

past used such certificates for assessment billing purposes and for compiling industry statistics. As a result of the suspension of the handling regulations, the Committee will require a report directly from each handler for the purpose of obtaining information on which to collect assessments and generate statistical information.

The Committee anticipates that this rule will not negatively impact small handlers and producers because it suspends minimum grade, size, quality, maturity, and inspection requirements. The total cost of inspection and certification for fresh shipments of Washington-Oregon fresh prunes during the 2005 marketing season is estimated by the Committee to have been \$0.23 per hundredweight, or approximately \$27,000 total. This represents approximately \$4,000 per handler. Since handlers may continue to have their prunes voluntarily inspected, the Committee expects that some handlers will continue to have at least a portion of their fresh prunes inspected and certified by the Inspection Service.

Alternatives to the suspension of the handling regulations considered by the Committee included maintaining the status quo, suspending the regulations for one season only, and terminating the marketing order in its entirety. The Committee believes, however, that the continuation of regulation would be a financial burden on the industry, given the current market situation and outlook. With that perspective, continuing to regulate was not a viable option to the Committee. The Committee also discussed suspending regulation one season at a time, but rejected that option as well. Finally, the Committee considered terminating the order in its entirety, but declined to take that action because the Committee continues to believe that the order has purpose, even without handling regulation.

As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. In addition, as noted in the initial regulatory flexibility analysis, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

Further, the Committee's meeting was widely publicized throughout the Washington-Oregon fresh prune industry and all interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the February 16, 2006, meeting was a public meeting and all entities, both large and

small, were able to express their views on this issue.

An interim final rule concerning this action was published in the **Federal Register** on May 9, 2006 (71 FR 26817). Copies of the rule were mailed by the Committee's staff to all Committee members and fresh prune handlers. In addition, the rule was made available through the Internet by the Office of the Federal Register and the USDA. A 60-day comment period ending July 10, 2006, was provided to allow interested persons to respond to the interim final rule. Two comments were received during the comment period. However, as neither comment addressed the substance of this rule, they will not be considered in this document.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <http://www.ams.usda.gov/fv/moab.html>. Any questions about the compliance guide should be sent to Jay Guerber at the **FOR FURTHER INFORMATION CONTACT** section.

As mentioned previously, this action requires an additional collection of information. The information collection requirements are discussed in the following section.

#### **Paperwork Reduction Act**

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection requirements that are contained in this rule were approved by the Office of Management and Budget (OMB), under OMB No. 0581-0237. The information collection has been merged into OMB No. 0581-0189, Generic OMB Fruit Crops, which expires September 30, 2007.

In summary, the additional reporting requirements will enable the Committee to collect information from fresh prune handlers regarding the total quantity of early and late fresh prunes handled during the season, which was previously obtained from the inspection certificates issued by the Inspection Service. However, this source will no longer be available under the suspension of the handling regulations. The Committee will use used by the Committee to compile information that is essential for the collection of handler assessments, to provide production statistics to the industry, and to help ensure compliance with the order's provisions. In addition, the form will assist the Committee and USDA with oversight and planning.

#### **E-Government Act Compliance**

The Agricultural Marketing Service (AMS) is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

After consideration of all relevant material presented, including the Committee's recommendation, and other information, it is found that finalizing the interim final rule, without change, as published in the **Federal Register** (71 FR 26817, May 9, 2006) will tend to effectuate the declared policy of the Act.

The U.S. Trade Representative has reviewed this final rule and concurs with its issuance.

#### **List of Subjects in 7 CFR Parts 924 and 944**

Plums, Prunes, Marketing agreements, Reporting and recordkeeping requirements.

#### **PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREGON**

#### **PART 944—FRUITS; IMPORT REGULATIONS**

■ Accordingly, the interim final rule amending 7 CFR parts 924 and 944 which was published at 71 FR 26817 on May 9, 2006, is adopted as a final rule without change.

Dated: October 10, 2006.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. E6-17192 Filed 10-16-06; 8:45 am]

**BILLING CODE 3410-02-P**

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#### **FEDERAL HOUSING FINANCE BOARD**

#### **12 CFR Parts 910 and 913**

[No. 2006-19]

RIN 3069-AB32

#### **Privacy Act and Freedom of Information Act; Implementation**

**AGENCY:** Federal Housing Finance Board.

**ACTION:** Interim final rule with request for comments.

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**SUMMARY:** As part of a comprehensive review of agency practices related to the collection, use, and protection of personally identifiable information, the Federal Housing Finance Board

(Finance Board) is updating both its systems of records and implementing rule under the Privacy Act of 1974 (Privacy Act). This interim final rule revises the agency's Privacy Act regulation to include new sections concerning security of systems of records, use and collection of social security numbers, and employee responsibilities under the Privacy Act. Elsewhere in this issue of the **Federal Register**, the Finance Board is publishing a notice concerning updates to the Finance Board's Privacy Act systems of records.

The Finance Board also is amending the fee schedule in its Freedom of Information Act (FOIA) regulation to take into account increased salary and operating costs. The Finance Board determines the amount of the fee it charges to duplicate records under the Privacy Act in accordance with the FOIA fee schedule.

**DATES:** The interim final rule will become effective on October 17, 2006. The Finance Board will accept comments on the interim final rule in writing on or before November 16, 2006.

*Comments:* Submit comments to the Finance Board only once, using any one of the following methods:

*E-mail:* [comments@fhfb.gov](mailto:comments@fhfb.gov).

*Fax:* 202-408-2580.

*Mail/Hand Delivery:* Federal Housing Finance Board, 1625 Eye Street NW., Washington DC 20006, *Attention:* Public Comments.

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments. If you submit your comment to the Federal eRulemaking Portal, please also send it by e-mail to the Finance Board at [comments@fhfb.gov](mailto:comments@fhfb.gov) to ensure timely receipt by the agency. Include the following information in the subject line of your submission: Federal Housing Finance Board. Interim Final Rule: Privacy Act and Freedom of Information Act; Implementation. RIN Number 3069-AB32. Docket Number 2006-19.

We will post all public comments we receive without change, including any personal information you provide, such as your name and address, on the Finance Board Web site at <http://www.fhfb.gov/Default.aspx?Page=93&Top=93>.

**FOR FURTHER INFORMATION CONTACT:**

Janice A. Kaye, Privacy Act Official and Senior Attorney-Advisor, Office of General Counsel, [kayej@fhfb.gov](mailto:kayej@fhfb.gov) or 202-408-2505; or David A. Lee, Chief Privacy Officer and Deputy Director, Office of Management, [leed@fhfb.gov](mailto:leed@fhfb.gov) or 202-408-2514. You can send regular mail to the Federal Housing Finance

Board, 1625 Eye Street NW., Washington DC 20006.

**SUPPLEMENTARY INFORMATION:**

**I. Background and Analysis of the Interim Final Rule**

In light of the recent theft of sensitive personal information from various federal agencies and in response to the Office of Management and Budget's memorandum (M-06-15 (May 22, 2006)) directing agencies to review privacy policies and processes, the Finance Board has undertaken a comprehensive review of agency practices related to the collection, use, and protection of personally identifiable information. As a result of that review, the Finance Board has enhanced the safeguards for sensitive information by adding two-factor authentication and data encryption to the agency's network infrastructure and is beginning to implement government-wide personal identity verification management standards that will result in issuance of new ID cards for all employees and contractors that may include full name, date of birth, image (photograph), fingerprints, organization affiliation (e.g., employee or contractor), organization/office of assignment, grade, e-mail address, United States citizenship status, and results of background investigation. The Finance Board also is updating both its Privacy Act systems of records and implementing rule.

