston, TX—William P. Hobby, VOR/DME RWY 30L, Amdt. 15
Houston, TX—William P. Hobby, VOR/DME RWY 35, Amdt. 1
Houston, TX—William P. Hobby, LOC BC RWY 22, Amdt. 2
Houston, TX—William P. Hobby, NDB RWY 4, Amdt. 31
Houston, TX—William P. Hobby, ILS RWY 4, Amdt. 35
Houston, TX—William P. Hobby, ILS RWY 12R, Amdt. 10
Houston, TX—William P. Hobby, ILS RWY 30L, Amdt. 1
Sulphur Springs, TX—Sulphur Springs Muni, VOR-A, Amdt. 3
Sulphur Springs, TX—Sulphur Springs Muni, VOR/DME-B, Amdt. 4
Sulphur Springs, TX—Sulphur Springs, NDB RWY 18, Amdt. 3
Tyler, TX—Tyler Pounds Field, VOR/DME RWY 4, Amdt. 1
Tyler, TX—Tyler Pounds Field, VOR/DME RWY 22, Amdt. 1
Tyler, TX—Tyler Pounds Field, LOC BC RWY 31, Amdt. 18
Tyler, TX—Tyler Pounds Field, NDB RWY 13, Amdt. 15

Tyler, TX—Tyler Pounds Field, ILS RWY 13, Amdt. 18
 Van Horn, TX—Culberson County, NDB RWY 21, Amdt. 1
 Blanding, UT—Blanding Muni, NDB RWY 35, Amdt. 7
 Salt Lake City, UT—Salt Lake City Intl, ILS RWY 34L, Amdt. 39

* * * Effective July 26, 1990

Blytheville, AR—Blytheville Muni, NDB RWY 18, Orig.
 Blytheville, AR—Blytheville Muni, NDB RWY 36, Orig.
 Moline, IL—Quad-City, LOC RWY 27, Amdt. 6
 Moline, IL—Quad-City, NDB RWY 9, Amdt. 27
 Moline, IL—Quad-City, ILS RWY 9, Amdt. 29
 Fort Dodge, IA—Fort Dodge Regional, RNAV, RWY 6, Amdt. 6
 Cleveland, OH—Burke Lakefront, NDB RWY 24R, Amdt. 6, CANCELLED
 Cleveland, OH—Burke Lakefront, NDB RWY 24R, Orig.
 Latrobe, PA—Westmoreland County, NDB RWY 23, Amdt. 12
 Latrobe, PA—Westmoreland County, ILS RWY 23, Amdt. 13
 Richmond, VA—Chesterfield County, VOR RWY 15, Amdt. 8
 Richmond, VA—Chesterfield County, LOC RWY 33, Orig.
 Richmond, VA—Chesterfield County, SDF RWY 33, Amdt. 3, CANCELLED
 Richmond, VA—Chesterfield County, NDB RWY 33, Amdt. 6
 Madison, WI—Dane County Regional-Truax Field, VOR or TACAN RWY 13, Amdt. 22
 Madison, WI—Dane County Regional-Truax Field, VOR or TACAN RWY 31, Amdt. 23
 Madison, WI—Dane County Regional-Truax Field, ILS RWY 18, Amdt. 6
 Madison, WI—Dane County Regional-Truax Field, ILS RWY 36, Amdt. 28

* * * Effective June 11, 1990

Washington, DC—Dulles Intl, ILS RWY 12, Amdt. 5
 Washington, DC—Dulles Intl, CONVERGING ILS RWY 12, Amdt. 1
 Washington, DC—Dulles Intl, ILS RWY 19L, Amdt. 9
 Washington, DC—Dulles Intl, CONVERGING ILS RWY 19L, Amdt. 2
 Washington, DC—Dulles Intl, ILS RWY 19R, Amdt. 21
 Washington, DC—Dulles Intl, CONVERGING ILS RWY 19R, Amdt. 2

The FAA published an Amendment in Docket No. 26261, Amdt. No. 1428 to Part 97 of the Federal Aviation Regulations (Change Notice Page 23; dated 28 JUN 90) under § 97.27 effective 28 JUN 90, which is hereby amended as follows:
 Burbank, CA, Burbank-Glendale-Pasadena, ILS RWY 8, Amdt. 34, Change effective Date to 26 JUL 90.

[FR Doc. 90-15999 Filed 7-9-90; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 11, 134, 158, and 159

[T.D. 90-511]

Country of Origin Marking; Conforming Amendments

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: In accordance with Customs policy of periodically reviewing its regulations to ensure that they are current, this document makes certain conforming changes which are necessary because of certain provisions of the Trade and Tariff Act of 1984. The changes merely conform citations in the regulations to existing law.

EFFECTIVE DATE: July 10, 1990.

FOR FURTHER INFORMATION CONTACT: Lorrie Rodbart, Commercial Rulings Division, (202) 566-2938.

SUPPLEMENTARY INFORMATION:

Background

As part of a continuing program to keep its regulations current, the Customs Service has determined that certain legislation actions require conforming amendments to the Customs Regulations contained in chapter I, title 19, Code of Federal Regulations (19 CFR chapter I).

