Done in Washington, DC, this 7th day of December 2007.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E7–24176 Filed 12–12–07; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 354

9 CFR Parts 130 and 156

[Docket No. APHIS–2006–0028]

RIN 0579–AC44

User Fees; Updates and Clarifications

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending our Agricultural Quarantine and Inspection Services user fee regulations to update an address that appears in several places. We are also making several nonsubstantive changes to the Veterinary Services user fee regulations to correct errors and to clarify the services covered by certain existing user fees. These changes, which do not affect any existing fees, are necessary to ensure that the user fee regulations are up to date and to ensure their clarity.

EFFECTIVE DATE: January 14, 2008.

FOR FURTHER INFORMATION CONTACT: Mrs. Kris Caraher, User Fees Section Head, Financial Services Branch, Financial Management Division, MRBPS, APHIS, 4700 River Road Unit 54, Riverdale, MD 20737–1232; (301) 734–5901.

SUPPLEMENTARY INFORMATION:

Background

On July 17, 2007, we published in the **Federal Register** (72 FR 39025–39028, Docket No. APHIS–2006–0028) a proposal [1] to amend our Agricultural Quarantine and Inspection (AQI) Services user fee regulations contained in 7 CFR part 354 to update an address that appears in several places. We also proposed several nonsubstantive changes to the Veterinary Services user fee regulations contained in 9 CFR part 130 to correct errors and to clarify the services covered by certain existing user fees. Finally, we proposed to remove all references to cooperative agreements in 9 CFR part 156 because the export product endorsement and inspection services formerly covered by those agreements are now covered by user fees in 9 CFR part 130. These changes, which do not affect any existing fees, are necessary to ensure that the user fee regulations are up to date and to ensure their clarity.

We solicited comments concerning our proposal for 60 days ending September 17, 2007. We did not receive any comments. Therefore, for the reasons given in the proposed rule, we are adopting the proposed rule as a final rule, without change.

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.

This rule amends our AQI user fee regulations by updating an address that appears in several places. We also make several nonsubstantive changes to the Veterinary Services user fee regulations to correct errors and to clarify existing user fee services. The changes to the regulations are administrative in nature and do not result in any new fees being charged or any additional entities becoming subject to user fees.

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 new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects

7 CFR Part 354

Animal diseases, Exports, Government employees, Imports, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Travel and transportation expenses.

9 CFR Part 130

Animals, Birds, Diagnostic reagents, Exports, Imports, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements, Tests.

9 CFR Part 156

Exports, Livestock, Poultry and poultry products, Reporting and recordkeeping requirements.

■ Accordingly, we are amending 7 CFR part 354 and 9 CFR parts 130 and 156 as follows:

TITLE 7—[AMENDED]

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS; AND USER FEES

■ 1. The authority citation for part 354 continues to read as follows:

Authority: 7 U.S.C. 7701–7772, 7781–7786, and 8301–8317; 21 U.S.C. 136 and 136a; 49 U.S.C. 80503; 7 CFR 2.22, 2.80, and 371.3.

§ 354.3 [Amended]

■ 2. In § 354.3, paragraphs (d)(4) introductory text, (d)(5), (d)(6), (e)(3)(i), (e)(3)(ii), (e)(4), (f)(5)(i), (f)(5)(ii), (f)(5)(iii), (f)(6), and (f)(7), the words ''Box 952181, St. Louis, MO 63195–2181'' are removed and the words ''Box 979044, St. Louis, MO 63197–9000'' are added in their place.

TITLE 9—[AMENDED]

PART 130—USER FEES

■ 3. The authority citation for part 130 continues to read as follows:

Authority: 5 U.S.C. 5542; 7 U.S.C. 1622 and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 3701, 3716, 3717, 3719, and 3720A; 7 CFR 2.22, 2.80, and 371.4.

§ 130.2 [Amended]

■ 4. In § 130.2, paragraph (a), the first sentence is amended by adding the words ''for any service rendered by an APHIS representative'' after the word ''fees''.

§ 130.3 [Amended]

■ 5. In § 130.3, paragraph (c)(3) is amended by removing the words ''for those services'' and adding the words ''for any service rendered by an APHIS representative'' in their place.

