

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 part 71.1 of the Federal Aviation Administration Order 7400.9L, Airspace Designations and Reporting Points, dated September 2, 2003, and effective September 16, 2003, is amended as follows:

Paragraph 6004 Class E airspace areas designated as an extension to a Class D surface area.

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ANM WA E4 Yakima, WA [Revised]

Yakima Air Terminal/McAllister Field Airport

(Lat. 46°34'05.4"N., long. 120°32'38.6"W.)

That airspace extending upward from the surface within 2.5 miles each side of the 287° bearing from the Yakima Air Terminal extending from the 4.2 mile radius of Yakima Air Terminal to 9 miles northwest of the airport, and within 3.5 miles northeast and 1.8 miles southwest of the 107° bearing from the airport extending from the 4.2 mile radius of the airport to 11.2 miles southeast of the airport.

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■ 3. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9L, Airspace Designations and Reporting Points, dated September 2, 2003, and effective September 16, 2003, is amended as follows:

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

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ANM WA E5 Yakima, WA [Revised]

Yakima Air Terminal/McAllister Field Airport

(Lat. 46°34'05.4"N., long. 120°32'38.6"W.)

Yakima VORTAC

(Lat. 46°34'13.0"N., long. 120°26'40.6"W.)

That airspace extending upward from 700 feet above the surface within a 7.5 mile radius of the Yakima Air Terminal, and within 4.5 miles northeast and 9.5 miles southwest of the Yakima VORTAC 094° bearing extending from the 7.5 mile radius of the airport to 21 miles southeast of the VORTAC, and within 4.0 miles north and 5 miles south of the 287° bearing from the Yakima Air Terminal extending from the 7.5 mile radius of the airport to 16 miles northwest of the airport; that airspace extending upward from 1,200 feet above the

surface bounded by a line beginning at lat. 46°10'00"N., long. 119°45'00"W.; thence to lat. 46°10'00"N., long. 121°00'00"W.; to lat. 46°50'00"N., long. 121°00'00"W.; to lat. 46°50'00"N., long. 119°45'00"W.; thence to the point of origin, excluding that airspace within Federal Airways and the Ellensburg, WA, Class E airspace area.

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Issued in Seattle, Washington, on April 2, 2004.

Carla J. Mawhorter,

Acting Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 04–8356 Filed 4–12–04; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2004–17081; Airspace Docket No. 04–AEA–01]

Amendment of Class E Airspace; Washington, DC

AGENCY: Federal Aviation Administration [FAA], DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace at Washington, DC. The development of multiple area navigation (RNAV) Standard Instrument Approach Procedures (SIAP) and the proliferation of airports within the metropolitan Washington, DC area with approved Instrument Flight Rules (IFR) operations and the resulting overlap of designated Class E–5 airspace have made this action necessary. This action consolidates the Class E–5 airspace designations for twenty four airports and results in the revision of twenty Class E–5 descriptions through separate rulemaking action. The area will be depicted on aeronautical charts for pilot reference.

EFFECTIVE DATE: 0901 UTC August 5, 2004.

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 February 25, 2004, a notice proposing to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by consolidating existing Class E–5 airspace designations in the Washington, DC metropolitan area and

incorporating those areas into the Washington, DC description was published in the **Federal Register** (69 FR 8581–8582). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. 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 the surface are published in paragraph 6005 of FAA Order 7400.9L, dated September 2, 2003 and effective September 16, 2003, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be amended 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 ft above the surface for aircraft conducting IFR operations within the Washington, DC Class E–5 airspace description.

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]

The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9L, airspace Designations and Reporting Points, dated September 2, 2003, and effective September 16, 2003, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 ft above the surface of the earth.

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AEA DC E5 Washington, DC (Revised)

That airspace extending upward from 700 feet above the surface within an area bounded by a line beginning at lat. 38°55'19" N., long. 76°12'28" W., to lat. 38°27'18" N., long. 77°03'51" W., to lat. 38°36'30" N., long. 77°15'17" W., to lat. 38°35'12" N., long. 77°37'06" W., to lat. 38°57'17" N., long. 78°02'29" W., to lat. 39°30'00" N., long. 78°09'00" W., to lat. 39°44'36" N., long. 77°36'08" W., to lat. 39°43'28" N., long. 77°00'00" W., to lat. 39°36'08" N., long. 76°28'38" W., to lat. 39°19'38" N., long. 76°04'04" W., to the point of beginning excluding the airspace that coincides with the Aberdeen, MD, Hagerstown, MD, Winchester, VA, Midland, VA Class E airspace areas and P-56A, P-56B, P-73, P-40, R-4009, R-4001A, R-4001B, R-6608A, R-6608B and R-6608C when they are in effect.

