

**PART 1—DEFINITION OF TERMS**

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

**Authority:** 7 U.S.C. 2131–2159; 7 CFR 222, 2.80, and 371.2(g).

2. In § 1.1, the definition for *primary enclosure* is revised to read as follows:

**§ 1.1 Definitions.**

\* \* \* \* \*

*Primary enclosure* means any structure or device used to restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, compartment, pool, or hutch.

\* \* \* \* \*

**PART 3—STANDARDS**

3. The authority citation for part 3 is revised to read as follows:

**Authority:** 7 U.S.C. 2131–2159; 7 CFR 2.22, 2.80, and 371.2(d).

4. Section 3.6 is amended by removing paragraph (c)(2), by redesignating paragraphs (c)(3) and (c)(4) as paragraphs (c)(2) and (c)(3), respectively, and by adding a new paragraph (c)(4) to read as follows:

**§ 3.6 Primary enclosures.**

\* \* \* \* \*

(c) \* \* \*

(4) *Prohibited means of primary enclosure.* Permanent tethering of dogs is prohibited for use as primary enclosure. Temporary tethering of dogs is prohibited for use as primary enclosure unless approval is obtained from APHIS.

\* \* \* \* \*

Done in Washington, DC, this 7th day of August 1997.

**Terry L. Medley,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 97–21370 Filed 8–12–97; 8:45 am]

BILLING CODE 3410–34–P

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

[Docket No. 97–ACE–8]

**Amendment to Class E Airspace, Storm Lake, IA**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Direct final rule; confirmation of effective date.

**SUMMARY:** This rule amends the Class E airspace area at Storm Lake Municipal Airport, Storm Lake, IA. The effect of

this rule is to provide additional controlled airspace for aircraft arriving and departing the Storm Lake Municipal Airport.

**EFFECTIVE DATE:** 0901 UTC September 11, 1997.

**FOR FURTHER INFORMATION CONTACT:**

Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone number: (816) 426–3408.

**SUPPLEMENTARY INFORMATION:** The FAA published this direct final rule with a request for comments in the **Federal Register** on May 21, 1997 (62 FR 27688). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that useless a written adverse comment, or a written notice of intent to submit such an adverse comment, was received within the comment period, the regulation would become effective on September 11, 1997. No adverse comments were received, and thus this notice confirms that this final rule will become effective on that date.

Issued in Kansas City, MO on July 11, 1997.

**Christopher R. Blum,**

*Acting Manager, Air Traffic Division, Central Region.*

[FR Doc. 97–21407 Filed 8–12–97; 8:45 am]

BILLING CODE 4910–13–M

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

[Docket No. 97–ACE–15]

**Amendment to Class E Airspace, Aurora, MO**

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

**ACTION:** Direct final rule; request for comments.

**SUMMARY:** This action amends the Class E airspace area at Aurora Memorial Municipal Airport, Aurora, MO. The Federal Aviation Administration has developed a Standard Instrument Approach Procedure (SIAP) based on the Global Positioning System (GPS) which has made this change necessary. The intended effect of this rule is to provide additional controlled airspace for aircraft executing the SIAP at Aurora Memorial Municipal Airport.

**DATES:** Effective date: 0901 UTC, October 31, 1997.

**Comment date:** Comments must be received on or before September 12, 1997.

**ADDRESSES:** Send comments regarding the rule in triplicate to: Manager, Airspace Branch, Air Traffic Division, ACE–520, Federal Aviation Administration, Docket Number 97–ACE–15, 601 East 12th St., Kansas City, MO 64106.

The official docket may be examined in the Office of the Assistant Chief Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

**FOR FURTHER INFORMATION CONTACT:**

Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone: (816) 426–3408.

**SUPPLEMENTARY INFORMATION:** The FAA has developed Standard Instrument Approach Procedures (SIAP) utilizing the Global Positioning System (GPS) at Aurora Memorial Municipal Airport, Aurora, MO. The amendment to Class E airspace at Aurora, MO will provide additional controlled airspace to segregate aircraft operating under Visual Flight Rules (VFR) from aircraft operating under Instrument Flight Rules (IFR) procedures while arriving or departing the airport. The area will be depicted on appropriate aeronautical charts thereby enabling pilots to either circumnavigate the area, continue to operate under VFR to and from the airport, or otherwise comply with IFR procedures. Class E airspace areas extending from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9D, dated September 4, 1996, and effective September 16, 1996, 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 Direct Final Rule Procedure**

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the

presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

#### Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 97-ACE-15." The postcard

will be date stamped and returned to the commenter.

#### Agency Findings

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 the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends part 71 of the Federal Aviation Regulations (14 CFR part 7) as follows:

#### PART 71—AMENDED

1. The authority citation of 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 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

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

\* \* \* \* \*

##### ACE MO E5 Aurora, MO. [Revised]

Aura Memorial Municipal Airport, MO. (lat. 36°57'44" N., long. 93°41'43" W.)

That airspace extending upward from 700 feet above the surface within a 6.3 mile

radius of Aurora Memorial Municipal Airport and within 2 miles each of the 181° bearing from the Aurora Memorial Municipal Airport extending from the 6.3-mile radius to 9.3 miles south of the airport.

\* \* \* \* \*

Issued in Kansas City, MO, on July 11, 1997.

**Christopher R. Blum,**

*Acting Manager, Air Traffic Division, Central Region.*

[FR Doc. 97-21406 Filed 8-12-97; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### 14 CFR Part 241

[Docket No. OST-95-744]

RIN 2139-AA04

#### Passenger Origin-Destination Survey Reports

**AGENCY:** Office of Secretary, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Department of Transportation (DOT or the Department) requires that large certificated U.S. air carriers participating in code-share arrangements report both the ticketing and operating air carriers in their quarterly Passenger Origin-Destination Survey reports. DOT needs the information to assess accurately the effects of code-sharing alliances in air transportation. Also, the Department expands by one position the field entitled "Total Dollar Value of Ticket" to accommodate current charges; and standardizes the format for floppy disk submissions by using the same 200 character record layout that is used for magnetic tape submissions. The latter changes are technical in nature and should reduce processing errors. This action is taken to respond to Congressional concerns on the impact of international code-share operations.

**EFFECTIVE DATE:** January 1, 1998.

#### FOR FURTHER INFORMATION CONTACT:

Bernard Stankus, Office of Airline Information, K-25, Bureau of Transportation Statistics, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-4387.

#### SUPPLEMENTARY INFORMATION:

##### Background

On June 24, 1996, the Bureau of Transportation Statistics (BTS) issued a Notice of Proposed Rulemaking ("NPRM") (61 FR 32375) seeking public comments on a proposal to revise the Passenger Origin-Destination Survey