Section 207 of Public Law 98-573, the Trade and Tariff Act of 1984, amended section 304, Tariff Act of 1930, as amended (19 U.S.C. 1304), to add new paragraphs (c), (d), and (e), and redesignated existing paragraphs (c), (d), and (e) as (f), (g), and (h), respectively. This document reflects these latter changes by amending certain sections of parts 11, 134, 158, and 159, Customs Regulations (19 CFR parts 11, 134, 158, and 159), which refer to section 304 (c), (d), and (e). These conforming amendments to the regulations remove references to section 304(c), 304(d), and 304(e), and replace them with section 304(f), 304(g), and 304(h), as appropriate.

Inapplicability of Public Notice and Delayed Effective Date Provisions

Since these amendments are nonsubstantive changes which merely conform the Customs Regulations to existing law or practice, pursuant to 5 U.S.C. 553(b)(3)(B), notice and public procedure thereon are unnecessary and pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

Executive Order 12291

Because this document will not result in a "major rule" as defined by section

1(b) of E.O. 12291, the regulatory analysis and review prescribed by the E.O. is not required.

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of sections 603 and 604 of title 5, United States Code, the "Regulatory Flexibility Act." That Act does not apply to any regulation, such as this, for which a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) or any other statute.

Drafting Information

The principal author of this document was Earl Martin, Regulations and Disclosure Law Branch, Office of Regulations and Rulings. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Parts 11, 134, 158, and 159

Customs duties and inspections; Marking.

Amendments to the Regulations

Accordingly, parts 11, 134, 158, and 159, of the Customs Regulations (19 CFR parts 11, 134, 158, and 159) are amended as set forth below:

PART 11—PACKING AND STAMPING; MARKING

1. The authority citation for part 11 continues to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1624, General Note 9, Harmonized Tariff Schedule of the United States.

§ 11.9 [Amended]

2. In § 11.9(a) remove the citation "Section 304(c), Tariff Act of 1930, as amended" and add, in its place, "19 U.S.C. 1304(f)".

PART 134—COUNTRY OF ORIGIN MARKING

1. The authority citation for part 134 continues to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (General Note 8, Harmonized Tariff Schedule of the United States), 1304, 1624.

§ 134.2 [Amended]

2. In § 134.2 remove the citation "paragraph (c) of section 304, Tariff Act of 1930, as amended (19 U.S.C. 1304(c))" and add, in its place, "19 U.S.C. 1304(f)".

§ 134.3 [Amended]

3. In § 134.3(a) remove the citation "19 U.S.C. 1304(c)" and add, in its place, "19 U.S.C. 1304(f)".

§ 134.4 [Amended]

4. In § 134.4 remove the citation "section 304(e), Tariff Act of 1930, as amended (19 U.S.C. 1304(e))" and add, in its place, "19 U.S.C. 1304(h)".

§ 134.53 [Amended]

5. In § 134.53(a)(2) in the first sentence, remove the citation "19 U.S.C. 1304(c)" and add, in its place, "19 U.S.C. 1304(f)". In the last sentence, remove the citation "19 U.S.C. 1304 (c) and (d)" and add, in its place, "19 U.S.C. 1304 (f) and (g)".

§ 134.54 [Amended]

6. In § 134.54(c) remove the citation "section 304(c) of the Tariff Act of 1930, as amended (19 U.S.C. 1304(c))" and add, in its place, "19 U.S.C. 1304(f)".

PART 158—RELIEF FROM DUTIES ON MERCHANDISE LOST, DAMAGED, ABANDONED, OR EXPORTED

1. The authority citation for part 158 continues to read as follows:

Authority: 19 U.S.C. 66, 1624, subpart C also issued under 19 U.S.C. 1563, unless otherwise noted.

§ 158.45 [Amended]

2. In § 158.45(d) remove the citation "section 304(c), Tariff Act of 1930, as amended (19 U.S.C. 1304(c))" and add, in its place, "section 304(f), Tariff Act of 1930, as amended (19 U.S.C. 1304(f))".

PART 159—LIQUIDATION OF DUTIES

1. The authority citation for part 159 continues to read as follows:

Authority: 19 U.S.C. 66, 1500, 1624. Subpart C also issued under 31 U.S.C. 372. Additional authority and statutes interpreted or applied are cited in the text or following the sections affected.

§ 159.46 [Amended]

2. In § 159.46(a) remove the citation "section 304(c), Tariff Act of 1930, as amended (19 U.S.C. 1304(c))" and add, in its place, "section 304(f), Tariff Act of 1930, as amended (19 U.S.C. 1304(f))".

Approved June 19, 1990.

Michael H. Lane,

Acting Commissioner of Customs.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 90-15956 Filed 7-9-90; 8:45 am]

BILLING CODE 4820-02-M

19 CFR Part 12

[T.D. 90-50]

RIN 1515-AA86

Customs Regulation Amendment to the Definition of Switchblade Knives

AGENCY: U.S. Customs Service, Department of the Treasury.
ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations relating to switchblade knives. Switchblade knives are prohibited entry into the United States by the Switchblade Knife Act. This document clarifies the definition of switchblade knives and related materials which are included within the prohibitions of the Act. The amendment also includes "Balisong" and "ballistic" knives among the prohibited weapons. The Customs position that Balisong knives are included within the legislative intent and current regulatory prohibition has been upheld by the courts and Customs has decided to clarify its position by amending the regulations. Inclusion of "ballistic" knives reflects direct congressional action. Notice of the Proposed Rulemaking was published in the Federal Register. The comment period was extended to insure that interested individuals had an adequate opportunity to submit comments. The comments received have been reviewed and have been considered in development of this final rule.

