

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 86/2

9729 SENATE RULES

HJR

16

Alaska State Legislature



While in Session:
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Representative Al Vezey

SPONSOR STATEMENT HJR16

“Relating to a federal balanced budget amendment.”

Federal government overspending has become the rule and not the exception over the years. It is clear that change is needed and the federal government can no longer handle the responsibility of creating our national budget without new guidelines.

One generation should not have the right to burden another with its debts. The unlimited ability to borrow has resulted in a federal debt totaling \$5.3 trillion.

Our nation must learn to live within its means, just as each individual must. Passing a balanced budget amendment will bring discipline to our national spending: without this discipline we face economic chaos. With the passage of a Balanced Budget Amendment, more resources would go toward private investment, interest rates would drop and businesses could afford to expand. It is for these reasons I ask the members of both houses to support this resolution urging the Congress, the President of the United States, and each state of our nation to support the Balanced Budget Amendment to the U.S. Constitution.

January 31, 1997

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Balanced budget worth fight

Time to seek outside help

The era of big government still has a pulse.

With the one-vote defeat last week in the Senate of the balanced budget constitutional amendment, the forces of big government proved they're not going away quietly.

A handful of Democrats who had voted for the amendment in the past and even campaigned on it in the last election, broke their campaign promise and kept the balanced budget amendment one vote shy of the necessary votes needed for passage. For some Democrats, allegiance to their leadership was more important than keeping a campaign promise.

No wonder voters are cynical about Washington.

The debate about the balanced budget amendment is really a debate about the power of Washington. The opponents of a balanced budget amendment—though they find rhetoric of balancing the budget fashionable—are unwilling to face the reality of actually getting the job done.

Supporters, on the other hand, believe that requiring Washington to live within its means is a value worth fighting for.

It is simply unrealistic to rely on the hope that after 28 years of unbalanced budgets—through six presidents and 14 Congresses—Washington can now balance the budget and keep it that way without the outside leverage of a constitutional amendment. We know—win or lose—it's simply the right thing to do because the benefits to every American are clear:

Sen. Frank Murkowski

Guest Opinion



■ A balanced budget amendment could lower interest rates on mortgages, car loans, and student loans, saving Alaska families as much as \$125 a month.

■ Washington's growth, cost and power would be restrained. It's wrong to ask Americans to work harder to pay for Washington programs that don't work. We must return to the day when the government works for us, not against us.

■ Our children deserve an America filled with opportunity and hope. A balanced budget amendment would free our children from the burden of paying for Washington's inability to control spending.

Supporters can take comfort in the fact that all 55 Republicans—even when faced with the prospect of almost certain defeat—kept their word and voted for the balanced budget amendment. President Clinton lobbied hard against the amendment, which places pressure on him to keep his word and produce a budget that is balanced and will stay balanced without gimmicks.

But, so far, there is reason to be skeptical. The day before the balanced budget vote in the Senate, budget experts announced the Clinton budget was far from being in balance. Even President Clinton's own budget predicts the deficit—under his plan—would go up next year and

not come close to disappearing until after he leaves office.

The president's January budget proposal calls for America to spend \$9 trillion over the next five years—\$586 billion more than America will take in. Rather than achieving a balanced budget, the plan will produce a deficit of \$69 billion in 2002, according to the Congressional Budget Office. Worse, the president's plan likely wouldn't even come that close to balancing the budget.

The president's proposal puts off most of the budget cuts—98.5 percent of all reductions—until after President Clinton leaves office. It makes unrealistic assumptions about revenues and costs and reaches balance only by phasing out early year tax cuts, while keeping in place proposed tax hikes.

Sometimes it is hard to imagine just what deficit spending means. But the president's \$586 billion of additional debt over the next five years would cause each man, woman, and child in America to owe another \$2,200 to the government, on top of the \$19,100 per person they already owe, if America was to pay off its \$5.1 trillion-plus national debt tomorrow.

As long as the era of big government still lurks in the shadows, there is hope that one more senator will do the right thing and give us that final vote for passage of a balanced budget amendment.

We can't give up and we won't. It's the only way to make certain the era of big government is truly over—for good.

Sen. Frank Murkowski represents Alaska in the U.S. Senate. He was first elected in 1980.

LETTERS TO THE EDITOR

4/8/97
 FBKS
 News-minel

AIDS can make it a death
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E.P. Morgan
 Fairbanks

Lopsided battle

March 28, 1997

To the editor:

The Local page article depicting protesters against spending cuts on March 27 was overly generous in assessing 120 participants. I saw about six kooks who came close to causing numerous road accidents as

dollar short) can actually influence last fall's clear mandate to Rep. Therriault to cut the budget to the bone, he better be sending resumes to the hopefully sober political science department for a new job. The majority of Alaskan voters have already figured out that all the king's horses and all the king's men are covered with rotten eggs.

Regards,
 John Townsend

This letter is to the skier who caused the tangle which resulted in Axel Glasser losing his dog team during the second heat of the North American Championship dog race. Your ignorance for placing yourself in a position to be involved in this type of situation is understandable. Evidently there are many people like you, who turn out every year during the North American dog races, so



JAN 21 1995

NATIONAL CONFERENCE OF STATE LEGISLATURES

444 NORTH CAPITOL STREET, N.W. SUITE 515 WASHINGTON, D.C. 20001
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JANE L. CAMPBELL
ASSISTANT MINORITY LEADER
OHIO
PRESIDENT, NCSL

January 17, 1995

Honorable Al Vezey
House Majority Leader
House of Representatives
State Capitol, Room 102
Juneau, AK 99801-1182

TED FERRIS
DIRECTOR, JOINT LEGISLATIVE
BUDGET COMMITTEE
ARIZONA
STAFF CHAIR, NCSL

WILLIAM POUND
EXECUTIVE DIRECTOR

Dear Representative Vezey:

It appears likely that Congress will be sending a balanced budget amendment to state legislatures for ratification over the next several weeks. NCSL policy supports a balanced federal budget but also says that the interests of state governments should be recognized and protected in any plan.

We believe it is important that any balanced budget amendment contain language to protect states from cost shifting and additional unfunded mandates. We have been working with key congressional members on this issue and are pleased that we have received growing support for our concerns.

In an effort to better acquaint the public and the media with the potential effects of a federal balanced budget amendment on states, NCSL has drafted the attached op-ed piece for your use. We urge you to submit the piece to your local papers and suggest that you do so on a bipartisan basis. Please feel free to edit the piece as appropriate for your use.

Please contact us if you have any questions about NCSL's efforts on this issue. If you need any assistance on media efforts, contact Susan Seladones in NCSL's Public Affairs Office at 202-624-5400.

Sincerely,

Sincerely,

Jane L. Campbell
President, NCSL
Assistant House Minority Leader, Ohio

James J. Lack
President-Elect, NCSL
New York Senate

A L A S K A



NFIB
National Federation of
Independent Business

National Federation of Independent Business

Statement of Support for HJR 16

**A Resolution in Support of the Federal
Balanced Budget Amendment**

March 3, 1997

The Alaska Chapter of the National Federation of Independent Business has 4,400 members, making it the largest small-business advocacy group in the state.

Small business owners have voted overwhelmingly for a balanced budget in several NFIB issue ballots. In addition, they have voted repeatedly for deficit reduction. Small businesses believe that the balanced budget amendment is necessary to force Congress to make responsible decisions on deficit reduction.

The National Federation of Independent Business has lobbied hard for the Balanced Budget Amendment to the US Constitution. Following is an excerpt from NFIB testimony before the US Senate Judiciary Committee:

Small business owners believe that the federal government should learn to live within its means. Ever-growing deficits have imperiled our financial security. As deficits increase, the availability and cost of capital increase. Large deficits absorb a significant portion of the available capital. As a result, private enterprises are crowded out of the pool of available capital for financing, and small businesses feel the impact even more since they have fewer financing alternatives.

To sum up, small business owners are frustrated and angry that their government officials cannot restrain their spending impulses. Therefore, the balanced budget is necessary to force federal officials to act responsibly.

NFIB/Alaska urges support for HJR 16.

FISCAL NOTE

No. 1
 Version: HJR 16
 (H) Publish Date: 3/7/97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

Revision Date: 3/5/97 Dept. Affected: Governor
 Title: Support Fed. Advanced Budget Amendment BRU: _____
 Sponsor: Vezy Component: _____
 Requester: _____ COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: \$ _____

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: B. G. [Signature]
 Division: Dep. [Signature]
 Approved by Commissioner: _____
 Agency: _____

Phone: 465-3743
 Date: 3/5/97
 Date: _____

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HJR

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Alaska State Legislature

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Official Business



Session Address:
Room 13
State Capitol
Juneau AK
99801-1182
(907)-465-3719

2/21/97

Representative Al Vezey

HJR 22 SPONSOR STATEMENT

Currently the boundary between Russia and Alaska is a matter of dispute. At issue is a vast amount of seabed equivalent to an area the size of the state of Texas. Under U.S. Constitutional law Alaska has a right to participate in any negotiations affecting its boundaries and Alaska must concur in any changes that are made.

The current boundary dispute arises from two main sources. When the United States purchased Alaska from Russia in 1867 each party received a hand drawn map showing the Territory of Alaska being sold to the United States.

Then in 1881 Wrangel Island was discovered by an exploration and rescue party lead by Lt. Berry commanding the U.S. revenue cutter Rodgers. There is a body of evidence to establish that the Treasury Department (the governing body for Alaska for much of the 19th Century) added this newly discovered territory to the Territory of Alaska.

In 1924 Soviet Forces took Wrangel Island by force and interned its American inhabitants. The United States maintained its territorial sovereignty over Wrangel Island until as recently as 1976.

In 1977 the United States established the 200 mile Exclusive Economic Zone which was soon adopted by the rest of the world. All of sudden there was renewed interest in who owned which Island. Given a 200 mile EEZ, a single rock in the ocean could qualify a country for 30,000 square miles of seabed over which it would hold the right of an Exclusive Economic Zone.

When the United States and Russia sat down to work out the details of determining and managing their EEZ's, they discovered that the

two hand drawn maps did not agree with each other. In question where several small islands in the western Aleutians, and some other rocks in the Bering Sea.

In addition the Russians and the Americans could not agree on how to interpret the line drawn on the map between Russian and Alaska. Was it an arc of a great circle as the U.S. maintained or was it a rump line (a straight line projected onto a globe)? The difference can be as much as a 50 mile east-west shift in a boundary line.

Over Alaska's and California's protest, the U.S. entered into boundary negotiations without the participation of representatives from Alaska. The U.S. Senate subsequently ratified the proposed treaty without the consent of Alaska.

At the same time the Soviet Union broke up and the successor Russian government never ratified the treaty.

The boundary between Russia and Alaska remains unresolved as does the status of the territory of Wrangel Island and other islands in the Arctic Ocean. Someday this matter will have to be resolved and Alaska has a right to a place at the bargaining table.

The Wrangle over Wrangell

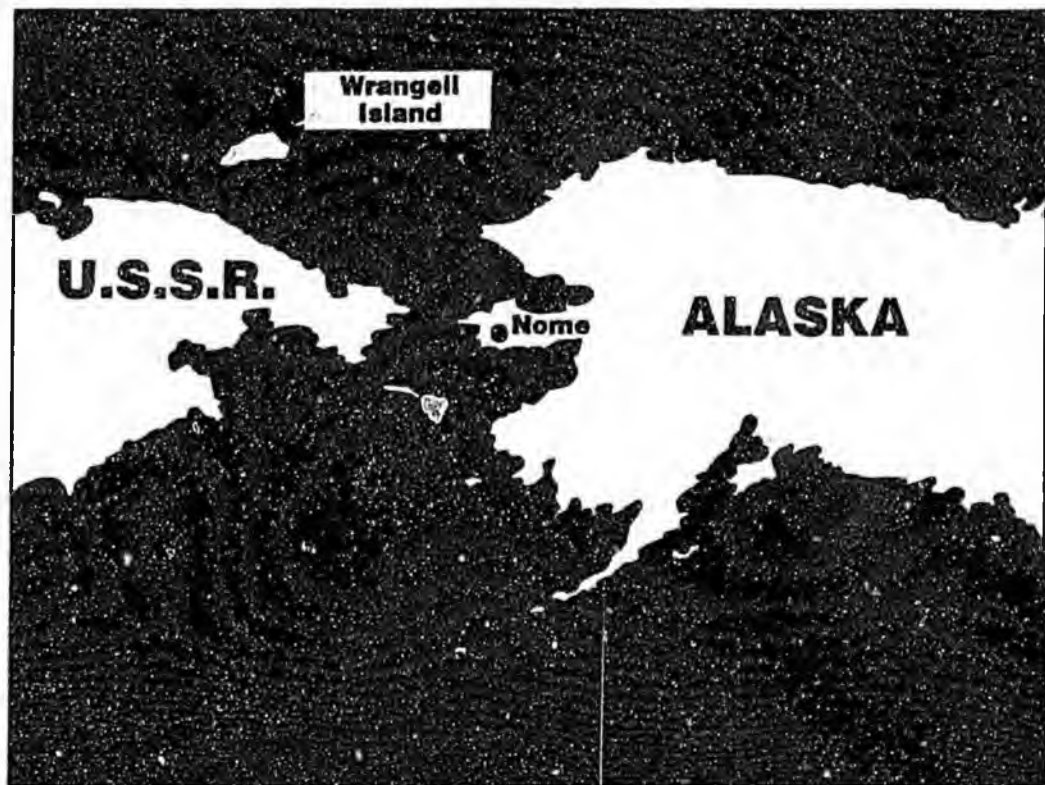
A treaty proposing the most disgraceful surrender of U.S. territory and economic interests since the surrender of the Panama Canal is now pending in the Senate. Hearings were held in mid-June and the pact, titled the "Soviet Union-United States Maritime Boundary Agreement," could soon be sent to the floor for debate and a ratification vote.

The agreement was signed on June 1, 1990 by Secretary of State James Baker and then-Soviet Foreign Minister Eduard Shevardnadze, and transmitted to the Senate by President Bush on September 26th. At first glance, it may appear innocuous, since it merely seeks to establish a maritime boundary between the U.S. and USSR that would eliminate existing disputes regarding sea, continental shelf, and economic jurisdictions in the Arctic Ocean, Bering and Chukchi Seas, and a portion of the North Pacific Ocean. But when closely scrutinized, it becomes shockingly apparent that what it amounts to is a willing capitulation by our government to Soviet demands.

Surrendering U.S. Soil

Although the treaty does not specifically say so, one of its effects would be to surrender to the Soviets sovereign control of five islands, including huge Wrangell (often spelled "Wrangel") Island off the northeast coast of Siberia. Four of the five islands were discovered by Americans; all of them became part of the U.S. in the last half of the 19th Century.

The treaty would establish as the maritime boundary line between the two countries the demarcation line defined in the 1867 treaty that transferred Alaska to the United States for the "Seward's folly" sum of \$7.2 million. The demarcation line terminated all Russian claims to sovereignty to the east, but had absolutely no bearing on future U.S. claims on as yet undiscovered territories to the west. At the time, four of the five islands affected by the pending treaty



had not been discovered. In 1924, State Department Solicitor F. M. Anderson reviewed documents leading to the 1867 treaty, and the treaty itself, and confirmed (in a memorandum dated November 25, 1924), "The Emperor of all the Russias ceded to the United States certain territories, [while] the United States in its part entered into no commitment which could be interpreted as an undertaking not to press claims to any land west of the particular line above described [the demarcation line]."

The question today is whether the 1867 demarcation line should become a formal maritime boundary line between the U.S. and USSR. That is what the pending treaty would do, and should it be ratified, the five Alaskan islands situated west of the line would become Soviet territory.

The State Department, always anxious to protect Soviet interests when they conflict with those of the U.S., has for more than a decade contended that the 1867 line is already a legal maritime boundary.

The language of the 1867 treaty, however, does not even hint that the

demarcation line could serve as a boundary line. In 1978, Dr. William E. Butler, dean of the faculty of law at University College in London, wrote in the authoritative *International Straits of the World*: "The Russo-American Convention Line of 1867 is not regarded as a state frontier, and the continental shelf boundary in the Chukchi Sea and northward remain to be negotiated." And, as we shall see shortly, in 1984 the Interior Department admitted that there is no maritime boundary between the U.S. and USSR (or its Russian predecessor). The pending treaty would establish one for the first time, on terms stacked heavily in favor of the Soviets.

Startling Claim

Negotiations regarding the maritime boundary line began in 1981. They were conducted in strictest secrecy. It was only by chance that the scheming came to light. Mark Seidenberg, who is today vice-chairman of State Department Watch (the organization most responsible for keeping Americans informed about

in 1916, 1924 and 1925, and have "occupied" Wrangell Island since 1924. (As we shall see, the term "occupied" to describe the Soviet presence on Wrangell is indeed appropriate).

Wrangell Island is located some 85 miles off the northeast coast of Siberia, and 270 miles northwest of Cape Lisburne, Alaska, in the Chukchi Sea. It covers about 2,800 square miles, making it slightly smaller than Delaware and Rhode Island combined. It, and nearby Herald Island, are collectively called the Chukchi Sea Islands. Bennett, Henrietta and Jeanette Islands are located farther northwest, in the East Siberian Sea near the East Siberian Islands. Collectively, they comprise the De Long Islands. Herald Island was discovered by British Captain Henry Kellett in 1849, and was later acquired by the U.S. when the initial claim was abandoned.

