

inspected, and certified before they are moved interstate. Costs related to these activities are very small, particularly when compared to benefits to the Nation of the cattle fever tick eradication program in preventing the spread of this disease.

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 in conflict 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 1994 (44 U.S.C. 3501 *et seq.*).

#### List of Subjects in 9 CFR Part 72

Animal diseases, Cattle, Incorporation by reference, Quarantine, Transportation.

Accordingly, we are amending 9 CFR part 72 as follows:

#### PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

1. The authority citation for part 72 continues to read as follows:

**Authority:** 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.4.

#### § 72.5 [Amended]

2. In § 72.5, the first sentence is amended by removing the date “July 22, 1994” and adding the date “April 8, 2001” in its place.

Done in Washington, DC, this 10th day of April 2002.

**Bobby R. Acord,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 02–9209 Filed 4–15–02; 8:45 am]

**BILLING CODE 3410–34–U**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 01–AWP–22]

#### Revision to Class E Surface Area at Marysville Yuba County Airport, CA

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

**ACTION:** Direct final rule, confirmation of effective date.

**SUMMARY:** This document confirms the effective date of a direct final rule that revises the Class E Surface Area at Marysville Yuba County Airport, CA.

**EFFECTIVE DATE:** 0901 UTC April 18, 2002.

**FOR FURTHER INFORMATION CONTACT:** Jeri Carson, Air Traffic Division, Airspace Branch, AWP–520.11, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California, 90261; telephone (310) 725–6611.

**SUPPLEMENTARY INFORMATION:** The FAA published this direct final rule with a request for comments in the **Federal Register** on February 4, 2002 (67 FR 5044). The FAA uses the direct final rulemaking procedure for a non-controversial rule when FAA believes that there will be no adverse public comment. This direct final rule advised the public that adverse comments were not anticipated, and that unless written adverse comments or written notice of intent to submit such adverse comments, were received within the comment period, the regulation would become effective on April 18, 2002. No adverse comments were received. Thus, this notice confirms the direct final rule will become effective on that date.

Issued in Los Angeles, California, on March 8, 2002.

**Dawna Vicars,**

*Assistant Manager, Air Traffic Division, Western-Pacific Region.*

[FR Doc. 02–9117 Filed 4–15–02; 8:45 am]

**BILLING CODE 4910–13–M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 01–AEA–27]

#### Establishment of Class E Airspace: Elkton, MD

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

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E airspace at Elkton, MD. Controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to contain aircraft operating into Cecil County Airport, Elkton, MD under Instrument Flight Rules (IFR).

**EFFECTIVE DATE:** 0901 UTC August 8, 2002.

**FOR FURTHER INFORMATION CONTACT:** Mr. Francis Jordan, Airspace Specialist, Airspace Branch, AEA–520, Air Traffic Division, Eastern Region, Federal Aviation Administration, 1 Aviation Plaza, Jamaica, New York 11434–4809, telephone: (718) 553–4521.

#### SUPPLEMENTARY INFORMATION:

##### History

On January 10, 2002, a document proposing to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by establishing Class E airspace extending upward from 700 feet above the surface within a 6 mile radius of the Cecil County Airport, Elkton, MD was published in the **Federal Register** (67 FR 1322–1323). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA on or before February 11, 2002. No comments to the proposal were received. The rule is adopted as proposed.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace area designations for airspace extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9J, dated August 31, 2001, and effective September 16, 2001, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published in the Order.

##### The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) provides controlled Class E airspace extending upward from 700 feet above the surface for aircraft conducting IFR operations at the Cecil County Airport, Elkton, MD.

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 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—[AMENDED]

1. The authority citation for 14 CFR Part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; EO 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 7400.9J, Airspace Designations and Reporting Points, dated August 31, 2001, and effective September 16, 2001, is amended as follows:

*Paragraph 6005 Class E Airspace Areas extending upward from 700 feet or more above the surface of the earth.*

##### AEA MD E5, Elkton, MD [NEW]

Cecil County Airport,  
(Lat. 39°34'27" N., long. 75°52'11" W.)

That airspace extending upward from 700 feet above the surface within a 6 mile radius of the Cecil County Airport, Elkton, MD.

Issued in Jamaica, New York on March 26, 2002.