The current Privacy Act rule, codified at 12 CFR part 913, was last revised in 2003. See Resolution Number 2003-08, published at 68 FR 39810 (July 3, 2003) (interim final rule), and Resolution Number 2003-25, published at 68 FR 59309 (Oct. 15, 2003) (final rule) (available electronically in the FOIA Reading Room on the Finance Board Web site at: <http://www.fhfb.gov/Default.aspx?Page=59&Top=4>). The substantive amendments this interim final rule makes include the addition of new sections concerning security of systems of records, use and collection of social security numbers, and employee responsibilities under the Privacy Act. These amendments are modeled after the U.S. Department of Justice Privacy Act implementing rule, and are intended to enhance the agency's ability to protect personally identifiable information.

Elsewhere in this issue of the **Federal Register**, the Finance Board is publishing a notice updating the agency's Privacy Act systems of records to reflect the new office address, changes to certain records retention periods, and the shift in responsibility for records related to appointed Federal

Home Loan Bank directors from the Office of the Chairman to the Office of Supervision. We are revising the system of records concerning Office of Inspector General (OIG) records to cover both audit and investigative files and, at the request of the OIG, adding several routine uses. We also are adding two new systems of records. The first covers examination work papers a Finance Board examiner uses to determine whether a Federal Home Loan Bank's Affordable Housing Program (AHP) complies with applicable laws and regulations. The second covers a Personal Identity Verification (PIV) Management System as a result of new, government-wide identification requirements for all federal employees.

The Finance Board also is amending the fee schedule in its FOIA regulation to take into account increased salary and operating costs. The Finance Board determines the amount of the fee it charges to duplicate records under the Privacy Act in accordance with the FOIA fee schedule. More specifically, the Finance Board is increasing the hourly search charge for clerical staff from \$28.00 to \$31.00, for supervisory/professional staff from \$53.00 to \$72.00, and for computer operators from \$48.00 to \$59.00. The hourly charge to review records increases from \$53.00 to \$72.00.

**II. Notice and Public Participation**

The Finance Board is promulgating these changes as an interim final rule because it is in the public interest to enhance the agency's ability to protect personally identifiable information. Accordingly, the Finance Board for good cause finds that the notice and publication requirements of the Administrative Procedure Act are unnecessary. See 5 U.S.C. 553(b)(3)(B). However, because this type of rulemaking generally requires notice and receipt of public comment, the Finance Board will accept written comments on the interim final rule on or before November 16, 2006.

**III. Effective Date**

For the reasons stated in part II above, the Finance Board for good cause finds that the interim final rule should become effective on October 17, 2006. See 5 U.S.C. 553(d)(3).

**IV. Regulatory Flexibility Act**

The Finance Board is adopting the amendments to parts 910 and 913 in the form of an interim final rule and not as a proposed rule. Therefore, the provisions of the Regulatory Flexibility Act do not apply. See 5 U.S.C. 601(2), 603(a).

V. Paperwork Reduction Act

The interim final rule does not contain any collections of information under the Paperwork Reduction Act of 1995. See 44 U.S.C. 3501 et seq. Consequently, the Finance Board has not submitted any information to the Office of Management and Budget for review.

List of Subjects

12 CFR Part 910

Administrative practice and procedure, Archives and records, Confidential business information, Federal home loan banks, Freedom of information.

12 CFR Part 913

Administrative practice and procedure, Archives and records, Freedom of information, Privacy.

For the reasons stated in the preamble, the Finance Board revises 12 CFR parts 910 and 913 to read as follows:

PART 910—FREEDOM OF INFORMATION ACT REGULATION

1. The authority citation for part 910 continues to read as follows:

Authority: 5 U.S.C. 552; 52 FR 10012 (Mar. 27, 1987).

2. Revise the definition of the terms "FOIA Officer" in § 910.1 to read as follows:

§ 910.1 Definitions.

\* \* \* \* \*

FOIA Officer means the Finance Board employee who is authorized to make determinations as provided in this part. The mailing address for the FOIA Officer is: Freedom of Information Act Office, Federal Housing Finance Board, 1625 Eye Street NW., Washington DC 20006.

\* \* \* \* \*

3. Revise §§ 910.9(f)(2) and (g) to read as follows:

§ 910.9 Fees.

\* \* \* \* \*

(f) \* \* \*

(2) To pay fees and interest assessed under this section, a requester shall deliver to the Office of Management, located at the Federal Housing Finance Board, 1625 Eye Street NW., Washington DC 20006, a check or money order made payable to the "Federal Housing Finance Board."