EFFECTIVE DATE: August 9, 1990.

FOR FURTHER INFORMATION CONTACT: Samuel Orandle, Value, Special Programs and Admissibility Branch, Commercial Rulings Division, (202) 566-5765.

SUPPLEMENTARY INFORMATION:**Background**

The Switchblade Knife Act (15 U.S.C. 1241-1245) (the Act) prohibits the introduction, manufacture, transportation or introduction into interstate commerce of any switchblade knife. To implement the law, Customs adopted regulations which followed the legislative language extremely closely (19 CFR 12.95-12.103).

As a result of congressional action and recent court decisions which upheld the long-standing Customs position on the scope of the legislative prohibition, a decision was made to amend the regulations so that they would more closely reflect the legislative prohibition and judicial decisions. A Notice of Proposed Rulemaking was published in the Federal Register on August 18, 1989 (54 FR 34186). Because some

organizations requested an extension of time to allow their members an opportunity to send comments, a document was published in the Federal Register on October 27, 1989 (54 FR 43826) extending the comment period to December 17, 1989. The comments which were received have been analyzed and considered in the development of these final regulations.

Analysis of Comments

Comments were received from 62 different sources. Several comments were written in the apparent belief that Customs was imposing restrictions on switchblade knives on its own initiative and not in response to congressional direction. Because the regulations are based on the legislative mandate, a consideration of the propriety of such regulations is unnecessary. Many other comments were identical in content and different only in the signature block, but nevertheless were considered before adopting this final rule.

Comment. Thirty-four comments objected to the use of the phrase "but not limited to" in the definition of "switchblade knife" (§ 12.95(a)(1)). Apparently, this phrase was interpreted as an attempt by Customs to extend the legislative prohibition against switchblade knives to all knives. This was not Customs intent. Customs has no desire to limit the importation of knives and knife parts, so long as those articles are not prohibited by the Switchblade Knife Act. The phrase was used in the proposed regulation to indicate that the prohibition of the Act extended to knives marketed under various names. Because the regulation could not include every possible name under which a knife prohibited by the Act might be marketed, Customs did not want it to appear that the definition was intended to be an all-inclusive listing of prohibited knives. To avoid the confusion, the regulatory language has been modified to indicate that the prohibition applies to the class of knives which are sometimes referred to as "switchblade, Balisong, butterfly, gravity or ballistic" and have the characteristics or identities which are described in remaining portions of the regulation.

Comment. Seventeen comments objected to Customs including Balisong knives, butterfly knives, gravity knives and parts for these knives within the definition of "switchblade knife". The commenters stated that the inclusion of these articles was an improper expansion of the Switchblade Knife Act.

Response. Customs has consistently maintained that the congressional intent

in enacting the Switchblade Knife Act was to prohibit the importation and interstate transportation of all types of knives which shared the characteristics of concealability and the ability to be quickly and easily converted into a weapon. This position has been upheld in judicial decisions (see *Taylor v. U.S.*, 848 F.2d 715 (6th Cir. 1988)). By expressly including identifiable categories of prohibited knives, as well as providing notice that the prohibition extends to parts and unassembled knives, Customs is clarifying its position for the public, not expanding the scope of the Act.

Comment. Four comments objected to the proposed amendment (and, in effect, to the underlying Switchblade Knife Act itself) as being ineffective in fighting crime, under the theory that most criminals seeking a weapon will still be able to find one or use a kitchen knife or even a sharpened piece of metal.

Response. Customs believes that these comments are beyond the scope of the amendment.

Comment. Seven comments were received from persons in the cutlery manufacturing or repair business which expressed concern that the amendment would impair their ability to import knife parts and thus adversely affect their businesses.

Response. The amendments to the regulations will have no impact on the ability of businesses or persons to import any knives or knife replacement parts which are not prohibited by the Switchblade Knife Act.

Comment. Two comments expressed concern that Customs might prohibit the importation of all folding knives.

Response. Customs will not prohibit the importation of ordinary folding knives designed for utilitarian purposes.

Determination

After consideration of all the comments received in response to publication of the notice of proposed rulemaking, and further review of the matter, it has been determined to adopt the regulations in final form with the modifications discussed.

Regulatory Flexibility Act

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that the amendment will not have a significant economic impact on a substantial number of small entities. Accordingly, it is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Drafting Information

The principal author of this document was Peter T. Lynch, Regulations and Disclosure Law Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 12

Customs duties and inspections, Imports, Switchblade knives.

Amendment to the Regulations

Part 12, Customs Regulations (19 CFR part 12), is amended as set forth below:

PART 12—SPECIAL CLASSES OF MERCHANDISE

1. The general authority citation for part 12 will continue to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (General Note 8, Harmonized Tariff Schedule of the United States (HTSUS)), 1624.

2. The specific authority for §§ 12.95–12.103 is revised to read as follows:

§§ 12.95–12.103 also issued under 15 U.S.C. 1241–1245.

3. Section 12.95 is amended by revising paragraph (a) to read as follows:

§ 12.95 Definitions.

(a) *Switchblade knife.* "Switchblade knife" means any imported knife, or components thereof, or any class of imported knife, including "switchblade", "Balisong", "butterfly", "gravity" or "ballistic" knives, which has one or more of the following characteristics or identities:

(1) A blade which opens automatically by hand pressure applied to a button or device in the handle of the knife, or any knife with a blade which opens automatically by operation of inertia, gravity, or both;

(2) Knives which, by insignificant preliminary preparation, as described in paragraph (b) of this section, can be altered or converted so as to open automatically by hand pressure applied to a button or device in the handle of the knife or by operation of inertia, gravity, or both;

(3) Unassembled knife kits or knife handles without blades which, when fully assembled with added blades, springs, or other parts, are knives which open automatically by hand pressure applied to a button or device in the

handle of the knife or by operation of inertia, gravity, or both; or

(4) Knives with a detachable blade that is propelled by a spring-operated mechanism, and components thereof.

§ 12.96 [Amended]

4. In § 12.96(b) remove the words "the Act of August 12, 1958 (15 U.S.C. 1241–1244)" and add, in their place, the words "15 U.S.C. 1241–1245".

5. Section 12.97 is revised to read as follows:

§ 12.97 Importations contrary to law.

Importations of switchblade knives, except as permitted by 15 U.S.C. 1244, are importations contrary to law and are subject to forfeiture under 19 U.S.C. 1595a(c).

6. Section 12.98 is amended by revising the introductory text and revising paragraph (c) to read as follows:

§ 12.98 Importations permitted by statutory exceptions.

The importation of switchblade knives is permitted by 15 U.S.C. 1244, when:

(c) A switchblade knife, other than a ballistic knife, having a blade not exceeding 3 inches in length is in the possession of and is being transported on the person of an individual who has only one arm.

§ 12.100 [Amended]

7. In § 12.100(b) remove the words "section 4 of the Act of August 12, 1958".

§ 12.101 [Amended]

8. In § 12.101(a) remove the words "section 545, title 18, United States Code" and add, in their place, the words "19 U.S.C. 1595a(c)".

§ 12.103 [Amended]

9. In § 12.103 remove the words "the Act of August 12, 1958 (15 U.S.C. 1241–1244)" and add, in their place, the words "15 U.S.C. 1241–1245".

Approved: July 3, 1990.

Michael H. Lane,
Acting Commissioner of Customs.

Peter K. Nunez,
Assistant Secretary of the Treasury.
[FR Doc. 90-15957 Filed 7-9-90; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 350

[DoD Directive 5137.1]

Assistant Secretary of Defense for Command, Control, Communications, and Intelligence

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

SUMMARY: This document is a revision of the roles, functions, responsibilities, and authorities of the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (ASD(C3I)). The revision also establishes the ASD (C3I) as the principal staff assistant and advisor to the Under Secretary of Defense (Acquisition) (USD(A)) for those aspects of the C3I mission that relate to USD(A) functions and responsibilities.

EFFECTIVE DATES: March 27, 1990.

ADDRESSES: Office of the Director, Administration and Management, Organizational and Management Planning.

FOR FURTHER INFORMATION CONTACT: Mr. D. Clark, telephone (202) 695-4281.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 350

Organizational and functions.

Accordingly, 32 CFR part 350 is revised to read as follows:

PART 350—ASSISTANT SECRETARY OF DEFENSE FOR COMMAND, CONTROL, COMMUNICATIONS, AND INTELLIGENCE (C3I)

Sec.

- 350.1 Purpose.
- 350.2 Definition.
- 350.3 Responsibilities.
- 350.4 Functions.
- 350.5 Relationships.
- 350.6 Authorities.

Authority: 10 U.S.C. 138.

§ 350.1 Purpose.

(a) This part implements 10 U.S.C., which establishes the position of Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (ASD(C3I)). The principal duty of the ASD(C3I) shall be the overall supervision of the C3I affairs of the Department of Defense.

(b) It assigns responsibilities, functions, relationships, and authorities, as prescribed herein, pursuant to the authority vested in the Secretary of Defense by 10 U.S.C.

§ 350.2 Definition.

DoD Components. The Office of the Secretary of Defense (OSD); the Military Departments; the Chairman of the Joint Chiefs of Staff (CJCS) and the Joint Staff; the Unified and Specified Commands; the Office of the Inspector General, Department of Defense (OIG, DoD); the Defense Agencies; and the DoD Field Activities.

§ 350.3 Responsibilities.

(a) The Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (ASD(C3I)) is the principal staff assistant and advisor to the Secretary of Defense for C3I policy, requirements, priorities, systems, resources, and programs, including related warning and reconnaissance activities, and those national programs and intelligence-related activities for which the Secretary of Defense has execution authority. This responsibility does not apply to C3 systems that are integrally designed into weapons systems, are unique to and usually delivered with, or as part of an aircraft, missile complex, ship, tank, etc., the costs of which normally are included in the costs of weapons systems. This responsibility does not include operational direction of C3I activities, except as provided in this part.