[1] To view the proposed rule, go to *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2006-0028.*

§ 130.4 [Amended]

■ 6. In § 130.4, the first sentence of the section is amended by adding the words ''for any service rendered by an APHIS representative'' after the word ''fees'', and the sentence ''These fees are nonrefundable.'' is added after the second sentence.

§ 130.5 [Amended]

■ 7. In § 130.5, paragraph (a), the first sentence is amended by adding the words ''for any service rendered by an APHIS representative'' after the word ''fees''.

§ 130.6 [Amended]

■ 8. In § 130.6, paragraph (a), the first sentence is amended by adding the words ''for any service rendered by an APHIS representative'' after the word ''fees''.

■ 9. Section 130.7 is amended as follows:

■ a. In paragraph (a), first sentence, by adding the words ''for any service rendered by an APHIS representative'' after the word ''fees''.

■ b. By adding paragraph (b) to read as set forth below.

§ 130.7 User fees for import or entry services for live animals at land border ports along the United States-Canada border.

* * * * *

(b) If a service must be conducted on a Sunday or holiday or at any other time outside the normal tour of duty of the employee, then reimbursable overtime, as provided for in part 97 of this chapter, must be paid for each service, in addition to the user fee listed in this section.

* * * * *

§ 130.8 [Amended]

■ 10. In § 130.8, paragraph (a), the first sentence is amended by adding the words ''for any service rendered by an APHIS representative'' after the word ''fees''.

§ 130.11 [Amended]

■ 11. In § 130.11, paragraph (a) is amended by adding the sentence ''These user fees do not apply to inspection activities covered in § 130.30(a)(2).'' after the last sentence.

■ 12. In § 130.20, paragraph (b)(1) is amended by adding footnote 1 in the table heading and by revising in the table the entry for ''Nonslaughter horses to Canada'' to read as follows:

§ 130.20 User fees for endorsing export certificates.

* * * * *

(b)(1) * * *

Number [1] of tests or vaccinations and number of animals or birds on the certificate	User fee beginning Oct. 1, 2003
* * * * * * *	
Nonslaughter horses to Canada:	
First horse	$38.00
Each additional horse	4.25
* * * * * * *	

[1] Rabies vaccinations are not included in this number.

* * * * *

■ 13. Section 130.30 is amended as follows:

■ a. In the introductory text of paragraph (a), by removing the words ''through (a)(13)'' and adding the words ''through (a)(18)'' in their place.

■ b. Paragraph (a)(2) is revised to read as set forth below.

■ c. In paragraph (a)(4), by adding the words '', such as monitoring birds—including but not limited to pet birds—between flights'' after the word ''quarantine''.

■ d. Paragraph (a)(13) is redesignated as paragraph (a)(18), and new paragraphs (a)(13), (a)(14), (a)(15), (a)(16), and (a)(17) are added to read as set forth below.

§ 130.30 Hourly rate and minimum user fees.

(a) * * *

* * * * *

(2) Conducting inspections, including inspections of laboratories and facilities (such as biosecurity level two facilities), required either to obtain import permits for animal products, aquaculture products, or organisms or vectors, or to maintain compliance with import permits. This hourly rate does not apply to inspection activities covered in § 130.11.

* * * * *

(13) Import or entry services for feeder animals including, but not limited to, feeder goats and feeder bison not covered by a flat rate user fee in § 130.7.

(14) Export-related bird banding for identification.

(15) Export-related inspection and approval of pet food facilities, including laboratories that perform pet food testing.

(16) Export-related services provided at animal auctions.

(17) Various export-related facility inspections, including, but not limited to, fertilizer plants that utilize poultry waste, rendering plants, and potential embarkation facilities.

* * * * *

PART 156—VOLUNTARY INSPECTION AND CERTIFICATION SERVICE

■ 14. The authority citation for part 156 continues to read as follows:

Authority: 7 U.S.C. 1622 and 1624; 21 U.S.C. 136a; 7 CFR 2.22, 2.80, and 371.4.

§ 156.2 [Amended]

■ 15. Section 156.2 is amended as follows:

■ a. By removing the definition of *cooperative agreement*.

