

and Budget has waived its review under Executive Order 12866.

In accordance with the Regulatory Flexibility Act, we have analyzed the potential economic effects of this action on small entities.

South American cactus moth is a pest that attacks primarily prickly pear cacti in arid and coastal areas. In the continental United States, the South American cactus moth has been found in Florida, Georgia, South Carolina, Alabama, and Mississippi. It has also been found in Hawaii, Puerto Rico, and the U.S. Virgin Islands, as well as more than 30 foreign countries. The pest attacks various cactus genera. The species that are most threatened in the United States belong to the genus *Opuntia*, also known as the prickly pear cactus.

*Opuntia* cactus is valued as an ornamental plant material for landscaping projects and as a food crop. Other uses are as emergency forage for cattle during periods of drought and as wildlife feed for game animals. This rule amends the regulations by adding the State of Louisiana to the list of quarantined areas. The regulations restrict the interstate movement of host material from quarantined areas to non-quarantined areas to prevent the artificial spread of this pest. However, there are currently no nurseries in Louisiana known to propagate *Opuntia* or other host genera of *C. cactorum* for retail sale or interstate shipment. Therefore, there are no small-entity nurseries in Louisiana that will be affected by this interim rule.

Inclusion of Louisiana in the *C. cactorum* quarantine is important in preventing the further expansion of this pest to Texas and other Western States and to Mexico, where *Opuntia* species are environmentally and economically significant.

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 rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are

inconsistent 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 interim 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 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

■ Accordingly, we are amending 7 CFR part 301 as follows:

#### PART 301—DOMESTIC QUARANTINE NOTICES

■ 1. The authority citation for part 301 continues to read as follows:

**Authority:** 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 issued under Sec. 204, Title II, Public Law 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 issued under Sec. 203, Title II, Public Law 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

#### § 301.55–3 [Amended]

■ 2. In § 301.55–3, paragraph (c) is amended by adding the word “Louisiana,” after the word “Georgia.” Done in Washington, DC, this 9<sup>th</sup> day of July 2010.

**Kevin Shea**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2010–17276 Filed 7–14–10; 10:29 am]

**BILLING CODE:** 3410–34–S

#### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2009–1105; Airspace Docket No. 09–ANM–23]

#### Amendment of Class D and E Airspace; Everett, WA

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

**ACTION:** Final rule.

**SUMMARY:** This action will amend Class D and E airspace at Snohomish County Airport (Paine Field), Everett, WA, by updating the geographic coordinates of the airport, and removes the operating

hours established by a Notice to Airmen (NOTAM) for the Class E surface area airspace. This action enhances the safety and management of Instrument Flight Rules (IFR) operations at Snohomish County Airport (Paine Field).

**DATES:** Effective date: 0901 UTC, September 23, 2010. The Director of the Federal Register approves this incorporation by reference action under 1 CFR Part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**FOR FURTHER INFORMATION CONTACT:** Eldon Taylor, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue, SW., Renton, WA, 98057; telephone (425) 203–4537.

#### SUPPLEMENTARY INFORMATION:

#### History

On February 4, 2010, the FAA published in the **Federal Register** a notice of proposed rulemaking to amend Class D and E airspace at Everett, WA (75 FR 5702). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Subsequent to publication, the FAA found that the operating hours for the Class D airspace had not changed and, therefore, will continue the operating hours to be effective during the specific dates and times established in advance by NOTAM.

With the exception of editorial changes, and the changes described above, this rule is the same as that proposed in the NPRM.

Class D and Class E airspace designations are published in paragraph 5000 and 6002, respectively, of FAA Order 7400.9T signed August 27, 2009, and effective September 15, 2009, which is incorporated by reference in 14 CFR part 71.1. The Class D and Class E airspace designations listed in this document will be published subsequently in that Order.

#### The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by amending Class D airspace, updating the geographic coordinates for Snohomish County Airport (Paine Field), Everett, WA, and continues the operating hours to be effective during specific dates and times established in advance by NOTAM. The Class E surface area airspace at Snohomish County Airport (Paine Field) will be continuous 24 hours, and no longer effective during specific dates and times established in

advance by NOTAM. The geographic coordinates of the airport also will be updated. This action is necessary for the safety and management of IFR operations at the airport.

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 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 U.S. Code. Subtitle 1, Section 106 discusses 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 amends controlled airspace at Snohomish County Airport (Paine Field), Everett, WA.

#### 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, B, C, D AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

■ 1. The authority citation for 14 CFR 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 part 71.1 of the Federal Aviation Administration Order 7400.9T, Airspace Designations and Reporting Points, signed August 27, 2009, and effective September 15, 2009 is amended as follows:

*Paragraph 5000 Class D Airspace.*

\* \* \* \* \*

#### **ANM WA D Everett, WA [Amended]**

Everett, Snohomish County Airport (Paine Field), WA

(Lat. 47°54′25″ N., long. 122°16′54″ W.)

That airspace extending upward from the surface to and including 3,100 feet MSL within a 4.5-mile radius of the Snohomish County Airport (Paine Field). This Class D airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

*Paragraph 6002 Class E airspace Designated as Surface Areas.*

\* \* \* \* \*

#### **ANM WA E2 Everett, WA [Amended]**

Everett, Snohomish County Airport (Paine Field), WA

(Lat. 47°54′25″ N., long. 122°16′54″ W.)

That airspace extending upward from the surface to and including 3,100 feet MSL within a 4.5-mile radius of the Snohomish County Airport (Paine Field).

Issued in Seattle, Washington, on June 30, 2010.

**John Warner,**

*Manager, Operations Support Group, Western Service Center.*

[FR Doc. 2010–17130 Filed 7–14–10; 8:45 am]

**BILLING CODE 4910–13–P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 71**

**[Docket No. FAA–2009–1220; Airspace Docket No. 09–ANM–30]**

#### **Amendment of Class E Airspace; Bozeman, MT**

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

**ACTION:** Final rule.

**SUMMARY:** This action will amend Class E airspace at Bozeman, MT, to accommodate aircraft using a new VHF Omni-Directional Radio Range (VOR) Standard Instrument Approach Procedures (SIAPs) at Gallatin Field Airport. This will improve the safety and management of Instrument Flight Rules (IFR) operations at the airport.

**DATES:** Effective date, 0901 UTC, September 23, 2010. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

#### **FOR FURTHER INFORMATION CONTACT:**

Eldon Taylor, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue, SW., Renton, WA 98057; telephone (425) 203–4537.

#### **SUPPLEMENTARY INFORMATION:**

#### **History**

On April 19, 2010, the FAA published in the **Federal Register** a notice of proposed rulemaking to amend Class E airspace at Bozeman, MT (75 FR 20321). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6004 and 6005, respectively, of FAA Order 7400.9T signed August 27, 2009, and effective September 15, 2009, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designations listed in this document will be published subsequently in that Order.

#### **The Rule**

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by adding additional Class E surface airspace, and additional Class E airspace extending upward from 700 feet above the surface, at Gallatin Field Airport, Bozeman, MT, to accommodate IFR aircraft executing a new VOR SIAPs at the airport. This action is necessary for the safety and management of IFR operations at the airport.

The FAA has determined 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 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 this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the