

opines that said conditions have been met, the remaining members of the board of directors may rely on such opinion in authorizing the requested indemnification.

(d) In the event that all of the members of the board of directors are named as respondents in an administrative proceeding or civil action and request indemnification, the board shall authorize independent legal counsel to review the indemnification request and provide the board with a written opinion of counsel as to whether the conditions delineated in paragraph (a) of this section have been met. If independent legal counsel opines that said conditions have been met, the board of directors may rely on such opinion in authorizing the requested indemnification.

§ 359.6 Filing instructions.

Requests to make excess nondiscriminatory severance plan payments pursuant to § 359.1(f)(2)(v) and golden parachute payments permitted by § 359.4 shall be submitted in writing to the FDIC regional director (Supervision) for the region in which the institution is located. The request shall be in letter form and shall contain all relevant factual information as well as the reasons why such approval should be granted. In the event that the consent of the institution's primary federal regulator is required in addition to that of the FDIC, the requesting party shall submit a copy of its letter to the FDIC to the institution's primary federal regulator. In the case of national banks, such written requests shall be submitted to the OCC. In the case of state member banks and bank holding companies, such written requests shall be submitted to the Federal Reserve district bank where the institution or holding company, respectively, is located. In the case of savings associations and savings association holding companies, such written requests shall be submitted to the OTS regional office where the institution or holding company, respectively, is located. In cases where the prior consent of only the institution's primary federal regulator is required and that agency is not the FDIC, a written request satisfying the requirements of this section shall be submitted to the primary federal regulator as described in this section.

§ 359.7 Applicability in the event of receivership.

The provisions of this part, or any consent or approval granted under the provisions of this part by the FDIC (in its corporate capacity), shall not in any way bind any receiver of a failed

insured depository institution. Any consent or approval granted under the provisions of this part by the FDIC or any other federal banking agency shall not in any way obligate such agency or receiver to pay any claim or obligation pursuant to any golden parachute, severance, indemnification or other agreement. Claims for employee welfare benefits or other benefits which are contingent, even if otherwise vested, when the FDIC is appointed as receiver for any depository institution, including any contingency for termination of employment, are not provable claims or actual, direct compensatory damage claims against such receiver. Nothing in this part may be construed to permit the payment of salary or any liability or legal expense of any IAP contrary to 12 U.S.C. 1828(k)(3).

By order of the Board of Directors, dated at Washington, DC, this 6th day of February, 1996.

Federal Deposit Insurance Corporation.

Jerry L. Langley,

Executive Secretary.

[FR Doc. 96-3273 Filed 2-14-96; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 96-AWA-1]

Revision to the Miami Class B Airspace Area; Florida

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; technical amendment.

SUMMARY: This action corrects the legal description of the Miami, FL, Class B airspace area. This action is necessary due to the decommissioning of two principal navigational aids (NAVAIDS), Biscayne Bay, FL, Very High Frequency Omnidirectional Range (VOR) and Miami, FL, VOR, used to describe the lateral limits of the present Miami, FL, Class B airspace area. This action does not alter the vertical or lateral limits of the existing Miami, FL, Class B airspace area.

EFFECTIVE DATE: February 15, 1996.

FOR FURTHER INFORMATION CONTACT:

Patricia P. Crawford, Airspace and Obstruction Evaluation Branch (ATP-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue SW.,

Washington, DC 20591; telephone: (202) 267-3075.

SUPPLEMENTARY INFORMATION: This action is the last in a series of regulatory and nonregulatory actions that began in 1992 with Hurricane Andrew. In the summer of 1992, the Biscayne Bay (BSY) VOR was rendered inoperative by Hurricane Andrew and was replaced by the Andrew (AEW) Nondirectional Radio Beacon (NDB). The AEW NDB provided navigational guidance for air traffic operations in south Florida until March 30, 1995. At that time, the Virginia Keys (VKZ) Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME) was commissioned to replace the AEW NDB.

In anticipation of changes to the airspace in South America and the Caribbean, the FAA initiated action to decommission and relocate another primary NAVAID, the Miami VOR, to support users of the airspace and the air traffic system. A new NAVAID, replacing the Miami VOR, was commissioned as the Dolphin (DHP) VOR on November 9, 1995.

The commissioning or decommissioning of these NAVAIDS prompted rulemaking action to realign Federal airways, jet routes, and revisions to standard instrument departure and arrival routes. Associated publications were updated subsequently to the rulemaking actions. However, the Miami, FL, visual flight rules Terminal Area Chart was not updated and as a result of this oversight, the published chart contained obsolete data.

This action will update the description of the Miami, FL, Class B airspace area and associated navigational charts by removing all notations relating to BSY and MIA VOR's. Since this action involves the removal of obsolete terms from the airspace designation and does not alter the vertical or lateral boundaries or operating requirements of the Miami Class B airspace area, the FAA finds that notice and public procedure under 5 U.S.C. 553(b), are not practicable. Also, because there is an immediate need to remove any reference to obsolete NAVAIDS from the airspace designation to avoid pilot confusion, the FAA finds that, good cause, pursuant to 5 U.S.C.(d), exists for making this amendment effective in less than 30 days.

