

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**[Docket No. FAA-2005-22745; Airspace  
Docket No. 05-ACE-31]**Establishment of Class E5 Airspace;  
Hill City, KS**AGENCY: Federal Aviation  
Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This rule establishes a Class E airspace area extending upward from 700 feet above the surface at Hill City, KS.

The effect of this rule is to provide appropriate controlled Class E airspace for aircraft departing from and executing instrument approach procedures to, Hill City Municipal Airport, KS and to segregate aircraft using instrument approach procedures in instrument conditions from aircraft operating in visual conditions.

**EFFECTIVE DATE:** 0901 UTC, April 13, 2006.**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) 392-2524.

**SUPPLEMENTARY INFORMATION:****History**

On Thursday, November 10, 2005 the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish Class E airspace at Hill City, KS (70 FR 68386). The proposal was to establish a Class E5 airspace area to bring Hill City, KS airspace into compliance with FAA directives. 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.

**The Rule**

This notice amends Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by establishing a Class E airspace area extending upward from 700 feet above the surface at Hill City Municipal Airport, KS. The establishment of Area Navigation (RNAV) Global Positioning System (GPS) Instrument Approach Procedures (IAP) to Runways (RWY) 17 and 35 has made this action necessary. The intended effect of this action is to

provide adequate controlled airspace for Instrument Flight Rules operations at Hill City Municipal Airport, KS. The area will be depicted on appropriate aeronautical charts.

Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9N, Airspace Designations and Reporting Points, dated September 1, 2005, and effective September 16, 2005, which is incorporated by reference in 14 CFR 71.1. of the same Order. The Class E airspace designation listed in this document will be published subsequently in the Order.

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 a “significant rule” 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 regulation 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 Hill City Municipal Airport.

**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 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, dated September 1, 2005, and effective September 16, 2005, is amended as follows:

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

**ACE KS E5 Hill City, KS**

Hill City Municipal Airport, KS  
(Lat. 39°22'44" N., long. 99°49'53" W.)

That airspace extending upward from 700 feet above the surface within a 7.8-mile radius of Hill City Municipal Airport and within 2 miles each side of the 001° bearing from the airport extending from the 7.8-mile radius to 11.4 miles north of the airport, and within 2 miles each side of the 181° bearing from the airport extending from the 7.8-mile radius to 12.5 miles south of the airport.

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Issued in Kansas City, MO, on December 8, 2005.

**Paul J. Sheridan,**

*Area Director, Western Flight Services Operations.*

[FR Doc. 05-24505 Filed 12-27-05; 8:45 am]

BILLING CODE 4910-13-M

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Food and Drug Administration****21 CFR Part 101**

[Docket No. 2003N-0346]

**Food Labeling: Ingredient Labeling of Dietary Supplements That Contain Botanicals; Withdrawal**

AGENCY: Food and Drug Administration, HHS.

ACTION: Direct final rule; withdrawal.

**SUMMARY:** The Food and Drug Administration (FDA) published in the **Federal Register** of August 28, 2003 (68 FR 51693), a direct final rule to amend the regulation on the designation of ingredients in dietary supplements by incorporating by reference the most recent editions of the references *Herbs of Commerce* and the *International Code of Botanical Nomenclature*. The direct final rule also would have added a sentence to this regulation codifying the requirements contained in the Farm Security and Rural Investment Act of 2002 (Public Law 107-171) that restrict