■ b. In the definition of *inspector*, by removing the words ''under a cooperative agreement''.

§ 156.4 [Amended]

■ 16. Section 156.4 is amended by removing the words ''under a cooperative agreement''.

§ 156.5 [Amended]

■ 17. Section 156.5 is amended by removing the words ''service is to be furnished under a cooperative agreement;'' and adding the words ''the requirements of part 130 of this title are met;'' in their place.

■ 18. Section 156.7 is revised to read as follows:

§ 156.7 User fees under 9 CFR part 130.

User fees under part 130 of this chapter for service (including travel and other expenses incurred in connection with the furnishing of service) under this part shall be paid by the applicant. If required by the Administrator, the user fees under part 130 of this chapter

shall be paid in advance. Since the user fees under part 130 of this chapter are for the purpose of reimbursing the Department for all costs incurred in connection with the furnishing of service under this part, the appropriate user fees under part 130 of this chapter to cover any such costs shall be paid even if service is withheld pursuant to § 156.8.

Done in Washington, DC, this 7th day of December 2007.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E7–24177 Filed 12–12–07; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2007–28601; Airspace Docket No. 07–AEA–02]

Establishment of Class D and E Airspace, Revision of Class E Airspace; Easton, MD

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class D, E2 and E4 airspace at Easton, MD to provide adequate airspace that will support the new Air Traffic Control Tower constructed at Easton Airport/Newnam Field. Increased safety and airspace management is enhanced through this rule by providing controlled airspace for Instrument Approaches and Instrument and Visual Flight Rule operations. This action also amends Class E5 airspace at Easton, MD by imparting a technical correction to the airport's name.

DATES: Effective 0901 UTC, February 14, 2008. 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: Daryl Daniels, Air Traffic Control Specialist, System Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5581.

SUPPLEMENTARY INFORMATION:

History

On September 6, 2007, the FAA published in the **Federal Register** an NPRM to establish Class D, E2, and E4 airspace and amend Class E5 airspace at Easton, MD (72 FR 51203). Due to the volume and mix of aircraft operating at the airport, an Air Traffic Control Tower has been built with weather reporting capabilities at Easton Airport/Newnam Field which meets the criteria for Class D and E4 surface area airspace. Class D surface area airspace and Class E4 airspace designated as an extension to Class D surface airspace is required when the control tower is open to contain Standard Instrument Approach Procedures (SIAPs) and other Instrument Flight Rules (IFR) operations at the airport. Additionally, the Potomac Tracon receives the weather information and has the ability to communicate with aircraft on the ground at the airport, thus meeting the criteria for Class E2 airspace. Class E2 surface area airspace is required for safety reasons when the control tower is closed to contain SIAPs and other IFR operations at the airport. This action establishes that airspace.

On May 25, 1993, the County Council of Talbot County voted to officially change the name of the Easton Municipal Airport to Easton Airport/Newnam Field honoring Mr. William S.D. Newnam, having served the county and the airport for forty years. That change was never completely forwarded to the proper authorities. This action corrects that oversight.

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 amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 establishes Class D Airspace extending upwards from the surface to and including 2,600 feet MSL within a 4.0-mile radius of the airport, Class E4 Airspace extension to Class D that is 5.4 miles wide and extends 7.4 miles northeast of the Easton Non Directional Beacon (NDB) and Class E2 airspace whose dimensions include both. This amendment also revises Class E5 Airspace to correctly identify the airports' name as Easton Airport/Newnam Field at Easton, MD.

Class D and E2 Airspace Designations for Airspace Areas extending upward from the surface of the Earth, Class E4 Airspace Areas Designated as an Extension to a Class D Surface Area and Class E5 Airspace Areas extending upward from 700 feet or more above the surface of the Earth are published in Paragraphs 5000, 6002, 6004 and 6005 respectively of FAA Order 7400.9R, signed August 15, 2007, and effective September 15, 2007, which is incorporated by reference in 14 CFR 71.1. The Class D and E Airspae designations listed in this document will be published subsequently in the Order.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

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 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. 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 I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes controlled airspace at the Easton Airport/Newnam Field, Easton, MD.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).