

with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2005-20931/Airspace Docket No. 05-AEA-08." The postcard will be date/time stamped and returned to the commenter.

#### Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at <http://dms.dot.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at <http://www.faa.gov> or the Superintendent of Documents Web page at <http://www.access.gpo.gov/nara>.

Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration, Office of Air Traffic Airspace Management, ATA-400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-8783. Communications must identify both docket numbers for this notice. Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking, (202) 267-9677, to request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

#### The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish Class E airspace area at Sutton, WV. The development of a SIAP to serve flights operating IFR into Braxton County Airport makes this action necessary. Controlled airspace extending upward from 700 feet AGL is needed to accommodate aircraft using the SIAP. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9M, dated August 30, 2004,

and effective September 16, 2004, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(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 would only affect air traffic procedures and air navigation, it is certified that this proposed rule would not have significant economic impact on a substantial number of small entities under the criteria of the Regulators Flexibility Act.

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

Airspace, Incorporation by reference, Navigation (air).

#### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

#### PART 71—[AMENDED]

1. The authority citation for 14 CFR 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 proposed to be amended as follows:

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

\* \* \* \* \*

#### AEA WV E5 Sutton, WV (NEW)

Braxton County Airport, Sutton, WV  
(lat. 38°41'13" N., long. 80°39'07" W.)

That airspace extending upward from 700 feet above the surface within a 8-mile radius of Braxton County Airport.

\* \* \* \* \*

Issued in Jamaica, New York, on April 19, 2005.

**John G. McCartney,**

*Acting Area Director, Eastern Terminal Operations.*

[FR Doc. 05-8345 Filed 4-26-05; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Parts 43 and 50

#### Personal Commercial Solicitation on DoD Installations

**AGENCY:** Department of Defense.

**ACTION:** Proposed rule; correction.

**SUMMARY:** On Tuesday, April 19, 2005 (70 FR 20316), The Department of Defense published a proposed rule on "Personal Commercial Solicitation on DoD Installations." The document includes the draft DD Form 2885, "Personal Commercial Solicitation Evaluation," which was inadvertently omitted during the previous publication to be published as Appendix C to Part 50. All other information remains unchanged.

Dated: April 21, 2005.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

**BILLING CODE 5001-06-M**

## Appendix C to Part 50

<b>PERSONAL COMMERCIAL SOLICITATION EVALUATION</b>			
<b>PRIVACY ACT STATEMENT</b>			
<b>AUTHORITY:</b> Section 1601 of Title 15 U.S.C.			
<b>PRINCIPAL PURPOSE(S):</b> Information on this form will be used to document the experience with the sales representative who provides the Service member with this evaluation. The information will be made available to officials within the Department of Defense responsible for oversight of personal commercial solicitation practices. These officials may need to make contact concerning the solicitation described in questions 2, 3, and 4. Service member response will help ensure sales representatives conduct themselves fairly and in accordance with DoD Directive 1344.7. This information will be maintained as part of a case file in the event proceedings are considered necessary to deny or withdraw permission for the sales representative and/or the company to solicit on one or more installations.			
<b>ROUTINE USE(S):</b> None.			
<b>D R A F T</b>			
<b>DISCLOSURE:</b> Completion of this form is voluntary and serves to evaluate the conduct during the meeting. There is no consequence to the Service member for not completing this evaluation.			
Please take a moment to respond to the following questions concerning your experience with the sales representative who provided you this evaluation. Your response will help ensure sales representatives conduct themselves fairly and according to the policies outlined in DoD Directive 1344.7. When you have completed this evaluation, please send it to the Installation Commander or his/her designated representative. <b>Please do not give the completed evaluation to the sales representative to mail for you.</b>			
<b>1. SALES REPRESENTATIVE WHO CONTACTED YOU AND HIS OR HER COMPANY</b>			
<b>a. NAME OF SALES REPRESENTATIVE</b>		<b>b. COMPANY NAME</b>	
<b>2. MAKING THE APPOINTMENT</b> (Mark (X) "Yes" if any of the following are true)			
	<b>YES</b>	<b>NO</b>	
a. The sales representative <u>failed to</u> make an appointment in advance to see me.			
b. The initial contact to schedule an appointment occurred <u>while I was on duty</u> (during normal duty hours).			
c. I made initial contact with the sales representative in response to an advertisement that said he or she would be on the installation during a specific time or at a specific place.			
d. A superior in my chain of command advised or required me to meet with the sales representative.			
<b>3. TIME AND PLACE OF THE APPOINTMENT</b> (Mark (X) "Yes" if any of the following are true)			
	<b>YES</b>	<b>NO</b>	
a. The presentation and/or sale took place on the installation <u>while I was on duty</u> (during normal duty hours).			
b. The presentation took place during a group meeting (official or unofficial) with other military personnel.			
c. The presentation took place in a restricted area.			
d. The sales representative used an on-base facility as a showroom to display his or her product or services. (This does not include displays conducted by military family members in their on-base residence.)			
<b>4. CONDUCT DURING THE APPOINTMENT</b> (Mark (X) "Yes" if any of the following are true)			
	<b>YES</b>	<b>NO</b>	
a. I was unduly pressured into buying the product or service.			
b. I was not given the adequate facts, or was induced into making a purchase based on factors other than the merits of the product or service.			
c. I was offered a rebate to close the sale or drop a competing offer.			
d. The sales representative is a full-time DoD employee of senior rank.			
e. The sales representative implied that he or she is sponsored or endorsed by the military, the installation or my unit. (For example, the representative used an official or unofficial title such as "unit advisor" or "installation consultant.")			
f. The sales representative had a military pay allotment form in his/her possession.			
<b>5. YOUR CONTACT INFORMATION</b>			
<b>a. NAME</b> (Last, First, Middle Initial)		<b>b. HOME TELEPHONE NUMBER</b> (Include area code)	<b>c. WORK TELEPHONE NUMBER</b> (Include area code)
<b>d. E-MAIL ADDRESS</b>		<b>e. UNIT ADDRESS</b>	