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Issued in Jamaica, New York, on April 5, 2004.

John G. McCartney,

*Assistant Manager, Air Traffic Division,
Eastern Region.*

[FR Doc. 04-8364 Filed 4-12-04; 8:45 am]

BILLING CODE 4910-13-M

**DEPARTMENT OF HEALTH AND
HUMAN SERVICES**
Food and Drug Administration**21 CFR Part 573**

[Docket No. 1995F-0221]

Food Additives Permitted in Feed and Drinking Water of Animals; Natamycin

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for food additives permitted in feed and drinking water of animals to provide for the safe use of natamycin in broiler chicken feeds. Natamycin will be added to broiler chicken feed at a level of 11 parts per million (ppm) to retard the growth of *Aspergillus parasiticus* in the feed for up to 14 days after the

addition of natamycin. This action is in response to a food additive petition filed by Arkion Life Sciences of Wilmington, DE.

DATES: This rule is effective April 13, 2004. Submit written objections and requests for a hearing by June 14, 2004.

ADDRESSES: Submit written objections and requests for a hearing to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic objections to <http://www.fda.gov/dockets/ecomments>.

FOR FURTHER INFORMATION CONTACT:

Karen Ekelman, Center for Veterinary Medicine (HFV-222), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-6653, e-mail: kekelman@cvm.fda.gov.

SUPPLEMENTARY INFORMATION:**I. Background**

In a notice published in the **Federal Register** of September 20, 1995 (60 FR 48715), FDA announced that a food additive petition (animal use) (FAP 2234) had been filed by DuCoa L.P., P. O. Box 219, Highland, IL 62249-1105. The petition proposed that part 573—*Food Additives Permitted in Feed and Drinking Water of Animals* (21 CFR part 573) be amended to provide for the safe use of natamycin in broiler chicken feeds, at the rate of 11 ppm, for retarding growth of *A. parasiticus*, *Penicillium rubrum*, and *Fusarium moniliforme*. The notice of filing of FAP 2234 provided for a 60-day comment period. No comments have been received.

On June 6, 1996, the Center for Veterinary Medicine (CVM) denied the petition because data submitted in support of some sections (utility, proposed purposes and amounts, proposed regulation, and proposed label) of the petition were determined to be inadequate. At that time, CVM informed DuCoa L.P., that the company could either amend the petition by submitting additional data to address concerns expressed in the letter, or withdraw the petition as provided for in § 571.7 (21 CFR 571.7).

On July 31, 2001, the sponsor amended the petition to seek approval for the use of natamycin in broiler chicken feeds, at a level of 11 ppm to retard the growth of *A. parasiticus* in the feeds for up to 14 days.

In a letter that CVM received from the petitioner on March 20, 2003, the petitioner informed FDA that sponsorship of natamycin for the intended use had been transferred from DuCoa L.P., Highlands, IL, to Arkion

Life Sciences, 3521 Silverside Rd., Wilmington, DE 19810. The transfer of sponsorship was announced in the **Federal Register** of May 22, 2003 (68 FR 28010). Data submitted by the sponsor in support of the petition permit an independent evaluation of the ability of natamycin to achieve the intended purpose in a safe manner. The sponsor submitted data that show that this level of natamycin will not present a human food safety concern. The petition also includes satisfactory information about the chemical identity of natamycin and indicates that natamycin will achieve its intended effect in a manner that is safe to broiler chickens consuming the treated feed.

II. Conclusion

FDA concludes that the data establish the safety and utility of natamycin (CAS No. 7681-93-8) for use as proposed and that the regulations should be amended as set forth in this document.

III. Public Disclosure

In accordance with § 571.1(h), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at CVM (see **ADDRESSES**) by appointment with the information contact person (see **FOR FURTHER INFORMATION CONTACT**). As provided in § 571.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

IV. Environmental Impact

The agency has determined under 21 CFR 25.32(r) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

V. Objections and Hearing Requests

Any person who will be adversely affected by this regulation may file with the Division of Dockets Management (see **ADDRESSES**) written or electronic objections. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall