

proposal. The FAA specifically requested comments and information on the potential use of this service and on any impact from eliminating the acceptance for transmission of Class B messages. No such comment or information was received.

Except for minor editorial changes, this rule is the same as that proposed in the Notice of Proposed Rulemaking published in the **Federal Register** on June 9, 1994 (59 FR 29934).

The Rule

Elimination of Acceptance for Transmission of Class B Messages

Currently, only FAA IFSS's or FSS's located outside the 48 contiguous States and the District of Columbia may accept for transmission Class B messages when adequate commercial communication systems are not available. These facilities have not received any requests to accept Class B messages for transmission in over 5 years.

Communication systems technology has improved and expanded to include private data networks, private line services, telegrams, satellite communications, and cellular telephones. Therefore, the need to use FAA communications systems for transmission of Class B messages has diminished. This rule will not restrict or deny users from utilizing the FAA communications systems for relay of Class B messages when other adequate communications systems are not available. Additionally, this action will align the regulations with current practices by eliminating the authority of FSS's to accept for transmission Class B messages without adversely affecting the users.

Elimination of Charges for Class B Messages

The current rule requires that fees be charged when Class B messages are accepted for transmission over FAA communication systems. However, current communication systems cannot segregate those kinds of messages that require a charge for transmission. In fact, over the last 5 years, there are no records of fees having been collected for transmission of Class B messages, nor does the FAA propose to resume this practice. This change will remove from the regulation all references to the collection of fees and align the regulation with current practices.

Economic Summary

This rule will be neither a significant regulatory action under Executive Order 12866 nor a significant rule under the Department of Transportation

Regulatory Policies and Procedures. The FAA does not expect the amendment to impose a significant cost on society (aviation industry, public, or government). The rule will not cause any diminution of safety.

This action will delete rule language that allows the transfer of certain data. This data includes messages addressing topics such as: lost baggage, hotel reservations, and crew assignments on international or overseas flights (Class B data). At present, only IFSS's and FSS's located outside the 48 contiguous States and the District of Columbia have the authority and capability to accept such information for transmission. In practice, the FAA has not received requests for this service for several years.

The FAA queried FSS's to determine the consequences of this action. The responses indicated that this action would not affect any air carrier operator. Adequate private communications facilities are available to transmit Class B data and, in the past few years, international and overseas carriers have not chosen to avail themselves of the FAA service. However, the FAA recognizes a remote possibility that a future potential user of this service would not have the chance to do so.

International Trade Impact Analysis

This action will have no effect on the sale of foreign products or services in the United States. The action also does not affect the sale of United States products or services in foreign countries. Hence, all foreign and domestic trade will be equally unaffected by this rule.

Regulatory Flexibility Act Determination

The Regulatory Flexibility Act of 1980 (RFA) ensures that government regulations do not needlessly and disproportionately burden small businesses. The RFA requires the FAA to review each rule that may have "a significant economic impact on a substantial number of small entities."

The amendment deletes rule language that allows the transfer of certain data because users have not requested this service for several years. Hence, the rule will not impose a significant cost on a substantial number of small entities.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511), there are no requirements for information collection associated with this rule.

Federalism Implications

This action will not have substantial effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this action will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

International Civil Aviation Organization and Joint Aviation Regulations

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with International Civil Aviation Organization Standards and Recommended Practices (SARP) to the maximum extent practicable. For this action, the FAA has reviewed the SARP of Annex 10. The FAA has determined that this amendment will not present any differences.

Conclusion

For the reasons discussed in the preamble, the FAA has determined that this regulation is not a significant regulatory action under Executive Order 12866. In addition, the FAA certifies that this rule will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This action is not considered significant under DOT Order 2100.5, Policies and Procedures for Simplification, Analysis, and Review of Regulations.

List of Subjects in 14 CFR Part 189

Air transportation,
Telecommunications.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration revises 14 CFR part 189 to read as follows:

PART 189—USE OF FEDERAL AVIATION ADMINISTRATION COMMUNICATIONS SYSTEM

Sec.

189.1 Scope.

189.3 Kinds of messages accepted or relayed.

189.5 Limitation of liability.

Authority: 49 U.S.C. 106(g), 40101, 40104, 40113, 44502, and 45303; sec. 501, 65 Stat. 290; 31 U.S.C. 9701.

§ 189.1 Scope.

This part describes the kinds of messages that may be transmitted or relayed by FAA Flight Service Stations.