

**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 proposes to amend 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 7400.9N, Airspace Designations and Reporting Points, dated September 1, 2005, and effective September 16, 2005, is amended as follows:

*Paragraph 6005 Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface of the Earth.*

\* \* \* \* \*

**ASO KY E5 Nicholasville, KY [NEW]**

Lucas Field Airport, KY

(Lat. 37°52'16" N, long. 84°36'39" W)

That airspace extending upward from 700 feet above the surface within a 6.5-radius of Lucas Field Airport; excluding that airspace within the Lexington, KY, Class E airspace area.

\* \* \* \* \*

Issued in College Park, Georgia, on February 10, 2006.

**Mark D. Ward,**

*Acting Area Director, Air Traffic Division, Southern Region.*

[FR Doc. 06–1813 Filed 2–27–06; 8:45 am]

**BILLING CODE 4910–13–M**

**DEPARTMENT OF LABOR****Occupational Safety and Health Administration****29 CFR Parts 1926 and 1928**

[Docket No. S–270–A]

RIN 1218–AC15

**Roll-Over Protective Structures**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Final rule; confirmation of effective date.

**SUMMARY:** OSHA is confirming the effective date of its direct final rule reinstating its original construction and agriculture standards that regulate the testing of roll-over protective structures used to protect employees who operate wheel-type tractors. The direct final rule stated that it would become effective on February 27, 2006 unless significant adverse comment was received by January 30, 2006. OSHA received only one comment on the direct final rule, which it has determined is not a significant adverse comment.

**DATES:** The direct final rule published on December 29, 2005 is effective February 27, 2006. For the purpose of judicial review, OSHA considers February 28, 2006 as the date of issuance.

**FOR FURTHER INFORMATION CONTACT:**

*Press Inquiries:* Kevin Ropp, OSHA Office of Communications, Room N–3647, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693–1999.

*General and technical information:*

Mark Hagemann, Acting Director, Office of Safety Systems, Directorate of Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2255.

**ADDRESSES:** In compliance with 28 U.S.C. 2112(a), OSHA designates the Associate Solicitor for Occupational Safety and Health as the recipient of petitions for review of the final standard. The Associate Solicitor may be contacted at the Office of the Solicitor, Room S–4004, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, telephone: (202) 693–5445.

**SUPPLEMENTARY INFORMATION:** On March 7, 1996, OSHA published a technical amendment in the **Federal Register** that revised a number of its standards, including the construction and agriculture standards that regulate testing of roll-over protective structures (“ROPS”) (61 FR 9228); employers use these structures to protect employees who operate wheel-type tractors. The revision removed the original, detailed ROPS-testing standards and referred instead to national consensus standards for substantive ROPS-testing requirements.

Several years after issuing the 1996 technical amendment, the Agency determined that differences existed between its original construction and agriculture ROPS standards and the ROPS standards adopted under the 1996 technical amendment, and that these

differences have a substantial impact on the regulated community. Based on this determination, OSHA found that reinstating the original OSHA standards through a direct final rule was necessary and appropriate; it published this direct final rule in the **Federal Register** on December 29, 2005 (70 FR 76979).

The Agency stated in the direct final rule that it would consider as significant adverse comments only those comments that addressed: (1) The lawfulness of the procedures used to promulgate the 1996 technical amendment as these procedures related to the ROPS testing provisions; and (2) whether a few minor revisions made to the original ROPS standards were unreasonable or inappropriate. OSHA received only one public comment on the direct final rule, which it has determined is not a significant adverse comment. The commenter recommended several technical clarifications to the original ROPS provisions and accompanying figures. The Agency will address these recommendations in a subsequent **Federal Register** notice. In the present notice, OSHA is confirming that the effective date for the December 29, 2005 direct final rule on ROPS is February 27, 2006. For purposes of judicial review, OSHA considers February 28, 2006 to be the date of issuance.

**List of Subjects***29 CFR Part 1926*

Construction industry, Motor vehicle safety, Occupational safety and health.

*29 CFR Part 1928*

Agriculture, Motor vehicle safety, Occupational safety and health.

**Authority and Signature**

This document was prepared under the direction of Jonathan L. Snare, Acting Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. The Agency is issuing this final rule under the following authorities: Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Section 3704 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3701 *et seq.*); Secretary of Labor’s Order 5–2002 (67 FR 65008); and 29 CFR Part 1911.

Signed at Washington, DC on February 21, 2006.

**Jonathan L. Snare,**

*Acting Assistant Secretary of Labor.*

[FR Doc. 06–1835 Filed 2–27–06; 8:45 am]

**BILLING CODE 4510–26–P**