

has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act and of the order regulating the handling of milk in the Central Illinois marketing area.

Notice of proposed rulemaking was published in the **Federal Register** on January 4, 1995 (60 FR 379), concerning a proposed suspension of the aggregate diversion limits for a pool distributing plant regulated under Order 50. Interested persons were afforded opportunity to file written data, views and arguments thereon. No comments were received.

After consideration of all relevant material, including the proposal in the notice and other available information, it is hereby found and determined that for an indefinite period beginning January 1, 1995, the following provision of the order does not tend to effectuate the declared policy of the Act:

In § 1050.13(d)(2), the words “: *Provided*, That the total quantity of producer milk diverted does not exceed 35 percent of the physical receipts of producer milk at the handler's pool plant during the month, exclusive of milk of producers who are members of a cooperative association that is diverting milk and the milk of other producers that is diverted pursuant to paragraph (d)(3) of this section”.

#### Statement of Consideration

This rule suspends the aggregate limit on the amount of milk that may be diverted from a pool plant during the months of August through April. At the present time, for each day's production of a producer's milk that is delivered to a pool plant during these months, another day's production may be diverted to a nonpool plant. However, in addition to this individual producer limit, there is an aggregate limit of 35 percent that applies to the total amount of milk that a pool plant operator may divert during the month. The suspension removes this 35 percent aggregate limit, effectively increasing the aggregate limit to 50 percent of a pool plant operator's total producer receipts during the month.

In their letter requesting the suspension, Prairie Farms Dairy, Inc. (Prairie Farms) and the Morning Glory Farms region of Associated Milk Producers, Inc. (AMPI), explained that Prairie Farms now operates the only distributing plant under the Central

Illinois order (Order 50) and that both cooperatives supply milk to this plant, which is located in Peoria. For several reasons, including the availability of abundant quantities of good quality feed, milk production is up substantially in recent months compared to the same period of last year. This has resulted in both cooperatives having to divert additional milk to nearby unregulated manufacturing plants on weekends, holidays, and other days when the Peoria plant is not in operation.

Prairie Farms and AMPI state that the suspension will allow them to continue to balance the supply of milk needed at the Peoria plant while at the same time eliminate the need to haul milk in and out of the plant merely to keep their milk pooled under the order.

Market statistics indicate that the average daily milk marketed per farm in the Central Illinois marketing area during August through November 1994 was about 300 pounds greater than for the same period in 1993. This increase in production, in conjunction with the single pool plant outlet available in this market, supports a suspension of the aggregate diversion limitations for an indefinite period so that producers whose milk has long been associated with the Central Illinois marketing area will continue to benefit from pooling and pricing under the order.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area, in that such rule is necessary to permit the continued pooling of the milk of dairy farmers who have historically supplied the market without the need for making costly and inefficient movements of milk;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension. No comments were received.

Therefore, good cause exists for making this order effective less than 30 days from the date of publication in the **Federal Register**.

#### List of Subjects in 7 CFR Part 1050

Milk marketing orders.

For the reasons set forth in the preamble, the following provision in

Title 7, Part 1050, is amended as follows:

#### PART 1050—MILK IN THE CENTRAL ILLINOIS MARKETING AREA

1. The authority citation for 7 CFR Part 1050 continues to read as follows:

**Authority:** Secs. 1–19, 48 Stat 31, as amended; 7 U.S.C. 601–674.

#### § 1050.13 [Suspended in part]

**Note:** This amendment will not be published in the annual *Code of Federal Regulations*.

2. In § 1050.13(d)(2), the words “: *Provided*, That the total quantity of producer milk diverted does not exceed 35 percent of the physical receipts of producer milk at the handler's pool plant during the month, exclusive of milk of producers who are members of a cooperative association that is diverting milk and the milk of other producers that is diverted pursuant to paragraph (d)(3) of this section” are suspended for an indefinite period beginning January 1, 1995.

Dated: February 2, 1995.

**Patricia Jensen,**

*Acting Assistant Secretary, Marketing and Regulatory Programs.*

[FR Doc. 95–3149 Filed 2–7–95; 8:45 am]

BILLING CODE 3410–02–P

#### 7 CFR Part 1212

[FV–93–707FR]

RIN 0581–AB19

#### Lime Research, Promotion, and Consumer Information Order; Amendments

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This rule amends the Lime Research, Promotion, and Consumer Information Order. These amendments revise the definition of the term “lime” in order to cover seedless rather than seeded limes; increase the exemption level from less than 35,000 pounds annually to less than 200,000; alter the size, composition, and term of office of the Lime Board; and make necessary conforming changes. This document is necessary to implement amendments to the Lime Research, Promotion, and Consumer Information Act of 1990.

**EFFECTIVE DATE:** February 8, 1995.

**ADDRESSES:** Richard Schultz, Research and Promotion Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2535–S, Washington, DC 20090–6456.

**FOR FURTHER INFORMATION CONTACT:** Richard Schultz at the above address or telephone (202) 720-5976.

**SUPPLEMENTARY INFORMATION:** This final rule amends the Lime Research, Promotion, and Consumer Information Order [7 CFR 1212], herein referred to as the Order. The Order is effective under the Lime Research, Promotion, and Consumer Information Act of 1990 (1990 Act) [Pub. L. 101-624, 7 U.S.C. 6201-6212], as amended by the Lime Research, Promotion, and Consumer Information Improvement Act (1993 Act) [Pub. L. 103-194, Dec. 14, 1993].

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under § 1957 of the Act, a person subject to the Order may file a petition with the Secretary of Agriculture (Secretary) stating that the Order or any provision of the Order, or any obligation imposed in connection with the Order, is not in accordance with law and requesting a modification of the Order or an exemption from the Order. The petitioner is afforded the opportunity for a hearing on the petition. After such hearing, the Secretary will make a ruling on the petition. The Act provides that the district courts of the United States in any district in which a person who is a petitioner resides or carries on business are vested with jurisdiction to review the Secretary's ruling on the petition, if a complaint for that purpose is filed within 20 days after the date of the entry of the ruling.

#### **Regulatory Impact Analysis**

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened.

The 1990 Act exempted lime producers who produce less than 35,000 pounds annually for the fresh market from being subject to the Order. When the 1990 Act was enacted, there were an

estimated 325 producers who produced at least 35,000 pounds annually and were subject to the Order. When the 1993 Act was enacted, the exemption level was increased to less than 200,000 pounds annually. At this exemption level, there are an estimated 50 producers who produce at least 200,000 pounds and will be subject to the Order. Despite this increase in exemption level, the majority of producers subject to the Order will still be classified as small entities. Small agricultural producers have been defined by the Small Business Administration (SBA) [13 CFR 121.601] as those having annual receipts of less than \$500,000.

The increase in exemption level is not expected to significantly affect the number of first handlers who are responsible for collecting and remitting producer assessments to the Lime Board (Board). The number of first handlers remains at approximately 25. The increase in exemption level, which also applies to imports, is not expected to significantly affect the number of importers of fresh market limes. The number of importers subject to the Order will increase from 5 to 35. However, this increase in importers is not primarily due to the increase in the exemption level but rather to the changing character of the lime industry. As in the case of producers, the majority of first handlers and importers subject to the Order will still be classified as small entities. Small agricultural service firms, which include handlers and importers, have been defined by the SBA as those having annual receipts of less than \$5,000,000.

Since the enactment of the 1990 Act, the character of the lime industry has significantly changed. As a result of the extensive damage to lime orchards in Florida by Hurricane Andrew in August 1992, domestic production has plummeted and the volume of imports has increased dramatically. Domestic production is not expected to reach pre-Hurricane Andrew levels for possibly two to three years because Florida accounted for a majority of domestic production.

Shipment reports of domestic limes, from January 1, 1994, through December 31, 1994, indicate truck shipments of 11.32 million pounds from Florida and 4.23 million pounds from California, for a total of 15.55 million pounds. Shipment reports of imported limes for the most recent 12 month period, November 1, 1993, through October 31, 1994, indicate truck shipments of 240.46 million pounds from Mexico plus an additional 8.02 million pounds from 13 other countries. Imports

currently represent roughly 94 percent of lime shipments in the United States.

The Order, prior to this action, required lime producers, producer-handlers, and importers who produce or import 35,000 pounds or more annually for fresh market to pay an assessment not to exceed one cent per pound of limes. This action limits assessment obligations to producers, producer-handlers, and importers who produce or import 200,000 pounds or more annually. The expected results of this action will significantly decrease the number of persons subject to the Order and decrease the amount of assessments collected.

