

from a 7-mile radius to a 6.9-mile radius of Nebraska City Municipal Airport. It adds a southeast extension that is 2.5 miles each side of the 169° bearing from the Nebraska City nondirectional radio beacon (NDB) extending to 7 miles southeast of the NDB. The Nebraska City NDB and the airspace extension are added to the legal description for the Class E airspace area. Additionally, the Nebraska City Regional Airport ARP is corrected in the legal description.

These modifications provide controlled airspace of appropriate dimensions to protect aircraft departing from and executing SIAPs to Nebraska City Regional Airport and bring the legal descriptions of the Nebraska City, NE Class E airspace areas into compliance with FAA Order 7400.2E. This area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9M, Airspace Designations and Reporting Points, dated August 30, 2004, and effective September 16, 2004, 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 Direct Final Rule Procedure**

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

**Comments Invited**

Interested parties are invited to participate in this 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 both docket numbers 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 Docket No. FAA-2004-19328/Airspace Docket No. 04-ACE-57." The postcard will be date/time stamped and returned to the commenter.

**Agency Findings**

The regulations adopted herein will not have a substantial direct effect 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, it is determined that this final rule does not have federalism implications under Executive Order 13132.

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 7400.9M, dated August 30, 2004, and effective September 16, 2004, is amended as follows:

\* \* \* \* \*

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

\* \* \* \* \*

**ACE NE E5 Nebraska City, NE**

Nebraska City Municipal Airport, NE (Lat. 40°36'25" N., long. 95°51'57" W.)  
Nebraska City NDB (Lat. 40°36'20" N., long. 95°51'39" W.)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of Nebraska City Municipal Airport and within 2.5 miles each side of the 169° bearing from the Nebraska City NDB extending from the 6.9-mile radius of the airport to 7 miles southeast of the NDB.

\* \* \* \* \*

Issued in Kansas City, MO, on October 14, 2004.

**Paul J. Sheridan,**

*Area Director, Western Flight Services Operations.*

[FR Doc. 04-23867 Filed 10-25-04; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA-2004-19326; Airspace Docket No. 04-ACE-55]

**Modification of Class E Airspace; Oberlin, KS**

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

**ACTION:** Direct final rule; request for comments.

**SUMMARY:** This action amends Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by revising Class E airspace at Oberlin, KS. A review of controlled airspace for Oberlin Municipal Airport revealed it does not comply with the criteria for 700 feet above ground level (AGL) airspace required for diverse departures. The area is modified and enlarged to conform to the criteria in FAA Orders.

**DATES:** This direct final rule is effective on 0901 UTC, January 20, 2005.

Comments for inclusion in the Rules

Docket must be received on or before November 26, 2004.

**ADDRESSES:** Send comments on this proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify the docket number FAA-2004-19326/Airspace docket No. 04-ACE-55, at the beginning of your comments. You may also submit comments on the Internet at <http://dms.dot.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1-800-647-5527) is on the plaza level of the Department of Transportation NASSIF Building at the above address.

**FOR FURTHER INFORMATION CONTACT:** Kathy Randolph, Air Traffic Division, Airspace Branch, ACE-520C, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329-2525.

**SUPPLEMENTARY INFORMATION:** This amendment to 14 CFR part 71 modifies the Class E airspace area extending upward from 700 feet above the surface at Oberlin, KS. An examination of controlled airspace for Oberlin Municipal Airport revealed it does not meet the criteria for 700 feet AGL airspace required for diverse departures as specified in FAA Order 7400.2E, Procedures for Handling Airspace Matters. The criteria in FAA Order 7400.2E for an aircraft to reach 1200 feet AGL, taking into consideration rising terrain, is based on a standard climb gradient of 200 feet per mile plus the distance from the airport reference point to the end of the outermost runway. Any fractional part of a mile is converted to the next higher tenth of a mile. The examination also revealed that the expansion of airspace for diverse departures eliminated the need for an extension to the airspace area.

This amendment expands the Class E airspace area from a 6-mile radius to a 7.4-mile radius of Oberlin Municipal Airport, eliminates the extension to the airspace area, removes reference to the Oberlin nondirectional radio beacon in the airspace legal description and brings the legal description of the Oberlin, KS Class E airspace area into compliance with FAA Orders 7400.2E. This area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA

Order 7400.9M, Airspace Designations and Reporting Points, dated August 30, 2004, and effective September 16, 2004, 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 Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

#### Comments Invited

Interested parties are invited to participate in this 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 both docket numbers 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 Docket No. FAA-2004-19326/Airspace Docket No. 04-ACE-55." The postcard will be date/time stamped and returned to the commenter.

#### Agency Findings

The regulations adopted herein will not have a substantial direct effect 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, it is determined that this final rule does not have federalism implications under Executive Order 13132.