\* \* \* \* \*

(g) Fee schedule. The Finance Board shall assess fees in accordance with the following schedule:

Search:

Supervisory/Professional Staff—\$72.00 per hour. Clerical Staff—\$31.00 per hour. Computer Operator—\$59.00 per hour. Review—\$72.00 per hour.

Duplication:

Photocopies—\$.10 per page. Diskettes—\$.50 per diskette. CD-ROMs—\$1.00 per CD. Transcription of audio tape—\$4.50 per page.

Certification, seal and attestation—\$5.00 per document.

Delivery:

Facsimile transmission (long distance)—long distance charges plus \$.25 per page.

Facsimile transmission (local)—\$.25 per call plus \$.25 per page.

Express delivery service—actual cost.

PART 913—PRIVACY ACT REGULATION

4. The authority citation for part 913 continues to read as follows:

Authority: 5 U.S.C. 552a.

5. Revise the definition of the terms "Privacy Act Official" and "system of records" in § 913.1 to read as follows:

§ 913.1 Definitions.

\* \* \* \* \*

Privacy Act Official means the Finance Board employee who is authorized to make determinations as provided in this part. The mailing address for the Privacy Act Official is: Privacy Act Office, Federal Housing Finance Board, 1625 Eye Street, NW., Washington DC 20006.

\* \* \* \* \*

System of records means a group of records the Finance Board maintains or controls from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. You can find a description of the Finance Board's systems of records as part of the "Privacy Act Compilation" published by the Federal Register. You can access the "Privacy Act Compilation" in most large reference and university libraries or electronically at the Government Printing Office's Web site at http://www.gpoaccess.gov/privacyact/index.html. You also can request a copy of the Finance Board's systems of records from the Privacy Act Official.

\* \* \* \* \*

6. Revise § 913.2(a) to read as follows:

§ 913.2 Purpose and scope.

(a) This part 913 contains the rules the Finance Board follows under the Privacy Act. You should read these

rules together with the Privacy Act, which provides additional information about records maintained on individuals. The rules apply to all records in systems of records the Finance Board maintains that are retrieved by an individual's name or personal identifier. They describe the procedures by which individuals may request access to records, request amendment or correction of those records, and request an accounting of disclosures of those records by the Finance Board. Whenever it is appropriate to do so, the Finance Board automatically processes a Privacy Act request for access to records under both the Privacy Act and the FOIA, following the rules contained in part 910 of this chapter and this part 913. The Finance Board processes a request under both the Privacy Act and the FOIA so you will receive the maximum amount of information available to you by law.

\* \* \* \* \*

7. Revise § 913.3(e)(1) and (2)(i) to read as follows:

§ 913.3 How do I make a request under the Privacy Act?

\* \* \* \* \*

(e) Verification of identity. \* \* \*

(1) Verifying your own identity. You must state your full name, current address, and date and place of birth. In order to help identify and locate the records you request, you also may, at your option, include your social security number. If you make your request in person and your identity is not known to the Privacy Act Official, you must provide either 2 forms of identification with photographs, or 1 form of identification with a photograph and a properly authenticated birth certificate. If you make your request by mail, your signature either must be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. You may fulfill this requirement by having your signature on your request letter witnessed by a notary, or including the following statement just before the signature on your request letter: "I declare under penalty of perjury that the foregoing is true and correct. Executed on [date]."

(2) Verification of guardianship.

\* \* \*

(i) The identity of the individual who is the subject of the record, by stating the individual's name, current address and date and place of birth, and, at your option, the social security number of the individual;

\* \* \* \* \*

■ 8. Revise § 913.4(a) and (b) to read as follows:

**§ 913.4 How will the Finance Board respond to your Privacy Act request?**

(a) When will the Finance Board respond to my request? The Privacy Act Official generally will respond to you in writing within 10 working days of receipt of a request that meets the requirements of § 913.3. The Privacy Act Official may extend the response time in unusual circumstances, such as the need to consult with another agency about a record or to retrieve a record shipped offsite for storage. If you make your request in person, the Privacy Act Official may disclose records to you directly with a written record made of the grant of the request. If you are accompanied by another person, we will require your written authorization before discussing the records in the presence of the other person.

