

Finally, the animals themselves would benefit in that a more accurate representation of the temperature to which the dog or cat has been acclimated would have a positive effect on the animal's health and welfare.

The Regulatory Flexibility Act requires that agencies consider the economic effect of rules on small entities, i.e., small businesses, organizations, and governmental jurisdictions. In FY 1996, there were 4,075 animal dealers licensed by the Animal and Plant Health Inspection Service, including dealers of dogs and cats. The American Veterinary Medical Association estimates that, as of January 1, 1998, there were 30,255 veterinarians in private practice in the United States who deal either exclusively or predominately with small animals, including dogs and cats.

It is reasonable to assume that most of the affected entities are small in size, based on composite data for providers of the same and similar services in the United States. In 1992, the per firm average annual gross receipts for all 6,804 firms in animal specialty services, except veterinary, which include dog and cat dealers, were \$115,290. This amount is well below the U.S. Small Business Administration's (SBA) small entity threshold of \$5.0 million annually for firms in that category. Similarly, the per practice average annual gross receipts for all 15,880 U.S. veterinary practices, which include practices having more than one veterinarian on staff, that deal exclusively in small animals were \$421,000 in 1995. This is well below the SBA's small entity threshold of \$5.0 million annually for firms in veterinary services for animal specialties, which include dog and cat veterinarians. It is very likely, therefore, that small entities would be those most affected by the proposed rule change. As stated previously, we believe any economic effects of this proposed rule would not be significant.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would 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.

#### Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. This rule would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. The Act does not provide administrative procedures which must be exhausted prior to a judicial challenge to the provisions of this rule.

#### Paperwork Reduction Act

This proposed 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 in 9 CFR Part 3

Animal welfare, Marine mammals, Pets, Reporting and recordkeeping requirements, Research, Transportation.

Accordingly, we propose to amend 9 CFR part 3 as follows:

#### PART 3—STANDARDS

1. The authority citation for part 3 would continue to read as follows:

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

##### § 3.13 [Amended]

2. In § 3.13, paragraphs (e) introductory text, (e)(3), and (e)(4) would be amended as follows:

a. In paragraph (e), the introductory text, by removing the phrase “signed by a veterinarian” and replacing it with the phrase “signed by the dog or cat owner”; and by removing “2.2 °C” both times it appears and replacing it with “7.2 °C”.

b. In paragraph (e)(3), by removing the phrase “a veterinarian” and replacing it with the phrase “the dog or cat owner”.

c. In paragraph (e)(4), by removing the word “veterinarian” and replacing it with the phrase “dog or cat owner”.

Done in Washington, DC, this 1st day of June 1999.

**Craig A. Reed,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 99–14305 Filed 6–4–99; 8:45 am]

BILLING CODE 3410–34–P

#### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 99–AEA–07]

#### Proposed Establishment of Class D Airspace; Salisbury, MD

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This action proposes to establish Class D airspace area at Salisbury, MD. The Commissioning of a new Air Traffic Control Tower (ATCT) at the Salisbury-Ocean City; Wicomico Regional Airport. (SBY), Salisbury, MD has made this proposal necessary. Controlled airspace extending upward from the surface to 2,500 feet Above Ground Level (AGL) is needed to accommodate Instrument Flight Rules (IFR) operations to the airport.

**DATES:** Comments must be received on or before July 7, 1999.

**ADDRESSES:** Send comments on the proposal in triplicate to: Manager, Airspace Branch, AEA–520, Docket No. 99–AEA–07, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430.

The official docket may be examined in the Office of the Regional Counsel, AEA–7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430.

An informal docket may also be examined during normal business hours in the Airspace Branch, AEA–520, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430.

**FOR FURTHER INFORMATION CONTACT:** Mr. Francis T. Jordan, Jr., Airspace Specialist, Airspace Branch, AEA–520, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430; telephone: (718) 553–4521.

#### SUPPLEMENTARY INFORMATION:

#### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental,

and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made:

"Comments to Airspace Docket No. 99-AEA-07." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

#### Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Regional Counsel, AEA-7, F.A.A., Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

#### The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish the Class D airspace area at Salisbury, MD. A new ATCT has been opened at the Salisbury-Ocean City; Wicomico County Regional Airport and Class D controlled airspace is needed to accommodate IFR operations to the airport. Class D airspace designations for airspace areas extending upward from surface to 2,500 feet or more above the surface are published in Paragraph 5000 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to

keep them operationally current. Therefore, this proposed regulation—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedure (44 FR 11934; 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 would only effect air traffic procedures and air navigation, it is certified that this proposed rule would not have significant economic impact 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).

#### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

#### PART 71—[AMENDED]

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, 1059-1963 Comp., p. 389.

##### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, is proposed to be amended as follows:

*Paragraph 5000 Class D airspace areas extending upward from the surface to 2,500 feet or more above the surface of the earth.*

\* \* \* \* \*

#### AEA MD D [New]

Salisbury-Ocean City; Wicomico County Regional Airport, MD,  
(Lat. 382043N/Long. 753062W.)  
Salisbury, VORTAC  
(Lat. 382070N/long. 763064W.)

That airspace extending upward from the surface to and including 2500 feet above the surface within a 4.1 mile radius of the Salisbury-Wicomico County Regional Airport and within 3.1 miles each side of the Salisbury VORTAC 209 degree radial extending from the 4.1 mile radius to 9.2 miles southwest of the VORTAC and within 3.1 miles each side of the Salisbury VORTAC 0-52 radial extending from the 4.1 mile radius to 8.3 miles northeast of the VORTAC and within 1 mile each side of the Salisbury-Wicomico County Regional Airport localizer northwest course extending from the 4.1 mile radius to 4.8 miles northwest of the localizer and within 3.1 miles each side of the Salisbury VORTAC 132 degree radial

extending from the 4.1 mile radius to 9.2 miles southeast of the VORTAC. This Class D airspace areas is effective during the specific dates and items established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport Facility Directory.

\* \* \* \* \*

Issued in Jamaica, New York, on May 27, 1999.

**Franklin D. Hatfield,**

*Manager, Air Traffic Division, Eastern Region.*

[FR Doc. 99-14218 Filed 6-4-99; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 97-AWP-21]

#### Proposed Modification of Class E Airspace; Kingman, AZ

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This action proposes to modify the Class E airspace at Kingman, AZ. The establishment of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (RWY) 3 and GPS RWY 21 at Kingman Airport has made this proposal necessary. Additional controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain aircraft executing the GPS RWY 3 SIAP to Kingman Airport. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Kingman Airport, Kingman, AZ.

**DATES:** Comments must be received on or before July 19, 1999.

**ADDRESSES:** Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace Branch, AWP-520, Docket No. 97-AWP-21, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, California 90261.

The official docket may be examined in the Office of the Regional Counsel, Western-Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, California 90261.

An informal docket may also be examined during normal business hours at the Office of the Manager, Airspace Branch, Air Traffic Division at the above address.

**FOR FURTHER INFORMATION CONTACT:** Larry Tonish, Air Traffic Airspace Specialist, Airspace Branch, AWP-520,