

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Part 1755

Specifications and Drawings for Construction of Direct Buried Plant

AGENCY: Rural Utilities Service, USDA.

ACTION: Final rule.

SUMMARY: The Rural Utilities Service (RUS) is amending its regulations on Telecommunications Policies on Specifications, Acceptable Materials, and Standard Contract Forms, by revising RUS Bulletin 1753F-150, Specifications and Drawings for Construction of Direct Buried Plant (Form 515a). The revised specifications will include new construction units for Fiber-to-the-Home, remove redundant or outdated requirements, and simplify the specifications format.

DATES: The effective date September 29, 2010.

Incorporation by Reference: The incorporation by reference of certain publications listed in this rule is approved by the Director of the Federal Register as of September 29, 2010.

FOR FURTHER INFORMATION CONTACT:

Norberto Esteves, Chair, Technical Standards Committee "A" (Telecommunications), Advanced Services Division, Telecommunications Program, USDA-Rural Utilities Service, STOP 1550, Washington, DC 20250-1550. Telephone: (202) 720-0699; Fax: (202) 205-2924; e-mail: norberto.esteves@wdc.usda.gov.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule is exempted from the Office of Management and Budget (OMB) review for purposes of Executive Order 12866 and, therefore, has not been reviewed by OMB.

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. USDA Rural Development has determined that this rule meets the applicable standards provided in section 3 of the Executive Order. In addition, all state and local laws and regulations that are in conflict with this rule will be preempted; no retroactive effect will be given to the rule, and, in accordance with section 212(e) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6912(e)), administrative appeals procedures, if any are required, must be exhausted before an action against the Department or its agencies may be initiated.

Regulatory Flexibility Act Certification

USDA Rural Development has determined that this final rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The standard USDA Rural Development telecommunications loan documents contain provisions on procurement of products and construction of telecommunications facilities purchased with loan funds. This ensures that the telecommunications systems financed with loan funds are adequate to serve the purposes for which they are to be constructed and that loan funds are adequately secured. USDA Rural Development borrowers, as a result of obtaining Federal financing, receive economic benefits that exceed any direct cost associated with complying with USDA Rural Development regulations and requirements.

Information Collection and Recordkeeping Requirements

The information collection and recordkeeping requirements contained in this final rule are cleared under control numbers 0572-0059 and 0572-0132 pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

Executive Order 13132

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various

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levels of government. Under Executive Order 13132, this final rule does not have sufficient federalism implications requiring the preparation of a Federalism Assessment.

Catalog of Federal Domestic Assistance

The program described by this final rule is listed in the Catalog of Federal Domestic Assistance Program under No. 10.851, Rural Telephone Loans and Loan Guarantees and No. 10.857, Rural Broadband Access Loans and Loan Guarantees. This catalog is available on a subscription basis from the Superintendent of Documents, the United States Government Printing Office, Washington, DC 20402. Telephone: (202) 512-1800.

Executive Order 12372

This final rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation, which may require consultation with State and local officials. See the final rule related notice titled "Department Programs and Activities Excluded from Executive Order 12372" (50 FR 47034), advising that USDA Rural Development Utilities Programs loans and loan guarantees are excluded from the scope of Executive Order 12372.

Unfunded Mandates

This final rule contains no Federal Mandates (under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. Chapter 25)) for State, local, and tribal governments or the private sector. Thus, this final rule is not subject to the requirements of sections 202 and 205 of the Unfunded Mandates Reform Act of 1995.

National Environmental Policy Act Certification

The Agency has determined that this final rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment.

Background

RUS issues contracts, standards and specifications for construction of telecommunications facilities financed with RUS loan funds. RUS is revising the specifications for buried plant

construction contained in RUS Bulletin 1753F-150 (RUS Form 515a).

The current outside plant specifications are used by borrowers to secure the services of a contractor for the construction of telecommunications facilities. Current specifications have become outdated due to the advancements in Fiber-to-the-Home construction as well as installation methods and materials. In order for borrowers and contractors to take advantage of these improved construction installation methods and materials, the current specifications have been revised.

On Tuesday, June 8, 2010, RUS published a proposed rule in the **Federal Register** (Vol. 75, No 109, page 32313), proposing to amend its

regulations on Telecommunications Policies on Specifications, Acceptable Materials, and Standard Contract Forms, by revising RUS Bulletin 1753F-150, Specifications and Drawings for Construction of Direct Buried Plant (Form 515a). Interested parties were invited to submit comments on or before August 9, 2010. No comments were received.

List of Subjects in 7 CFR Part 1755

Incorporation by reference, Loan programs—communications, Reporting and recordkeeping requirements, Rural areas, Telephone.

■ For reasons set out in the preamble, RUS proposes to amend chapter XVII of

title 7 of the Code of Federal Regulations as follows:

PART 1755—TELECOMMUNICATIONS POLICIES ON SPECIFICATIONS, ACCEPTABLE MATERIALS, AND STANDARD CONTRACT FORMS

- 1. The authority citation for part 1755 continues to read as follow:

Authority: 7 U.S.C. 901 *et seq.*, 1921 *et seq.*, 6941 *et seq.*

- 2. In § 1755.97, the table is amended by revising the issue date of RUS Bulletin 1753F-150 to read as follows:

§ 1755.97 Incorporation by reference of telecommunications standards and specifications.

* * * * *

RUS Bulletin No.	Specification No.	Date last issued	Title of standard or specification
1753F-150	Form 515a	September 2010	Specifications and Drawings for Construction of Direct Buried Plant.
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Dated: September 23, 2010.

Jonathan Adelstein,
Administrator, *Rural Utilities Service*.
[FR Doc. 2010-24420 Filed 9-28-10; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2010-0911; Airspace Docket No. 10-ASO-32]

Amendment to Class E Airspace; Smithfield, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, technical amendment.

SUMMARY: This action amends Class E airspace at Johnston County Airport, Smithfield, NC, by correcting an omission of the geographic coordinates of the Area Navigation (RNAV) Global Positioning System (GPS) Special Standard Instrument Approach Procedure (SIAP) serving the Johnston Memorial Hospital to aid in the navigation of our National Airspace System.

DATES: Effective 0901 UTC, January 13, 2011. The Director of the Federal Register approves this incorporation by

reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Melinda Giddens, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5610.

SUPPLEMENTARY INFORMATION:

History

The FAA received a request from the National Aeronautical Navigation Services to correct the omission of the geographic coordinates for the point in space serving Johnston Memorial Hospital in the amendment of the Class E airspace published in the **Federal Register** on July 27, 2010 (75 FR 43817). This action makes the adjustment.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 amends Class E airspace at Smithfield, NC, by making the addition of the geographic coordinates of the RNAV (GPS) approach point in space serving Johnston Memorial Hospital to coincide with the FAAs National Aeronautical Navigation Services depiction. Accordingly, since this is an administrative change, and does not involve a change in the dimensions or operating requirements of that airspace,

notice and public procedures under 5 U.S.C. 553 (b) are unnecessary.

The Class E airspace designations are published in Paragraph 6005 of FAA order 7400.9U, dated August 18, 2010, and effective September 15, 2010, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations 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, is non-controversial and unlikely to result in adverse or negative comments. 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 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.

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator.