

rule will be added to the draft UMR update.

Therefore, for the reasons given in the proposed rule and in this document, we are adopting the proposed rule as a final rule, with the changes discussed in this document.

**Executive Order 12866 and Regulatory Flexibility Act**

This rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

We are amending the tuberculosis regulations by removing the two different definitions of *affected herd* and replacing them with a single, updated definition. This action is necessary because the definitions that have appeared in the regulations are out-of-date and inconsistent. This action will provide more clarity to the regulations.

No economic benefits or costs are associated with this action, which would simply update and clarify our definition of *affected herd*. This action would have no effect on small entities, other Federal agencies, State governments, or local governments.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

**Executive Order 12372**

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

**Executive Order 12988**

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

**Paperwork Reduction Act**

This final rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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

Animal diseases, Bison, Cattle, Reporting and recordkeeping

requirements, Transportation, Tuberculosis.

■ Accordingly, we are amending 9 CFR part 77 as follows:

**PART 77—TUBERCULOSIS**

■ 1. The authority citation for part 77 continues to read as follows:

**Authority:** 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

■ 2. Section 77.2 is amended by adding, in alphabetical order, a definition of *affected herd* to read as follows:

**§ 77.2 Definitions.**

\* \* \* \* \*

*Affected herd.* A herd of livestock in which there is strong and substantial evidence that *Mycobacterium bovis* exists. This evidence should include, but is not limited to, any of the following: Histopathology, polymerase chain reaction (PCR) assay, bacterial isolation or detection, testing data, or epidemiologic evidence such as contact with known sources of infection.

\* \* \* \* \*

**§§ 77.5 and 77.20 [Amended]**

■ 3. Sections 77.5 and 77.20 are amended by removing the definitions of *affected herd*.

Done in Washington, DC, this 14th day of October 2005.

**Elizabeth E. Gaston,**  
*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 05–20974 Filed 10–19–05; 8:45 am]  
**BILLING CODE 3410–34–P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA–2005–21529; Airspace Docket No. 05–AAL–19]

**Revision of Class E Airspace; Yakutat, AK**

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

**ACTION:** Final rule.

**SUMMARY:** This action revises Class E airspace at Yakutat, AK to provide adequate controlled airspace to contain aircraft executing three new Standard Instrument Approach Procedures (SIAPs), seven existing SIAPs and one revised Departure Procedure. This rule results in new Class E airspace upward from 1,200 feet (ft.) above the surface at Yakutat, AK. The existing airspace

upward from 700 ft. above the surface is not changed.

**EFFECTIVE DATE:** 0901 UTC, December 22, 2005.

**FOR FURTHER INFORMATION CONTACT:** Gary Rolf, AAL–538G, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5898; fax: (907) 271–2850; e-mail: [gary.ctr.rolf@faa.gov](mailto:gary.ctr.rolf@faa.gov). Internet address: <http://www.alaska.faa.gov/at>.

**SUPPLEMENTARY INFORMATION:**

**History**

On Friday, June 24, 2005, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend the Class E airspace upward from 700 ft. and 1,200 ft. above the surface at Yakutat, AK (70 FR 36542). The action was proposed in order to create Class E airspace sufficient in size to contain aircraft while executing three new SIAPs, seven revised SIAPs and one revised departure procedure for the Yakutat Airport. The new approaches are (1) Area Navigation (Global Positioning System) (RNAV (GPS)) Runway (RWY) 02, original; (2) RNAV (GPS) RWY 11, orig.; and (3) RNAV (GPS) RWY 29, orig. The seven revised SIAPs are (1) Direction Finder (DF) RWY 11, amendment (AMDT) 3, (2) Instrument Landing System (ILS) or Localizer (LOC)-Distance Measuring Equipment (DME) RWY 11, orig., (3) LOC–DME–Back Course RWY 29, AMDT 3, (4) Non-directional Radio Beacon RWY 11, AMDT 3, (5) Very High Frequency Omnidirectional Range (VOR)–DME RWY 02, AMDT 2, (6) VOR–DME RWY 11, AMDT. 1, and (7) VOR–DME RWY 29, AMDT 1. The Departure Procedure is the FAKES–TWO, AMDT 1. Revised Class E controlled airspace extending upward from 700 ft. above the surface in the Yakutat Airport area is revised by this action. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No public comments have been received; thus the rule is adopted as proposed.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as 700/1,200 ft. transition areas are published in paragraph 6005 of FAA Order 7400.9N, *Airspace Designations and Reporting Points*, dated September 1, 2005, and effective September 15, 2005, which is incorporated by reference in 14 CFR 71.1. The Class E