On August 14, 1867, while searching for whales, Captain Thomas Long of New London, Connecticut sailed his whaling bark *Nile* within sight of unfamiliar land that he named "Wrangell's Land" in honor of the famed Russian Arctic explorer Baron Ferdinand Petrovich von Wrangell. The Baron, who had heard rumors of the island's existence from some Chukchi chiefs of Siberia, conducted a number of valiant (but unsuccessful) expeditions to find it between 1820 and 1824.

Other U.S. whalers later confirmed the sighting, and the rumor spread that the large land mass was actually an undiscovered frozen continent similar to Antarctica. That exciting possibility prompted *New York Herald* publisher James Gordon Bennett to cooperate with the Navy in outfitting an expedition in 1879 led by Naval Lieutenant George Washington De Long. In June and July 1881, during the search for the new "continent," De Long discovered Bennett, Henrietta and Jeanette Islands (he named them for, respectively, publisher Bennett and Bennett's mother and sister). Shortly thereafter, De Long's ship, the *Jeannette*, met a tragic fate when it became trapped in ice floes, drifted westward past Wrangell, and was crushed and sunk. Fearing the worst,

Congress had already appropriated funds to finance a search by two of the vessel's relief ships, the *Thomas Corwin* and the *John Rodgers*.

Captain Calvin Leighton Hooper commanded the *Thomas Corwin*. At the time, Hooper also headed the Bering Sea Patrol of the U.S. Revenue Marine, thereby making him the de facto governor of Alaska (the District of Alaska was under jurisdiction of the Treasury Department, which had placed Alaska under the charge of the U.S. Revenue Marine). Hooper had full authority to discover and claim sovereignty over land on behalf of the United States.

While searching for the *Jeannette*, Hooper and his crew (which included John Muir, the renowned naturalist) landed on Wrangell Island on August 12, 1881. It was the first time on record that man had set foot on the island. Hooper and his fellow officers raised the American flag and took possession of the island in the name of the United States. Crew member William Reynolds later recalled: "I had the flag and with the Captain's permission waved it and took possession of the new land in the name of liberty and of the Government of the United States of America. I planted the flag on a bluff a little to the northwest of our landing place and left it there together with a record of our visit." And naturalist John Muir would later write in his book *The Cruise of the Corwin* that "a notable addition was made to the national domain when Captain Calvin L. Hooper landed on Wrangell Land and took formal possession in the name of the United States."

Captain Hooper renamed the island New Columbia. He meant no offense to Baron von Wrangell, but believed that since it had become, "by our act of landing upon it, a part of the United States," a name reflecting that national character was more appropriate. But custom prevailed, and Wrangell Island it has remained.

On August 26, 1881 a party from the *John Rodgers* landed on Wrangell and, by September 13th, completed an official U.S. government survey. The ship's crew also raised the American flag and confirmed that the new U.S. possession was merely a large island, not a continent.

The chief of the U.S. Revenue Marine Service informed the U.S. Coast and Geodetic Survey in 1881 that Wrangell Island had been annexed to the United States, and determined that it should be included in the District of Alaska (along with the three islands discovered by De Long). In 1884 the Departments of the Treasury, Navy and War, as well as the U.S. Coast Survey and the Smithsonian Institution, listed Wrangell Island as part of Alaska, and therefore U.S. territory. U.S. Geological Survey Bulletins Nos. 169 (1900), 187 (1902), and 274 and 299 (1906) included the island as part of the United States, as did Russian naval maps and encyclopedias at the turn of the century.

Russian Claim

The first visit to the island by Russians occurred in mid-September 1911, when the ice-breaker *Valgatch* took shelter from a storm at the southwest corner of the island. A landing party was sent ashore, and the ship subsequently circumnavigated the island. But the crew made no claim of discovery.

On November 13, 1916 the Imperial Russian Embassy in Washington wrote a memorandum to the U.S. State Department, claiming that Wrangell Island (and the other four as well) belonged to Russia. The memorandum claimed that the islands "form an extension Northward of the Continental tableland of Siberia," a contention that had no validity in international law. Today, the State Department implies that when the U.S. did not respond to the Russian memo, it agreed to its terms, which is nonsense, since the memo became moot within a few months when the Russian government was booted out in March 1917.

Great Britain, Japan and the United States formally opposed the Bolsheviks. In 1920, Vilhjalmur Stefansson, a Canadian who had led an earlier, unsuccessful expedition to Wrangell, became concerned with the prospect that the Japanese government might attempt to grab Wrangell Island as part of its designs on eastern Siberia. Stefansson met in Michigan with a Canadian (Alan Crawford) and the British ambassa-

torical record to the contrary, beginning with the first "claim" by Captain Hooper in 1881.

The Department also contends that "discovery itself is not sufficient to establish a right of sovereignty over or valid title to territory not already under the sovereignty of a country." Discovery must be followed by "effective occupation by which the claimant nation exercises the actual, continuous, and peaceful display of the functions of a state over the territory." The Soviet invasion was hardly peaceful. And the Americans who were kidnapped could reasonably be regarded as the nucleus of a valid settlement which might have matured and expanded had it been allowed to do so.

In 1959, the Foreign Claims Settlement Commission, a U.S. government agency, ruled that personal property confiscated by the Soviets from the American fur trappers on Wrangell in 1924 had been illegally expropriated. The Lomen company was granted compensation. While, as the State Department now contends, "the Board's decision did not address the question of the island's sovereignty," the conclusion that the Soviets acted illegally would indeed seem to have implications for the sovereignty issue.

Nixonian Protocol

Today, wildly exaggerated environmental concerns (about ozone, global warming, acid rain, etc.) are serving as the excuse for international agreements that are seriously eroding our national sovereignty and independence. Such use of environmentalism is not new. In 1972, President Richard Nixon and Soviet President Nicolai Podgorny signed an Agreement on the Cooperation in the Field of Environmental Protection. A protocol under the agreement falsely described Wrangell Island as being "in the USSR." The protocol's stated objectives included: "To study the ecological problems associated with the expansion of muskoxen populations into new areas of the Arctic. It is planned to prepare for and execute a transplant of muskoxen from Nunivak Island in Alaska to Wrangell Island and the Taimyr Peninsula in the USSR." The protocol was ap-

proved by President Gerald Ford on November 24, 1974 and on December 12th of that year then-Environmental Protection Agency Administrator Russell Train signed an "environmental protection" memorandum which included the text of the protocol. On April 14, 1975 our government gave the Soviets formal use of Wrangell Island during an airport ceremony in Bethel, Alaska. Using the appeal of "environmental cooperation," those involved apparently intended to mislead the American people into believing that Wrangell Island had belonged to the Soviets all along. Thanks to the courageous and persistent efforts of such groups as State Department Watch, and legislators like Senator Helms, it didn't work.

Gulag Expansion Project

Not only have the Soviets occupied Wrangell Island, there is also compelling evidence that they have extended their gulag there. On February 2, 1973 Avraham Shifrin, who was imprisoned for many years in the USSR at the height of Josef Stalin's anti-Jewish campaign, testified before the Senate Internal Security Subcommittee. He asserted that he had a decade earlier met a new group of prisoners who told him they had been transferred from a concentration camp on Wrangell Island, and that there were "three concentration camps for prisoners of war" on the island. Shifrin did not believe them, but in 1971 he received a letter from a man who (in Shifrin's words) "was also on Island of Wrangell in 1962 and he have [sic] seen there three concentration camps with thousands of prisoners of war," in one of which there was an "atomic reactor, and they make experiments on the live people with radiation." In another "they have experiments with physicians on the people and in third they have submarines and they have experiments with live people under water."

In a sworn statement dated December 15, 1977 given to the American consul in Tel Aviv, Efim Moshinsky (a former operative of SMERSH, a Stalin-era division of Soviet intelligence, who was arrested by the KGB and imprisoned in 1958)

asserted (with spelling errors in the original corrected) that he "was transferred, through a deportation prison in Vladivostok, to the Wrangell Island; this happened in May 1958." Moshinsky claimed that there had been "one huge concentration camp divided into three separate camp zones for prisoners with whom I had many opportunities to communicate." At one such zone, "prisoners were sometimes transferred for some experiments the essence of which the prisoners did not know."

The most famous prisoner believed to have served time on Wrangell Island was Raoul Wallenberg, the Swedish diplomat noted for his efforts to save 100,000 Hungarian Jews during World War II. In 1988, Soviet officials claimed that Wallenberg had died in a Soviet prison in Moscow in 1947. But Moshinsky claims that Wallenberg was among the prisoners on Wrangell Island while he himself was there.

According to the *Anchorage Times* for November 18, 1990, a "Hungarian who had been a prisoner at a different Soviet camp in Siberia claimed to have met Wallenberg in 1967. He reportedly said he [Wallenberg] had just been transferred from Wrangell Island."

The *Anchorage Times* also reported that in "1975 Simon Wiesenthal, the head of the Nazi-hunting Jewish Documentation Center, located another prisoner from Wrangell Island who heard about a Swedish inmate when he was on the island in the 1960s."

To sum-up, the Soviets, in illegally annexing Wrangell Island, invaded U.S. territory, kidnapped the Americans they found, then apparently established concentration camps that included Nazi-like experimentation. Our State Department responded to all of this by offering to give the Soviets Wrangell, the other four U.S.-owned islands, and vast areas of oil-rich seabed.

In his September 26, 1990 message transmitting the proposed U.S.-USSR Maritime Boundary Treaty to Congress, President Bush stated: "I believe the agreement to be fully in the United States interest." Those who disagree are letting their senators know about it without delay. ■

0-LS0527AE
Bannister
4/20/98

SENATE CS FOR HOUSE JOINT RESOLUTION NO. 22(RLS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES VEZEY, Barnes, Hodgins, Davies, Kemplen, Austerman

A RESOLUTION

**1 Relating to the maritime boundary between Alaska and the former Union of
2 Soviet Socialist Republics.**

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

**4 WHEREAS, on June 1, 1990, the United States negotiated and signed the United
5 States - U.S.S.R. Maritime Boundary Agreement without the participation or consent of Alaska
6 in the negotiations or terms of the agreement; and**

**7 WHEREAS the maritime boundary described in the Agreement places on the U.S.S.R.
8 side the following eight islands and their entire territorial seas and seabeds: Wrangell, Herald,
9 Bennett, Henrietta, and Jeannette Islands in the Arctic, and Copper Island, Sea Lion Rock, and
10 Sea Otter Rock on the west end of the Aleutian Chain; and**

**11 WHEREAS the maritime boundary described in the Agreement delimits the territorial
12 sea and seabeds of Little Diomede Island at less than the normal 3-mile or 12-mile extent; and**

**13 WHEREAS Alaska may have sovereignty and potential or actual property interests in
14 these islands and their territorial seas and seabeds; and**

**15 WHEREAS the Fifteenth Alaska State Legislature unanimously passed Senate Joint
16 Resolution 12, which requested that a representative of Alaska be included in the United States**

1 Department of State's negotiations on setting a maritime boundary between Alaska and the
2 Soviet Union: however, a reply was never received from the Department of State, and a
3 representative of Alaska was never included in the negotiations; and

4 **WHEREAS** the views of 28 bipartisan members of the Alaska House of
5 Representatives and eight bipartisan members of the Alaska Senate were expressed on the
6 Agreement in a letter dated May 17, 1991, to Senator Joseph Biden, Jr., of the United States
7 Senate Committee on Foreign Relations, stating in part:

8 "We firmly believe United States interests and Alaskan interests are at stake
9 and in jeopardy in the proposed treaty. . . No Alaskan official has ever been
10 invited to participate in the treaty negotiations, in spite of abiding Alaskan
11 interests in fisheries, petroleum and other potential continental shelf resources
12 and the considerations of navigation in the area. In the entire history of the
13 treaty negotiations, Alaska has had no official voice. Alaska has not been fully
14 consulted in the entire matter. . . It is our purpose to urgently recommend that
15 the presently-proposed treaty not be ratified by the U.S. Senate, and that
16 negotiations be continued to include appropriate Alaskan officials and current
17 United States and Alaskan historic, territorial, and resource interests";

18 and

19 **WHEREAS** the California Legislature unanimously passed in 1991 Senate Joint
20 Resolution 20 supporting Alaska, and the resolution requested the President to withdraw the
21 proposed Agreement from consideration by the United States Senate and the California United
22 States Senators to decline to consider the proposed Agreement until Alaska has been able to
23 participate fully in negotiations and has been guaranteed that its consent will be required for
24 any agreement affecting its boundaries; and

25 **WHEREAS** the U.S.S.R. dissolved itself without taking action to approve the
26 Agreement, and the Agreement has not been put into force; and

27 **WHEREAS**, at the same time he signed the Agreement on June 1, 1990, Secretary of
28 State James A. Baker III signed a side agreement with the U.S.S.R. Foreign Minister that
29 stated that, pending the entry into force of the Agreement, the two governments agreed to
30 abide by the terms of the Agreement as of June 15, 1990; and

31 **WHEREAS** the side agreement was not publicly revealed at the time or mentioned in

1 the transmittal of the Agreement to the United States Congress, in the Department of State
2 testimony to the United States Senate Committee on Foreign Relations, in the committee
3 report, or in the Senate floor debate; and

4 **WHEREAS** the authority of the Secretary of State to establish on his own a maritime
5 boundary that has implications for land territory, seabed jurisdiction, sovereignty, and Alaska
6 property raises questions of constitutionality;

7 **BE IT RESOLVED** by the Alaska State Legislature that because the proposed United
8 States - U.S.S.R. Maritime Boundary Agreement was not put into force before the dissolution
9 of the U.S.S.R., the agreement does not have legal force, and any agreement on a maritime
10 boundary between Alaska and eastern Russia must be negotiated anew with whatever new
11 foreign government has sovereignty in the area at the time; and be it

12 **FURTHER RESOLVED** by the Alaska State Legislature that for an agreement on a
13 maritime boundary between Alaska and eastern Russia to be negotiated by the United States
14 government, Alaska must be formally represented in the negotiations and its consent obtained;
15 and be it

16 **FURTHER RESOLVED** that the Alaska State Legislature considers null and void the
17 side agreement requiring the two governments to abide by the Agreement pending its entry
18 into force and requests the United States Department of State to reveal any and all acts,
19 directives, and reports regarding implementation of the side agreement; and be it

20 **FURTHER RESOLVED** that the Alaska State Legislature urges the Alaska delegation
21 in the Congress to promote and aggressively pursue the views expressed in this resolution,
22 especially the need for state representation in any negotiations over setting a maritime
23 boundary between the state and eastern Russia; and be it

24 **FURTHER RESOLVED** that the Alaska State Legislature finds that setting a
25 maritime boundary between the state and eastern Russia is a states' rights issue and
26 respectfully requests the Governor and the Attorney General of Alaska to actively pursue the
27 matters described in the previous resolves.

28 **COPIES** of this resolution shall be sent to the Honorable Bill J. Clinton, President of
29 the United States; the Honorable Madeleine K. Albright, U.S. Secretary of State; the
30 Honorable Janet Reno, Attorney General of the United States; the Honorable Jesse Helms,
31 Chair of the U.S. Senate Committee on Foreign Relations; the Honorable Benjamin A.

1 Gilman, Chair of the U.S. House Committee on International Relations; the Honorable Joseph
2 R. Biden, Jr., Ranking Minority Member of the U.S. Senate Committee on Foreign Relations;
3 the Honorable Lee H. Hamilton, Ranking Minority Member of the U.S. House Committee on
4 International Relations; and to the Honorable Ted Stevens and the Honorable Frank
5 Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of
6 the Alaska delegation in Congress.

HJR

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Mary Pagenkopf

Senate Rules Committee 4/28/97 10:59 am

Alaska State Legislature

REPRESENTATIVE BILL HUDSON

State Capitol
Juneau, Alaska
99801-1182
(907) 465-3744
Fax (907) 465-2273

SPONSOR STATEMENT HJR 23

COMMITTEES

CO-CHAIR
Resources Committee

MEMBER
Transportation Committee
Labor & Commerce Committee

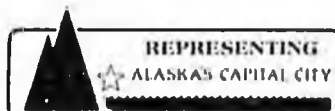


The IRS has been engaging in the outrageous seizure and sales of Alaska commercial fishing entry permits to collect past due taxes. I sincerely believe all taxpayers must act in good faith to meet their federal tax obligations, but it is not necessary or prudent to take away a fisher's basic right to work in order to collect federal taxes.

Recently, the IRS sold an entry permit with only two days notice to the State of Alaska. During this sale they sold the permit which was valued at \$30,000 for only \$5,005. The IRS has threatened to seize seven entry permits in the Dillingham area at this time, as well as threatening a widow in Anchorage with the sale of her deceased husband's fishing privileges for as little as \$3,000.

Commercial fishermen who lose their entry permits are deprived of their ability to make a living. Additionally, fishermen are deprived of their means to earn money to repay their debts to the IRS. It is certainly in the best interest of the federal government to recoup back taxes through the income earned by entry permit holders rather than to recover an insignificant amount through the sale of Alaska commercial fishing entry permits at 10 cents on the dollar. The actions of the IRS appear to be calculated to do harm to an Alaska citizen rather than to raise revenue. Alaskan limited entry permits are use privileges; only the state reserves the right to cancel or modify such privileges without compensation. AS 16.43.150 (e).

HJR 23, requests our Alaska congressional delegation to use any means available to them to assure that the IRS will collect past due taxes from income generated by the sale of fish and the voluntary sale of entry permits, to ensure that the IRS complies with federal law to avoid inflicting economic hardship on a taxpayer, and to protect fishing privileges and the right to work of Alaska fishermen.



FISCAL NOTE

No. 1
 Bill Version: HJR 23
 (H) Publish Date: 2/25/97

**STATE OF ALASKA
 1997 LEGISLATIVE SESSION**

Revision Date: February 24, 1997 Dept. Affected: CFEC
 Title: Relating to the seizure and sale BRU: _____
of CFEC permits by the IRS Component: _____
 Sponsor: Representative Bill Hudson
 Requester: House Special Committee on Fisher COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF Program Receipts						
1037 GF Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: \$ _____

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

There is no fiscal impact foreseen by this Resolution

Prepared by: House Special Committee on Fisheries Phone: 465-2487
 Division: Chairman, Alan Austerman Date: 2-24-97
 Approved by Commissioner: Chairman, Alan Austerman Date: 2-24-97
 Agency: _____

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HJR

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Mary Pagenkopf

Senate Rules Committee 3/12/97 10:50 am

Alaska State Legislature

Committees:
Transportation, Chairman
Resources
Economic Development
Rules



During Session:
State Capitol
Juneau, AK 99801-1152
(907) 465-3424
Fax (907) 465-3793

In Ketchikan:
352 Front Street
Ketchikan, AK 99901
(907) 247-4672
Fax (907) 225-5546

Representative William K. Williams

Sponsor Statement

House Joint Resolution 24

House Joint Resolution 24 was introduced in response to the Clinton Administration's proposal to harvest trees from the Tongass National Forest for the purpose of decorating the nation's capital during the 1998 Christmas season.

Under normal circumstances this proposal would be met with open arms and be considered an honor by the people who live and work in the Forest. However, these are not normal circumstances. Federal policy decisions, the inability of the Forest Service to get timber volume out, and litigation has led to mill closures, widespread job loss and economic depression, not to mention the associated negative socio-economic impacts.

I consider the proposal a direct insult to the people of Southeast Alaska. These are people who are prohibited from making an honest living in the woods, yet are asked to harvest Christmas trees, send them back east **AND** fund the project. At a time when we need every single dollar we have to try and rebuild our economy it is incredible that the Federal Government would ask us to fund such a project.

We need to send a strong message to Washington that says we do not agree with their actions regarding the Tongass National Forest. The human cost of 'saving the Tongass' has been too high. We do not agree with their taking of trees for decorative purposes while the jobless citizens of Southeast Alaska try to scrape enough money together to save their homes and dreams. I urge you to support House Joint Resolution 24.

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 1
Bill Version: CSHJR 24 (RES)
(H) Publish Date: 3/7/97

Revision Date: _____
Title: Relating to challenging the environmental and economic integrity of Alaska timber as Christmas...
Sponsor: Representative Williams
Requestor: House Resources

Department Affected: Legislative Affairs Agency
BRU: All
Component: All

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE	0	0	0	0	0	0
---------------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER FUND SOURCE						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared By: Karla Schofield, Deputy Director *Karla Schofield* Phone: 465-3852
Division: Administrative Services Date: 3/6/97

Approved By: Pamela A. Varni, Executive Director *Pamela A. Varni*
Agency: Legislative Affairs Agency Date: 3/6/97

Distribution (by preparer): Leg. Finance, Legislative Sponsor, Requestor, OMB, Gov. , & Impacted Agency(ies).

HJR

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Mary Pagenkopf

Senate Rules Committee 5/7/97 12:25 pm

Commuter Rule

Final Rule

- ◆ **Brings airplanes with 10 or more passenger seats and all turbojets operated in scheduled passenger service under Part 121**
- ◆ **Provides operational and airplane certification, equipment and performance upgrades**

Commuter Rule

Operational Highlights

- ◆ **Commuter rule and associated rules address human factors which is most significant accident cause**
- ◆ **Requires compliance with all Part 121 operational requirements**
 - Dispatch requirements and certificated dispatchers
 - Age 60 -- 4 year implementation schedule
 - New flight and duty proposal -- commuter rule allows affected commuter operators to continue to operate under Part 135 flight and duty rules until separate rule is finalized -- NPRM issued today (12/95)
 - Manuals and procedures for flight and ground personnel
 - All cabin safety and flight attendant requirements for 20 - 30 seat airplanes
 - Maintenance duty limits
 - Training rule issued today requires Part 121 training and qualification
- ◆ **New Part 119 consolidates carrier certification requirements, provides new definitions, and requires new management and safety officer positions for Part 121**

Commuter Rule

Equipment Highlights

- ◆ **Requires compliance with Part 121 equipment requirements with limited exceptions for some 10 - 19 seat airplanes**
- ◆ **Requires:**
 - Exterior emergency exit markings
 - First aid kits and emergency medical kits
 - Wing ice light
 - Weather radar
 - Protective breathing equipment
 - Locking cockpit doors (20 - 30)
 - Flight attendant portable and first aid oxygen
 - Distance measuring equipment
 - Lavatory fire protection
 - Pitot heat indication system
 - Landing gear aural warning system
 - Additional life rafts
 - Additional flashlights

Commuter Rule

Equipment Highlights

- ◆ **Limited exceptions for 10 - 19 seat airplanes if functionally equivalent to Part 121**
 - **Examples:**
 - ◆ **Floor Proximity Lighting**
 - ◆ **Cockpit door retrofit**
 - ◆ **Crash ax**
 - ◆ **Certain cabin safety equipment**
 - ◆ **Aircraft certification items requiring redesign of aircraft or extensive engineering to retrofit**

Commuter Rule

Equipment Highlights

- ◆ **Extended compliance schedules for some equipment requirements**
 - **Examples:**
 - ◆ **Passenger seat cushion flammability (10 - 19)**
 - ◆ **Pitot heat indication systems**
 - ◆ **Lavatory fire protection**
 - ◆ **Third attitude indicator (phase-in for existing 10 - 19 seat fleet)**
- ◆ **Certain equipment requirements apply to airplanes in production**
 - **Single point inertial pilot shoulder harness**

Commuter Rule

Non-Transport Category (10 - 19 seat) Airplanes in Commuter Service

<u>Group 1</u> Commuter Category		<u>Group 2</u> SFAR 41		<u>Group 3</u> FAR 23 (with Special conditions), SFAR 23, FAR 135 Appendix A, CAR 3 Certification Categories	
Model	Number	Model	Number	Model	Number
Super Jetstream	113	Jetstream 3103	93	Twin Otter	54
Beech 1900D	AT 100+	Beech 1900-C	170	Beech 99	38
		Fairchild Metro (SA227)	123	Beech 200	8
				Early Metro (SA226)	9
				EMB-110	3
Total	160	Total	386	Total	112

Commuter Rule

Airplane Performance Highlights

- ◆ **20-30 seat airplanes currently meet all Part 121 and Part 25 transport category performance requirements**
- ◆ **All 10 - 19 seat commuter category airplanes meet Part 121 performance requirements**
- ◆ **15 year phase-in period for older, 10 - 19 seat airplanes**

- ◆ **Performance decisions**
 - Provide continuation of safe transportation in turbine airplanes
 - Will require older airplanes to meet Part 121 performance or be phased out of scheduled passenger service
 - Provide higher standard for the future

Commuter Rule

Aircraft Certification Highlights 10 - 19 Seat Airplanes

- ◆ All new type certifications after March 1995 must meet Part 25 Transport Category standards
- ◆ Airplanes in production can be manufactured with no production time limit -- airplanes must meet upgraded equipment requirements
- ◆ Existing fleet can continue to operate -- must meet upgraded equipment requirements

Commuter Rule

Timeline

- ◆ **December 14, 1994 Commitment to Commuter Rule**
- ◆ **March 24, 1995 Issued NPRM**
- ◆ **June 27, 1995 Comment period ends**
- ◆ **December 14, 1995 Final rule -- display at Federal Register**
- ◆ **December 20, 1995 Publication date for commuter rule and associated rulemakings**
- ◆ **March 1997..... Complete recertification of affected carriers**

§ 11.69

(4) Arguments and oral statements are limited to the subject named in the notice of proposed rule making.

(5) Written information, views, arguments, or briefs may be offered for the record, but may not be accepted after the hearing unless good cause is shown or the submission is requested by the presiding officer or the Director.

(e) The presiding officer of a hearing may deviate from the procedures prescribed in this section to assure a more complete and informative record.

§ 11.69 Adoption of rules or orders.

(a) After the closing date for submitting written comments on a notice or, if a hearing is held; after the hearing, the Office having substantive responsibility for the subject involved studies the entire matter of a proposed rule or order. The Chief Counsel determines whether legal justification exists for the proposed action, and thereafter prepares an appropriate rule, order, or notice of denial. The rule, order, or notice of denial is then submitted to the Director for his action.

(b) Each rule or order issued by the Director is published in the FEDERAL REGISTER and in such other publications as the Director considers desirable. Each notice of denial is sent to the person who made the proposal and to such other interested persons as the Director considers desirable.

(c) Each rule or order issued under this subpart becomes effective not less than 30 days after it is published, except in an emergency, or when it is impractical, unnecessary, or contrary to the public interest.

(Doc. No. 1242, 27 FR 9586, Sept. 28, 1962, as amended by Amdt. 11-3, 29 FR 9662, July 17, 1964)

§ 11.71 Exemptions.

(a) A petition for an exemption from any rule or order issued under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) may be filed with the Director. Such a petition must be in triplicate and state clearly the nature of the requested exemption and the reasons why it should be granted.

(b) The Director may, subject to the approval of the Chief Counsel with respect to form and legality, grant or

deny any petition filed under this section and shall notify the petitioner of his action.

§ 11.73 Petitions for rehearing or reconsideration of rules or orders.

(a) Any interested person may petition the Administrator for a rehearing on, or for reconsideration of, any rule or order issued under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)). Such a petition must be filed, in triplicate, within 30 days after the rule or order is published in the FEDERAL REGISTER. It must contain a brief statement of the complaint and an explanation as to how the rule or order is contrary to the public interest.

(b) If the petitioner requests the consideration of additional facts, he must state their nature and purpose, and the reason they were not presented at the hearing or in writing within the allotted time.

(c) The Administrator does not consider repetitious petitions.

(d) Unless the Administrator orders otherwise, the filing of a petition under this section does not stay the effect of a rule or order.

§ 11.75 Petitions for revoking or modifying rules or orders.

(a) Any interested person may petition to revoke or modify any rule or order covered by this subpart. Such a petition must be filed, in triplicate, with the Director and must clearly state the information, views, and arguments the petitioner considers necessary to support the requested action and must clearly indicate the effect the action would have on the use of navigable airspace.

(b) A petition filed under this section is processed in the same manner as the original proposal, or in any other manner that the Director considers necessary or desirable.

(Doc. No. 1242, 27 FR 9586, Sept. 28, 1962, as amended by Amdt. 11-3, 29 FR 9662, July 17, 1964)

Subpart E—Processing of Airworthiness Directives

SOURCE: Docket No. 7162, 31 FR 13697, Oct. 25, 1966, unless otherwise noted.

§ 11.81 Scope.

(a) This subpart prescribes the procedures to be followed in rule making proceedings for Airworthiness Directives issued pursuant to Part 39 and in granting or denying exemptions from Airworthiness Directives. It also designates the persons that are authorized to act for the Administrator in connection with those proceedings and exemptions.

(b) For the purposes of this subpart, "Director" means the Director, Aircraft Certification Service, or a Manager of an Aircraft Certification Directorate (Directorate Manager).

(c) The authority for issuing Airworthiness Directives is limited to the following persons:

(1) The Director, Aircraft Certification Service; and

(2) Managers of the Aircraft Certification Directorates for products under the authority of those directorates, as determined by the Administrator.

(d) For the purposes of this subpart, "Chief Counsel" means the Chief Counsel or an Assistant Chief Counsel for a region or directorate, or the Assistant Chief Counsel for Regulations and Enforcement, or any person to whom the Chief Counsel or Assistant Chief Counsel for a region has delegated his authority in the matter concerned.

(Doc. No. 7162, 31 FR 13697, Oct. 25, 1966, as amended by Amdt. 11-15, 43 FR 52205, Nov. 9, 1978; Amdt. 11-21, 45 FR 80815, Dec. 8, 1980; Amdt. 11-32, 54 FR 39290, Sept. 25, 1989)

§ 11.83 Processing of petitions for rule making or exemption.

Whenever the FAA receives a petition for rule making or for an exemption, a copy of the petition is referred for action, as provided in § 11.27, to the Director having Airworthiness Directive responsibility for the product involved.

§ 11.85 Issue of notice of proposed rule making.

Whenever he determines that a notice of proposed rule making is necessary or desirable, the Director may, with the approval of the Chief Counsel, issue the notice provided for in § 11.27. In addition, he may grant or deny petitions for extension of the

deny any petition filed under this section and shall notify the petitioner of his action.

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(c) The Administrator does not consider repetitious petitions.

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(b) A petition filed under this section is processed in the same manner as an original proposal, or in any other manner that the Director considers necessary or desirable.

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[Doc. No. 7162, 31 FR 13697, Oct. 25, 1966, as amended by Amdt. 11-15, 43 FR 52205, Nov. 9, 1978; Amdt. 11-21, 45 FR 80815, Dec. 8, 1980; Amdt. 11-32, 54 FR 39290, Sept. 25, 1989]

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§ 11.85 Issue of notice of proposed rule making.

Whenever he determines that a notice of proposed rule making is necessary or desirable, the Director may, subject to the approval of the Chief Counsel with respect to form and legality issue the notice provided for in § 11.29. In addition, he may grant or deny petitions for extension of the

time for comments on the notice, filed under § 11.29(c).

§ 11.87 Proceedings after notice of proposed rule making.

(a) Each person who submits written information, views, or arguments in response to a notice of proposed rule making, or during additional rule-making proceedings in connection with such a notice, must file the number of copies specified in the notice.

(b) Whenever the Director determines that additional rule-making proceedings of the kind described in § 11.33 are necessary or desirable, he may designate representatives to conduct those proceedings.

§ 11.89 Adoption of final rules.

In any case in which a notice of proposed rule making was issued, the Director completes his analysis and evaluation of the information, views, and arguments submitted with respect to the proposed rule and studies the entire matter. In any case in which the subject matter is, for good cause, submitted to the rule-making process without notice, the Director initiates the procedure. The Chief Counsel determines whether legal justification exists for the action proposed, and thereafter prepares an appropriate rule or notice of denial. The rule or notice of denial is then submitted to the Director for his action.

§ 11.91 Grant or denial of exemption.

(a) The Director may, subject to the approval of the Chief Counsel with respect to form and legality, grant or deny any petition for an exemption from an Airworthiness Directive.

(b) Whenever a petition is granted or denied under this section, the Director prepares, subject to the approval of the Chief Counsel with respect to form and legality, a notice to the petitioner informing him of the action taken.

§ 11.93 Petitions for reconsideration of rules.

(a) Any interested person may petition the Administrator for a rehearing, or for reconsideration of, any Airworthiness Directive. Such a petition must be filed, in duplicate, within 30 days after the rule is published in the

§ 11.101

14 CFR Ch. I (1-1-96 Edition)

FEDERAL REGISTER. It must contain a brief statement of the complaint and an explanation as to how the rule is contrary to the public interest.

(b) If the petitioner requests the consideration of additional facts, he must state their nature and purpose and the reason they were not presented at the hearing or in writing within the allotted time.

(c) The Administrator does not consider repetitious petitions.

(d) Unless the Administrator orders otherwise, the filing of a petition under this section does not stay the effect of a rule or order.

Subpart F—Agency Information Collection Requirements Under the Paperwork Reduction Act

§ 11.101 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(a) *Purpose.* This subpart consolidates and displays the OMB assigned control numbers for the information collection requirements of the Federal Aviation Administration pursuant to the Paperwork Reduction Act of 1980 (Title 44, U.S.C. Chapter 35) which mandates that every collection requirement have a control number displayed in the Code of Federal Regulations.

