

received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received.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. 98-ACE-31." 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 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 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 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ACE IA E5 Spencer, IA [Revised]

Spencer Municipal Airport, IA
(Lat. 43°09'56"N, long. 95°12'10"W.)

Spencer VOR/DME
(Lat. 43°09'44"N, long. 95°12'04"W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of the Spencer Municipal Airport and within 3.5 miles each side of the 122° radial of the Spencer VOR/DME extending from the 6.6-mile radius to 10.8 miles southeast of the airport and within 3.5 miles each side of the 314° radial of the Spencer VOR/DME extending from the 6.6-mile radius to 7.4 miles northwest of the airport.

* * * * *

Issued in Kansas City, MO, on July 28, 1998.

Jack L. Skelton,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 98-21473 Filed 8-10-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98-AGL-34]

Establishment of Class E Airspace; Tioga, ND

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Tioga, ND. A Global

Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (Rwy) 30 has been developed for Tioga Municipal Airport. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL), and controlled airspace extending upward from 1200 AGL, is needed to contain aircraft executing the approach. This action creates controlled airspace at and nearby Tioga Municipal Airport to accommodate the approach.

EFFECTIVE DATE: 0901 UTC, October 8, 1998.

FOR FURTHER INFORMATION CONTACT: Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL-520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294-7568.

SUPPLEMENTARY INFORMATION:

History

On Wednesday, June 3, 1998, the FAA proposed to amend 14 CFR part 71 to establish Class E airspace at Tioga, ND (63 FR 30157). The proposal was to add controlled airspace extending upward from 700 to 1200 feet AGL and upward from 1200 feet AGL to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 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 Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 establishes Class E airspace at Tioga, ND, to accommodate aircraft executing the proposed GPS Rwy 30 SIAP at Tioga Municipal Airport by creating controlled airspace at and nearby the airport. Controlled airspace extending upward from 700 to 1200 feet AGL, and controlled airspace extending upward from 1200 feet AGL, is needed to contain aircraft executing the approach. The area would be depicted on appropriate aeronautical charts.

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

* * * * *

AGL ND E5 Tioga, ND [New]

Tioga Municipal Airport, ND
(Lat. 48°22'30"N., long. 102°53'51"W.)
Minot AFB, ND
(Lat. 48°24'56"N., long. 101°21'28"W.)
Williston VORTAC
(Lat. 48°15'12"N., long. 103°45'02"W.)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of the Tioga Municipal Airport and that airspace within 2 miles either side of the 133° bearing from the Tioga Municipal Airport extending from the 6.7-mile radius to 9.4 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 49°00'00"N., on the east by the 47.0-

mile radius of Minot AFB, on the south by V-430, on the southwest by the 21.8-mile radius of the Williston VORTAC and on the west by the north Dakota/Montana state boundary.

* * * * *

Issued in Des Plaines, Illinois on July 29, 1998.

Richard K. Petersen,

Acting Assistant Manager, Air Traffic Division.

[FR Doc. 98–21472 Filed 8–10–98; 8:45 am]

BILLING CODE 4910–13–M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1610

Policy Statement—Reasonable and Representative Testing To Assure Compliance With The Standard for the Flammability of Clothing Textiles

AGENCY: Consumer Product Safety Commission.

ACTION: Interpretation and policy statement; final rule.

SUMMARY: The U.S. Consumer Product Safety Commission (CPSC) issues this guidance to notify manufacturers, importers, distributors, and retailers of fabric and garments of factors that the Commission considers in deciding whether to seek civil penalties for violations of the Standard for the Flammability of Clothing Textiles (General Wearing Apparel), 16 CFR part 1610.

DATES: Effective August 11, 1998.

FOR FURTHER INFORMATION CONTACT: Marilyn Borsari, Compliance Officer, Office of Compliance, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0608, extension, 1370 or e-mail mborsari@cpsc.gov.

SUPPLEMENTARY INFORMATION:

Introduction

The U.S. Consumer Product Safety Commission (CPSC) issues the following policy statement to provide guidance to manufacturers, importers, distributors, and retailers of factors the Commission considers in deciding whether to seek civil penalties for violations of the Standard for the Flammability of Clothing Textiles (General Wearing Apparel). CPSC adds this policy statement as Section 1610.62 of Subpart C of Part 1610, Chapter II, Title 16, Code of Federal Regulations. Since this document is interpretative and a general statement of policy, it is exempt from the requirement of 5 U.S.C. 553(b) for a general notice of proposed rulemaking

and from the requirement of 5 U.S.C. 553(c) for an opportunity for public comments. It is also exempt from the requirement of 5 U.S.C. 553(d) for a 30-day delay in the effective date of the policy. Accordingly, the policy will become effective August 11, 1998.

Applicable Executive Orders and Statutes

This policy has been evaluated for federalism implications in accordance with Executive Order No. 12,612, and the policy raises no substantial federalism concerns.

The policy has also been evaluated under Executive Order No. 12,898, and it does not have any of the exclusionary effects specified in that order.

The policy also has been evaluated under Executive Order No. 12,988. The policy is not a “flammability standard or other regulation for a fabric, related material, or product” that would have a preemptive effect under 15 U.S.C. 1203.

The policy is not expected to have any environmental effects. Therefore, an environmental assessment is not required.

The policy is not a “covered regulatory action” as that term is defined in Executive Order No. 13,045.

This policy is not a “rule” as defined in 5 U.S.C. 804(3). Accordingly, 5 U.S.C. 801–808 does not require a report to Congress.

List of Subjects in 16 CFR Part 1610

Clothing, Consumer protection, Flammable materials, Reporting and recordkeeping requirements, Textiles, Warranties.

For the reasons set forth in the preamble, the CPSC amends 16 CFR part 1610 as follows:

PART 1610—STANDARD FOR THE FLAMMABILITY OF CLOTHING TEXTILES

1. The authority citation for part 1610 is amended to read as follows:

Authority: 16 U.S.C. 1191–1204.

2. Add § 1610.62 to read as follows:

§ 1610.62 Reasonable and representative testing to assure compliance with the standard for the clothing textiles.

(a) *Background.* (1) The CPSC administers the Flammable Fabrics Act (FFA), 15 U.S.C. 1191–1204. Under the FFA, among other things, the Commission enforces the Flammability Standard for Clothing Textiles (the “general wearing apparel standard”), 16 CFR Part 1610. That standard establishes requirements for the flammability of clothing and textiles