(b) The ASD(C3I) shall serve as the principal focus for staff coordination on all matters concerning these areas within the Department of Defense, with other Government Departments and Agencies, and with foreign governments and international organizations to which the United States is party. The ASD(C3I) also serves as principal staff assistant in carrying out the responsibilities of the Secretary of Defense as Executive Agent for the National Communications System (NCS) and is the principal DoD official responsible for preparing and defending the Department's C3I program before the Congress. For each assigned area, the ASD(C3I) shall:

- (1) Develop policies and issue guidance to DoD Components.
- (2) Review, validate, and recommend requirements and priorities that ensure that DoD user requirements are fully considered in the development of national C3I plans and programs.
- (3) Provide guidance and management and technical oversight for all C3I projects, programs, and systems being acquired by, or for the use of, the Department of Defense and its components.
- (4) Participate in DoD planning, programming, and budgeting activities, and review proposed DoD resource programs, formulate budget estimates, recommend resource allocations, and

monitor the implementation of approved programs.

(5) Review and advise the Secretary of Defense on national programs that support the Department of Defense and/or for which the Secretary of Defense has execution authority; monitor and evaluate the responsiveness of such programs to DoD requirements, particularly their readiness to support military operations.

(6) Oversee C3I training and career development programs to ensure that trained manpower is available to support DoD C3I mission needs, including manpower requirements for projected systems.

(7) Promote coordination, cooperation and cross-Service management of joint programs to ensure essential interoperability is achieved within the Department of Defense and between the Department of Defense and other Federal Agencies and the civilian community.

(8) Provide DoD representation on intergovernmental and international organizations dealing with C3I matters, and represent the Department of Defense in these mission areas to foreign governments.

(9) Recommend, advise, and provide assistance to other OSD staff elements on C3I matters relevant to the execution of their assigned responsibilities, including the execution of DoD-wide programs to improve standards of performance, economy, and efficiency.

(10) Assess the responsiveness of intelligence products to the needs of Department of Defense users.

(11) Perform such other duties as the Secretary of Defense may assign.

§ 350.4 Functions.

The ASD(C3I) shall carry out the responsibilities described in § 350.3 for the following functional areas:

- (a) Strategic and theater nuclear forces command and control.
- (b) Theater and tactical command and control.
- (c) C3I-related space systems.
- (d) Special technology and systems.
- (e) Telecommunications and C3I-related computer-based information systems.
- (f) Identification, navigation, and position fixing systems.
- (g) Electronic combat, including electronic countermeasures.
- (h) Air traffic control and airspace management.
- (i) Surveillance, warning, and reconnaissance architectures.
- (j) North Atlantic Treaty Organization (NATO) C3I architectures and systems.

(k) Communications security (COMSEC) and computer systems security.

(l) Intelligence collection and processing programs, systems, and equipment.

(m) National communications systems, including frequency management.

(n) Mapping, charting, and geodesy.

(o) Integration and/or interface of national and tactical C3I.

(p) C3I and DoD foreign language training and C3I career development.

§ 350.5 Relationships.

(a) In the performance of assigned duties, the ASD(C3I) shall:

(1) Exercise direction, authority, and control over the Defense Support Project Office, and, subject to the direction, authority and control of the USD(A), over the Defense Mapping Agency and the Defense Communications Agency.

(2) Exercise staff supervision over:

(i) The Defense Intelligence Agency and the National Security Agency/Central Security Service.

(ii) Air Force and Navy Special Intelligence Programs.

(iii) Defense communications and intelligence functions assigned to the Military Departments.

(iv) Such other DoD Agencies and activities under the purview of the USD(A), as the latter may from time to time designate.

(3) Provide technical guidance to the Electromagnetic Compatibility Analysis Center.

(4) Coordinate and exchange information with other OSD officials and heads of DoD Components exercising collateral or related functions.

(5) Use existing facilities and services of the Department of Defense and other Federal Agencies, when practicable, to avoid duplication and to achieve maximum readiness, sustainability, efficiency, and economy.

(6) Work closely with the Director of Central Intelligence to ensure effective complementarity and mutual support between DoD intelligence programs, including DoD programs in the National Foreign Intelligence Program, and non-DoD intelligence programs.

(7) Be subject to the direction, authority, and control of the Under Secretary of Defense for Acquisition for the ASD(C3I)'s acquisition-related activities as provided in DoD Directive 5134.1.¹

¹ Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

(b) Other OSD officials and heads of DoD Components shall coordinate with the ASD(C3I) on all matters related to the functions cited in § 350.4.

§ 350.6 Authorities.

The ASD(C3I) is hereby delegated authority to:

(a) Issue DoD Instructions, DoD publications, and one-time directive-type memoranda, consistent with DoD 5025.1-M,² that implement policies approved by the Secretary of Defense in assigned fields of responsibility.

Instructions to the Military Departments shall be issued through the Secretaries of those Departments. Instructions to Unified or Specified Commands shall be issued through the CJCS.

(b) Obtain reports, information, advice, and assistance, consistent with DoD Directive 7750.5,³ as necessary, in carrying out assigned functions.