**F.D. Hatfield,**

*Manager, Air Traffic Division, Eastern Region.*

[FR Doc. 02–9124 Filed 4–15–02; 8:45 am]

**BILLING CODE 4910–13–M**

#### DEPARTMENT OF TRANSPORTATION

#### Office of the Secretary

#### 14 CFR Part 330

[Docket OST–2001–10885]

RIN 2105–AD06

#### Procedures for Compensation of Air Carriers

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** On September 22, 2001, President Bush signed into law the Air Transportation Safety and System Stabilization Act (“the Act”). The Act makes available to the President funds to compensate air carriers, as defined in the Act, for direct losses suffered as a result of any Federal ground stop order and incremental losses beginning September 11, 2001, and ending December 31, 2001, directly resulting from the September 11 terrorist attacks on the United States. On October 29, 2001, and January 2, 2002, the Department published rules to carry out this Act. On the latter date, the Department also requested comments on whether and how to establish a set-aside for certain air carriers. This final rule provides forms and information for air carriers in making third round compensation applications, updates the existing rules, and establishes a set-aside for air taxi, commuter, and regional carriers that reported fewer than 10 million available seat miles for August 2001.

**DATES:** This rule is effective April 16, 2002. Comments should be submitted by April 30, 2002.

**ADDRESSES:** Interested persons should send comments to Docket Clerk, Docket OST–2001–10885, Department of Transportation, 400 7th Street, SW., Room PL–401, Washington, DC 20590. Commenters wishing to have their submissions acknowledged should include a stamped, self-addressed postcard with their comments. The Docket Clerk will date stamp the postcard and return it to the commenter. Comments will be available for inspection at the above address from 9:00 a.m. to 5:00 p.m., Monday through Friday. Comments also may be sent electronically to the Dockets Management System (DMS) at the following Internet address: <http://dms.dot.gov/>. Commenters who wish to file comments electronically should follow the instructions on the DMS web site. Interested persons can also review comments through this same web site.

**FOR FURTHER INFORMATION CONTACT:** Steven Hatley, U.S. Department of Transportation, Office of International Aviation, 400 7th Street, SW., Room 6402, Washington, DC 20590. Telephone 202–366–1213.

**SUPPLEMENTARY INFORMATION:** As a consequence of the terrorist attacks on the United States on September 11, 2001, the U.S. commercial aviation industry suffered severe financial losses. These losses placed the financial

survival of many air carriers at risk. Acting rapidly to preserve the continued viability of the U.S. air transportation system, President Bush sought and Congress enacted the Air Transportation Safety and System Stabilization Act (“the Act”), Public Law 107–42.

Under section 101(a)(2)(A–B) of the Act, a total of \$5 billion in compensation is provided for “direct losses incurred beginning on September 11, 2001, by air carriers as a result of any Federal ground stop order issued by the Secretary of Transportation or any subsequent order which continues or renews such stoppage; and the incremental losses incurred beginning September 11, 2001 and ending December 31, 2001, by air carriers as a direct result of such attacks.”

On October 29, 2001 (66 FR 54616), the Department published in the **Federal Register** a final rule and request for comments to establish procedures for air carriers regarding compensation under the Act. The rule covered such subjects as eligibility, deadlines for application, information and forms required of applicants, and audit requirements. On January 2, 2002 (67 FR 250), the Department published a “second round” final rule that responded to comments on the October 29 rule. On the same date (67 FR 263), the Department also requested comments concerning whether a set-aside of a portion of the funds authorized by the Act should be established to ensure adequate compensation for certain classes of air carriers.

This “third round” final rule addresses the set-aside issue, several issues raised during the Department’s consideration of pending claims for compensation, and comments received on other aspects of the compensation program. It also provides forms and information for use by air carriers in applying for third round compensation under the Act.

#### Set-Aside

##### Background

As noted in the Department’s January 2, 2002, request for comments, a number of carriers had expressed the concern that the Act’s available seat mile (ASM)-based formula would not adequately compensate air ambulances and air tour operators, among others, for the losses they suffered as the result of the September 11 attacks. In response to these concerns, Congress, in the Aviation and Transportation Security Act (Public Law 107–71), addressed the situations of air ambulances, air tour