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 7400.9M, dated August 30, 2004, and effective September 16, 2004, is amended as follows:

\* \* \* \* \*

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

\* \* \* \* \*

#### ACE KS E5 Oberlin, KS

Oberlin Municipal Airport, KS  
(Lat. 39°50'02" N., long. 100°32'22" W.)

That airspace extending upward from 700 feet above the surface within a 7.4-mile radius of Oberlin Municipal Airport.

\* \* \* \* \*

Issued in Kansas City, MO, on October 13, 2004.  
**Paul J. Sheridan,**  
*Area Director, Western Flight Services Operations.*  
 [FR Doc. 04-23868 Filed 10-25-04; 8:45 am]  
**BILLING CODE 4910-13-M**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Parts 510, 520, 522, and 558**

**New Animal Drugs; Correction of Sponsor's Drug Labeler Codes**

**AGENCY:** Food and Drug Administration, HHS.  
**ACTION:** Final rule; technical amendment.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a correction of sponsor's drug labeler code for Pennfield Oil Co.

**DATES:** This rule is effective October 26, 2004.

**FOR FURTHER INFORMATION CONTACT:** David R. Newkirk, Center for Veterinary Medicine (HFV-100), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-6967, e-mail: *david.newkirk@fda.gov*.

**SUPPLEMENTARY INFORMATION:** FDA has found that the animal drug regulations do not reflect the correct sponsor's drug labeler code for Pennfield Oil Co. Accordingly, the agency is amending the regulations in 21 CFR 510.600, 520.445b, 520.1660d, 522.1660a, 558.76, 558.78, 558.128, 558.140, 558.145, 558.195, 558.355, 558.450, 558.550, 558.600, 558.625, and 558.630 to correct this error.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801-808.

**List of Subjects**

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Parts 520 and 522

Animal drugs.

21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510, 520, 522, and 558 are amended as follows:

**PART 510—NEW ANIMAL DRUGS**

1. The authority citation for 21 CFR part 510 continues to read as follows:

**Authority:** 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

2. Section 510.600 is amended in the table in paragraph (c)(1) in the entry for "Pennfield Oil Co." by removing "053389" and by adding in its place "048164"; and in the table in paragraph (c)(2) by removing the entry for "053389" and by adding in numerical sequence an entry for "048164" to read as follows:

**§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.**

(c) \* \* \* \* \*

Firm name and address	Drug labeler code
* * *	* * *
Pennfield Oil Co., 14040 Industrial Rd., Omaha, NE 68144	048164
* * *	* * *

(2) \* \* \*

Drug labeler code	Firm name and address
* * *	* * *
048164	Pennfield Oil Co., 14040 Industrial Rd., Omaha, NE 68144
* * *	* * *

**PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS**

3. The authority citation for 21 CFR part 520 continues to read as follows:

**Authority:** 21 U.S.C. 360b.

**§ 520.445b [Amended]**

4. Section 520.445b is amended in paragraph (b) by removing "053389" and by adding in its place "048164".

**§ 520.1660d [Amended]**

5. Section 520.1660d is amended in paragraph (b)(6) by removing "053389" and by adding in its place "048164".

**PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS**

6. The authority citation for 21 CFR part 522 continues to read as follows:

**Authority:** 21 U.S.C. 360b.

**§ 522.1660a [Amended]**

7. Section 522.1660a is amended in paragraph (b) by removing "053389" and by adding in its place "048164".

**PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS**

8. The authority citation for 21 CFR part 558 continues to read as follows:

**Authority:** 21 U.S.C. 360b, 371.

**§ 558.76 [Amended]**

9. Section 558.76 is amended in the table in paragraph (d)(1)(iv) in the "Limitations" and "Sponsor" columns by removing "053389" and by adding in its place "048164".

10. Section 558.78 is amended by revising paragraphs (a) and (b); in the table in paragraph (d)(1) by redesignating paragraphs (d)(1)(ii) through (d)(1)(vi) as paragraphs (d)(1)(iii) through (d)(1)(vii); and by revising paragraph (d)(1)(i); and by adding new paragraph (d)(1)(ii) to read as follows:

**§ 558.78 Bacitracin zinc.**

(a) *Specifications.* Type A medicated articles containing bacitracin zinc equivalent to 5, 10, 25, 40, or 50 grams per pound bacitracin.

(b) *Approvals.* See sponsors in § 510.600(c) of this chapter for uses as follows:

(1) No. 046573: 10, 25, 40, and 50 grams per pound for uses as in paragraph (d) of this section.

(2) No. 048164: 5 and 50 grams per pound for use as in as in paragraph (d)(1)(i) of this section.

(d) \* \* \* \* \*