(b) What will the Finance Board's response include? The written response will include the Privacy Act Official's determination whether to grant or deny your request in whole or in part, a brief explanation of the reasons for the determination, and the amount of the fee charged, if any, under § 913.6. If you requested access to records, the Privacy Act Official will make the records, if any, available to you. If you requested amendment or correction of a record, the response will describe any amendments or corrections made and advise you of your right to obtain a copy of the amended or corrected record, in disclosable form, under this part.

\* \* \* \* \*

■ 9. Revise § 913.5(e)(1) and (3) to read as follows:

**§ 913.5 What can I do if I am dissatisfied with the Finance Board's response to my Privacy Act request?**

\* \* \* \* \*

(e) Statements of Disagreement. (1) What is a Statement of Disagreement? A Statement of Disagreement is a concise written statement in which you clearly identify each part of any record that you dispute and explain your reason(s) for disagreeing with the Finance Board's denial in whole or in part of your appeal requesting amendment or correction.

\* \* \* \* \*

(3) What will the Finance Board do with my Statement of Disagreement? The Finance Board will place your Statement of Disagreement in the system(s) of records in which the disputed record is maintained. The Finance Board also may append a concise statement of its reason(s) for denying the request to amend or correct the record. The Finance Board will

notify all persons, organizations, or agencies to which it previously disclosed the record, if an accounting of that disclosure was made, that the record has been amended or corrected. We will provide a copy of your Statement of Disagreement and its explanation, if any, along with the record whenever the record is disclosed.

■ 10. Revise § 913.7(b)(1) introductory text to read as follows:

**§ 913.7 Exemptions.**

\* \* \* \* \*

(b) Which records are exempt? (1) Office of Inspector General Audit and Investigative Records. Pursuant to 5 U.S.C. 552a(k)(2) and (5), a record contained in the system of records titled "Office of Inspector General Audit and Investigative Records" (FHFB-6) is exempt from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f), to the extent that the record consists of audit or investigatory material compiled:

\* \* \* \* \*

■ 11. Add a new § 913.8 to read as follows:

**§ 913.8 Security of systems of records.**

(a) Controls. Each Finance Board office must establish administrative and physical controls to prevent unauthorized access to its systems of records, unauthorized or inadvertent disclosure of records, and physical damage to or destruction of records. The stringency of these controls should correspond to the sensitivity of the records that the controls protect. At a minimum, the administrative and physical controls must ensure that:

(1) Records are protected from public view;

(2) The area in which records are kept is supervised during business hours to prevent unauthorized persons from having access to them;

(3) Records are inaccessible to unauthorized persons outside of business hours; and

(4) Records are not disclosed to unauthorized persons or under unauthorized circumstances in either oral or written form.

(b) Limited access. Access to records is restricted only to individuals who require access in order to perform their official duties.

■ 12. Add a new § 913.9 to read as follows:

**§ 913.9 Use and collection of social security numbers.**

At least annually, the Privacy Act Official and/or Chief Privacy Officer will inform employees who are authorized to collect information that:

(a) Individuals may not be denied any right, benefit, or privilege as a result of refusing to provide their social security numbers, unless the collection is authorized either by a statute or by a regulation issued prior to 1975; and

(b) They must inform individuals who are asked to provide their social security numbers:

(1) If providing a social security number is mandatory or voluntary;

(2) If any statutory or regulatory authority authorizes collection of a social security number; and

(3) The uses that will be made of the social security number.

■ 13. Add a new § 913.10 to read as follows:

**§ 913.10 Employee responsibilities under the Privacy Act.**

At least annually, the Privacy Act Official and/or Chief Privacy Officer will inform employees about the provisions of the Privacy Act, including the Act's civil liability and criminal penalty provisions. Unless otherwise permitted by law, a Finance Board employee shall:

(a) Collect from individuals only information that is relevant and necessary to discharge the Finance Board's responsibilities.

