

SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS codes	NAICS U.S. industry title	Size standards in millions of dollars	Size standards in number of employees
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561612	Security Guards and Patrol Services	\$17.0.	
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Dated: June 23, 2006.

Hector V. Barreto,

Administrator.

[FR Doc. 06-5894 Filed 6-29-06; 8:45 am]

BILLING CODE 8025-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2005-225010; Airspace
Docket No. 06-AAL-17]

RIN 2120-AA66

Revocation of Low Altitude Reporting Point; AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revokes the Bishop Nondirectional Radio Beacon (NDB) as an Alaskan low altitude reporting point. The FAA has determined that this reporting point should be removed from the National Airspace System (NAS), since the Bishop NDB was de-commissioned and is no longer in service.

DATES: *Effective Date:* 0901 UTC, September 28, 2006.

FOR FURTHER INFORMATION CONTACT: Ken McElroy, Airspace and Rules, Office of System Operations and Safety, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION:

Background

In October 2005, it was determined that continued operation of the Bishop, AK, NDB was in jeopardy at its current location because of riverbank erosion along the Yukon River to within 150 feet of the NDB site. The Bishop NDB was removed from service in early 2006 and action was taken by the FAA to reconfigure airways to exclude the Bishop NDB. The Bishop low altitude reporting point is no longer used by the FAA.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by revoking the Bishop NDB low altitude reporting point. The Bishop low altitude reporting point no longer exists. Accordingly, since this action only involves a change in the legal description, notice and public procedure under 5 U.S.C. 533(b) are unnecessary.

Alaska low altitude reporting points are published in paragraph 7004 of FAA Order 7400.9O dated September 1, 2006, and effective September 15, 2006, which is incorporated by reference in 14 CFR 71.1. The low altitude reporting points listed in this document will be removed 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. Therefore, 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) 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.

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 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 FAA Order 7400.9O, Airspace Designations and Reporting Points, dated September 1, 2006, and effective September 15, 2006, is amended as follows:

Paragraph 7004 Alaskan Low Altitude Reporting Points.

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Bishop NDB, AK [Revoked]

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Issued in Washington, DC, on June 21, 2006.

Edith V. Parish,

Manager, Airspace and Rules.

[FR Doc. E6-10285 Filed 6-29-06; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2006-23872; Airspace
Docket No. 06-AAL-9]

RIN 2120-AA66

Establishment of Offshore Airspace Area 1485L and Revision of Control 1485H; Barrow, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Control 1485L and revises Control 1485H offshore airspace in the vicinity of Barrow, AK. This action establishes controlled airspace outside of 12 nautical miles (NM) of the U.S. shoreline upward from 1,200 feet mean sea level (MSL) along the North Slope of Alaska. Additionally, this action revises the altitudes of Control 1485H from FL 230/FL 450 to FL 180/FL 600. This action provides additional controlled airspace for aircraft executing instrument flight rules (IFR) operations at the airfields along the North Slope of

Alaska in anticipation of establishing terminal arrival areas associated with Area Navigation (RNAV) Standard Instrument Arrival Procedures (SIAPs).

DATES: *Effective Date:* 0901 UTC, September 28, 2006.

FOR FURTHER INFORMATION CONTACT: Ken McElroy, Airspace and Rules, Office of System Operations Airspace and AIM, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION:

History

On April 20, 2006, the FAA published in the **Federal Register** a notice of proposed rulemaking to establish Control 1485L, and revise Control 1485H, offshore airspace area in Alaska (71 FR 20374). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