(b) *Display.*

14 CFR part or section identified and described	Current OMB control No.
Part 21	2120-0018
§ 34.7	2120-0508
Part 39	2120-0056
Part 43	2120-0020
§ 45.13	2120-0508
§§ 47.3, 47.5	2120-0029
§ 47.7	2120-0029, 2120-0042
§ 47.8	2120-0042
§ 47.9	2120-0029, 2120-0042
§§ 47.11 thru 47.47	2120-0042
§ 47.63	2120-0024
Part 49	2120-0043
§ 61.3	2120-0034
§§ 61.13 thru 61.197	2120-0021
Part 63	2120-0007
Part 65	2120-0022
§ 67.11	2120-0034, 2120-0052, 2120-0059, 2120-0069
§ 67.19	2120-0052, 2120-0059, 2120-0069
§ 67.23	2120-0002
Part 77	2120-0001
§ 91.1	2120-0028

14 CFR part or section identified and described	Current OMB control No.
§ 91.3	2120-0005
§ 91.18	2120-0027
§§ 91.24 thru 91.34 (except § 91.30)	2120-0005
§ 91.30	2120-0522
§ 91.39	2120-0027
§§ 91.41 thru 91.55	2120-0005
§ 91.63	2120-0027
§ 91.75	2120-0005
§ 91.83	2120-0036
§§ 91.97 thru 91.217	2120-0045
Part 91, Subpart E	2120-0042
§§ 91.851 thru 91.875	2120-0553
Part 93, Subpart S	2120-0524
Part 101	2120-0027
Part 105	2120-0027
Part 107	2120-0075
Part 108	2120-0098
Part 121 (except as below)	2120-0008
§§ 121.3 thru 121.155	2120-0008, 2120-0028
§ 121.585	2120-0542
§ 121.683	2120-0585
§ 121.715	2120-0523
§ 121.723	2120-0008, 2120-0025
Part 123	2120-0028
Part 125	2120-0085
Part 127	2120-0028
Part 133	2120-0044
Part 135 (except as below)	2120-0039
§§ 135.11 thru 135.17	2120-0008, 2120-0039
§ 135.43	2120-0025, 2120-0039
§ 135.63	2120-0585
§ 135.129	2120-0542
§ 1335.415	2120-0003, 2120-0039
Part 137	2120-0049
Part 139	2120-0063
Part 141	2120-0009
Part 143	2120-0021
Part 145 (except as below)	2120-0010
§ 145.63	2120-0003, 2120-0010
Part 147	2120-0040
Part 149	2120-0012
§§ 150.21 and 150.23	2120-0517
Part 152	2120-0065, 2120-0060
Part 157	2120-0036
§ 159.13	2120-0061
§ 159.93	2120-0084
Part 171	2120-0014
§ 183.11	2120-0002, 2120-0039, 2120-0035
§§ 183.15 thru 183.17	2120-0033
§§ 183-25 thru 183.31	2120-0035
Part 198	2120-0514
Part 199	2120-0081
SFAR 44-S Appendix	2120-0502
SFAR 36	2120-0507

[Doc. No. 23738, 48 FR 39449, Aug. 31, 1983]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 11.101, see the List of CFR Sections Affected in the Finding Aids section of this volume.

Federal Aviation Administration, DOT

PART 13—INVESTIGATIVE AND ENFORCEMENT PROCEDURES

SPECIAL FEDERAL AVIATION REGULATIONS

SFAR No. 72

Subpart A—Investigative Procedures

- § 13.1 Reports of violations.
- § 13.3 Investigations (general).
- § 13.5 Formal complaints.
- § 13.7 Records, documents and reports.

Subpart B—Administrative Actions

- § 13.11 Administrative disposition of certain violations.

Subpart C—Legal Enforcement Actions

- § 13.13 Consent orders.
- § 13.15 Civil penalties: Federal Aviation Act of 1958 as amended, involving an amount in controversy in excess of \$50,000; an in rem action; seizure of aircraft; or injunctive relief.
- § 13.16 Civil penalties: Federal Aviation Act of 1958, involving an amount in controversy not exceeding \$50,000; Hazardous Materials Transportation Act.
- § 13.17 Seizure of aircraft.
- § 13.19 Certificate action.
- § 13.20 Orders of compliance, cease and desist orders, orders of denial, and other orders.
- § 13.21 Military personnel.
- § 13.23 Criminal penalties.
- § 13.25 Injunctions.
- § 13.27 Final order of Hearing Officer in certificate of aircraft registration proceedings.

Subpart D—Rules of Practice for FAA Hearings

- § 13.31 Applicability.
- § 13.33 Appearances.
- § 13.35 Request for hearing.
- § 13.37 Hearing Officer's powers.
- § 13.39 Disqualification of Hearing Officer.
- § 13.41 [Reserved]
- § 13.43 Service and filing of pleadings, motions, and documents.
- § 13.44 Computation of time and extension of time.
- § 13.45 Amendment of notice and answer.
- § 13.47 Withdrawal of notice or request for hearing.
- § 13.49 Motions.
- § 13.51 Intervention.
- § 13.53 Dispositions.
- § 13.55 Notice of hearing.
- § 13.57 Subpoenas and witness fees.
- § 13.59 Evidence.
- § 13.61 Argument and submittals.
- § 13.63 Record.

DATE	TYPE	GEAR	FSDO	FATAL	REMARKS
5/31/95	AS350	H	5		PAX WERE BOARDE WHEN THE AIRCRAFT SLID INTO A DEPRESSION
10/12/96	BE18	W	1		LANDED GEAR UP AT ORV
12/18/95	BE18		1		CRASHED ON TAKE OFF
7/5/96	BE8T	W	1		RAN OFF LEFT SIDE OF RUNWAY, NOSE AND LEFT MAIN GEAR COLLAPSED
5/21/96	BE99	W	1		BIRD STRIKE
9/13/96	BH206	H	3		ENCOUNTERED LOW CEILING IN PASS, COLLIDED WITH TERRAIN DURING TURN
6/24/95	CE172	W	5		NOSE GEAR COLLAPSED ON LANDING
12/4/96	CE172	W	3		ACFT FAILED TO CLIMB, SMELL OF OVERHEATED ELECTRICAL REPORTED
8/3/96	CE177		3		LANDED NOSE GEAR UP AT MRI
8/30/96	CE180	W	3		CRASHED ENROUTE MULCHATNA RVR TO PORT ALSWORTH, LOW FUEL
5/25/95	CE185	S	3		DURING T.O. AFTER A 6' SNOW, ENCOUNTER SOFT SNOW AND NOSED OVER
8/2/96	CE185	W	1		ACFT BOUNCED ON LANDING, THEN NOSED WHEN BRAKES WERE APPLIED
6/30/95	CE185	S	3		TURNING AROUND A DOWNDRAFT FORCED AIRCRAFT TO THE GLACIER
8/4/96	CE185	W	3		PULLED UP ABRUPTLY TO AVOID COLLISION, ANOTHER ACFT DID FLY-BY TO EVALUATE DAMAGE, LANDED
3/4/96	CE185	S	1		LEFT MAINGEAR COLLAPSED ON LANDING, POSSIBLY CAUGHT IN RUT
3/13/96	CE185	W/S	3		SLID INTO TREES ON LANDING DUE TO ICY CONDITIONS
7/28/96	CE185	S	3		ENGINE SURGED FROM FULL TO ALMOST NO POWER, ACFT SETTLED, COLLIDED WCREVASSE
2/1/95	CE185	F	3		POSSIBLE HIT SEA MAMMAL, LOST DIRECTIONAL CONTROL WHILE COMING OFF THE STEP
11/30/96	CE185	W	3	Y	APPEARS ACFT STALLED WHILE CONDUCTING MOOSE SURVEY, STRUCK GROUND
9/23/96	CE206	F	3	Y	RT FLOAT HIT POWER LINES ON TAKEOFF, ACFT FLIPPED TO INVERTED POSITION, CRASHED TO GROUND,
3/29/95	CE206	W	3		25KT WIND VARIATION, STALLED ABOVE THE RUNWAY, STALLED, HIT TAIL HARD
12/10/95	CE206		1		PILOT RAN OFF END OF RUNWAY AFTER ABDORTING TAKE OFF
9/2/96	CE206	F	3		FLEW INTO NARROW CANYON, NOT ENOUGH ROOM TO DO 180, ELECTED TO LAND ON MUSKEG, NOSED OVER
8/2/95	CE206	F	3		ENGINE QUIT, CRASHED ON TAKE OFF
5/25/95	CE206	W	3		ENGINE FAILED, CRASHED ON TUNDRA
9/3/96	CE206	F	3		CRASHED ON TAKEOFF WHEN WIND DIED OR SHIFTED
1/27/96	CE206	W	1		PILOT LOST CONTROL ON TAXI AFTER LANDING DUE TO GUSTY WINDS
11/6/95	CE206		3		HIT BUOY ON T.O.
11/6/95	CE207		3		CRASHED ON DEPARTURE
2/25/95	CE207	W	1	Y	PILOT AS SPOTTING WOLVES, FLEW AT A LOW ALTITUDE INTO STEEPLY RISING TERRAIN
3/20/95	CE207	W	3		DEP BET WA SVFR, ENCOUNTER IMC, TURNED AROUND DESCENDED INTO TERRAIN
3/10/95	CE207	W	5		VFR INTO IMC, HIT TREES WHILE IN OBSURATION
4/17/96	CE207	W	1		PILOT COLLIDED WITH TERRAIN AFTER DEPARTING ON SVFR CLEARANCE
3/4/96	CE207	W	3		PILOT ELECTED TO ABORT TAKE OFF DUE TO LACK OF POWER, NOSED OVER
1/2/95	CE208	F	5		HIT LOG WHILE LANDING-SUNK UP TO WINGS
11/26/96	CE208	W	3	Y	CRASHED INTO SNOW-COVERED TERRAIN AFTER TAKE OFF.
11/10/95	CE441	W	3		HIT RUNWAY LIGHT ON ROLLOUT
7/19/96	DH2	F	5	Y	CRASHED UNDER UNKNOWN CIRCUMSTANCES, ACFT DESTROYED
12/12/96	DHC2	F	5	Y	CRASHED INTO WATER AFTER TAKEOFF, SANK
10/13/95	DHC2	F	5	Y	STRUCK SIDE OF STEEP CANYON AT 2800'
9/24/95	DHC2	F	3		INSUFFICIENT ROOM TO LIFT OFF AFTER PILOT FAILED TO DUST SNOW OFF WINGS
7/13/95	DHC3	A	5		PART OF SERVO TAB SEPARATED IN FLIGHT, LANDING SUCCESSFUL
8/2/95	DHC4	W	3		CRASHED ON LANDING WHEN NOSE GEAR COLLAPSED

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Era Aviation, Inc

DATE	TYPE	GEAR	FSDO	FATAL	REMARKS
8/11/86	G21	AMP	3	Y	CRASHED ENROUTE ANDERSON BAY - DUT
7/26/86	G21	AMP	3		HIT BYSTANDER WHILE TAXIING NEAR SHORE
7/31/85	G44	A	3		WHEEL SHEARED ON TAKE OFF, A/C GROUND LOOPED
3/26/95	HE285	S	1		SNOW IMPEDED T.O. SETTLED BACK DOWN & HIT RT SKI. GEAR COLLAPSED ON LANDING
8/4/96	HU50	H	3		COLLIDED WITH 6248E, LACK OF VIGILANCE ON BOTH PILOTS' PARTS
7/18/85	HU500	H	3		LOST PARTIAL POWER, CRASHED DURING EMERGENCY LANDING
9/8/95	M7	W	3		T.O. FROM 750 FT STRIP, SETTLED BACK DOWN AFTER LIFT OFF
8/20/85	M7	F	3		HIT DOWN DRAFT AFTER T.O. LANDED IN THE TUNDRA
8/26/85	PA18	W	1	Y	ASSUMED TO CRASHED WHILE LOOKING AT SHEEP
9/1/86	PA28	W	3		PROP SEPARATED FROM ENG IN FLIGHT, FORCED LANDING ON SAND BAR. ENCOUNTERED SOFT MUD
5/8/95	PA31	W	3		MAIN GEAR KNOCKED OFF ON TAKEOFF AT TOKSOOK, LANDED GEAR UP IN DLG
5/27/96	PA31	W	1		BAGGAGE FELL FROM NOSE STORAGE AREA INTO LEFT PROP, CRASHED ON DEPT, LANDED ON ICE FLOW
9/23/86	PA31		3		
12/5/95	PA31	W	3		SLID OFF RWY WHILE LANDING. RAN RT FUEL TANK DRY.
6/30/95	PA32	W	3	Y	CRASHED INTO MOUNTAINOUS TERRAIN DURING VFR FLIGHT
7/7/95	PA32	W	5	Y	STALL SPIN ON SIDE OF A HILL, TOURIST VIEWING A BEAR.
12/10/95	PA32	W	3		ADVERSE WINDS MAY HAVE CAUSED DRO IN ALTITUDE ON FINAL TO RUNWAY
8/3/96	PA32	W	3		VIEW BLOCKED BY NOSE OF ACFT, HIT RAMP WORKER MOVING BOXES OUT OF ACFT'S WAY
9/1/96	PA32	W	5		BEGAN TURN WHEN APPROACHING FOG BANK, HIT GLACIER OBSCURED BY FOG
1/20/95	PA32	W	3		THE PILOT ABORTED T.O. AND THE A/C RAN OFF THE END OF THE RUNWAY
3/2/96	PA32	W	1		PILOT HIT MOUNTAIN DURING FLIGHT IN WHITE-OUT CONDITIONS.
5/3/98	SA227	W	3		RIGHT MAIN LANDING GEAR AND NOSE LANDING GEAR COLLAPSED
6/5/95	SA28	W	1		CRASHED ON LANDING WHEN HIT SOFT SPOT ON AIRSTRIP/NOSE GEAR COLLAPSED, PROP STRIKE/BURNED
8/11/95	SC7	W	3		IN-FLIGHT ELECTRICAL FIRE, FUEL BARRELS WERE LEAKING, FIRE EXTINGUISHED ON GROUND BY PILO

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SUBCHAPTER B—PROCEDURAL RULES

PART 11—GENERAL RULE-MAKING PROCEDURES

Subpart A—General

Sec.

- 11.1 Applicability.
- 11.11 Docket.
- 11.13 Delegation of authority.
- 11.15 Emergency exemptions.

Subpart B—Rules Other Than Airspace Assignment and Use

- 11.21 Scope.
- 11.23 Initiating rule-making procedures.
- 11.25 Petitions for rule making or exemptions.
- 11.27 Action on petitions for rule making or exemptions.
- 11.28 Action on special conditions.
- 11.29 Notice of proposed rule making.
- 11.31 Participation of interested persons in rule-making procedures.
- 11.33 Additional rule-making proceedings.
- 11.35 Participation by Civil Aeronautics Board in rule-making proceedings.
- 11.37 Requests for informal appearances.

Subpart C—Processing of Rules Other Than Airworthiness Directives and Airspace Assignment and Use

- 11.41 Scope.
- 11.43 Processing of petitions for rule making or exemption from parts of this chapter.
- 11.45 Issue of notice of proposed rule making.
- 11.47 Proceedings after notice of proposed rule making.
- 11.49 Adoption of final rules.
- 11.51 Denial of petition for rule making.
- 11.53 Grant or denial of exemption.
- 11.55 Reconsideration of a denial or grant of exemption.

Subpart D—Rules and Procedures for Airspace Assignment and Use

- 11.61 Scope.
- 11.63 Filing of proposals.
- 11.65 Issue of notice of proposed rule making.
- 11.67 Hearings.
- 11.69 Adoption of rules or orders.
- 11.71 Exemptions.
- 11.73 Petitions for rehearing or reconsideration of rules or orders.
- 11.75 Petitions for revoking or modifying rules or orders.

Subpart E—Processing of Airworthiness Directives

- 11.81 Scope.
- 11.83 Processing of petitions for rule making or exemption.
- 11.85 Issue of notice of proposed rule making.
- 11.87 Proceedings after notice of proposed rule making.
- 11.89 Adoption of final rules.
- 11.91 Grant or denial of exemption.
- 11.93 Petitions for reconsideration of rules.

Subpart F—Agency Information Collection Requirements Under the Paperwork Reduction Act

- 11.101 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

AUTHORITY: 49 U.S.C. 106(g), 40101, 40103, 40105, 40109, 40113, 44110, 44502, 44701-44702, 44711, 46102.

SOURCE: Docket No. 1242, 27 FR 9586, Sept. 28, 1962, unless otherwise noted.

Subpart A—General

§ 11.1 Applicability.

This part applies to the issue, amendment, and repeal of—

(a) Rules and orders for airspace assignment and use issued under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); and

(b) Other substantive rules, including those applicable to a class of persons, and those addressed to and served on named persons whenever the Administrator decides to use public rule-making procedures in such a case.

§ 11.11 Docket.

Official FAA records relating to rule-making actions, including: (a) Proposals, (b) notices of proposed rule making, (c) written material received in response to notices, (d) petitions for rule making and exemptions, (e) written material received in response to summaries of petitions for rule making and exemptions, (f) petitions for rehearing or reconsideration, (g) petitions for modification or revocation, (h) notices denying petitions for rule making, (i) notices granting or denying exemptions, (j) summaries required to be published under § 11.27, (k) special condi-

tions required, as prescribed under § 21.16 or § 21.101(b)(2), (l) written material received in response to published special conditions, (m) reports of proceedings conducted under § 11.47 (n) notices denying proposals, and (o) final rules or orders are maintained in current docket form in the Office of the Chief Counsel. A public docket relating to rule making actions taken by each Regional Administrator on petitions for exemption filed under Part 139 of this chapter is maintained in the office of the Assistant Chief Counsel for that region. Unless a request for comment indicates otherwise, a public docket relating to rule-making actions taken by Regional Administrators under Subparts D and E of this part is maintained in the office of the Assistant Chief Counsel. Any interested person may examine any docketed material at that office, at any time after the docket is established, except material that is ordered withheld from the public under section 1104 of the Federal Aviation Act of 1958 (49 U.S.C. 1504), and may obtain a photostatic or duplicate copy of it upon paying the cost of the copy.