(b) Collect information about an individual directly from that individual whenever practicable.

(c) Inform each individual from whom information is collected of:

(1) The legal authority to collect the information and whether providing it is mandatory or voluntary;

(2) The principal purpose for which the Finance Board intends to use the information;

(3) The routine uses the Finance Board may make of the information; and

(4) The effects on the individual, if any, of not providing the information.

(d) Ensure that the employee's office does not maintain a system of records without public notice and notify appropriate officials of the existence or development of any system of records that is not the subject of a current or planned public notice.

(e) Maintain all records that are used in making any determination about an individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to ensure fairness to the individual in the determination.

(f) Except as to disclosures made to an agency or made under the FOIA, make reasonable efforts, prior to disseminating any record about an individual, to ensure that the record is accurate, relevant, timely, and complete.

(g) When required by the Privacy Act, maintain an accounting in the specified

form of all disclosures of records by the Finance Board to persons, organizations, or agencies.

(h) Maintain and use records with care to prevent the unauthorized or inadvertent disclosure of a record to anyone.

(i) Notify the appropriate official of any record that contains information that the Privacy Act does not permit the Finance Board to maintain.

Dated: October 11, 2006.

By the Board of Directors of the Federal Housing Finance Board.

Ronald A. Rosenfeld,  
Chairman.

[FR Doc. E6-17298 Filed 10-16-06; 8:45 am]

BILLING CODE 6725-01-P

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA-2006-23908; Airspace  
Docket No. 06-AEA-004]

**Establishment of Class E Airspace;  
Wilkes Barre, PA**

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

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E airspace at Wyoming Valley Medical Center, Wilkes Barre, Pennsylvania. The development of an Area Navigation (RNAV), Helicopter Point in Space Approach, for the Wyoming Valley Medical Center, has made this action necessary. Controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to contain aircraft executing the approach to the Wyoming Valley Medical Center, Wilkes Barre, PA.

**DATES:** *Effective Date:* 0901 UTC November 23, 2006. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**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 March 13, 2006 a notice 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 Ground Level (AGL) for an RNAV, Helicopter Point in Space Approach to the Wyoming Valley Medical Center, Wilkes Barre, PA, was published in the **Federal Register**. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA on or before May 13, 2006. 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 areas designations for airspace extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9P, dated September 1, 2006, and effective September 15, 2006, 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 feet above the surface for aircraft conducting Instrument Flight Rules (IFR) operations at the Wyoming Valley Medical Center, Wilkes Barre, PA.

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 regulation 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:

[06-AEA-04]

**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 part 71.1 of Federal Aviation Administration Order 7400.9P, Airspace Designations and Reporting Points, dated September 1, 2006, and effective September 15, 2006, is amended as follows:

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

\* \* \* \* \*

**AEA PA E5, WILKES BARRE, PA (New)**

Wyoming Valley Medical Center  
Point in Space Coordinates

(Lat 41°16'08" N., long. 75°48'36" W.)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of a Point in Space for the SIAP serving the Wyoming Valley Medical Center, Wilkes Barre, PA.

\* \* \* \* \*

Issued in Jamaica, New York on October 2, 2006.

Mark D. Ward,  
Manager, FAA, Eastern Service Center.

[FR Doc. 06-8681 Filed 10-16-06; 8:45 am]

BILLING CODE 4910-13-M

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA-2006-23895; Airspace  
Docket No. 06-AEA-01]

**Establishment of Class E Airspace;  
Tunkhannock, PA**

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

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E airspace at Tyler Memorial Hospital, Tunkhannock, PA. Development of an Area Navigation (RNAV), Helicopter Point in Space Approach, for the Tyler Memorial Hospital Heliport, Tunkhannock, PA, has made this action necessary. Controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to contain aircraft executing the approach to the Tyler Memorial Hospital Heliport.

**DATES:** *Effective Date:* 0901 UTC November 23, 2006. The Director of the Federal Register approves this