(c) Communicate directly with heads of DoD Components. Communications to the Commanders in Chief of the Unified and Specified Commands shall be coordinated through the CJCS.

(d) Establish arrangements and appoint representation for DoD participation in nondefense governmental programs for which the ASD(C3I) is assigned DoD cognizance.

(e) Communicate with other Government Agencies, representatives of the legislative branch, and members of the public, as appropriate, in carrying out assigned functions.

Dated: July 5, 1990.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90-15963 Filed 7-9-90; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD13-90-07]

Safety Zone; Lake Washington, Puget Sound and Montlake Cut/Union Bay; Seattle, WA

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: The Coast Guard will establish Safety Zones for the rowing and yachting venues, and waters adjacent to Husky Stadium for the 1990 Goodwill Games to be held in Seattle, WA. A large volume of recreational

boaters is anticipated to congregate in the vicinity of the Husky Stadium and venue sites during practice sessions and on race days. In order to minimize safety hazards to the event participants and spectators, a Safety Zone will be established in Lake Washington for the rowing venue 17 to 20 July 1990 from 7 a.m. to 5 p.m., on 21 July 1990 from 7 a.m. to 5:30 p.m. and on 22 July 1990 from 7 a.m. to 3:15 p.m. Another Safety Zone will be established in Puget Sound between Shilshole Bay and Richmond Beach for the yachting venue 28 to 31 July 1990 from 11 a.m. to 8 p.m. and 01 to 04 August 1990 from 7 a.m. to 8 p.m. All times in this rulemaking are Pacific Daylight Time. The boundaries for the Lake Washington and Montlake Cut Safety Zones are from nautical chart 18447, North American Datum of 1983. The boundaries for the Puget Sound Safety Zone are from nautical chart 18446, North American Datum of 1927. If vessel traffic density poses a threat to navigational safety in Montlake Cut/Union Bay due to transiting vessel traffic and Husky Stadium events from 17 July through 05 August 1990, a safety zone will be established until normal operation conditions are restored. The impact to commercial traffic is expected to be minimal. This rule is designed to promote the safety of life and property on navigable waters during the events.

EFFECTIVE DATE: This rule will become effective 17 July 1990, and expires 30 August 1990.

FOR FURTHER INFORMATION CONTACT:

LT Len Radziwanowicz, USCG, Marine Safety Division, Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington 98174-1067. Telephone (206) 442-1711.

SUPPLEMENTARY INFORMATION: On May 14, 1990 the Coast Guard published a notice of proposed rulemaking in the *Federal Register* for these regulations (55 FR 19959). Interested persons were requested to submit comments. Seven comments were received.

Drafting Information

The drafters of this notice are LT Len Radziwanowicz, project officer, Marine Safety Division, Thirteenth Coast Guard District, and LT D.K. Schram, project attorney, Thirteenth Coast Guard District Legal Office.

Discussion of Comments

Montlake Cut/Union Bay: Most of the comments addressed the safety zone in Montlake Cut/Union Bay. There was concern that the Montlake Cut/Union Bay safety zone might close the waterway entirely to pleasure and

² See footnote 1 to § 350.5(a)(7).

³ See footnote 1 to § 350.5(a)(7).

commercial traffic from 17 July 1990 to 05 August 1990. To the contrary, the waterway will remain open as usual to vessel traffic unless a hazardous situation develops which will hamper vessel safety. The Coast Guard's intent is to minimize disruption of vessel traffic in Montlake Cut/Union Bay. Therefore, a Safety Zone will only be declared by the captain of the Port Puget Sound in the event vessel traffic congestion should develop into a hazardous situation. The NOAA ship Discover, 303 ft length overall, is scheduled to transit Montlake Cut/Union Bay on July 23, 1990, from 10:45 a.m. to 11:15 a.m. and July 24, 1990 from 11:45 a.m. to 12:15 p.m.

Lake Washington: The rowing venue practice schedule has changed since the publication of the proposed rulemaking. Therefore, minor time modifications were made to the safety zone in Lake Washington to coincide with practice schedule changes. The notice of proposed rulemaking published the times of the safety zone in Lake Washington as 17 to 23 July 1990 from 5 a.m. to 9 a.m. and from noon to 4 p.m. The amended times for the safety zone will be 17 to 20 July 1990 from 7 a.m. to 5 p.m., 21 July 1990, from 7 a.m. to 5:30 p.m. and 22 July 1990, from 7 a.m. to 3:15 p.m.

Puget Sound: The Director of the King County, Washington, Department of Public Safety has requested that the Coast Guard publish its declaration of a restricted area in Puget Sound that coincides with the northern portion of the Coast Guard established Safety Zone as follows:

I, James E. Montgomery, Director of the King County, Washington, Department of Public Safety and Ex Officio Sheriff, in the interests of safe navigation, life safety and the protection of property, do hereby designate a portion of Puget Sound as a restricted area under the authority of King County Code 12.44.200. No person shall operate a vessel or watercraft in that area, except for those engaged in or accompanying Goodwill Games yachting practices and races, or patrol or rescue craft, or in the case of an emergency. This restriction shall be in effect 28 to 31 July 1990 from 11 a.m. to 8 p.m., and 01 to 04 August 1990 from 7 a.m. to 8 p.m. The area subject to these restrictions is described as follows: Beginning at the point on the shore of Puget Sound which is northernmost in the City of Seattle, thence meandering northward along the shore of Puget Sound to the north boundary of King County, thence west along said boundary into Puget Sound to said boundary's intersection with position longitude 122 degrees 24 minutes 51 seconds, West, thence southward 190 degrees to the north boundary of the Seattle City limits, thence eastward along said boundary to the shore of Puget Sound, the true point of beginning. The Coast Guard and King County police have entered into an

agreement to enforce this safety zone/ restricted area.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this rule is expected to be so minimal that a full regulatory evaluation is unnecessary. The regulation affects only spectators, participants and a proportionally small number of recreational boaters, and applies to a small area of Lake Washington and Puget Sound. There is minimal commercial traffic in the designated safety zone areas. Since the impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Final Regulations

In consideration of the foregoing, subpart C of part 165 of title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5.

2. Section 165.T1303 is added to read as follows:

§ 165.T1303 Safety Zone; Lake Washington, Puget Sound and Montlake Cut/Union Bay; Seattle, Washington.

(a) *Location.* The following areas are safety zones:

(1) **Lake Washington.** The waters of Lake Washington bounded by Mercer Island (Lacey V. Murrow) Bridge, the western shore of Lake Washington, and north of an east/west line drawn tangent to Bailey Peninsula starting at the northernmost point and ending at the shoreline of Mercer Island at Latitude 47°33'45" N, Longitude 122°13'52" W. The safety zone area will be divided into two zones. The zones are separated by a log boom and a line from the southeast corner of the boom to the northeast tip of Bailey Peninsula. The western zone is designated Zone I, the eastern zone is designated Zone II.

(2) **Puget Sound.** The waters of Puget Sound within an area described by a line drawn from the southern side of the Shilshole public boat ramp to Shilshole Boat Basin Light 2 (Latitude 47°41'16.3" N., Longitude 122°24'13.2" W.), thence 290 degrees true to position Latitude 47°41'42" N., Longitude 122°25'58" W., thence northward 010 degrees true, to position Latitude 47°46'00" N., Longitude 122°24'51" W., thence east 090 degrees true to the intersection of the shoreline, thence meandering southward along the shoreline to the Shilshole public boat ramp.

(3) **Montlake Cut/Union Bay.** The waters of Montlake Cut/Union Bay with an eastern boundary defined by a line which begins at the southernmost tip of Webster Point, passes through Webster Point light number 33, thence due south to the State Route 520 bridge, thence westerly along State Route 520 bridge to Foster Island. The western boundary is a line drawn due north from the vessel traffic light on the west end of Montlake Cut, Latitude 47°38'49.2" N., Longitude 122°18'32.5" W.

(b) *Effective periods.* The safety zone shall be in effect in accordance with the following schedule.

(1) **Lake Washington.** 17 to 20 July 1990 from 7 a.m. to 5 p.m., 21 July 1990 from 7 a.m. to 5:30 p.m. and 22 July 1990 from 7 a.m. to 3:15 p.m.

(2) **Puget Sound.** 28 to 31 July 1990 from 11 a.m. to 8 p.m.; and from 01 to 04 August 1990 from 7 a.m. to 8 p.m.

(3) **Montlake Cut/Union Bay.** As ordered by the Captain of the Port, Puget Sound during the period of 17 July to 05 August 1990, from 8 a.m. to 8 p.m.

(c) *Regulations—(1) General.* The following procedures, restrictions and/or special operating requirements are applicable to all three of the safety zones described above:

(i) The Coast Guard will maintain a patrol consisting of Coast Guard and Coast Guard Auxiliary vessels in the safety zones. Each safety zone will be enforced by the predesignated on-scene Coast Guard Patrol Commander who is a representative of the Captain of the Port Puget Sound, Seattle, Washington. The Patrol Commander is empowered to control the movement of vessels on the race course and in the adjoining waters during the periods this regulation is in effect. Vessels in the vicinity of this safety zone shall maneuver and anchor as directed by Coast Guard Officers or Petty Officers.

(ii) A succession of sharp short signals by whistle or horn from vessels patrolling the areas under the direction of the Patrol Commander shall serve as the stop signal. Vessels signaled shall

stop and comply with the orders of the patrol vessel.

(iii) Vessels are encouraged to maintain a listening watch on VHF-FM Channels 18 and 22 for safety advisories.

(iv) Daily times of the zone(s) may be altered by the on-scene Coast Guard Patrol Commander as necessary.

(2) *Lake Washington*. These rules apply only when the safety zone is in effect.

(i) Only authorized vessels are allowed to enter Zone I during the hours this regulation is in effect.

(ii) During the period this safety zone is in effect, vessels may not pass under the Mercer Island Bridge at the west high rise.

(iii) During the times in which the regulation is in effect, swimming, wading, or otherwise entering the water in Zone I by any person is prohibited.

(iv) Unless otherwise directed by the Patrol Commander, vessels may enter Zone II, as long as they comply with the following requirements.

(v) Vessels proceeding in either Zone I or Zone II during the hours this regulation is in effect shall do so only at speeds which will create minimum wake, seven (07) miles per hour or less. The speed restriction also applies to vessels leaving either Zone I or II at the completion of the daily racing activities. This maximum speed may be reduced at the discretion of the Patrol Commander.

(3) *Puget Sound*. These rules apply only when the safety zone is in effect.

(i) Only authorized vessels are allowed to enter the safety zone during hours this regulation is in effect.

(ii) During the launch and recovery of participant vessels, the north breakwater entrance to Shilshole Bay Marina will be closed to the public, as directed by the Patrol Commander. Once participant vessels have cleared the north breakwater entrance to Shilshole Bay Marina the area will be open for public use. Vessels shall proceed in a due east or west direction upon entering or leaving the northern Shilshole Bay Marina area to avoid entering the southernmost portion of the safety zone.

(4) *Montlake/Union Bay*. During the time the Safety Zone is in effect, the Patrol Commander will monitor vessel traffic for the purposes of waterway safety and control traffic as deemed necessary. This may include prohibiting vessels from entering the Safety Zone, restricting where vessels may anchor or moor, restricting where vessels may operate within the Safety Zone, and directing vessels to depart the Safety Zone.

Dated: June 27, 1990.

R.K. Peschel,

Commander, Thirteenth Coast Guard District (Acting), DOT—U.S. Coast Guard.

[FR Doc. 90-15793 Filed 7-9-90; 8:45 am]

BILLING CODE 4910-14-m

COPYRIGHT ROYALTY TRIBUNAL

37 CFR Parts 301, 306

[CRT Docket No. 90-4-90JL]

Determination of Negotiated Jukebox Licenses

AGENCY: Copyright Royalty Tribunal.

ACTION: Final Rule.

SUMMARY: As a result of the voluntary agreement between ASCAP/BMI/SESAC and AMOA, the jukebox compulsory license was suspended through 1999. The Tribunal is amending certain of its rules to conform them to the action taken by the Tribunal when it suspended the jukebox compulsory license. As a consequence, the Tribunal will not engage in any rate setting for the jukebox license for 10 years.

EFFECTIVE DATE: August 9, 1990.

FOR FURTHER INFORMATION CONTACT:

Robert Cassler, General Counsel, Copyright Royalty Tribunal, 1111 20th Street, NW., Suite 450, Washington, DC 20036 (202) 653-5175.

SUPPLEMENTARY INFORMATION: The Berne Convention Implementation Act of 1988 provided a procedure by which the jukebox compulsory license could be suspended if the owners and users of music on jukeboxes were to reach their own voluntary license agreement.

On March 28, 1990, the Tribunal published in the *Federal Register* its finding that an agreement between the three performing rights societies, ASCAP, BMI and SESAC, and the trade association representing jukebox operators, AMOA, had been reached and that, consequently, the jukebox compulsory license was suspended for the term of the voluntary agreement—through December 31, 1999. 55 FR 11429.

Following the action taken by the Tribunal on March 28, 1990, the Tribunal proposed to change certain of its rules concerning jukebox rates. 55 FR 18131 (May 1, 1990). However, no rule changes were proposed concerning jukebox royalty distributions because one more distribution remains to be made later this year.

The Tribunal received a joint comment from the American Society of Composers, Authors and Publishers (ASCAP), Broadcast Music, Inc. (BMI), SESAC, Inc. (SESAC) and the

Amusement and Music Operators Association (AMOA).

In general, ASCAP, BMI, SESAC and AMOA support the Tribunal's proposed rule changes, but have suggested minor modifications concerning the identification of the ASCAP/BMI/SEAC-AMOA agreement, its duration, and the receipt by the Tribunal of rate adjustment petitions. The Tribunal agrees with the commenters' suggestions and has decided to adopt its proposed rule changes and those of the commenters with some minor editorial changes.

List of Subjects

37 CFR Part 301

Administrative practice and procedure, copyright, jukeboxes, Organization and functions (Government agencies), Recordings.

37 CFR Part 301

Copyright, Jukeboxes.

For the reasons set forth in the preamble, the Tribunal amends 37 CFR part 301 as follows:

PART 301—COPYRIGHT ROYALTY TRIBUNAL RULES OF PROCEDURE

1. The authority citation for part 301 continues to read as follows:

Authority: 17 U.S.C. 803(a).

2. Section 301.1 is revised as follows:

§ 301.1 Purpose.

The Copyright Royalty Tribunal (Tribunal) is an independent agency in the Legislative Branch, created by Public Law 94-553 of October 19, 1976. The Tribunal's statutory responsibilities are:

(a) To make determinations concerning copyright royalty rates in the areas of cable television covered by 17 U.S.C. 111.

(b) To make determinations concerning copyright royalty rates for the making and distributing of phonorecords (17 U.S.C. 115).

(c) To make determinations concerning copyright royalty rates for coin-operated phonorecord players (jukeboxes) whenever a sufficient number of voluntary license agreements between jukebox operators and the copyright owners of musical works played on jukeboxes are not in effect (17 U.S.C. 116, 116A).

(d) To establish and later make determinations concerning royalty rates and terms for the use by noncommercial educational broadcast stations of certain copyrighted works (17 U.S.C. 118).