airspace designation listed in this document will be published subsequently in the Order. The Notice of Proposed Rulemaking (NPRM) originally listed the airport position coordinates incorrectly. Additionally, the airspace description was incomplete. This action corrects these errors. The rule describes exclusions to airspace outside 12 miles from the shoreline. These exclusions will be addressed by another rulemaking action, which will provide the necessary controlled airspace for the SIAPs at Yakutat. Those changes will affect the Offshore Airspace Areas; Gulf of Alaska Low and Control 1487L.

### The Rule

This amendment to 14 CFR part 71 revises Class E airspace at Yakutat, Alaska. This Class E airspace is revised to accommodate aircraft executing three new SIAPs, seven revised SIAPs, one revised departure procedure and will be depicted on aeronautical charts for pilot reference. The intended effect of this rule is to provide adequate controlled airspace for Instrument Flight Rule (IFR) operations at Yakutat Airport, Yakutat, Alaska.

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 a routine matter that will only affect air traffic procedures and air navigation, 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 FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle 1, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency’s authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart 1, Section 40103, Sovereignty and use of airspace. Under that section, the FAA is charged with prescribing regulations to ensure the safe and efficient use of the navigable airspace. This regulation is within the scope of that authority

because it creates Class E airspace sufficient in size to contain aircraft executing instrument procedures for the Yakutat Airport and represents the FAA’s continuing effort to safely and efficiently use the navigable airspace.

### 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—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 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 7400.9N, *Airspace Designations and Reporting Points*, dated September 1, 2005, and effective September 15, 2005, is amended as follows:

\* \* \* \* \*

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

\* \* \* \* \*

#### AAL AK E5 Yakutat, AK [Revised]

Yakutat Airport, AK  
(Lat. 59°30’12” N., long. 139°39’37” W.)

That airspace extending upward from 700 feet above the surface within the area bounded by lat. 59°47’42” N. long. 139°58’48” W. to lat. 59°37’33” N. long. 139°40’53” W. then along the 7-mile radius of the Yakutat VORTAC clockwise to lat. 59°28’54” N. long. 139°25’35” W. to lat. 59°20’16” N. long. 139°10’20” W. to lat. 59°02’49” N. long. 139°47’45” W. to lat. 59°30’15” N. long. 140°36’43” W. to the point of beginning excluding the area outside 12 miles from the shoreline; and that airspace extending upward from 1,200 feet above the surface within the area bounded by lat. 59°00’00” N. long. 141°10’00” W. by lat. 59°50’00” N. long. 141°00’00” W. by lat. 60°05’00” N. long. 140°30’00” W. by lat. 60°10’00” N. long. 139°30’00” W. by lat. 59°30’00” N. long. 138°15’00” W. by lat. 59°00’00” N. long. 138°35’00” W. by lat. 58°40’00” N. long. 139°30’00” W. to the point of beginning; and within 5.6 miles each side of the Yakutat VORTAC 112° radial to 65 miles southeast of the VORTAC excluding the area outside 12 miles from the shoreline.

\* \* \* \* \*

Issued in Anchorage, AK, on October 7, 2005.

**Anthony M. Wylie,**

*Acting Area Director, Alaska Flight Service Operations.*

[FR Doc. 05–21002 Filed 10–19–05; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 97

[Docket No. 30461; Amdt. No. 3137]

#### Standard Instrument Approach Procedures; Miscellaneous Amendments

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

**ACTION:** Final rule.

**SUMMARY:** This amendment amends Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** This rule is effective October 20, 2005. The compliance date for each SIAP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 20, 2005.

**ADDRESSES:** Availability of matter incorporated by reference in the amendment is as follows:

#### *For Examination—*

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Ave., SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which affected airport is located; or

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: [http://www.archives.gov/federal\\_register/](http://www.archives.gov/federal_register/)