[Doc. No. 1242, 27 FR 9586, Sept. 28, 1962, as amended by Amdt. 11-4, 29 FR 15074, Nov. 7, 1964; Amdt. 11-6, 31 FR 13697, Oct. 25, 1966; Amdt. 11-12, 37 FR 19354, Sept. 20, 1972; Amdt. 11-16, 44 FR 6900, Feb. 5, 1979; Amdt. 11-20, 45 FR 60170, Sept. 11, 1980; Amdt. 11-32, 54 FR 30229, Sept. 29, 1989]

§ 11.13 Delegation of authority.

All agency officials, with regulatory issuance authority, may exercise the authority of the Administrator to make certifications, findings and determinations under the Regulatory Flexibility Act (Pub. L. 96-354) with regard to any rulemaking document for which issuance authority is delegated by other sections in this part.

[Doc. No. 22081, 46 FR 41488, Aug. 17, 1981]

§ 11.15 Emergency exemptions.

If, as a result of enemy attack on the United States, communication with Washington headquarters of FAA is or may be disrupted or materially impaired, petitions for exemptions from any rule issued under Titles III or VI of the Federal Aviation Act of 1958 (air safety rules and air traffic and airspace

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R B—PROCEDURAL RULES

MAKING Subpart E—Processing of Airworthiness Directives

- 11.81 Scope.
- 11.83 Processing of petitions for rule making or exemption.
- 11.85 Issue of notice of proposed rule making.
- 11.87 Proceedings after notice of proposed rule making.
- 11.89 Adoption of final rules.
- 11.91 Grant or denial of exemption.
- 11.93 Petitions for reconsideration of rules.

Subpart F—Agency Information Collection Requirements Under the Paperwork Reduction Act

- 11.101 OMB control numbers assigned pursuant to the Paperwork Reduction Act.
- AUTHORITY:** 49 U.S.C. 106(g), 40101, 40103, 40105, 40109, 40113, 44110, 44502, 44701-44702, 44711, 46102.
- SOURCE:** Docket No. 1242, 27 FR 9586, Sept. 28, 1962, unless otherwise noted.

Subpart A—General

§ 11.1 Applicability.

This part applies to the issue, amendment, and repeal of—

(a) Rules and orders for airspace assignment and use issued under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); and

(b) Other substantive rules, including those applicable to a class of persons, and those addressed to and served on named persons whenever the Administrator decides to use public rule-making procedures in such a case.

§ 11.11 Docket.

Official FAA records relating to rule-making actions, including: (a) Proposals, (b) notices of proposed rule making, (c) written material received in response to notices, (d) petitions for rule making and exemptions, (e) written material received in response to summaries of petitions for rule making and exemptions, (f) petitions for rehearing or reconsideration, (g) petitions for modification or revocation, (h) notices denying petitions for rule making, (i) notices granting or denying exemptions, (j) summaries required to be published under § 11.27, (k) special condi-

tions required, as prescribed under § 21.16 or § 21.101(b)(2), (l) written material received in response to published special conditions, (m) reports of proceedings conducted under § 11.47 (n) notices denying proposals, and (o) final rules or orders are maintained in current docket form in the Office of the Chief Counsel. A public docket relating to rule making actions taken by each Regional Administrator on petitions for exemption filed under Part 139 of this chapter is maintained in the office of the Assistant Chief Counsel for that region. Unless a request for comment indicates otherwise, a public docket relating to rule-making actions taken by Regional Administrators under Subparts D and E of this part is maintained in the office of the Assistant Chief Counsel. Any interested person may examine any docketed material at that office, at any time after the docket is established, except material that is ordered withheld from the public under section 1104 of the Federal Aviation Act of 1958 (49 U.S.C. 1504), and may obtain a photostatic or duplicate copy of it upon paying the cost of the copy.

[Doc. No. 1242, 27 FR 9586, Sept. 28, 1962, as amended by Amdt. 11-4, 29 FR 15074, Nov. 7, 1964; Amdt. 11-6, 31 FR 13697, Oct. 25, 1966; Amdt. 11-12, 37 FR 19354, Sept. 20, 1972; Amdt. 11-16, 44 FR 6900, Feb. 5, 1979; Amdt. 11-20, 45 FR 60170, Sept. 11, 1980; Amdt. 11-32, 54 FR 39289, Sept. 29, 1989]

§ 11.13 Delegation of authority.

All agency officials, with regulatory issuance authority, may exercise the authority of the Administrator to make certifications, findings and determinations under the Regulatory Flexibility Act (Pub. L. 96-354) with regard to any rulemaking document for which issuance authority is delegated by other sections in this part.

[Doc. No. 22081, 46 FR 41488, Aug. 17, 1981]

§ 11.15 Emergency exemptions.

If, as a result of enemy attack on the United States, communication with Washington headquarters of FAA is or may be disrupted or materially impaired, petitions for exemptions from any rule issued under Titles III or VI of the Federal Aviation Act of 1958 (air safety rules and air traffic and airspace

rules) may also be filed at the nearest FAA Regional Office, air traffic control facility or office, Flight Standards District Office, Aircraft Certification Directorate, Aircraft Certification Office, International Field Office or FAA Representative in the Europe, Africa, and Middle East Region, or in the Pacific Region. The procedural requirements of §§ 11.53, 11.71, and 11.91, and the publication and comment procedures of § 11.27 need not be followed. Under these emergency conditions, the FAA inspectors or officers in charge of these offices may grant, in whole or in part and subject to reasonable conditions or limitations, such exemptions or may deny petitions for such exemptions; may issue such exemptions to named persons or in blanket form on their own initiative; and may limit or terminate exemptions so issued by them or by offices whose jurisdiction they may have assumed. Exemptions issued under these circumstances are at all times subject to modification and termination by the Regional Administrator or Acting Regional Administrator or officer in charge of the Region concerned, subject to ultimate action by the Director or Acting Director of the Service concerned.

[Amdt. 11-2, 29 FR 7091, May 29, 1964, as amended by Amdt. 11-5, 31 FR 11091, Aug. 20, 1966; Amdt. 11-10, 33 FR 17850, Nov. 30, 1968; Amdt. 11-11, 36 FR 3463, Feb. 25, 1971; Amdt. 11-16, 44 FR 6901, Feb. 5, 1979; Amdt. 11-32, 54 FR 39289, Sept. 25, 1989]

Subpart B—Rules Other Than Airspace Assignment and Use

§ 11.21 Scope.

(a) This subpart applies to substantive rules, other than those relating to airspace assignment and use.

(b) Unless the Administrator, for good cause, finds that notice is impracticable, unnecessary, or contrary to the public interest, and incorporates that finding and a brief statement of the reasons for it in the rule, the FAA issues notices of proposed rule making and allows interested persons to participate in rule-making proceedings involving a substantive rule.

(c) Unless the Administrator determines that notice and rule-making procedures are to be followed, interpretive

§ 11.23

rules, general statements of policy, and rules of FAA organization, procedure, or practice are prescribed as final without notice or rule-making procedures.

(d) Whenever the Administrator so determines, the procedures prescribed in this subpart apply to exempting persons and classes from the requirements of a substantive rule.

§ 11.23 Initiating rule-making procedures.

The Administrator initiates rule-making procedures upon his own motion. However, in doing so, he considers the recommendations of other agencies of the United States and the petitions of other interested persons.

§ 11.25 Petitions for rule making or exemptions.

(a) Any interested person may petition the Administrator to issue, amend, or repeal a rule whether or not it is a substantive rule within the meaning of § 11.21, or for a temporary or permanent exemption from any rule issued by the Federal Aviation Administration under statutory authority.

(b) Each petition filed under this section must—

(1) In the case of a petition for exemption, unless good cause is shown in that petition, be submitted at least 120 days before the proposed effective date of the exemption;

(2) Be submitted in duplicate—

(i) To the appropriate FAA airport field office in whose area the petitioner proposes to establish or has established its airport, in the case of any petition for exemption filed under Part 139 of this chapter;

(ii) To the Director having Airworthiness Directive responsibility for the product involved in the case of petitions filed in accordance with Subpart D of this part.

(iii) To the Federal Air Surgeon (AAM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, in the case of a petition for exemption filed under Part 67 of this chapter; and

(iv) To the Rules Docket (AGC-10), Federal Aviation Administration, 800 Independence Avenue, Washington, D.C. 20591, in all other cases.

(3) Set forth the text or substance of the rule or amendment proposed, or of the rule or statute from which the exemption is sought, or specify the rule that the petitioner seeks to have repealed, as the case may be;

(4) Explain the interests of the petitioner in the action requested including, in the case of a petition for an exemption, the nature and extent of the relief sought and a description of each aircraft or person to be covered by the exemption;

(5) Contain any information, views, or arguments available to the petitioner to support the action sought, the reasons why the granting of the request would be in the public interest and, if appropriate, in the case of an exemption, the reason why the exemption would not adversely affect safety or the action to be taken by the petitioner to provide a level of safety equal to that provided by the rule from which the exemption is sought; and

(6)(i) In the case of a unit of Federal, state, or local government that is applying for an exemption from any requirement of part A of subtitle VII of title 49, United States Code, that would otherwise be applicable to current or future aircraft of such unit of government as a result of the statutory change in the definition of public aircraft made by the Independent Safety Board Act Amendments of 1994, Public Law 103-411, the petition for exemption must contain any information, views, analysis, or arguments available to the petitioner to show that:

(A) The exemption is necessary to prevent an undue economic burden on the unit of government; and

(B) The aviation safety program of the unit of government is effective and appropriate to ensure safe operations of the type of aircraft operated by the unit of government.

(ii) The authority of the Administrator, under the Independent Safety Board Amendments of 1994, Pub. L. 103-411, to grant exemptions to units of government is delegated to the Director, Flight Standards Service, and the Director, Aircraft Certification Service.

(c) A petition for rule making filed under this section must contain a summary, which may be published in the

FEDERAL REGISTER as provided in § 11.27(b), which includes—

(1) A brief description of the general nature of the rule requested; and

(2) A brief description of the pertinent reasons presented in the petition for instituting rule-making procedures.

(d) A petition for exemption filed under this section must contain a summary, which may be published in the FEDERAL REGISTER as provided in § 11.27(c), which includes—

(1) A citation of each rule from which relief is requested; and

(2) A brief description of the general nature of the relief requested.

(Doc. No. 1242, 27 FR 9586, Sept. 28, 1962)

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 11.25, see the List of CFR Sections Affected appearing in the Finding Aids section of this volume.

§ 11.27 Action on petitions for rule making or exemptions.

(a) General. Except for the publication and comment procedures provided for in this section, no public hearing, argument, or other formal proceeding is held directly on a petition, filed under § 11.25, before its disposition by the FAA.

(b) Publication of summary of petition for rule making. After receipt of a petition for rule making, except as otherwise provided in paragraph (1) of this section, the FAA publishes a summary of the petition in the FEDERAL REGISTER which includes—

(1) The docket number of the petition;

(2) The name of the petitioner;

(3) A brief description of the general nature of the rule requested;

(4) A brief description of the pertinent reasons presented in the petition for instituting rule-making procedures; and

(5) In appropriate situations, a list of questions to assist the FAA in obtaining comment on the petition.

Comments on the petition for rule making must be filed, in triplicate, within 60 days after the summary is published in the FEDERAL REGISTER unless the Administrator, for good cause, finds a different time period appropriate. Timely comments received will

(3) Set forth the text or substance of the rule or amendment proposed, or of the rule or statute from which the exemption is sought, or specify the rule that the petitioner seeks to have repealed, as the case may be;

(4) Explain the interests of the petitioner in the action requested including, in the case of a petition for an exemption, the nature and extent of the relief sought and a description of each aircraft or person to be covered by the exemption;

(5) Contain any information, views, or arguments available to the petitioner to support the action sought, the reasons why the granting of the request would be in the public interest and, if appropriate, in the case of an exemption, the reason why the exemption would not adversely affect safety or the action to be taken by the petitioner to provide a level of safety equal to that provided by the rule from which the exemption is sought; and

(6)(i) In the case of a unit of Federal, state, or local government that is applying for an exemption from any requirement of part A of subtitle VII of title 49, United States Code, that would otherwise be applicable to current or future aircraft of such unit of government as a result of the statutory change in the definition of public aircraft made by the Independent Safety Board Act Amendments of 1994, Public Law 103-411, the petition for exemption must contain any information, views, analysis, or arguments available to the petitioner to show that:

(A) The exemption is necessary to prevent an undue economic burden on the unit of government; and

(B) The aviation safety program of the unit of government is effective and appropriate to ensure safe operations of the type of aircraft operated by the unit of government.

(ii) The authority of the Administrator, under the Independent Safety Board Amendments of 1994, Pub. L. 103-411, to grant exemptions to units of government is delegated to the Director, Flight Standards Service, and the Director, Aircraft Certification Service.

(c) A petition for rule making filed under this section must contain a summary, which may be published in the

FEDERAL REGISTER as provided in §11.27(b), which includes—

(1) A brief description of the general nature of the rule requested; and

(2) A brief description of the pertinent reasons presented in the petition for instituting rule-making procedures.

(d) A petition for exemption filed under this section must contain a summary, which may be published in the FEDERAL REGISTER as provided in §11.27(c), which includes—

(1) A citation of each rule from which relief is requested; and

(2) A brief description of the general nature of the relief requested.

[Doc. No. 1242, 27 FR 9586, Sept. 28, 1962]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §11.25, see the List of CFR Sections Affected appearing in the Finding Aids section of this volume.

§11.27 Action on petitions for rule making or exemptions.

(a) *General.* Except for the publication and comment procedures provided for in this section, no public hearing, argument, or other formal proceeding is held directly on a petition, filed under §11.25, before its disposition by the FAA.

(b) *Publication of summary of petition for rule making.* After receipt of a petition for rule making, except as otherwise provided in paragraph (1) of this section, the FAA publishes a summary of the petition in the FEDERAL REGISTER which includes—

(1) The docket number of the petition;

(2) The name of the petitioner;

(3) A brief description of the general nature of the rule requested;

(4) A brief description of the pertinent reasons presented in the petition for instituting rule-making procedures; and

(5) In appropriate situations, a list of questions to assist the FAA in obtaining comment on the petition.

Comments on the petition for rule making must be filed, in triplicate, within 60 days after the summary is published in the FEDERAL REGISTER unless the Administrator, for good cause, finds a different time period appropriate. Timely comments received will

be considered by the Administrator before taking action on the petition.

(c) *Publication of summary of petition for exemption.* After receipt of a petition for exemption, except as otherwise provided in paragraphs (1) and (j) of this section, the FAA publishes a summary of the petition in the FEDERAL REGISTER which includes—

(1) The docket number of the petition;

(2) The name of the petitioner;

(3) A citation of each rule from which relief is requested; and

(4) A brief description of the general nature of the relief requested.

Comments on the petition for exemption must be filed, in triplicate, within 20 days after the summary is published in the FEDERAL REGISTER unless the Administrator, for good cause, finds a different time period appropriate. Timely comments received will be considered by the Administrator before taking action on the petition.

(d) *Instituting rule-making procedures based on a petition.* If the Administrator determines, after consideration of any comments received in response to a summary of a petition for rule making, that the petition discloses adequate reasons, the FAA institutes rule-making procedures.

(e) *Grant of petition for exemption—summary.* If the Administrator determines, after consideration of any comments received in response to a summary of a petition for exemption, that the petition is in the public interest, the Administrator grants the exemption and, except as otherwise provided in paragraph (1) of this section, the FAA publishes a summary of the grant of the petition for exemption in the FEDERAL REGISTER. A summary of a grant of a petition for exemption includes—

(1) The docket number of the petition;

(2) The name of the petitioner;

(3) A citation of each rule from which relief is requested;

(4) A brief description of the general nature of the relief granted; and

(5) The disposition of the petition.

(f) *Denial of petition for rule making.* If the Administrator determines, after consideration of any comments received in response to a summary of a

petition for rule making, that the petition does not justify instituting rule-making procedures, the FAA notifies the petitioner to that effect. Except as otherwise provided in paragraph (i) of this section, the FAA publishes a summary of the denial of the petition for rule making in the FEDERAL REGISTER in accordance with paragraph (h) of this section.

(g) *Denial of petition for exemption.* If the Administrator determines, after consideration of any comments received in response to a summary of a petition for exemption, that the petition does not justify granting the requested exemption, the FAA notifies the petitioner to that effect. Except as otherwise provided in paragraph (i) of this section, the FAA publishes a summary of the denial of the petition for exemption in the FEDERAL REGISTER in accordance with paragraph (h) of this section.

(h) *Summary of denial of petition for rule making or exemption.* A summary of a denial of a petition for rule making or exemption includes—

- (1) The docket number of the petition;
- (2) The name of the petitioner;
- (3) In the case of a denial of a petition for exemption, a citation of each rule from which relief is requested;
- (4) A brief description of the general nature of the rule or relief requested; and
- (5) The disposition of the petition.

(i) *General exceptions.* The publication and comment procedures of paragraphs (b) through (h) of this section do not apply to the following:

(1) To petitions for rule makings or exemptions processed under § 11.83.

(2) To petitions for exemptions from the requirements of Part 67 of this chapter.

(j) *Exceptions to publication of summary of petition for exemption.* The publication and comment procedures of paragraph (c) of this section do not apply to the following:

(1) To petitions for emergency exemptions processed under § 11.15.

(2) To petitions for exemptions processed under Part 139 of this chapter.

(3) Whenever the head of the Office or Service concerned, subject to the approval of the Chief Counsel with re-

spect to form and legality, finds for good cause shown in a petition for exemption that action on the petition should not be delayed by the publication and comment procedures. Factors that may be considered in determining whether good cause exists, include—

(i) Whether a grant of exemption would set a precedent or whether the petition for exemption and the reasons presented in it are identical to exemptions previously granted;

(ii) Whether the delay in acting on the petition for exemption that would result from publication would be detrimental to the petitioner; and

(iii) Whether petitioner acted in a timely manner in filing the petition for exemption.

(k) *Status of petition for rule making.* Within 120 days after publication in the FEDERAL REGISTER of a summary of petition for rule making and every 120 days thereafter, unless sooner denied under § 11.51 or issued as a notice of proposed rule making under § 11.65, the Office or Service concerned shall advise petitioner in writing of the status of the petition.

(l) *Additional specific provisions.* Specific provisions covering actions on petitions are set forth in Subpart C of this part.

[Amdt. 11-20, 44 FR 6901, Feb. 5, 1979]

§ 11.28 Action on special conditions.

(a) *General.* Except for the publication and comment procedures provided for in this section, no public hearing, argument, or other formal proceeding is held directly on a special condition established by the Administrator.

(b) *Procedures.* This subpart and Subpart C apply to the issue, amendment, and repeal of special conditions under Part 21. In addition to the information required by § 11.29(b), each notice will include—

(1) The name and address of the applicant;

(2) The model designation and a summary description of the affected product;

(3) The applicable type design approval regulations designated in accordance with § 21.17 or § 21.101 of Part 21; and

(4) A summary description of the novel or unusual design features that

make the issue or amendment of special conditions necessary.

[Amdt. 11-17, 45 FR 60170, Sept. 11, 1980]

§ 11.29 Notice of proposed rule making.

(a) Each general notice of proposed rule making is published in the FEDERAL REGISTER, unless all persons subject to it are named and are personally served with a copy of it.

(b) Each notice, whether published in the FEDERAL REGISTER or personally served, includes—

(1) A statement of the time, place, and nature of the proposed rule-making proceeding;

(2) A reference to the authority under which it is issued;

(3) A description of the subjects and issues involved or the substance and terms of the proposed rule;

(4) A statement of the time within which written comments must be submitted and the required number of copies; and

(5) A statement of how and to what extent interested persons may participate in the proceedings, as prescribed by §§ 11.31 and 11.33.

(c) A petition for extension of the time for comments must be submitted in duplicate not later than two days before expiration of the time stated in the notice. The filing of the petition does not automatically extend the time for petitioner's comments. Such a petition is granted only if the petitioner shows a substantive interest in the proposed rule and good cause for the extension, and if the extension is consistent with the public interest. If an extension is granted it is published in the FEDERAL REGISTER.

[Doc. No. 1242, 27 FR 9586, Sept. 28, 1962, as amended by Amdt. 11-1, 28 FR 2897, Mar. 23, 1963]

§ 11.31 Participation of interested persons in rule-making procedures.

(a) Each interested person is entitled to participate in rule-making proceedings by submitting written information, views, or arguments. In addition, he may comment on the original information, views, and arguments submitted by other persons, if, after receiving

peti- spect to form and legality, finds for
rule- good cause shown in a petition for ex-
files-emption that action on the petition
t as- should not be delayed by the publica-
tion and comment procedures. Factors
of- that may be considered in determining
whether good cause exists, include—

(i) Whether a grant of exemption
would set a precedent or whether the
petition for exemption and the reasons
presented in it are identical to exemp-
tions previously granted;

(ii) Whether the delay in acting on
the petition for exemption that would
result from publication would be detri-
mental to the petitioner; and

(iii) Whether petitioner acted in a
timely manner in filing the petition for
exemption.

(k) *Status of petition for rule making.*
Within 120 days after publication in the
FEDERAL REGISTER of a summary of pe-
tition for rule making and every 120
days thereafter, unless sooner denied
under § 11.51 or issued as a notice of
proposed rule making under § 11.65, the
Office or Service concerned shall advise
petitioner in writing of the status of
the petition.

(i) *Additional specific provisions.* Spe-
cific provisions covering actions on pe-
titions are set forth in Subpart C of
this part.

[Amdt. 11-20, 44 FR 6901, Feb. 5, 1979]

§ 11.28 Action on special conditions.

(a) *General.* Except for the publica-
tion and comment procedures provided
for in this section, no public hearing,
argument, or other formal proceeding
is held directly on a special condition
established by the Administrator.

(b) *Procedures.* This subpart and Sub-
part C apply to the issue, amendment,
and repeal of special conditions under
Part 21. In addition to the information
required by § 11.29(b), each notice will
include—

(1) The name and address of the ap-
plicant;

(2) The model designation and a sum-
mary description of the affected prod-
uct;

(3) The applicable type design ap-
proval regulations designated in ac-
cordance with § 21.17 or § 21.101 of Part
21; and

(4) A summary description of the
novel or unusual design features that

make the issue or amendment of spe-
cial conditions necessary.

[Amdt. 11-17, 45 FR 60170, Sept. 11, 1980]

§ 11.29 Notice of proposed rule mak- ing.

(a) Each general notice of proposed
rule making is published in the FED-
ERAL REGISTER, unless all persons sub-
ject to it are named and are personally
served with a copy of it.

(b) Each notice, whether published in
the FEDERAL REGISTER or personally
served, includes—

(1) A statement of the time, place,
and nature of the proposed rule-making
proceeding;

(2) A reference to the authority under
which it is issued;

(3) A description of the subjects and
issues involved or the substance and
terms of the proposed rule;

(4) A statement of the time within
which written comments must be sub-
mitted and the required number of cop-
ies; and

(5) A statement of how and to what
extent interested persons may partici-
pate in the proceedings, as prescribed
by §§ 11.31 and 11.33.

(c) A petition for extension of the
time for comments must be submitted
in duplicate not later than two days
before expiration of the time stated in
the notice. The filing of the petition
does not automatically extend the time
for petitioner's comments. Such a peti-
tion is granted only if the petitioner
shows a substantive interest in the pro-
posed rule and good cause for the ex-
tension, and if the extension is consist-
ent with the public interest. If an ex-
tension is granted it is published in the
FEDERAL REGISTER.

[Doc. No. 1242, 27 FR 9586, Sept. 23, 1962, as
amended by Amdt. 11-1, 28 FR 2897, Mar. 23,
1963]

§ 11.31 Participation of interested per- sons in rule-making procedures.

(a) Each interested person is entitled
to participate in rule-making proceed-
ings by submitting written informa-
tion, views, or arguments. In addition,
he may comment on the original infor-
mation, views, and arguments submit-
ted by other persons, if, after receiving

them, the Administrator considers it
desirable.

(b) In any appropriate case, the Ad-
ministrator also allows interested per-
sons to participate in the rule-making
procedures described in § 11.33.

§ 11.33 Additional rule-making pro- ceedings.

(a) The rule-making procedure also
includes any further procedural steps
that best serve the purposes of a par-
ticular proceeding. For example, inter-
ested persons may be allowed to make
oral arguments, participate in con-
ferences between the Administrator or
his representative and interested per-
sons and organizations, appear at infor-
mal hearings presided over by a des-
ignated FAA official at which a steno-
graphic transcript is made, or partici-
pate in any other procedure whenever
it is desirable and appropriate to as-
sure informed administrative action
and adequate protection of private in-
terests.

(b) Any appropriate combination of
the procedures described in paragraph
(a) of this section may be used in addi-
tion to the basic procedure of allowing
interested persons to participate in
rule-making proceedings by submitting
written information, views, or argu-
ments.

§ 11.35 Participation by Civil Aero- nautics Board in rule-making pro- ceedings.

(a) Under section 1001 of the Federal
Aviation Act of 1958 (49 U.S.C. 1481), the
Civil Aeronautics Board may appear
and participate as an interested party
in any proceeding conducted by the Ad-
ministrator under Title III of that Act,
and in any proceeding under Title VI of
that Act that cannot be appealed to
the National Transportation Safety
Board.

(b) To indicate its intention to par-
ticipate in any proceeding described in
paragraph (a) of this section, the Civil
Aeronautics Board may file written in-
formation, views, or arguments in re-
sponse to a notice of proposed rule
making issued by the Administrator.
The Civil Aeronautics Board is entitled
to the procedural privileges accorded

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other parties and is equally free to participate.

[Doc. No. 1242, 27 FR 9586, Sept. 28, 1962, as amended by Doc. No. 8084, 32 FR 5769, Apr. 11, 1967]

§ 11.37 Requests for informal appearances.

(a) Upon his request, any interested person may appear informally before an appropriate official of the FAA to present, adjust, or determine a question or controversy relating to a rule-making function of the FAA.

(b) A request for an appearance under this section must be sent in writing to the Federal Aviation Administration, Washington, D.C. 20590, or to the Regional or District Office nearest to the person making the request.

[Doc. No. 1242, 27 FR 9586, Sept. 28, 1962, as amended by Doc. No. 8084, 32 FR 5769, Apr. 11, 1967; Amdt. 11-8, 32 FR 6390, Apr. 25, 1967]

Subpart C—Processing of Rules Other Than Airworthiness Directives and Airspace Assignment and Use

§ 11.41 Scope.

(a) This subpart prescribes the supplemental procedures to be followed by the Offices and Services of the FAA in rule-making proceedings and in granting or denying exemptions from rules. It also designates the Office or Service that is authorized to act for the Administrator in connection with those proceedings and exemptions. Any authority conferred by this subpart on the head of any Office or Service is also conferred on the Associate Administrator (if any) who exercises executive direction over that official.

(b) This subpart applies to rule-making procedures other than for Airworthiness Directives and rules relating to Airspace Assignment and Use.

(c) For the purposes of this subpart—

(1) The words "Office or Service" include the Technical Center, and include Regional Administrators with respect to petitions for exemptions from the requirements of Part 139 of this chapter; and

(2) "Chief Counsel" means—

(i) The Chief Counsel;

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(ii) An Assistant Chief Counsel with respect to petitions for exemptions from the requirements of Part 139 of this chapter;

(iii) The Assistant Chief Counsel for Regulations and Enforcement for all other exemptions processed under this subpart; or

(iv) Any person to whom the Chief Counsel has delegated authority in the matter concerned.

[Doc. No. 1242, 27 FR 9586, Sept. 28, 1962, as amended by Amdt. 11-5, 31 FR 11091, Aug. 20, 1966; Amdt. 11-16, 31 FR 13697, Oct. 25, 1966; Amdt. 11-12, 37 FR 19354, Sept. 20, 1972; Amdt. 11-15, 43 FR 52205, Nov. 9, 1978; Amdt. 11-32, 54 FR 39290, Sept. 25, 1989]

§ 11.43 Processing of petitions for rule making or exemption from parts of this chapter.

Whenever the FAA receives a petition for rule making or for an exemption, a copy of the petition is referred for action, as provided in § 11.27, to the Office or Service having substantive responsibility for the subject involved.

[Doc. No. 15457, 41 FR 11271, Mar. 18, 1976]

§ 11.45 Issue of notice of proposed rule making.

Whenever he determines that a notice of proposed rule making is necessary or desirable, the head of the Office or Service concerned may, subject to the approval of the Chief Counsel with respect to form and legality, issue the notice provided for in § 11.29. In addition, he may grant or deny petitions for extension of the time for comments on the notice, filed under § 11.29(c).

[Doc. No. 1242, 27 FR 9586, Sept. 28, 1962, as amended by Amdt. 11-1, 28 FR 2897, Mar. 21, 1963]

§ 11.47 Proceedings after notice of proposed rule making.

(a) Each person who submits written information, views, or arguments in response to a notice of proposed rule making, or during additional rule-making proceedings in connection with such a notice, must file the number of copies specified in the notice. All timely comments are considered before final action on the rule-making proposal is taken. Late filed comments are considered so far as possible without incurring expense or delay.

Federal Aviation Administration, DOT

(b) Whenever the head of the Office or Service concerned determines that additional rule-making proceedings of the kind described in § 11.33 are necessary or desirable, he may designate representatives to conduct those proceedings.

[Doc. No. 1242, 27 FR 9586, Sept. 28, 1962, as amended by Amdt. 11-5, 31 FR 11091, Aug. 20, 1966]

§ 11.49 Adoption of final rules.

(a) After the Office or Service concerned has completed its analysis and evaluation of the information, views, and arguments submitted with respect to a proposed rule, representatives of that Office or Service and the Office of the Chief Counsel prepare an appropriate rule, subject to the approval of the Chief Counsel as to form and legality. Except as provided in paragraph (b) of this section, the rule is then submitted, with the recommendations of the head of the Office or Service concerned and the Chief Counsel, to the Administrator for consideration. If a rule is adopted, it is published in the FEDERAL REGISTER.

(b) Final authority to issue, amend, and repeal—

(1) An appendix to a part is delegated to the head of the Office or Service concerned;

(2) Minimum en route IFR altitudes and associated flight data under Part 95 of this chapter, and standard instrument approach procedures under Part 97 of this chapter is delegated to the Manager, Technical Programs Division, Flight Standards Service; and

(3) Special conditions under Part 21 of this chapter is delegated to the Director, Aircraft Certification Service.

[Amdt. 11-15, 43 FR 52205, Nov. 9, 1978 as amended by Amdt. 11-19, 45 FR 47838, July 17, 1980; Amdt. 11-18, 45 FR 38346, June 9, 1980; Amdt. 11-20, 45 FR 60170, Sept. 11, 1980; Amdt. 11-20A, 45 FR 85597, Dec. 29, 1980; Amdt. 11-32, 54 FR 39290, Sept. 25, 1989]

§ 11.51 Denial of petition for rule making.

Whenever it is determined that a petition for rule making filed under § 11.25 should be denied, the Office or Service concerned prepares, subject to the approval of the Chief Counsel with respect to form and legality, a notice

(ii) An Assistant Chief Counsel with respect to petitions for exemptions from the requirements of Part 139 of this chapter;

(iii) The Assistant Chief Counsel for Regulations and Enforcement for all other exemptions processed under this subpart; or

(iv) Any person to whom the Chief Counsel has delegated authority in the matter concerned.

[Doc. No. 1242, 27 FR 9586, Sept. 28, 1962, as amended by Amdt. 11-5, 31 FR 11091, Aug. 20, 1966; Amdt. 11-16, 31 FR 13697, Oct. 25, 1966; Amdt. 11-12, 37 FR 19354, Sept. 20, 1972; Amdt. 11-15, 43 FR 52205, Nov. 9, 1978; Amdt. 11-32, 54 FR 39290, Sept. 25, 1989]

§ 11.43 Processing of petitions for rule making or exemption from parts of this chapter.

Whenever the FAA receives a petition for rule making or for an exemption, a copy of the petition is referred for action, as provided in § 11.27, to the Office or Service having substantive responsibility for the subject involved.

[Doc. No. 15457, 41 FR 11271, Mar. 18, 1976]

§ 11.46 Issue of notice of proposed rule making.

Whenever he determines that a notice of proposed rule making is necessary or desirable, the head of the Office or Service concerned may, subject to the approval of the Chief Counsel with respect to form and legality, issue the notice provided for in § 11.29. In addition, he may grant or deny petitions for extension of the time for comments on the notice, filed under § 11.29(c).

[Doc. No. 1242, 27 FR 9586, Sept. 28, 1962, as amended by Amdt. 11-1, 28 FR 2897, Mar. 23, 1963]

§ 11.47 Proceedings after notice of proposed rule making.

(a) Each person who submits written information, views, or arguments in response to a notice of proposed rule making, or during additional rule-making proceedings in connection with such a notice, must file the number of copies specified in the notice. All timely comments are considered before final action on the rule-making proposal is taken. Late filed comments are considered so far as possible without incurring expense or delay.

(b) Whenever the head of the Office or Service concerned determines that additional rule-making proceedings of the kind described in § 11.33 are necessary or desirable, he may designate representatives to conduct those proceedings.

[Doc. No. 1242, 27 FR 9586, Sept. 28, 1962, as amended by Amdt. 11-5, 31 FR 11091, Aug. 20, 1966]

§ 11.49 Adoption of final rules.

(a) After the Office or Service concerned has completed its analysis and evaluation of the information, views, and arguments submitted with respect to a proposed rule, representatives of that Office or Service and the Office of the Chief Counsel prepare an appropriate rule, subject to the approval of the Chief Counsel as to form and legality. Except as provided in paragraph (b) of this section, the rule is then submitted, with the recommendations of the head of the Office or Service concerned and the Chief Counsel, to the Administrator for consideration. If a rule is adopted, it is published in the FEDERAL REGISTER.

(b) Final authority to issue, amend, and repeal—

(1) An appendix to a part is delegated to the head of the Office or Service concerned;

(2) Minimum en route IFR altitudes and associated flight data under Part 95 of this chapter, and standard instrument approach procedures under Part 97 of this chapter is delegated to the Manager, Technical Programs Division, Flight Standards Service; and

(3) Special conditions under Part 21 of this chapter is delegated to the Director, Aircraft Certification Service.

[Amdt. 11-15, 43 FR 52205, Nov. 9, 1978 as amended by Amdt. 11-19, 45 FR 47838, July 17, 1980; Amdt. 11-18, 45 FR 38346, June 9, 1980; Amdt. 11-20, 45 FR 60170, Sept. 11, 1980; Amdt. 11-20A, 45 FR 85597, Dec. 29, 1980; Amdt. 11-32, 54 FR 39290, Sept. 25, 1989]

§ 11.51 Denial of petition for rule making.