This action also alters the size and composition of the Board, the administrative body appointed by the Secretary to operate the Order, from 11 members to seven. Further, it reduces the number of producer members serving on the Board from seven to three. The number of importer members will remain at three. The seventh member will be the public member. These changes to the Board's size and membership are reflective of the current structure of the lime industry.

Accordingly, the Administrator of the AMS has determined that the changes reflected in this action will not have a significant economic impact on a substantial number of small entities.

#### **Paperwork Reduction**

In accordance with the Paperwork Reduction Act of 1980 [44 U.S.C. Chapter 35] the information collection requirements contained in the Order have been approved by the OMB and were assigned OMB number 0581-0093, except for the Board nominee background statement form which was assigned OMB number 0505-0001. This action will generally reduce the number of information collections, and hence the reporting burden. The information collection requirements of the Order are as follows:

(1) *A periodic report by each first handler who handles limes for fresh market.* The estimated number of respondents required to complete this report is 25, each submitting a maximum of 12 responses per year, with an estimated average reporting burden of 30 minutes per response. First handlers may alternatively prepay assessments annually, requiring only an initial report of anticipated assessments and a final annual report of actual handling;

(2) *A periodic report by each importer who imports 200,000 or more pounds annually for fresh market.* The estimated number of respondents completing this report is 35, each

submitting a maximum of 12 responses per year, with an estimated average reporting burden of 15 minutes per response;

(3) *A refund application form for persons who desire a refund of their assessments.* The estimated number of respondents completing this application is five, each submitting two responses per year, with an estimated average reporting burden of 15 minutes per response;

(4) *An importer reimbursement application for persons who import less than 200,000 pounds annually and desire to be reimbursed for assessments collected by the U.S. Customs Service.* The estimated number of respondents completing this application is 20, each submitting one response per year, with an estimated average reporting burden of 15 minutes per response;

(5) *An exemption application for persons who produce or import less than 200,000 pounds annually for fresh market to be exempt from assessments and recordkeeping requirements.* The estimated number of respondents completing this application is 600, each submitting one response per year, with an estimated average burden of 15 minutes per response;

(6) *A referendum ballot to be used not later than 30 months after assessments begin under the amended Order and periodically thereafter to indicate whether producers and importers favor continuance of the Order.* The estimated number of respondents completing this ballot is 85, each submitting one response approximately every five years, or an annual average of 10 respondents, with an estimated average reporting burden of 15 minutes per response;

(7) *A nominee background statement form for Board member and alternate positions.* Two nominees will be nominated for each open position on the Board. The estimated number of respondents completing this form is 28 during the first year of Order operations, and approximately eight per year thereafter, with an estimated average reporting burden of 30 minutes per response; and

(8) *A requirement to maintain records sufficient to verify reports submitted under the Order.* The estimated number of persons required to comply with this requirement is 70, each of whom will have an estimated annual burden of seven minutes.

### Background

The 1990 Act was enacted on November 28, 1990, for the purpose of establishing an orderly procedure for the development and financing of an

effective and coordinated program of research, promotion, and consumer information to strengthen the domestic and foreign markets for limes. The Order required by the 1990 Act became effective on January 27, 1992 [57 FR 2985], after notice and comment rulemaking.

In March 1992 the Department conducted nomination meetings to nominate lime producers and importers for appointment to the Board. The Board members were appointed by the Secretary in September 1992, and the Board conducted its first meeting at the Department in Washington, DC in October 1992. During the course of this meeting, the Board and the Department concluded that a technical amendment was needed to cover seedless rather than seeded limes. Consequently, full implementation of the Order was delayed until the enactment of such technical amendment.

The 1993 Act contained the necessary technical amendment to cover seedless limes (*citrus latifolia*) rather than seeded limes (*citrus aurantifolia*) under the Order. The 1993 Act also provided for increasing the exemption level from less than 35,000 pounds annually to less than 200,000; terminating the initial Board; changing the size and composition of the Board; and delaying the initial referendum date.

A proposed rule published in the April 7, 1994, issue of the **Federal Register** [58 FR 3446] invited comments on amending the Order to reflect the provisions of the 1993 Act. The Act, as amended, revises the definition of the term "lime" from *citrus aurantifolia* to *citrus latifolia*; increases the exemption level from less than 35,000 pounds annually to less than 200,000; alters the size, composition, and term of office of the Board; and makes conforming changes.

The Department received one comment on the April 7 proposed rule. This comment was received from the California Association of Limegrowers. The commenter requested clarification on whether producers and importers subject to the Order will be required to pay an assessment on their total annual production or importation, or on the portion of their volume surpassing the exemption level of less than 200,000 pounds annually. In response to this comment, producers and importers of 200,000 pounds or more of limes annually will be required to pay assessments on their total annual production or importation.

This rule changes the definition of "lime" from *citrus aurantifolia* (seeded lime) to *citrus latifolia* (seedless lime) in § 1212.5 of the Order. Although the

intent of the Act was to cover seedless limes, the definition of "lime" in § 1953(6) of the 1990 Act applied only to seeded limes.

This rule increases the producer and importer exemption level from less than 35,000 pounds annually to less than 200,000 pounds annually. This revised exemption level was reached through industry consensus. Therefore, this rule changes references to 35,000 pounds in §§ 1212.65, 1212.68, and 1212.69 of the Order to 200,000 pounds. In addition, a new paragraph (d) has been added to § 1212.68 of the Order whereby exempt importers may obtain a refund of assessments collected by the U.S. Customs Service.

Moreover, this rule changes the size of the Board from 11 members to seven. The Board, prior to this action, was composed of seven producer members, three importer members, and their alternates. The public member position was vacant. This action decreases the number of producer members from seven to three, which more fairly reflects the current structure of the lime industry. Therefore, §§ 1212.30, 1212.32, and 1212.34 of the Order have been either amended or revised to make these changes in the Board's composition.

This rule also changes the Board's composition in § 1212.30(b) relative to representation of producer and importer members within the two districts established under the Order. District 1 includes the States east of the Mississippi River, Puerto Rico, and the District of Columbia. District 2 includes the States west of the Mississippi River. Prior to this action, the Order provided for six producer members and one importer member and their alternates from District 1, and one producer member and two importer members and their alternates from District 2. This action reduces the number of producer members from District 1 from six to two by amending and revising § 1212.30 of the Order.

Further, as a result of this allocation of Board membership, the realignment of districts or reapportionment of membership between Districts 1 and 2 on the basis of changes in production and importation is no longer necessary. Such realignment or reapportionment is inconsistent with the 1993 Act. Therefore, any references to such realignment or reapportionment have been removed from §§ 1212.18, 1212.30, and 1212.40 of the Order.

Reducing the size of the Board affects the requirements for a quorum and the number of trustees which will be designated if the program were to be terminated. Therefore, this action

amends § 1212.37 of the Order by decreasing from six to four the number of members needed to constitute a quorum at Board meetings and by changing the number of trustees designated in § 1212.84 of the Order from five to four.

The 1993 Act requires that appointments of the Board members made under the 1990 Act be terminated. Such appointments will be terminated on the effective date of this rule and, when practicable, new appointments will be made by the Secretary. The 1993 Act also specifies that the initial Board members under the amended Order will serve initial terms of office of 30 months. This change is directly related to the provision of the 1993 Act which delays the deadline for the initial referendum until 30 months after the date on which the collection of assessments begin under the amended Order. A conforming change in § 1212.67 of the Order pursuant to the 1993 provision has also been made.

In order to provide administrative continuity during the 30 months prior to the initial continuance referendum, the 1993 Act provides that the initial Board members under the amended Order serve 30-month concurrent terms of office. The 1990 Act provided for the staggering of the terms of office of the initial Board members. Although staggered terms of office are generally desirable, this created a situation where 30 percent or more of the Board's membership could change prior to the initial referendum. In contrast, the 1993 Act provides that the initial Board members under the amended Order serve 30-month concurrent terms of office and that staggered terms be reinstated after the referendum if the program continues. The purpose of this change is to minimize the organizational uncertainties associated with Board member turnover and to facilitate organizational continuity during the period prior to the initial referendum. Therefore, this action also revises § 1212.34 of the Order.

In addition, a technical change is made to § 1212.64 of the Order to add the code number for limes from the Harmonized Tariff Schedule of the United States.

After consideration of all relevant material presented, it is found that the amendments to the Order herein tend to effectuate the declared policy of the Act, as amended.

Pursuant to the provisions of 5 U.S.C. 553, it is found and determined that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because (1) this action is required by the

1993 Act; (2) the proposed rule provided a 30-day period to allow interested parties to comment prior to this action; (3) the amended Order cannot be fully implemented until this rule becomes effective and the initial Board is appointed; and (4) no useful purpose would be served by a delay of the effective date.

#### List of Subjects in 7 CFR Part 1212

Administrative practice and procedure, Advertising, Limes, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR Part 1212 is amended as follows:

#### PART 1212—LIME RESEARCH, PROMOTION, AND CONSUMER INFORMATION

1. The authority citation for 7 CFR Part 1212 is revised to read as follows:

**Authority:** 7 U.S.C. 6201–6212.

#### Subpart A—Lime Research, Promotion, and Consumer Information Order

##### § 1212.2 [Amended]

2. Section 1212.2 is amended by removing the phrase “and any amendments thereto” and adding in its place “as amended”.

##### § 1212.5 [Amended]

3. Section 1212.5 is amended by removing the word “*aurantifolia*” and adding in its place “*latifolia*”.

##### § 1212.18 [Amended]

4. Section 1212.18 is amended by removing the phrase “, or other subdivisions as may be prescribed pursuant to § 1212.40(o)”.

5. In § 1212.30 paragraph (a) is amended by removing the word “Seven” and adding in its place “Three”; paragraph (b) is revised; and paragraph (c) and the undesignated concluding text are removed as follows:

##### § 1212.30 Establishment and membership.

(b) Two of the three producer members shall be producers of limes in District 1, and one producer member shall be a producer of limes in District 2. One of the three importer members shall be an importer of limes in District 1, and two importer members shall be importers of limes in District 2. The public member shall be selected at large.

##### § 1212.31 [Amended]

6. Section 1212.31 is amended by revising the section heading and paragraph (a), designating the existing text of paragraph (k) as paragraph (k)(1) and revising it, and designating the

concluding text at the end of the section as paragraph (k)(2) to read as follows:

##### § 1212.31 Nominations.

\* \* \* \* \*

(a) Except for the member and alternate member who represent the general public, nominations of initial members to the Board shall be submitted to the Secretary for selection as soon as practicable after February 8, 1995. In subsequent years, nominations of members to the Board shall be submitted to the Secretary by the Board by August 1. Nominations may be made by means of group meetings for producer and importer members or by mail ballot.

\* \* \* \* \*

(k) (1) In the event of a mail ballot, all qualified persons interested in serving on the Board or who are interested in nominating another person to serve on the Board shall submit to the Board in writing such information as name, mailing address, number of pounds produced, marketed, handled, or imported, or other information as may be required, in order to place that person on the ballot: *Provided*, That in the case of nominating the initial Board under the amended Act, the Secretary shall mail out the ballots and cause press releases concerning the distribution of ballots and pertinent information on balloting to be distributed to the media in the lime producing and importing areas. These ballots shall be returned to the Secretary.

\* \* \* \* \*

##### § 1212.32 [Amended]

7. Section 1212.32 is amended by removing the word “seven” and adding in its place “three”.

8. Section 1212.34 is revised to read as follows:

##### § 1212.34 Term of office.

(a) The initial members of the Board and their respective alternates shall serve 30-month concurrent terms of office.

(b) The term of office for the initial Board shall begin immediately following appointment by the Secretary. In subsequent years, the term of office shall begin on January 1 or such other period which may be approved by the Secretary.

(c) Subsequent appointments to the Board will be for a term of 3 years, except that during the initial 3-year appointments, members and their alternates shall serve terms as follows: one producer member from District 1 and one importer member from District 2 shall be appointed for a term of 1 year;

the importer member from District 1 and the producer member from District 2 shall be appointed for a term of 2 years; and one producer member from District 1 and one importer member from District 2 shall be appointed for a term of 3 years.

(d) Board members and alternates shall serve during the term of office for which they are selected and have qualified, and until their successors are selected and have qualified.

(e) No member or alternate shall serve more than two successive terms. However, members and alternates serving a term of 1 year, after having served a 30-month concurrent term, may serve a third successive term.

**§ 1212.37 [Amended]**

9. In § 1212.37 paragraph (a) is amended by removing the word "Six" and adding in its place "Four".

**§ 1212.40 [Amended]**

10. Section 1212.40 is amended by removing paragraph (o) and redesignating paragraphs (p), (q), and (r) as paragraphs (o), (p), and (q) respectively.