Offshore Airspace Areas are published in paragraph 6007 of FAA Order 7400.90 dated September 1, 2006, and effective September 15, 2006, which is incorporated by reference in 14 CFR 71.1. The Offshore Airspace Areas listed in this document will be published subsequently in the Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing Control 1485L Offshore Airspace Area, AK, extending upward from 1,200 feet MSL along the North Slope of Alaska. This action provides controlled airspace beyond 12NM from the shoreline of the United States in those areas where there will soon be a requirement to provide IFR enroute air traffic control services and within which the United States is applying domestic procedures. This action will establish controlled airspace of sufficient size to support the terminal arrival area associated with new IFR operations at Atkasuk Airport, AK. Future plans for Barrow, AK are also taken into consideration for this action. The FAA Instrument Flight Procedures Production and Maintenance Branch have revised four SIAPs for the Atkasuk Airport, which requires controlled airspace outside the 12NM. Controlled airspace extending upward from 1,200 feet above the surface in international airspace is created by this action. Additionally, the floor of Control 1485H is lowered from FL 230 to FL 180 to fill the gap between low and high control areas and raises the ceiling from FL 245 to FL 600.

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 Department of Transportation (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 proposed 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.

ICAO Considerations

As part of this proposal relates to navigable airspace outside the United States, this notice is submitted in accordance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

The application of International Standards and Recommended Practices by the FAA, Office of System Operations Airspace and AIM, Airspace & Rules, in areas outside the United States domestic airspace, is governed by the Convention on International Civil Aviation. Specifically, the FAA is governed by Article 12 and Annex 11, which pertain to the establishment of necessary air navigational facilities and services to promote the safe, orderly, and expeditious flow of civil air traffic. The purpose of Article 12 and Annex 11 is to ensure that civil aircraft operations on international air routes are performed under uniform conditions.

The International Standards and Recommended Practices in Annex 11 apply to airspace under the jurisdiction of a contracting state, derived from ICAO. Annex 11 provisions apply when air traffic services are provided and a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting this responsibility may apply the International Standards and Recommended Practices that are consistent with standards and practices utilized in its domestic jurisdiction.

In accordance with Article 3 of the Convention, state-owned aircraft are exempt from the Standards and Recommended Practices of Annex 11. The United States is a contracting state

to the Convention. Article 3(d) of the Convention provides that participating state aircraft will be operated in international airspace with due regard for the safety of civil aircraft. Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator is consulting with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

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 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 the Federal Aviation Administration Order 7400.90, Airspace Designations and Reporting Points, dated September 1, 2006, and effective September 15, 2006, is amended as follows:

Paragraph 6007 Offshore Airspace Areas.

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Control 1485L [New]

That airspace extending upward from 1,200 feet MSL within the area bounded by a line beginning at a point 12 miles offshore at lat. 68°00'00" N.; to lat. 68°00'00" N., long. 168°58'23" W.; to lat. 72°00'00" N., long. 158°00'00" W.; to lat. 72°00'00" N., long. 144°00'11" W.; to lat. 75°00'00" N., long. 141°00'00" W.; to a point 12 miles offshore at long. 141°00'00" W.; thence westward by a line 12 miles from and parallel to the shoreline to the point of beginning.

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Paragraph 2003 Offshore Airspace Areas.

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Control 1485H [Revised]

That airspace extending upward from 18,000 feet to FL 600 within the area bounded by a line beginning at a point 12 miles offshore at lat. 68°00'00" N.; to lat. 68°00'00" N., long. 168°58'23" W.; to lat. 72°00'00" N., long. 158°00'00" W.; to lat. 72°00'00" N., long. 144°00'11" W.; to lat. 75°00'00" N., long. 141°00'00" W.; to a point 12 miles offshore at long. 141°00'00" W.;

thence westward by a line 12 miles from and parallel to the shoreline to the point of beginning.

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Issued in Washington, DC, on June 23, 2006.

Edith V. Parish,

Manager, Airspace and Rules.

[FR Doc. E6-10282 Filed 6-29-06; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF STATE

22 CFR Part 41

[Public Notice 5459]

Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended

AGENCY: State Department.

ACTION: Final rule.

SUMMARY: This rule expands guidance to consular offices for the review of nonimmigrant visa issuances and refusals contained at 22 CFR 41.113(i) (new) and 22 CFR 41.121(c), respectively, to specify who should conduct the reviews, the types of cases to be reviewed, and the goals of the reviews.

DATES: *Effective Date:* This rule is effective on June 30, 2006.

FOR FURTHER INFORMATION CONTACT: Charles E. Robertson, Legislation and Regulations Division, Visa Services, Department of State, Washington, DC 20520-0106. Phone: 202-663-3969. E-mail: robertsonce3@state.gov.

SUPPLEMENTARY INFORMATION:

Why Is the Department Promulgating These Rules?

Nonimmigrant visa refusals and issuances are generally committed by law to the adjudicating consular officer. The Department nevertheless provides for them to be reviewed by consular experts in a supervisory capacity. Such reviews are a significant management and instructional tool useful in maintaining the highest professional standards of adjudication and ensuring uniform and correct application of the law and regulations. The purpose of this rule revision is to expand the scope of reviews of nonimmigrant visa applications to ensure that Department supervisors are reviewing both issuances and refusals to the greatest extent practicable, while balancing workload considerations at consular posts.

Why Has the Department Imposed a Review of Applications of Nonimmigrant Issuances?

Current regulations require that the section chief or designee review all visa refusals. The Foreign Affairs Manual (FAM) calls for a spot check of NIV issuances. In order to enhance U.S. border security, we are placing greater emphasis on reviewing issuances to ensure that visas are issued in compliance with law and procedures. This rule revision will provide a regulatory framework for a regular and targeted review of both visa issuances and refusals.

Why Has the Department Reduced the Degree of Review of Refusals?

Due to the need to formalize our review of visa issuances beyond spot checks in order to promote border security, it will no longer be possible to review all visa refusals. We will continue to review refusals to ensure appropriate adjudication standards are maintained, while striking the appropriate balance between resources and essential functions.

Who Will Review the Applications?

The reviewing officer will be the adjudicating consular officer's direct supervisor, or a designated alternate. If the reviewing officer disagrees with the consular officer's decision, and he or she has a consular commission and title, the reviewing officer can assume responsibility for the case and readjudicate it. If the reviewing officer does not have a consular commission and title, he or she must consult with the adjudicating officer, or with the Visa Office, to resolve any disagreement. The Department's regulation at 22 CFR 41.121(c) specifies that a refusal must be reviewed without delay; that is, on the day of the refusal or as soon as is administratively possible. This rule will be applied to review of visa issuances as well.

Regulatory Findings

Administrative Procedure Act

The Department's implementation of this regulation involves a foreign affairs function of the United States and, therefore, in accordance with 5 U.S.C. 553(a)(1), is not subject to the rule making procedures set forth at 5 U.S.C. 553.

Regulatory Flexibility Act/Executive Order 13272: Small Business

This rule is not subject to the notice-and-comment rulemaking provisions of the Administrative Procedure Act or any other act, and, accordingly it does not

require analysis under the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) and Executive Order 13272, section 3(b).

The Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by 5 U.S.C. 804, for purposes of congressional review of agency rulemaking under the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law No. 104-121. This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based companies to compete with foreign-based companies in domestic and import markets.

The Unfunded Mandates Reform Act of 1995

This rule is not subject to the notice-and-comment rulemaking provisions of the Administrative Procedure Act or any other act, and, accordingly it does not require analysis under the Unfunded Mandates Reform Act of 1995 (Pub. L. No. 104-4). Moreover, this rule is not expected to result in an annual expenditure of \$100 million or more by State, local, or tribal governments, or by the private sector. Nor will it significantly or uniquely affect small governments.

Executive Orders 12372 and 13132: Federalism

The Department finds that this regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Nor does the rule have federalism implications warranting the application of Executive Orders No. 12372 and No. 13132.

Executive Order 12866: Regulatory Review

The Department does not consider this rule to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review. In addition, the Department is exempt from Executive Order 12866 except to the extent that it is promulgating regulations in conjunction with a domestic agency that are significant regulatory actions. The Department has nevertheless reviewed the regulation to ensure its consistency with the regulatory philosophy and principles set forth in this Executive Order.