

Issued in College Park, Georgia, on January 28, 2002.

Wade T. Carpenter,
Acting Manager, Air Traffic Division,
Southern Region.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01-ASO-18]

Establishment of Class E5 Airspace; Andrews, SC

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E5 airspace at Andrews, SC. A Non-Directional Beacon (NDB) Runway (RWY) 36 Standard Instrument Approach Procedure (SIAP) has been developed for Robert F. Swinnie Airport, Andrews, SC. As a result, controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to contain the SIAP and other Instrument Flight Rules (IFR) operations at Robert F. Swinnie Airport. The operating status of the airport will change from Visual Flight Rules (VFR) to include IFR operations concurrent with the publication of the SIAP.

EFFECTIVE DATE: 0901 UTC, April 18, 2002.

FOR FURTHER INFORMATION CONTACT:
Walter R. Cochran, Manager, Airspace
Branch, Air Traffic Division, Federal
Aviation Administration, P.O. Box
20636, Atlanta, Georgia 30320;
telephone (404) 305-5586.

SUPPLEMENTARY INFORMATION:

History

On December 27, 2001, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing Class E5 airspace at Andrews, SC, (66 FR 66832) to provide adequate controlled airspace to contain the NDB RWY 36 SIAP and other IFR operations at Robert F. Swinnie Airport. Class E airspace designations for airspace extending upward from 700 feet or more above the surface of the earth are published in 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 subsequently in the Order.

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.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) establishes Class E5 airspace at Andrews, SC.

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. It, therefore, (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 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 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.

* * * * *

ASO SC E5 Andrews, SC [New]

Robert F. Swinnie Airport, SC
(lat 33°27'06" N, long. 79°31'34" W)
Andrews NDB
(lat 33°27'05" N, long. 79°31'38" W)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Robert F. Swinnie Airport and within 4 miles east and 8 miles west of the 174° bearing from the Andrews NDB extending from the 6.3-mile radius to 16 miles south of the airport, excluding that airspace within the Georgetown, SC, Class E airspace area.

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Wade T. Carpenter,
Acting Manager, Air Traffic Division,
Southern Region.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA-2001-10286; Airspace
Docket No. 01-AEA-11]

RIN 2120-AA66

Amendment of Restricted Area 5201, Fort Drum, NY

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the designated altitudes for Restricted Area R-5201 (R-5201), Fort Drum, NY, by designating the ceiling of the airspace at 23,000 feet mean sea level (MSL) on a year-round basis. Currently, the upper altitude limit for the restricted area changes from 23,000 feet MSL for the period April 1 through September 30 to 20,000 feet MSL for the period October 1 through March 31. Increased training requirements at Fort Drum have resulted in a regular need for restricted airspace up to 23,000 feet MSL throughout the year. This modification does not alter the current boundaries, time of designation, or activities conducted in R-5201.

EFFECTIVE DATE: 0901 UTC, April 18, 2002.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, 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:

Background

On October 19, 2001, the FAA proposed to amend 14 CFR part 73 to modify the designated altitudes for Restricted Area R-5201, Fort Drum, NY (66 FR 53132). Interested parties were invited to participate in this rulemaking by submitting comments. No comments were received.

The Rule

This action amends 14 CFR part 73 by changing the designated altitudes of R-5201, Fort Drum, NY. Specifically, this action changes the designated altitudes from "Surface to 23,000 feet MSL, April 1 through September 30; surface to 20,000 feet MSL, October 1 through March 31" to "Surface to 23,000 feet MSL." This amendment deletes the seasonal changes to the upper altitude limit of R-5201 and establishes 23,000 feet MSL as the permanent upper altitude limit on a year-round basis. The 20,000 feet MSL limit for 6 months of the year adversely affects military training at Fort Drum and requires units to alter their training profiles when the 23,000 feet MSL ceiling is not available. This limitation is disruptive to training continuity and precludes the most cost-effective accomplishment of training activities. The U.S. Army requested this modification to better accommodate existing and forecast training requirements at Fort Drum. This action does not change the current boundaries, time of designation, or activities conducted within R-5201.

Section 73.52 of 14 CFR part 73 was republished in FAA Order 7400.8J, dated September 20, 2001.

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.

Environmental Review

The FAA determined that this change applies to on-going military activities occurring between 20,000 feet MSL and

23,000 feet MSL, and not over noise-sensitive areas; that there will be no significant noise increase associated with this change; and no significant air quality impacts. The FAA further determined that this action does not trigger any extraordinary circumstances that would warrant further environmental review. The FAA concluded that this action is categorically excluded from further environmental analysis in accordance with FAA Order 1050.1D, Policies and Procedures for Considering Environmental Impacts; and the FAA/DOD Memorandum of Understanding concerning Special Use Airspace Environmental Actions, dated January 26, 1998.

List of Subjects in 14 CFR Part 73

Airspace, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

1. The authority citation for part 73 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.

§ 73.52 [Amended]

2. Section 73.52 is amended as follows:

* * * * *

R-5201 Fort Drum, NY [Amended]

By removing "Designated altitudes. Surface to 23,000 feet MSL, April 1 through September 30; surface to 20,000 feet MSL, October 1 through March 31" and inserting "Designated altitudes. Surface to 23,000 feet MSL."

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Issued in Washington, DC on February 6, 2002.

Reginald C. Matthews,

Manager, Airspace and Rules Division.

[FR Doc. 02–3530 Filed 2–12–02; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 203 and 205

[Docket No. 92N–0297]

RIN 0905–AC81

Prescription Drug Marketing Act of 1987; Prescription Drug Amendments of 1992; Policies, Requirements, and Administrative Procedures; Delay of Effective Date

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; delay of effective date.

SUMMARY: The Food and Drug Administration (FDA) is further delaying, until April 1, 2003, the effective date of certain requirements of a final rule published in the **Federal Register** of December 3, 1999 (64 FR 67720). In the **Federal Register** of May 3, 2000 (65 FR 25639), the agency delayed until October 1, 2001, the effective date of certain requirements in the final rule relating to wholesale distribution of prescription drugs by distributors that are not authorized distributors of record, and distribution of blood derivatives by entities that meet the definition of a "health care entity" in the final rule. In the **Federal Register** of March 1, 2001 (66 FR 12850), the agency further delayed the effective date of those requirements until April 1, 2002. This action further delays the effective date of these requirements until April 1, 2003. The final rule implements the Prescription Drug Marketing Act of 1987 (PDMA), as modified by the Prescription Drug Amendments of 1992 (PDA), and the Food and Drug Administration Modernization Act of 1997 (the Modernization Act). The agency is taking this action to address concerns about the requirements raised by affected parties. As explained in the **SUPPLEMENTARY INFORMATION** section, the delay will allow additional time for Congress and FDA to consider whether legislative and regulatory changes are appropriate.

To the extent that 5 U.S.C. 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. 553(b)(A). Alternatively, the agency's implementation of this action without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C.