Further, the FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It,

therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic aeronautical charts, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The Amendment

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) redefines the current Miami, FL, Class B airspace designation due to the decommissioning of the Biscayne Bay, FL, and the Miami, FL, VOR's.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71, as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

Paragraph 3000—Subpart B—Class B Airspace

* * * * *

ASO FL B Miami, FL [Revised]

Miami International Airport (Primary Airport)

(lat. 25°47'35" N., long. 80°17'25" W.)
Miami, Kendall-Tamiami Executive Airport, FL

(lat. 25°38'52" N., long. 80°25'58" W.)

Dolphin VORTAC

(lat. 25°48'00" N., long. 80°20'57" W.)

Boundaries

Area A. That airspace extending upward from the surface to and including 7,000 feet MSL within a 6-mile radius of Miami International Airport, excluding that airspace north of lat. 25°52'03" N., (N.W. 103rd Street/49th Street in the City of Hialeah), and within and underlying Area F described hereinafter.

Area B. That airspace extending upward from 1,500 feet MSL to and including 7,000 feet MSL within a 10-mile radius of Miami International Airport, excluding that airspace north of lat. 25°52'03" N., that airspace south of lat. 25°40'19" N., Area A previously described, and within Areas C and F described hereinafter.

Area C. That airspace extending upward from 2,000 feet MSL to and including 7,000 feet MSL within an area bounded on the northeast by a 4.3-mile radius arc of Kendall-Tamiami Executive Airport, on the south by the lat. 25°40'19" N., and on the southwest by a 10-mile radius arc of Miami International Airport.

Area D. That airspace extending upward from 3,000 feet MSL to and including 7,000 feet MSL beginning northwest of Miami International Airport at the intersection of a 20-mile radius arc of Miami International Airport and lat. 25°57'48" N., thence east along lat. 25°57'48" N., to the intersection of a 15-mile radius arc of Miami International Airport, thence clockwise along the 15-mile radius arc to lat. 25°57'48" N., thence east along lat. 25°57'48" N., to the intersection of a 20-mile radius arc of Miami International Airport, thence clockwise along the 20-mile radius arc to the Dolphin VORTAC 151° radial, thence northwest along the Dolphin VORTAC 151° radial to the intersection of a 15-mile radius arc of Miami International Airport, thence clockwise along the 15-mile radius arc to lat. 25°40'19" N., thence west along lat. 25°40'19" N., to the intersection of a 20-mile radius arc of Miami International Airport, thence clockwise along the 20-mile radius arc to the point of beginning, excluding the airspace within Areas A, B, and C previously described, and within Areas F and G described hereinafter.

Area E. That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL bounded on the south by lat. 25°57'48" N., on the northwest by a 20-mile radius arc of Miami International Airport, on the northeast by a line from lat. 26°05'56" N., long. 80°26'23" W., to lat. 26°01'32" N., long. 80°23'40" W., and on the southeast by a 15-mile radius arc of Miami International Airport.

Area F. That airspace extending upward from but not including 1,000 feet MSL to and including 7,000 feet MSL bounded on the east by a 6-mile radius arc of Miami International Airport, and on the west by the west shoreline of Biscayne Bay.

Area G. That airspace extending upward from 5,000 feet MSL to and including 7,000 feet MSL bounded on the north by lat. 25°40'19" N., on the southwest by a 15-mile radius arc of Miami International Airport, and on the east by U.S. Route 1.

Area H. That airspace extending upward from 2,000 feet MSL to and including 7,000 feet MSL bounded on the northeast by U.S. Route 27, on the south by lat. 25°52'03" N., and on the northwest by a 10-mile radius arc of Miami International Airport.

* * * * *

Issued in Washington, DC, on February 8, 1996.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 96-3491 Filed 2-14-96; 8:45 am]

BILLING CODE 4910-13-P

14 CFR Part 71

[Airspace Docket No. 95-ANE-60]

Amendment to Class D and Class E Airspace; New England Region

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment modifies the Class D airspace areas at Beverly, MA (BVY); Bedford, MA (BED); Danbury, CT (DXR); Norwood, MA (OWD); Lebanon, NH (LEB); and Nashua, NH (ASH); and the associated Class E airspace areas at Beverly (BVY), Lebanon (LEB), and Nashua (ASH). The FAA has determined after a review of the elevation of the surrounding terrain in the vicinity of these airports that the lateral limits of the Class D areas at these airports may be reduced and the appropriate changes made to the Class E airspace areas.

EFFECTIVE DATE: 0901 UTC, April 25, 1996.

FOR FURTHER INFORMATION CONTACT: Raymond Duda, System Management Branch, ANE-533, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (617) 238-7533; fax (617) 238-7596.

SUPPLEMENTARY INFORMATION:

History

On December 18, 1995, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by reducing the lateral limits of the Class D airspace areas at Beverly, MA (BVY); Bedford, MA (BED); Danbury, CT (DXR); Norwood, MA (OWD); Lebanon, NH (LEB); and Nashua, NH (ASH); and, as a consequence to those changes, by making the necessary changes to the associated Class E airspace areas at Beverly (BVY), Lebanon (LEB), and Nashua (ASH) (60 FR 65041). The proposed action was the result of an extensive review of the elevation of the surrounding terrain at airports in the New England region with Class D airspace areas. That review came in response to concerns expressed by operators and other interested parties over recent changes to the lateral limits of Class D airspace areas in the New