Whenever it is determined that a petition for rule making filed under § 11.25 should be denied, the Office or Service concerned prepares, subject to the approval of the Chief Counsel with respect to form and legality, a notice

of denial for the Administrator's signature.

§ 11.53 Grant or denial of exemption.

(a) The head of the Office or Service concerned may, subject to the approval of the Chief Counsel with respect to form and legality, grant or deny any petition for an exemption. However, if the head of the Office or Service concerned finds that the grant or denial involves a technical or policy determination that should be made by the Administrator, he refers the petition and his recommendations and those of the Chief Counsel to the Administrator for final action.

(b) Whenever a petition is granted or denied under this section, the Office or Service concerned prepares, subject to the approval of the Chief Counsel with respect to form and legality, a notice to the petitioner informing him of the action taken.

[Doc. No. 1242, 27 FR 9586, Sept. 28, 1962, as amended by Amdt. 11-11, 36 FR 3463, Feb. 25, 1971; Amdt. 11-15, 43 FR 52205, Nov. 9, 1978]

§ 11.55 Reconsideration of a denial or grant of exemption.

(a) Except as provided in paragraph (c) of this section, if a petition for exemption is denied, the petitioner may file a petition for reconsideration with the Administrator. The petition must be filed, in duplicate, within 30 days after the petitioner is notified of the denial of the exemption.

(b) If a petition for exemption is granted, a person other than the initial petitioner may file a petition for reconsideration with the Administrator. The petition must be filed, in duplicate, within 45 days after the grant of exemption is issued.

(c) If a petition for exemption from the requirements of Part 67 of this chapter is denied, the petitioner may file a petition for reconsideration with the Federal Air Surgeon. The petition must be filed in duplicate, within 30 days after the petitioner is notified of the denial of the exemption. However, if the final action on the initial petition was by the Administrator in accordance with the second sentence of § 11.53(a), the Federal Air Surgeon refers the petition for reconsideration and recommendations and those of the

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Chief Counsel to the Administrator for final action.

(d) A petition for reconsideration under this section must be based on the existence of one or more of the following:

(1) A finding of a material fact that is erroneous.

(2) A necessary legal conclusion that is without governing precedent or is a departure from or contrary to law, FAA rules, or precedent.

(3) An additional fact relevant to the decision that was not presented in the initial petition for exemption. In order for a petition under paragraph (a) or (c) of this section to be based on this ground, the petition for reconsideration must state the reason the additional fact was not presented in the initial petition.

[Amdt. 11-15, 43 FR 52205, Nov. 9, 1978]

Subpart D—Rules and Procedures for Airspace Assignment and Use

§11.61 Scope.

(a) This subpart establishes procedures for initiating, processing, issuing, and publishing rules and orders issued under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)), including—

(1) Designations of controlled airspace under part 71 of this chapter;

(2) Assignments of segments or parts of the navigable airspace for special use purposes, such as restricted areas, military climb corridors, and experimental flight test areas; and

(3) Special rules or orders relating to the assignment or use of navigable airspace.

(b) This subpart does not apply to emergency cases and cases in which the procedures described in paragraph (a) of this section are found to be impractical, unnecessary, or contrary to the public interest.

(c) For the purposes of this subpart, "Director" means the Executive Director of System Operations, the Associate Administrator for Air Traffic or the Director, Air Traffic Rules and Procedures Service, or any person to whom the Director has delegated authority in the matter concerned.

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(d) For the purposes of this subpart, "Chief Counsel" means the Chief Counsel, or an Assistant Chief Counsel for a region, or the Assistant Chief Counsel for Regulations and Enforcement or any person to whom the Chief Counsel or Assistant Chief Counsel has delegated his authority in the matter concerned.

[Doc. No. 1242, 27 FR 9586, Sept. 28, 1962, as amended by Amdt. 11-3, 29 FR 9662, July 17, 1964; Amdt. 11-4, 29 FR 15074, Nov. 7, 1964; Amdt. 11-5, 31 FR 11091, Aug. 20, 1966; Amdt. 11-15, 43 FR 52205, Nov. 9, 1978; Amdt. 11-30, 51 FR 2348, Jan. 16, 1986; Amdt. 11-32, 54 FR 39290, Sept. 25, 1989; Amdt. 11-35, 56 FR 65638, 65653, Dec. 17, 1991]

§11.63 Filing of proposals.

(a) Each proposal, except one arising in the FAA, for the designation of Federal airways or other areas for normal air traffic use, the assignment of navigable airspace for special use purposes, or the issue of a special rule or order relating to the use of navigable airspace, must be filed in writing, in triplicate, with the Director.

(b) The director may, on his own motion, initiate the procedures prescribed in this subpart for proposals arising within the FAA.

(c) A proposal requesting the assignment of navigable airspace for special use purposes, or for the designation of an area for air traffic purposes, must include at least the following:

(1) The location and a description of the airspace desired for assignment or designation.

(2) A complete description of the activity or use to be made of that airspace, including a detailed description of the type, volume, duration, time, and place of the operations to be conducted in the assigned or designated area.

(3) A description of the air navigation, air traffic control, surveillance, and communication facilities available and to be provided if the assignment or designation is made.

(4) The name and location of the agency, office, facility, or person to whom authority would be delegated to permit the use of the airspace during those times it would not be used for the purpose to which it would be assigned.

Federal Aviation Administration, DOT

(d) Subject to the approval of the Chief Counsel with respect to form and legality, the Director issues a notice of any rejected proposal.

[Doc. No. 1242, 27 FR 9586, Sept. 28, 1962, as amended by Amdt. 11-3, 29 FR 9662, July 17, 1964]

§11.95 Issue of notice of proposed rule making.

(a) If it is determined that the subject matter of a proposal should be submitted to the rule-making process, or if rule-making action is to be taken on his own motion, the Director, subject to the approval of the Chief Counsel with respect to form and legality, issues a notice of proposed rule making.

(b) Normally, a notice of proposed rule making is issued within approximately 30 days after receipt of a proposal with respect to which it has been determined that action might be taken.

(c) Each notice of proposed rule making is published in the FEDERAL REGISTER and includes at least the following:

(1) A statement of the time, place, and nature of the public rule-making proceedings.

(2) A reference to the authority under which it is proposed.

(3) Either the terms or substance of the proposed action or a description of the subjects and issues involved.

(d) Approximately 30 days are allowed for submitting written information, views, or arguments on the notice. Petitions for extension of the time for such comments are governed by the provisions of §11.29(c). If a public hearing is to be held, either the original notice of proposed rule making or a revised notice gives approximately 30 days' notice. The Director may grant or deny petitions for extension of the time for comments on the notice and may change the date of any hearing previously noticed.

(e) Written information, views, and arguments submitted in response to a notice of proposed rule making, or that are requested after the notice, must be submitted in triplicate.

(f) Each interested person is entitled to discuss or confer informally with appropriate FAA officials concerning a proposed action. However, to become a

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(d) For the purposes of this subpart, "Chief Counsel" means the Chief Counsel, or an Assistant Chief Counsel for a region, or the Assistant Chief Counsel for Regulations and Enforcement, or any person to whom the Chief Counsel or Assistant Chief Counsel has delegated his authority in the matter concerned.

[Doc. No. 1242, 27 FR 9586, Sept. 28, 1962, as amended by Amdt. 11-3, 29 FR 9662, July 1964; Amdt. 11-4, 29 FR 15074, Nov. 7, 1964; Amdt. 11-5, 31 FR 11091, Aug. 20, 1966; Amdt. 11-15, 43 FR 52205, Nov. 9, 1978; Amdt. 11-30, FR 2348, Jan. 16, 1986; Amdt. 11-32, 54 FR 39290, Sept. 25, 1989; Amdt. 11-35, 56 FR 6563, Dec. 17, 1991]

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(3) A description of the air navigation, air traffic control, surveillance, and communication facilities available, and to be provided if the assignment or designation is made.

(4) The name and location of the agency, office, facility, or person to whom authority would be delegated to permit the use of the airspace during those times it would not be used for the purpose to which it would be assigned.

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[Doc. No. 1242, 27 FR 9586, Sept. 28, 1962, as amended by Amdt. 11-3, 29 FR 9662, July 17, 1964]

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(1) A statement of the time, place, and nature of the public rule-making proceedings.

(2) A reference to the authority under which it is proposed.

(3) Either the terms or substance of the proposed action or a description of the subjects and issues involved.

(d) Approximately 30 days are allowed for submitting written information, views, or arguments on the notice. Petitions for extension of the time for such comments are governed by the provisions of § 11.29(c). If a public hearing is to be held, either the original notice of proposed rule making or a revised notice gives approximately 30 days' notice. The Director may grant or deny petitions for extension of the time for comments on the notice and may change the date of any hearing previously noticed.

(e) Written information, views, and arguments submitted in response to a notice of proposed rule making, or that are requested after the notice, must be submitted in triplicate.

(f) Each interested person is entitled to discuss or confer informally with appropriate FAA officials concerning a proposed action. However, to become a

part of the formal record for consideration, any information, views, or arguments presented during the conference must also be submitted in writing in accordance with the notice.

[Doc. No. 1242, 27 FR 9586, Sept. 28, 1962, as amended by Amdt. 11-1, 28 FR 2897, Mar. 23, 1963]

§ 11.67 Hearings.

(a) Sections 7 and 8 of the Administrative Procedure Act do not apply to proceedings used to formulate rules under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)). Whenever the Director, in his discretion, considers that a hearing is necessary to provide informed Administrative action and assure adequate protection of private or public interests, he may hold an informal public hearing. However, any rule or order issued in a case in which such a hearing is held is not based exclusively on the record of the hearing.

(b) The Director designates a presiding officer for each hearing and the Chief Counsel designates a legal adviser.

(c) Normally, hearings held under this section are held in the vicinity of the affected airspace. Interested persons are allotted time to make an oral presentation without interruption and a verbatim transcript is made of the proceedings by a certified court reporter.

(d) The procedure in hearings held under this section is as follows:

(1) The presiding officer makes an opening statement with particular reference to the notice of proposed rule making.

(2) The presiding officer designates interested persons or their authorized representatives to speak at the hearing.

(3) The presiding officer allows enough time to each interested person on an equal basis so that his position may be expressed fully and placed on the record, with those who favor it speaking first followed by those who oppose it, initial statements being made as far as possible without interruption, and questions permitted after initial statements have been made by all designated persons.

HJR

29

LEGISLATIVE REFERENCE LIBRARY

LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3808
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 400
Juneau, Alaska 99801-2105

Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf

Senate Rules Committee 2/17/98 11:28 am

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STATE OF ALASKA

(907) 465-3808
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 400
Juneau, Alaska 99801-2105

Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf

HJR 29

Senate Rules Committee 5/8/97 1:10 pm

SPONSOR STATEMENT

**House Joint Resolution 29
Senate CS (Rules)**

FUNDING FOR PROSTATE CANCER RESEARCH

Prostate cancer is the second most common form of cancer among males in the United States. It strikes one out of every five men. This year an estimated 209,900 men will be diagnosed with the disease; the cancer will cause over 41,800 deaths. As common as prostate cancer is, its causes, prevention and cures still elude the medical profession.

This resolution asks President Clinton to increase funding for prostate cancer research programs.

The resolution is inspired by a nation-wide campaign to eradicate the disease through research, education and public awareness. Cancer patients, advocates and supporting organizations (including the American Cancer Society) have formed the National Prostate Cancer Coalition. The group is collecting 1,000,000 signatures to present to the president later this year.

HJR 29, as amended by the Senate Rules Committee, updates two references to 1997. On Page 1, lines 6-7, the number of new diagnoses of prostate cancer is estimated at 209,900 for 1998. This figure is 124,600 cases less than projected for 1997, a correction by the American Cancer Society. On page 2, line 4, the amended resolution deletes reference to the original target date of Father's Day 1997 for presenting the million signatures to President Clinton.

REPRESENTATIVE KIM ELTON

SPONSOR STATEMENT

House Joint Resolution 29

FUNDING FOR PROSTATE CANCER RESEARCH

Prostate cancer is the second most common form of cancer among males in the United States. It strikes one out of every five men. This year an estimated 334,500 men will be diagnosed with the disease; the cancer will cause over 41,800 deaths. As common as prostate cancer is, its causes, prevention and cures still elude the medical profession.

This resolution asks President Clinton to increase funding for prostate cancer research programs.

The resolution is inspired by a nation-wide campaign to eradicate the disease through research, education and public awareness. Cancer patients, advocates and supporting organizations (including the American Cancer Society) have formed the National Prostate Cancer Coalition. The group is collecting 1,000,000 signatures to present to the president on Father's Day, June 15.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

NO. _____
BILL VERSION: HJR 29
PUBLISH DATE: _____

Revision Date: _____
Title: Supporting an increase in federal
funding for prostate cancer research.
Sponsor: Representative Elton
Requestor: House HESS

Department Affected: Legislative Affairs Agency
BRU: All
Component: All

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE FUND SOURCE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER FUND SOURCE						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared By: Karla Schofield, Deputy Director *Karla Schofield* Phone: 465-3852
Division: Administrative Services Date: 4/7/97
Approved By: Pamela A. Varni, Executive Director *Pamela A. Varni*
Agency: Legislative Affairs Agency Date: 4/7/97

Distribution (by preparer): Leg. Finance, Legislative Sponsor, Requestor, OMB, Gov. , & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

NO. _____
BILL VERSION: SCS HJR 29(RLS)
PUBLISH DATE: _____

Revision Date: _____
Title: Supporting an increase in federal funding
for prostate cancer research.
Sponsor: Representative Elton
Requestor: Senate Rules Committee

Department Affected: Legislative Affairs Agency
BRU: All

Component: All

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER FUND SOURCE						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared By: Karla Schofield, Deputy Director *Karla Schofield* Phone: 465-3852
 Division: Administrative Services Date: 2/18/98
 Approved By: Pamela A. Varni, Executive Director *Pamela Varni*
 Agency: Legislative Affairs Agency Date: 2/18/98

Distribution (by preparer): Leg. Finance, Legislative Sponsor, Requestor, OMB, Gov. , & Impacted Agency(ies).

Amendment #1

Senate Rules Committee

HJR 29

Funding for Prostate Cancer Research

Page 1, line 6:

1998 [1997]

Page 1, line 7:

209,900 [334,500]

Page 2, lines 4-5:

Delete "on Father's Day, June 15, 1997"

SENATE CS FOR HOUSE JOINT RESOLUTION NO. 29(RLS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES ELTON, Hudson, Kemplen, Austerman, Kookesh, Berkowitz, Nicholia, Ivan, Dyson, Kubina, Sanders, Davies, Rokeberg, Croft

SENATOR Ellis

A RESOLUTION

1 Supporting an increase in federal funding for prostate cancer research.

2 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 WHEREAS, except for skin cancers, prostate cancer is the most common form of
4 cancer in men; and

5 WHEREAS one out of every five American men will develop prostate cancer; and

6 WHEREAS the American Cancer Society estimates that, in 1998 in the United States,
7 approximately 209,900 new cases of prostate cancer will be diagnosed and that approximately
8 41,800 prostate cancer related deaths will occur; and

9 WHEREAS, with an estimated 9,000,000 men currently afflicted, the prevalence of
10 prostate cancer makes it epidemic in the United States; and

11 WHEREAS African-American men in the United States have the highest incidence
12 of prostate cancer of any population in the world; and

13 WHEREAS there is a need for equal access to recognized forms of prostate cancer
14 treatment; and

15 WHEREAS the number of prostate cancer cases diagnosed has increased significantly
16 over the past 35 years, partly as a result of the widespread use of improved screening
17 techniques, including screening for the prostate cancer antigen; and

1 **WHEREAS** superior diagnostic and prognostic techniques are needed; and

2 **WHEREAS** the American Cancer Society is a founding member of the National
3 Prostate Cancer Coalition, a network of prostate cancer patients, advocates, and supporting
4 organizations, which is gathering 1,000,000 signatures to present to President Bill Clinton;

5 **BE IT RESOLVED** that the Alaska State Legislature joins the National Prostate
6 Cancer Coalition and other organizations and individuals in supporting increased federal
7 funding for prostate cancer research; and be it

8 **FURTHER RESOLVED** that the Alaska State Legislature respectfully requests
9 President Bill Clinton to support increased funding for prostate cancer research.

10 **COPIES** of this resolution shall be sent to the Honorable Bill Clinton, President of the
11 United States; the Honorable Al Gore, Jr., Vice-President of the United States and President
12 of the U.S. Senate; the Honorable Newt Gingrich, Speaker of the U.S. House of
13 Representatives; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S.
14 Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska
15 delegation in Congress.

REPRESENTATIVE KIM ELTON

MEMORANDUM

To: Senator Tim Kelly, Chair
Senate Rules Committee

From: ~~Representative Kim Elton~~

Date: February 5, 1998

RE: **Corrected** Request for an amendment to
HJR 29, Funding for Prostate Cancer Research

I understand you are willing to schedule HJR 29 for action on the Senate Floor. Thank you.

However, the resolution contains two outdated references to 1997. On page 1, lines 6 and 7 should be updated for the estimated number of prostate cancer cases which will be diagnosed this year (100,000 less than in 1997). Page 2, lines 4 and 5 of the original resolution refer to an effort to present 1,000,000 signatures to President Clinton on Father's Day 1997. The million signatures have not yet been collected; the new deadline is September 1998 during National Prostrate Cancer week.

