

producers to use a single test on both gpl vaccinates and nonvaccinated swine.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

This proposed rule would amend the pseudorabies regulations by adding the gpl PCFIA test to the list of official pseudorabies tests. This proposed change would allow the gpl PCFIA test to be used as an official pseudorabies test to qualify certain pseudorabies vaccinated swine for interstate movement to destinations other than slaughter or a quarantined herd or quarantined feedlot. Adding the gpl PCFIA test to the list of official pseudorabies tests would also allow its use for the testing on nonvaccinated swine.

The total U.S. inventory of hogs and pigs was approximately 56 million, valued at \$5.283 billion, in 1996. The gross income of the inventory is approximately \$11 billion. More than 99 percent of swine producers are considered to be small entities. According to the standard set by the Small Business Administration for agricultural producers, a producer with less than \$0.5 million annually in sales qualifies as a small entity.

Nearly 95 percent of the swine inventory within the United States has not yet achieved pseudorabies-free status. The addition of this new test would provide an extra choice of official pseudorabies test for those who raise swine, when a test is required for interstate movement. Testing costs would be incurred only when an owner chose to move gpl vaccinates interstate to destinations other than slaughter or a quarantined herd or quarantined feedlot, since pseudorabies vaccinated swine do not require a test prior to interstate movement for slaughter or to a quarantined herd or quarantined feedlot. The cost of the gpl PCFIA test is within the range of the currently available tests. The test is highly automated and those laboratories that have the test kit would be expected to accomplish the testing on large numbers of samples with greater speed. The test results have been found to produce fewer false negatives, reducing the need for tracebacks. The positive effect of having accurate results in a short time would be beneficial in all stages of pseudorabies eradication.

The provisions of this proposed rule that would allow the use of the gpl

PCFIA test to determine the pseudorabies status of nonvaccinated swine are not expected to have a significant economic impact on the owners of nonvaccinated swine, as it only introduces an additional pseudorabies testing tool to ensure the health of the U.S. swine population. It is likely, though, that since the new gpl PCFIA test may be slightly higher in cost than other testing tools that are on the market, most owners of nonvaccinated swine would continue using less expensive official pseudorabies test until the cost of the gpl PCFIA test became comparable to that of other official tests.

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. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging 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 85

Animal diseases, Livestock, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 9 CFR part 85 would be amended as follows:

PART 85—PSEUDORABIES

1. The authority citation for part 85 would continue to read as follows:

Authority: 21 U.S.C. 111, 112, 113, 115, 117, 120, 121, 123–126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

§ 85.1 [Amended]

2. In § 85.1, in the definition of *official pseudorabies test*, in the second sentence, item 6 would be amended by adding the words “, including the gpl PCFIA test” immediately after the word “Test”.

§ 85.6 [Amended]

3. Section 85.6 would be amended as follows:

a. In paragraph (c)(2)(iii), the words “or a gpl Particle Concentration Fluorescence Immunoassay (PCFIA)” would be added immediately after the word “(ELISA)”.

b. In paragraph (c)(2)(iv), the words “or the gpl PCFIA” would be added immediately after the word “ELISA”.

c. In paragraph (c)(2)(v), the words “or the gpl PCFIA” would be added immediately after the word “ELISA”.

Done in Washington, DC, this 9th day of December 1997.

Craig A. Reed,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97–32658 Filed 12–12–97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 96–ANM–15]

RIN 2120–AA66

Proposed Modification of VOR Federal Airway V–465

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to modify Federal Airway 465 (V–465) by lowering the floor of a portion of the airway from 12,400 feet mean sea level (MSL) to 1,200 feet above the surface. This action also proposes to establish a new segment of V–465 between Billings, Montana, and Miles City, Montana. The FAA is proposing this action to support an instrument approach procedure that is being developed for the Jackson Hole Airport, Wyoming, and to enhance aircraft operations management in the Jackson Hole, Wyoming, area.

DATES: Comments must be received on or before January 28, 1998.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ANM–500, Docket No. 96–ANM–15, Federal Aviation Administration, 1601 Lind Avenue, SW., Renton, WA 98055–4056. The

official docket may be examined in the Rules Docket, Office of the Chief Counsel, Room 916G, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

An informal docket may also be examined during normal business hours at the Office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Bil Nelson, Airspace and Rules Division, ATA-400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

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, aeronautical, 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 notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 96-ANM-15." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice 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 FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Air Traffic Airspace Management, 800 Independence Avenue, SW., Washington, DC 20591, or by calling

(202) 267-8783. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

The Proposal

The FAA is proposing to amend 14 CFR part 71 by lowering the floor of a portion of V-465 from 12,400 feet MSL to 1,200 feet above the surface. This action also proposes to establish a new segment of V-465 between Billings, Montana, and Miles City, Montana. When V-465 was established, the FAA intended that the airway include the segment between Billings, MT, and Miles City, MT; however, the airway segment was omitted due to a typographical error. This new segment does not result in any additional controlled airspace because the segment will be co-located with a segment of V-2. The FAA is proposing this action to support an instrument approach procedure that is being developed for the Jackson Hole Airport, Wyoming, and to enhance aircraft operations management in the Jackson Hole, Wyoming, area. The FAA is proposing this action to improve traffic flow and reduce controller workload at the Salt Lake City Air Route Traffic Control Center, thereby providing maximum service to all airspace users.

Domestic VOR Federal airways are published in paragraph 6010(a) of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The airway 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 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 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.

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—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; 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 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

Paragraph 6010(a)—Domestic VOR Federal Airways

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V-465 [Revised]

From Bullion, NV; Wells, NV, 12 miles, 30 miles, 115 MSL, 20 miles, 90 MSL, 36 miles, 115 MSL, 24 miles, 95 MSL, Malad City, ID; Jackson, WY; Dunoir, WY; 14 miles, 45 miles, 137 MSL, Billings, MT; Miles City, MT; to Williston, ND.

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Issued in Washington, DC, on December 2, 1997.

Reginald C. Matthews,

Acting Program Director for Air Traffic Airspace Management.

[FR Doc. 97-32666 Filed 12-12-97; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 936

[SPATS No. OK-023-FOR]

Oklahoma Abandoned Mine Land Reclamation Plan

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing.