

(g) Insertion into the AFM of the applicable AFM revision in Table 1 of this AD, or insertion of a subsequent AFM revision that contains procedures identical to those in the applicable Figure of this AD, is acceptable for compliance with the corresponding requirements of this AD. Table 1 of this AD follows:

TABLE 1.—ALTERNATIVE SOURCES OF SERVICE INFORMATION

Figure in AD	Model/ Series	AFM revision
1	MF900	24
1	MF50	32
2	MF50	32
3	MF900	24
4	F900EX	6
5	F900C	2
6	F50EX	5

Alternative Methods of Compliance

(h) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA. Operators shall submit their requests through an appropriate FAA Principal Operations Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

Note 1: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

Special Flight Permits

(i) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 2: The subject of this AD is addressed in French airworthiness directives 2000-536-032(B), dated December 27, 2000; and 2000-536-032(B) R1, dated February 7, 2001.

Effective Date

(j) This amendment becomes effective on December 3, 2001.

Issued in Renton, Washington, on October 22, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA-2001-8683; Airspace Docket No. 01-ASW-2]

RIN 2120-AA66

Modification of Restricted Area R-6312 Cotulla, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action raises the upper limit of Restricted Area 6312 (R-6312) Cotulla, TX, from the current 12,000 feet above mean sea level (MSL) to Flight Level 230 (FL 230) to provide airspace for high altitude release bombing training. This rule makes no other changes to R-6312.

EFFECTIVE DATE: 0901 UTC, December 27, 2001.

FOR FURTHER INFORMATION CONTACT:

Steve Rohring, 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:

Background

On April 5, 2001, the FAA proposed (66 FR 18055) to amend 14 CFR part 73 to increase the vertical limits of R-6312 from 12,000 feet above MSL to FL 230. The FAA took this action in response to a request from the U.S. Navy indicating that current upper limit of R-6312 (12,000 feet above MSL) is not suitable for their training requirements. Specifically, altitudes up to FL230 are essential to fulfill their requirement to conduct high altitude release bombing training. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on this proposal to the FAA.

Discussion of Comment

In response to the Notice of Proposed Rule-making, the FAA received one comment in opposition to the change. The commenter indicated that the proposed increase to the ceiling from 12,000 feet MSL to FL 230 would cause visual flight rules (VFR) operations transiting the area to circumnavigate the restricted area. They requested an increase in the height of the east/west corridor through the restricted area from 1,000-foot AGL to 4,500 feet MSL to preclude the compression of transiting VFR aircraft into the corridor. The FAA

disagrees with this comment because the predominant flow of VFR traffic in the area is north to south and visa versa. The affected aircraft would be higher than 12,000 feet and would not be likely to descend to 4,500 feet and circle to the east or west to pass through the east/west corridor rather than flying approximately 10nm to circumnavigate the restricted area. Further, increasing the height of the corridor would have a significant negative impact on military training without a significant benefit to civil VFR traffic in that it would prohibit low altitude awareness training.

Additionally, the commenter requests that the controlling agency's contact frequency be published in the tabular portion of the sectional aeronautical chart. The FAA agrees that it would be beneficial to display the contact frequency on the chart and will publish the contact frequency either in the tabular area or on the face of the sectional aeronautical chart.

The Rule

This amendment to 14 CFR part 73 raises the vertical limits of R-6312 from 12,000 feet above MSL to FL 230. This additional altitude is required in order to meet the Navy's requirement for high altitude release bombing training. No other change to R-6312 is made by this action. Section 73.63 of 14 CFR part 73 was republished in FAA Order 7400.8H, dated September 1, 2000.

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, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The United States Navy (USN) determined that this amendment of the restricted area's designated altitude qualifies for a categorical exclusion. The FAA has reviewed the USN's environmental documentation and concludes that this action is

categorically excluded in accordance with FAA Order 1050.1D, Procedures for Handling Environmental Impacts, and the FAA/DOD Memorandum of Understanding of 1998 regarding Special Use Airspace actions.

List of Subjects in 14 CFR Part 73

Airspace, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

1. The authority citation for part 73 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

Section 73.63 [Amended]

2. Section 73.63 is amended as follows:

* * * * *

R-6312 Cotulla, TX [Amended]

By removing the current designated altitudes and substituting the following:

Designated altitudes. Surface to FL 230, excluding the area west of a line between lat. 28°14'1" N., long. 98°47'56" W.; and lat. 28°11'56" N., long. 98°48'01" W.; and the area along Highway 624 extending ¼ mile each side where the floor is 1,000 feet AGL.

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Issued in Washington, DC, on October 19, 2001.

Reginald C. Matthews,

Manager, Airspace and Rules Division.