11. Section 1212.64 is amended by adding a new paragraph (j) to read as follows:

**§ 1212.64 Assessments.**

\* \* \* \* \*

(j) The import assessment shall be uniformly applied to imported limes that are identified by the number 0805.90.0010 in the Harmonized Tariff Schedule of the United States or any other number used to identify limes as defined in § 1212.5.

**§ 1212.65 [Amended]**

12. In § 1212.65 paragraph (c)(2)(viii) is amended by removing the number "35,000" and adding in its place "200,000".

13. Section 1212.67 is amended by revising the introductory text of paragraph (a) to read as follows:

**§ 1212.67 Refunds.**

(a) Subject to the provisions of this section any producer, producer-handler, or importer shall have the right to personally demand and receive from the Board a refund of assessments paid by or on behalf of such producer, producer-handler, or importer for any calendar month during the period beginning on the date on which the collection of assessments begins under this Order and ending on the effective date of the referendum mandated by section 1960(a) of the Act; *Provided, That:*

\* \* \* \* \*

**§ 1212.68 [Amended]**

14. In § 1212.68 paragraph (a) is amended by removing the number "35,000" wherever it appears and adding in its place "200,000"; and by adding a new paragraph (d) to read as follows:

**§ 1212.68 Exemption from assessment.**

\* \* \* \* \*

(d) Importers who are exempt from assessment shall be entitled to reimbursement of assessments collected by the U.S. Customs Service and shall apply to the Board for reimbursement of such assessments paid on a marketing year basis. The Board shall reimburse such assessments within 30 days of receiving an importer's application.

**§ 1212.69 [Amended]**

15. Section 1212.69 is amended by removing the number "35,000" and adding in its place "200,000".

**§ 1212.84 [Amended]**

16. In § 1212.84 paragraph (a) is amended by removing the word "five" and adding in its place "four".

Dated: February 2, 1995.

**Patricia Jensen,**

*Acting Assistant Secretary, Marketing and Regulatory Programs.*

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BILLING CODE 3410-02-P

effective hours are amended to coincide with the associated radar approach control facility's hours of operation. Class C airspace areas are predicated on an operational air traffic control tower (ATCT) serviced by a radar approach control facility. The designated boundaries and altitudes of these Class C airspace areas will remain as they currently exist. In addition, this action establishes Class E airspace at Madison Dane County Regional Airport-Truax Field, WI, and Jackson International Airport, MS, when the associated radar approach control facility is not in operation. Also, Class E airspace is established as an extension to the Madison Dane County Regional Airport-Truax Field, WI, Class C airspace area to provide controlled airspace to instrument operations.

**EFFECTIVE DATE:** 0901 UTC, March 30, 1995.

**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) 267-9255.

**SUPPLEMENTARY INFORMATION:**

**History**

On January 13, 1995, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify the Flint Bishop International Airport, MI, Madison Dane County Regional Airport-Truax Field, WI, Peoria, Greater Peoria Regional Airport, IL, Toledo Express Airport, OH, Columbus AFB, MS, and the Jackson International Airport, MS, Class C airspace areas and establish the Madison Dane County Regional Airport-Truax Field, WI, and the Jackson International Airport, MS, Class E airspace areas (60 FR 3109). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. It was also determined that Class E extensions are needed for instrument approach procedures at Madison Dane County Regional Airport-Truax Field, WI. Therefore, this action establishes Class E3 airspace to coincide with the effective hours of the Madison Dane County Regional Airport-Truax Field, WI, Class C airspace area. Except for editorial changes, and establishment of the E3 designation for Madison Dane County Regional Airport-Truax Field,

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Airspace Docket No. 94-AWA-6]

**Modification of the Flint Bishop International Airport, MI, Madison Dane County Regional Airport-Truax Field, WI, Peoria, Greater Peoria Regional Airport, IL, Toledo Express Airport, OH, Columbus AFB, MS, and the Jackson International Airport, MS, Class C Airspace Areas and Establishment of the Madison Dane County Regional Airport-Truax Field, WI, and Jackson International Airport, MS, Class E Airspace Areas**

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

**ACTION:** Final rule.

**SUMMARY:** This rule modifies the Flint Bishop International Airport, MI, Madison Dane County Regional Airport-Truax Field, WI, Peoria, Greater Peoria Regional Airport, IL, Jackson International Airport, MS, Toledo Express Airport, OH, and the Columbus AFB, MS, Class C airspace areas. The