

[Docket No. 16745; Amtd. No. 4-1977]

PART 91—GENERAL OPERATING AND FLIGHT RULES**Incorporation by Reference**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to incorporate by reference Annex 2 to the Convention on International Civil Aviation and make it a part of § 91.1 as provided by statute and regulation.

EFFECTIVE DATE: May 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Leary, Air Carrier and General Operating Branch, Regulations and Enforcement Division, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone 202-426-3081.

SUPPLEMENTARY INFORMATION: By virtue of § 91.1(b)(1), each person that operates a civil aircraft of United States registry outside of the United States is required, when over the high seas, to comply with Annex 2 (Rules of the Air) to the Convention on International Civil Aviation (Annex 2) and with §§ 91.70(c) and 91.90 of Subpart B of Part 91. Annex 2 has not been published in the FEDERAL REGISTER and, because of the length and complexity of the Annex and because it is periodically amended, its publication as an appendix to Part 91 would be impractical and expensive.

As provided by statute (5 U.S.C. 552 (a)(1)) and the Regulations of the Office of the Federal Register (1 CFR Part 51), matter reasonably available to the class of persons affected thereby is deemed published in the FEDERAL REGISTER when incorporated by reference therein with the approval of the Director of the Federal Register. Approval for incorporation by reference of Annex 2 has been obtained from the Director of the Federal Register and is available in the FAA Rules Docket for examination by interested persons.

Annex 2 is currently available for inspection at the FAA Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591.

Since this amendment is necessary to make the Federal Aviation Regulations conform to 5 U.S.C. 552(a)(1) and 1 CFR Part 51, and does not impose an additional burden on any person, I find that notice and public procedure thereon are unnecessary and that good cause exists

for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, Part 91 of the Federal Aviation Regulations is amended, effective May 2, 1977, by adding a new paragraph (c) to § 91.1 to read as follows:

§ 91.1 Applicability.

(c) Annex 2 to the Convention on International Civil Aviation, Sixth Edition—September 1970, with amendments through Amendment 20 effective August 1976, to which reference is made in this part is incorporated into this part and made a part hereof as provided in 5 U.S.C. 552 and pursuant to 1 CFR Part 51, Annex 2 (including a complete historic file of changes thereto) is available for public inspection at the Rules Docket, AGC-24, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. In addition, Annex 2 may be purchased from the International Civil Aviation Organization (Attention: Distribution Officer), P.O. Box 400, Succursale: Place de L'Aviation Internationale, 1000 Sherbrooke Street West, Montreal, Quebec, Canada H3A 2R2.

(Secs. 313(a) and 601 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a) and 1421); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)) and 5 U.S.C. 552(a)(1).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

NOTE.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on March 23, 1977. A copy of the incorporated material is on file in the FEDERAL REGISTER Library.

Issued in Washington, D.C., on April 21, 1977.

QUENTIN S. TAYLOR,
Acting Administrator.

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