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 110

[CGD08-05-016]

RIN 1625-AA01

### Anchorage Regulations; Mississippi River Below Baton Rouge, LA, Including South and Southwest Passes

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to amend the anchorage regulations for the Mississippi River below Baton Rouge, LA, including South and Southwest Passes in order to improve safety at the Lower Kenner Bend Anchorage. This proposed rule is needed to protect aircraft passengers and crew, mariners and the public from the potential safety hazards associated with the ascent and descent of aircraft over vessels anchored in the vicinity of the Louis Armstrong New Orleans International Airport, New Orleans, LA.

**DATES:** Comments and related material must reach the Coast Guard on or before May 27, 2005.

**ADDRESSES:** You may mail comments and related material to Commander, Eighth Coast Guard District (m), Hale Boggs Federal Bldg., 500 Poydras Street, New Orleans, LA 70131, Attn: Lieutenant Kevin Lynn. The Eighth Coast Guard District Commander maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at Eighth Coast Guard District (m), Hale Boggs Federal Bldg., 500 Poydras Street, New Orleans, LA 70131 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant (LT) Kevin Lynn, Project Manager for the Eighth Coast Guard District Commander, Hale Boggs Federal Bldg., 500 Poydras Street, New Orleans, LA 70130, telephone (504) 589-6271.

#### SUPPLEMENTARY INFORMATION:

#### Request for Comments

We encourage you to participate in this rulemaking by submitting

comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking [CGD08-05-016], indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

#### Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to Commander, Eighth Coast Guard District (m), at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

#### Background and Purpose

Runway 1-19 at the Louis Armstrong New Orleans International Airport is positioned in a north-south line running parallel to the Airport Access Road. Aircraft approaching the runway from the south or departing the runway from the north pass over the Lower Kenner Bend Anchorage. Due to the close proximity of Runway 1-19 to Kenner Bend, aircraft occasionally descend and ascend directly over vessels anchored in the Lower Kenner Bend Anchorage, creating a potentially dangerous situation that is of particular concern during periods of reduced visibility. Aircraft approaching the runway from the south follow a descending glide slope path with a minimum height of 311 feet above mean sea level over the Kenner Bend Anchorage. Certain vessels with cargo handling equipment such as cranes and booms are capable of extending this equipment to a height upwards of 300 feet above the waterline. This amendment to the anchorage regulations for the Mississippi River below Baton Rouge, LA, including South and Southwest Passes is proposed to prohibit vessels that are anchored in the Lower Kenner Bend Anchorage from engaging in cargo transfer operations or exercising any cargo handling equipment such as cranes or booms while at anchor. This proposed amendment is needed to increase safety at Kenner Bend by reducing the potential for collision between aircraft

and vessels anchored in the Lower Kenner Bend Anchorage.

#### Discussion of Proposed Rule

The Coast Guard proposes to amend the anchorage regulations for the Mississippi River below Baton Rouge, LA, including South and Southwest Passes in order to improve safety at the Lower Kenner Bend Anchorage. This proposed amendment would prohibit vessels that are anchored in the Lower Kenner Bend Anchorage from engaging in cargo transfer operations or exercising any cargo handling equipment such as cranes or booms while at anchor.

#### Regulatory Evaluation

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule would affect the following entities, some of which may be small entities: the owners or operators of vessels intending to anchor in the Lower Kenner Bend Anchorage. This proposed rule would not have a significant economic impact on a substantial number of small entities for the following reasons: (1) This proposed rule does not prohibit vessels from anchoring in the Lower Kenner Bend Anchorage; and (2) Cargo transfer operations are not typically conducted at the Lower Kenner Bend Anchorage.