Therefore, I ask you to consider amending the resolution in Senate Rules to delete the outdated reference. I do not recommend referencing the September 1998 deadline in case it has to be postponed again. My proposed amendment is attached.

Thank you. Please feel free to call me at 465-4947 if you have any questions.

Attachment: Amendment #1

AMENDMENT

OFFERED IN THE SENATE

TO: HJR 29

- 1 Page 1, line 6:
- 2 Delete "1997"
- 3 Insert "1998"

- 4 Page 1, line 7:
- 5 Delete "334,500"
- 6 Insert "209,900"

- 7 Page 2, lines 4 - 5:
- 8 Delete "on Father's Day, June 15, 1997"

2-6-98

TAM:

MAY I GET A RULES C.S.
FOR HJR 29, WHICH REFLECTS THE
ABOVE? PROBABLE RULES MEETING
LATE NEXT WEEK.

THANKS.
TIM B.
3970

April 7, 1997

The Honorable Kim Elton
Alaska House of Representatives
State Capitol
Juneau, Alaska 99801-1182

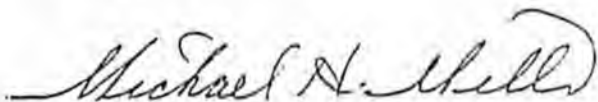
Dear Representative Elton:

As a person prolonging their life with metastatic prostate cancer I wish to join you and your colleagues in sending President Clinton a resolution from the State of Alaska.

In 1997 approximately 290 Alaskan men will be diagnosed with prostate cancer. Nationwide approximately 334,500 men will be diagnosed with prostate cancer. To date, prostate cancer makes up 43 percent of all male cancers with 14 percent responsible for actual deaths. This last statistic should give us an extreme sense of urgency to obtain increased funding for prostate cancer research. While medical treatment for this disease has improved there still is a high mortality rate. Finding a prevention and/or cure will save money as well as lives.

Again, I wish to join you and the Alaska State Legislative body in sending President Clinton and the United States Congress a message that Alaska is very serious about preventative health care and the need to eradicate prostate cancer by increasing funding for research.

Respectfully Submitted,



Michael H. Miller
6737 Gray Street
Juneau, Alaska 99801
(907) 586-2952

04/03/1997 08:15 3074633333

HOSPICE 
& HOME CARE
of Juneau

3200 Hospital Dr. Suite 100 ♥ Juneau, Alaska 99801

(907) 463-3113 ♥ FAX 463-3835

TO: REPRESENTATIVE KIM ELTON

RE: HJR 29

FROM: JAN YOUNG, RN

I am writing this letter of support for HJR 29. I am a nurse who has worked with Prostate Cancer patients for many years and am convinced that patient and professional education, early detection and access to the most current treatment programs are vital to their health and survival.

The American Cancer Society has revised their priorities over the last few years to enable their volunteers to focus on key cancer education and prevention areas as well as target fundraising. The National ACS office has conducted and reviewed research on these priority areas to assure that the funding and education programs can actually make a difference in the outcome for these particular cancer patients. In November of 1996, the National ACS declared Prostate Cancer as it's newest priority. This is the most common cancer among American men, excluding skin cancer and is the second leading cause of cancer death in men, exceeded only by lung cancer. It is time for Americans to take a stand against this dreaded disease and dedicate time and financial support to research and treatment efforts.

Thank you for your help and support,



Jan Young RN
Hospice and Home Care of Juneau Clinical Supervisor
ACS Western Pacific Division Board of Directors





WESTERN PACIFIC DIVISION, ALASKA AREA OFFICE

Anril 7, 1997

Representative Kim Elton
Alaska House of Representatives
State Capitol
Juneau, Alaska 99801-1182

Dear Representative Elton,

It is estimated that in the United States 334,500 men will be newly diagnosed with prostate cancer. Mortality is estimated at 41,000 men. Alaska estimates approximately 290 newly diagnosed with an estimated mortality of 40 men to prostate cancer. There has been a significant increase in prostate cancer diagnosis over the past 35 years and continues to rise because of the increase in screening programs, but too many men are still unaware of the risk or are being diagnosed in late stages of the disease.

The American Cancer Society, as a founding member of the National Prostate Cancer Coalition, support all efforts to help in eradicating this prevalent disease. Through proper screening techniques it has been proven to decrease the mortality rate while increasing the rate of those being diagnosed at an earlier stage of the disease when cure rate and survival are significant.

The American Cancer Society supports your HJR 29 asking for President Clinton to support the signature petition which is asking for an increase in federal funding for prostate cancer research programs. With better funding the nationwide outreach, through education, awareness, and screening programs, will significantly impact the unnecessary loss due to prostate cancer.

Sincerely,

Barbara J Gill,
Medical Affairs/Early Detection Director
Alaska Area

FOR CANCER INFORMATION OR TO MAKE A MEMORIAL DONATION, CALL 1-800-ACS-2345
1057 W. FIREWEED LANE, STE 204, ANCHORAGE, AK 99503-1760
907-277-8696 1-800-478-9355 FAX 907-263-2073 <http://www.cancer.org>



April 2, 1997

The Honorable Kim Elton
Alaska House of Representatives
State Capitol
Juneau, AK 99801-1182

Dear Representative Elton:

On behalf of the American Cancer Society, Western Pacific Division, I want to thank you for giving us the opportunity to voice our enthusiastic support of HJR 29.

The American Cancer Society advocates for increased research funding of all cancers, but prostate cancer is of particular concern due to the high incidence rate and high mortality rate for this disease.

Prostate cancer costs our country billions of dollars in lost productivity and medical treatment. Finding a prevention and/or cure for this disease will, in the future, save money as well as lives.

We applaud your effort to send a message to President Clinton and the United States Congress to commit to eradicating prostate cancer by increasing funding for research and making prostate cancer a national priority.

Sincerely,

Deborah Spence Schiro
Program Manager, Detection
Western Pacific Division
American Cancer Society

April 6, 1997

Representative Kim Elton
State Capitol
Juneau, AK 99801-1182

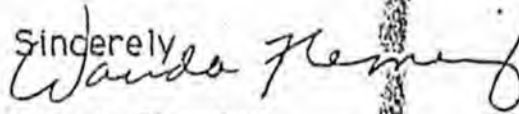
Dear Representative Elton:

I received your letter regarding your request for a letter of support regarding the recently introduced HJR 29 - Funding for Prostrate Cancer Research. I would be honored to write a brief statement of support.

As I am writing this today, I learned this morning of a close friend you has a tumor on his prostate and will be going in for surgery to determine if it is cancer. I strongly believe that funding should be made available for prostate cancer research programs. As with breast cancer - which strikes millions of women throughout the United States - I believe that there should be funding for both of these areas. It seems that we have worked on the cancer of the breast, but have put aside the fact that men throughout the United States are also stricken with their own type of cancer, that being prostate. I urge the Alaska Legislature to support House Joint Resolution 29.

I have been a member of the Juneau Unit of the American Cancer Society for three years and am presently serving as the unit president. I am a seven year survivor of colon cancer and am very interested in fighting all various types of cancer.

If you have any questions, please feel free to contact me at my home 364-3617. I do wish the best to you with this resolution and getting the support it needs here in Alaska and nation wide.

Sincerely,

Wanda Fleming

cc: Mike Miller

Wanda J. Fleming
2192B-Lawson Creek Road
Douglas, Alaska 99824

WHAT ARE THE KEY STATISTICS ABOUT PROSTATE CANCER?

Prostate cancer is the most common cancer among American men, excluding skin cancers.

The American Cancer Society estimates that in 1997 some 334,500 new cases and 41,800 prostate cancer-related deaths will occur in the United States.

Prostate cancer is now the second leading cause of cancer death in men, exceeded only by lung cancer.

Prostate cancer accounts for 43% of all male cancers, and 14% of male cancer-related deaths.

Eighty-seven percent (87%) of men diagnosed with prostate cancer survive at least 5 years and 63% survive at least 10 years. Fifty-eight percent (58%) of all prostate cancers are discovered while still localized, and the 5-year relative survival rate for men with localized prostate cancer is 99%.

The number of prostate cancer cases has increased significantly over the past 35 years. This increase is most likely a result of widespread use of improved screening techniques. However, mortality data also suggest that there has been a small increase in the incidence of this disease due to the aging of the U.S. population.

Now that the prostate-specific antigen (PSA) blood test is widely used to screen for prostate cancer, it is expected that even more cases will be found in the future.

Other prostate cancer statistics

Approximately 1 out of every 5 American men will develop prostate cancer in their lifetime.

Prostate cancer incidence rates are 66% higher for African-American men than for white men. In fact, African-American men have the highest rate of prostate cancer in the world.

Prostate cancer is most common in North America and northwestern Europe. It is rare in Asia, Africa, Central America and South America.

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Article List	Full Text	Full Text	Full Text	Full Text	Full Text



The Columbia Univ. Coll. of Physicians & Surgeons Complete Home Medical Guide,
Edition 3, 1995 p271(2)



Prostate Cancer (Cancers Common to Men) (Chapter 10). *Ihor S. Sawczuk;*
Ridwan Shabsigh; Carl A. Olsson; Karen H. Antman.

Full Text: COPYRIGHT 1995 Crown Publishers Inc.

(Prepared with Karen H Antman, M.D.)

Definition

The prostate gland is the most common cancer site in men, with about 200,000 new cases a year. About 38,000 men die of prostate cancer each year, making it the second leading cause of cancer mortality in men (exceeded only by lung cancer). According to American Cancer Society statistics, the overall 5-year survival rate is 78 percent--a marked improvement from the 50 percent survival rate of the 1960s. About 58 percent of prostate cancer is diagnosed while still localized; in these patients, the 5-year survival rate climbs to 92 percent. In contrast, only 28 percent live 5 years if the cancer has metastasized.

Often early prostate cancer develops without symptoms; in other instances, it produces symptoms similar to those of benign prostate enlargement: a weak or interrupted urinary flow and occasionally blood in the urine or pain and burning during urination. Advanced prostate cancer characteristically spreads to the skeleton, resulting in bone pain, especially in the lower back.

Cause

Although the exact cause of prostate cancer is unknown, epidemiological studies point to a number of predisposing factors, including heredity, male sex hormones, infectious agents, environment, and diet.

Diagnosis

A rectal examination, in which a doctor inserts a gloved finger into the rectum to palpate the prostate for any unusual swelling or nodules, remains the most common screening examination for prostate cancer. However, the recent development of a blood test for prostate specific antigen (PSA) is a major advance in early detection of possible prostate cancer. PSA is a protein produced by the prostate gland; when blood tests detect higher than normal levels, prostatic enlargement is likely and further testing is indicated to rule out cancer. These

examinations may include an ultrasound examination of the prostate, but only a biopsy of suspicious tissue can diagnose or discount cancer.

Once prostate cancer has been diagnosed, additional tests are needed to determine whether it has metastasized. These usually include bone and CT scans. In some cases, some pelvic lymph nodes may be removed and studied for the presence of cancer.

Treatment

Treatment depends upon the stage of the disease. Patients with localized cancer are treated with surgical removal of the prostate (a radical prostatectomy) and/or external beam radiation therapy. In some cases, elderly men with very slow-growing disease may be monitored and treated only if the disease accelerates.

In the past, a radical prostatectomy was associated with a high incidence of impotence, resulting from severing of the pelvic nerves. A new procedure developed in 1982 to treat localized prostate cancer spares the nerves and often preserves sexual function. Even so, the patient will be infertile because the prostate is needed to make components of the seminal fluid that transports sperm. This new technique also makes it easier to reattach the urethra to the bladder, reducing the risk of urinary incontinence. In some patients, incontinence and/or impotence are temporary problems, although it may take a year to regain full function.

Radiation therapy is an alternative to surgery, especially for patients who are too ill or are unwilling to undergo an operation. Typically, the radiation is delivered by an external beam of high-energy rays. Alternatively, radioactive seeds may be inserted into the prostate gland to destroy cancer cells. This form of radiation therapy may be combined with cryosurgery, the use of a freezing technique.

Advanced cancer requires systemic treatment. Because 80 percent of prostate cancers are stimulated by testosterone, hormone therapy to eliminate testosterone is the best form of palliation. This may be achieved by surgical removal of the testes, or by complete androgen blockade. This can be achieved by administering luteinizing-hormone releasing hormone (LHRH), a substance that blocks the chemical signals to produce testosterone from the pituitary to the testes and with an anti-androgen to block testosterone formed from other sites. Estrogen, the major female sex hormone, has a similar effect. All of the treatments cause significant side effects, including loss of libido and impotence. Estrogen can also cause breast swelling, fluid retention, and an increased risk of cardiovascular disease.

Prevention

A low-fat diet has been advocated as preventive, but there is no scientific proof that this is so. To date, the best approach to prevention remains annual screening to detect the disease while it is confined to the prostate.

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WESTERN PACIFIC DIVISION, ALASKA AREA OFFICE

March 3, 1997

Rep. Ken Elton
Attn: Odette Foster

I've included Prostate Cancer statistics, a copy of the National Prostate Cancer Coalition (NPCC) petition. The American Cancer Society is a member of the NPCC.

A petition is being circulated, asking that the US Congress commit to increase funding to help in eradicating prostate cancer through research programs. The National office is requesting that we aim to obtain at least 334,000 signatures to be presented on March 17 at a special ceremony in Washington D.C. A second deadline is Father's Day in June, at which time the NPCC hopes to have collected 1,000,000 signatures, to present at a ceremony yet to be planned.

I have circulated petition through the ACS statewide community volunteers, but most of the information had not reached us until February which does not allow much time for March 17th deadline.

If you are in need of further assistance please contact me at (907) 263-2077.

Sincerely,

A handwritten signature in cursive script that reads "Barbara J Gill".

Barbara J Gill
Medical Affairs/Early Detection Director

FOR CANCER INFORMATION OR TO MAKE A MEMORIAL DONATION, CALL 1-800-ACS-2345
1057 W. FIREWEED LANE, STE 204, ANCHORAGE, AK 99503-1760
907-277-8696 1-800-478-9355 FAX 907-263-2073 <http://www.cancer.org>

HJR

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Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf

HJR 31
Senate Rules Committee 5/6/97 8:37 pm

Alaska State Legislature

House of Representatives

Committees

Rules Committee, Chair
Legislative Council
International Trade & Tourism
Military & Veterans Affairs
World Trade & State/Federal Relations



Interim:
10928 Eagle River Rd. Suite 141
Eagle River, AK 99577

Session:
Alaska State Capitol
Juneau, AK 99801

Sponsor Statement

HJR 31

This resolution requests Congress to amend the Federal Food, Drug and Cosmetic Act to facilitate the rapid review and approval of innovative new drugs, biological products and medical devices without compromising patient safety of product effectiveness. Congress made it clear that the Act should be liberally construed to protect public health.

Pharmaceutical companies have complained that there is too much government "red tape" acting as a barrier to market entry for new pharmaceutical products. This situation results in effective drugs being held from consumers for years before they are allowed on the market. This resolution urges Congress to look at the Federal Food, Drug and Cosmetic Act and make appropriate changes to the Act allowing drugs and medical devices to move onto the market more rapidly.

More rapid approval of drugs and medical devices without compromising patient safety could save lives and improve the quality of lives. I urge you to support this resolution.



Representative Pete Kott

Juneau Office (907) 465-3777 Toll Free 1-800-861-KOTT(5688) Fax (907) 465-2819
Eagle River Office (907) 694-8944 Fax (907) 694-8945 E-Mail: representative_pete_kott@legis.state.ak.us



HJR

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Mary Pagenkopf

HJR 34

Senate Rules Committee 5/2/97 3:22 pm

ALASKA STATE LEGISLATURE



House of Representatives
Special Committee on Fisheries

HJR 34

PROPOSED NPFMC HALIBUT SUBSISTENCE REGULATIONS

SPONSOR STATEMENT

The North Pacific Fishery Management Council (NPFMC) was recently requested to create a new fishery for halibut in state and federal waters off Alaska. This request was partly initiated in response to recent enforcement problems associated with retention of undersized halibut and use of illegal gear. In December on 1996, the Council initiated the regulatory process which included several management options. A Council newsletter indicated that revised regulations likely would be implemented in 1998.

The proposed management options are attached to this statement.

Halibut are regulated in the North Pacific through the International Pacific Halibut Treaty, which created the International Pacific Halibut Commission, and the Northern Pacific Halibut Act of 1982, which clarified the responsibilities of the Halibut Commission and the Council. The 1982 Act indicated that the basic responsibility of the Commission is to maintain the health of the resource by evaluating available biological data and establishing management goals and area quotas. The NPFMC was authorized to establish regulations within the guidelines of the Halibut Commission for the harvesting of halibut. Recommendations and regulations proposed by both the Halibut Commission and the Council require concurrence by the Secretary of Commerce.

Neither the Halibut Commission nor the Council have ever identified a specific subsistence halibut fishery. Throughout most coastal areas, the taking of halibut for personal consumption has been taken under the recreational fishery regulations or as halibut retained during a commercial fishery. The recent establishment of halibut IFQ's has resulted in less opportunity for those who do not have an IFQ to utilize commercial gear for harvesting for personal consumption.