

SUPPLEMENTARY INFORMATION:**History**

On September 18, 2007, the FAA published in the **Federal Register** a notice of proposed rulemaking to establish Class E airspace at Wheatland, WY, (72 FR 53201). This action would improve the safety of IFR aircraft executing this new RNAV GPS SIAP approach procedure at Phifer Airfield, Wheatland, WY. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9R signed August 15, 2007, and effective September 15, 2007, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in that Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing Class E airspace at Wheatland, WY. Additional controlled airspace is necessary to accommodate IFR aircraft executing a new RNAV (GPS) approach procedure at Phifer Airfield, Wheatland, WY.

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. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes additional controlled airspace at Phifer Airfield, Wheatland, WY.

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, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE 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 the Federal Aviation Administration Order 7400.9R, Airspace Designations and Reporting Points, signed August 15, 2007, and effective September 15, 2007 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 WY E5 Wheatland, WY [New]

Wheatland, Phifer Airfield, WY
(Lat. 43°03'20" N., long. 104°55'43" W.)

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Phifer Airfield, WY and within 4 miles north and 4 miles south of the Phifer Airfield, WY 080° radial extending from the 9-mile radius to 12.90 miles east of the Phifer Airfield, WY.

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Issued in Seattle, Washington, on December 14, 2007.

Clark Desing,

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SUSQUEHANNA RIVER BASIN COMMISSION**18 CFR Parts 806 and 808****Review and Approval of Projects**

AGENCY: Susquehanna River Basin Commission (SRBC).

ACTION: Final rule.

SUMMARY: This document contains amendments to project review regulations. These amendments include language clarifying the definition of "agricultural water use," and providing

a qualified exception to the consumptive use approval requirements for agricultural water use projects. Also, an error in the "Authority" citation for Part 808 is corrected.

DATES: These rules are effective March 15, 2008.

ADDRESSES: Susquehanna River Basin Commission, 1721 N. Front Street, Harrisburg, PA 17102–2391.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, 717–238–0423; Fax: 717–238–2436; *e-mail:* rcairo@srbc.net. Also, for further information on the final rulemaking, visit the Commission's Web site at <http://www.srbc.net>.

SUPPLEMENTARY INFORMATION:**Background and Purpose of Amendments**

Since 1995, SRBC has continued to suspend the application of its consumptive use regulation to agricultural water uses pending the implementation of a mitigation method that is more suited to agriculture's unique circumstances.

The Commission's member states have taken definitive steps to support projects that will provide storage and release of water to mitigate agricultural water use in their jurisdictions and thus satisfy the standards for consumptive use mitigation set forth in 18 CFR 806.22. The final rulemaking will amend 18 CFR 806.4 (a)(1) to provide an exception for agricultural water use review and approval requirements of 18 CFR 806.4 (a)(1) and (3), unless water is diverted for use beyond lands that are at least partially in the basin, and provided the Commission makes a determination that the state-sponsored projects are sufficient to meet the consumptive use mitigation standards contained in 18 CFR 806.22.

A second amendment clarifies the definition of "agricultural water use" in 18 CFR 806.3, 806.4 and 806.6 by inserting the word "products" after the word "turf." This will clarify that the maintenance of turf grass as part of a project or facility, such as a golf course, does not constitute an agricultural water use. Only the raising of turf products for sale such as sod would constitute an agricultural water use with this clarification.

A third amendment corrects an error made as part of the December 5, 2006 rulemaking in the "Authority" citation to Part 808 by replacing the erroneous Sec. 3.5 (9) with the correct Sec. 3.4 (9).

The Commission convened a public hearing on November 7, 2007 in Williamsport, PA and held the comment