[FR Doc. 01–27159 Filed 10–26–01; 8:45 am]

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POSTAL RATE COMMISSION

39 CFR Part 3001

[Order No. 1322; Docket No. RM2001–3]

Adoption of Sunset Rules

AGENCY: Postal Rate Commission.

ACTION: Notice and order adopting final rules with sunset provisions.

SUMMARY: Several sets of Commission rules of practice have expired. They addressed Express Mail rates and fees and certain limited classification changes. The Commission is adopting these rules again, on the same terms. The rules will be effective for 5 years. This action will allow established practices to continue, subject to sunset provisions.

DATES: These rules take effect November 28, 2001.

ADDRESSES: Send correspondence regarding this document to the attention of Steven W. Williams, acting secretary, 1333 H Street NW., suite 300, Washington, DC 20268–0001.

FOR FURTHER INFORMATION CONTACT:

Stephen L. Sharfman, general counsel, 202–789–6820.

SUPPLEMENTARY INFORMATION:

Regulatory History

Previous related rulemakings: Express Mail market response rules: 60 FR 12119; expedited minor classification changes; limited provisional service changes; and multi-year test period rules: 61 FR 24453–61 FR 24457.

Current rulemaking: 66 FR 39560 (7/13/01) and 66 FR 38602 (7/25/01).

Introduction

In order no. 1319, the Commission requested interested persons to comment on the advisability of reissuing five sets of rules of practice that had expired through operation of five-year sunset provisions. PRC Order No. 1319 (July 18, 2001). These rules, which provide for expedited consideration of certain Postal Service requests for a recommended decision, are of two types. The first concerns changes in Express Mail rates and fees;¹ the second encompasses four sets of rules addressing certain limited classification changes.²

Four sets of comments were filed. The comments reflect no unanimity, ranging from the Postal Service's suggestion that, at a minimum, each rule be reissued, to United Parcel Service's (UPS's) position that none of the rules be reissued. The comments, which are briefly summarized below, are available for public inspection at the Commission's offices and via the Commission's Web site, www.prc.gov.

Upon consideration of the comments and an assessment of the rules, the Commission has determined to reissue the rules for an additional five-year period. The Commission, however, declines to broaden the scope of this proceeding beyond the affected rules.

¹ See 39 CFR 3001.57–57c (1999). The Express Mail Service rules were adopted in 1989 and reissued in 1995. See PRC Order No. 836 (August 10, 1989) and PRC Order No. 1042 (February 17, 1995). These rules expired March 6, 2000. 60 FR 12116.

² See 39 CFR 3001.161–166 (concerning market tests), 39 CFR 3001.171–176 (concerning provisional service changes), 39 CFR 3001.69–69c, (concerning minor classification changes), and 39 CFR 3001.181–182 (concerning multi-year test periods for new services). These rules became effective in May 1996 and expired May 15, 2001. See PRC Order No. 1110 (May 7, 1996); see also 61 FR 24447.

I. Comments

A. Postal Service

The Postal Service urges the Commission to reissue and to consider broadening the scope of the rules. The Postal Service asserts that, at a minimum, the limited classification rules should be reissued, suggesting further that the Commission should consider expanding the concept of multi-year test periods, rule 181, to include alternative test periods in rate and classification proceedings before the Commission. Postal Service Comments at 1–2, 12.

Second, the Postal Service advocates that the Express Mail rules be reissued, while suggesting the possibility that those procedures be expanded to other services. Id. at 2–3. Recognizing that this suggestion may be beyond the reach of this proceeding, the Postal Service concludes that the concept “is worthy of consideration at some point in the future.” Id. at 3.

Third, the Postal Service raises issues not covered by the expired rules, i.e., rate bands and negotiated service agreements, concluding that “these and other measures of ratemaking flexibility would be worthwhile topics of a future rulemaking.” Ibid.

In support of reissuing the rules, the Postal Service focuses on the flexibility they afford, particularly the limited classification rules. The infrequency with which these rules have been invoked is not, according to the Postal Service, an indication that they lack value. Rather, a combination of events has lessened the Postal Service's ability to invoke the rules, e.g., its caseload before the Commission. Id. at 4–5. Underscoring the point, it notes that the Commission's rules governing experimental classification proposals, 39 U.S.C. 3001.67–67d, were employed only once in the first fifteen years of their existence. Id. at 4. Beginning in 1996, however, they have been invoked numerous times.

Turning to the rules, the Postal Service discusses the instances in which the limited classification rules have been invoked. It concludes that these rules, involving market tests, provisional services, and minor classification changes, while from its perspective somewhat imperfect, worked sufficiently well to warrant their renewal. Id. at 7–11. Concerning multi-year test periods, a rule that it has yet to invoke, the Postal Service notes the importance of having an opportunity to recover start-up costs over an appropriate period. In addition, it broaches the issue of expanding the Commission's rules to permit alternate