

# Rules and Regulations

Federal Register

Vol. 70, No. 145

Friday, July 29, 2005

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 77

[Docket No. 05-010-2]

#### Tuberculosis in Cattle and Bison; State and Zone Designations; California

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Affirmation of interim rule as final rule.

**SUMMARY:** We are adopting as a final rule, without change, an interim rule that amended the bovine tuberculosis regulations regarding State and zone classifications by raising the designation of California from modified accredited advanced to accredited-free. The interim rule was based on our determination that California met the criteria for designation as an accredited-free State.

**EFFECTIVE DATE:** The interim rule became effective on April 15, 2005.

**FOR FURTHER INFORMATION CONTACT:** Dr. Michael Dutcher, Senior Staff Veterinarian, National Tuberculosis Eradication Program, Ruminant Health Programs, National Center for Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737-1231, (301) 734-5467.

#### SUPPLEMENTARY INFORMATION:

##### Background

In an interim rule effective and published in the *Federal Register* on April 15, 2005 (70 FR 19877-19878, Docket No. 05-010-1), we amended the bovine tuberculosis regulations regarding State and zone classifications by raising the designation of California from modified accredited advanced to accredited-free. The interim rule was based on our determination that California met the criteria for designation as an accredited-free State.

Comments on the interim rule were required to be received on or before June 14, 2005. We received two comments by that date, from a State agricultural agency and a cattlemen's industry group. Both commenters supported the interim rule.

Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived its review under Executive Order 12866.

#### List of Subjects in 9 CFR Part 77

Animal diseases, Bison, Cattle, Reporting and recordkeeping requirements, Transportation, Tuberculosis.

#### PART 77—TUBERCULOSIS

■ Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR part 77 and that was published at 70 FR 19877-19878 on April 15, 2005.

Done in Washington, DC, this 21st day of July 2005.

**Elizabeth E. Gaston,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 05-14986 Filed 7-28-05; 8:45 am]

BILLING CODE 3410-34-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2005-21707; Airspace Docket No. 05-ACE-22]

#### Modification of Legal Description of Class C and Class E Airspace; Lincoln, NE

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Direct final rule; request for comments.

**SUMMARY:** An examination of controlled airspace for Lincoln, NE revealed discrepancies in the airport name. This action corrects the airport name and

removes references to effective dates and times established in advance by a Notice to Airmen from the legal descriptions for Class C and Class E airspace. The effective dates and times are now continuously published in the Airport/Facility Directory.

**DATES:** This direct final rule is effective on 0901 UTC, October 27, 2005.

Comments for inclusion in the Rules Docket must be received on or before August 29, 2005.

**ADDRESSES:** Send comments on this proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify the docket number FAA-2005-21707/Airspace Docket No. 05-ACE-22, at the beginning of your comments. You may also submit comments on the Internet at <http://dms.dot.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Docket Office between 9 a.m. and 5 p.m.,

Monday through Friday, except Federal holidays. The Docket Office (telephone 1-800-647-5527) is on the plaza level of the Department of Transportation NASSIF Building at the above address.

#### FOR FURTHER INFORMATION CONTACT:

Brenda Mumper, Air Traffic Division, Airspace Branch, ACE-520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329-2524.

**SUPPLEMENTARY INFORMATION:** This amendment to 14 CFR 71 modifies the legal description of Class C airspace, Class E airspace designated as a surface area and Class E airspace beginning at 700 feet above the surface at Lincoln, NE. Class C airspace areas are published in paragraph 4000 of FAA Order 7400.9M, Airspace Designations and Reporting Points, dated August 30, 2004, and effective September 16, 2004, which is incorporated by reference in 14 CFR 71.1. Class E airspace areas are published in Paragraph 6002 and 6005 of the same FAA Order. The Class C and Class E airspace designations listed in this document will be published subsequently in the Order.

#### The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and therefore, is

issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

**Comments Invited**

Interested parties are invited to participate in this rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2005-21707/Airspace Docket No. 05-ACE-22." The postcard will be date/time stamped and returned to the commenter.

**Agency Findings**

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

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

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority since it contains aircraft executing instrument approach procedures to Lincoln Airport.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**Adoption of the Amendment**

Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

**PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS**

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 Federal Aviation Administration Order 7400.9M, dated August 30, 2004, and effective September 16, 2004, is amended as follows:

*Paragraph 4000 Class C airspace.*

\* \* \* \* \*

**ACE NE C Lincoln Airport, NE**

Lincoln Airport, NE  
(Lat. 40°51'03" N., long. 96°45'33" W.)

That airspace extending upward from the surface to and including 5,200 feet MSL within a 5-mile radius of the Lincoln Airport and that airspace extending upward from 2,700 feet MSL to 5,200 feet MSL within a 10-mile radius of the airport.

\* \* \* \* \*

*Paragraph 6002 Class E Airspace Designated as a Surface Area.*

\* \* \* \* \*

**ACE NE E2 Lincoln Airport, NE**

Lincoln Airport, NE  
(Lat. 40°51'03" N., long. 96°45'33" W.)

Within a 5-mile radius of the Lincoln Airport

\* \* \* \* \*

*Paragraph 6005 Class E Airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

**ACE NE E5 Lincoln, NE**

Lincoln Airport, NE  
(Lat. 40°51'03" N., long. 96°45'33" W.)

Lincoln VORTAC  
(Lat. 40°55'26" N., long. 96°44'31" W.)

Lincoln Airport ILS  
(Lat. 40°52'02" N., long. 96°45'42" W.)

That airspace extending upward from 700 feet above the surface within a 7.4-mile radius of the Lincoln Airport and within 3.9 miles each side of the 014° radial of the Lincoln VORTAC extending from the 7.4-mile radius to 10 miles north of the VORTAC and within 6 miles east and 4 miles west of the Lincoln ILS localizer course extending from the 7.4-mile radius to 18 miles south of the airport and within 4 miles east and 6 miles west of the Lincoln ILS localizer course extending from the 7.4-mile radius to 14.7 miles north of the airport, excluding that airspace within the Lincoln Airport, NE, Class C airspace area.

\* \* \* \* \*

Issued in Kansas City, MO, on July 19, 2005.

Elizabeth S. Wallis,

Acting Area Director, Western Flight Services Operations

[FR Doc. 05-14977 Filed 7-28-05; 8:45 am]

BILLING CODE 4910-13-M

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA-2005-21873; Airspace Docket No. 05-ACE-27]

**Modification of Legal Description of the Class D and Class E Airspace; Salina Municipal Airport, KS**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Direct final rule; request for comments.

**SUMMARY:** An examination of controlled airspace for Salina Municipal Airport, KS has revealed discrepancies in the coordinates used in the legal description for the Class D and Class E airspace areas. This action corrects that discrepancy by incorporating the