

industry range up to 3,500 pallet manufacturers in the U.S. National Wooden Pallet and Container Association. Most firms sell their products within a 350-mile radius. The average number of employees is fewer than 20. Thirty-two percent of the firms had fewer than five employees. The average yearly sales were \$1.7 million.

The Small Business Administration (SBA) classifies wood container and pallet manufacturers as small businesses if they have fewer than 500 employees. According to the U.S. Census Bureau, 2002 Economic Census (the most recent one available), all pallet manufacturers are considered small businesses. In 2002, there were 2,948 establishments that produced wooden containers and pallets employing 51,003 persons. The total value of shipments was \$5.5 billion dollars.

This rule will affect only those firms that have been using an ISPM 15 compliance mark without entering into an agreement with APHIS in accordance with the export certification regulations of 7 CFR part 353. There have been cases where the mark has been applied in these circumstances. Given that there are nearly 3,000 firms that produce wooden containers and pallets, only a very small percentage will be affected by this interim rule. This rule will not have a significant economic impact nor will it affect a substantial number of small entities.

This rule does not impose any additional costs on firms; it only clarifies that the ISPM 15 quality/treatment mark may be applied only in accordance with the requirements of the regulations regarding the use of industry-issued certificates. The benefits of this rule are derived from ensuring APHIS' ability to fulfill its responsibilities under the Plant Protection Act and its international obligations as the NPPO of the United States and the reduced risk due to better compliance with existing international standards. We do not expect to see any measurable adverse economic impact as a result of this rule.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

#### Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

#### Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

#### Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### List of Subjects in 7 CFR Part 353

Exports, Plant diseases and pests, Reporting and recordkeeping requirements.

■ Accordingly, we are amending 7 CFR part 353 as follows:

#### PART 353—EXPORT CERTIFICATION

■ 1. The authority citation for part 353 continues to read as follows:

**Authority:** 7 U.S.C. 7701–7772 and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

##### § 353.1 [Amended]

■ 2. In § 353.1, the definition for *certificate of heat treatment* is removed and the definition for *industry-issued certificate* is amended by adding the sentence “An industry-issued certificate includes an ISPM 15 quality/treatment mark.” after the last sentence.

##### § 353.2 [Amended]

■ 3. Section 353.2 is amended by adding the word “or” before the words “an export”; by removing the words “, or a certificate of heat treatment (PPQ Form 553)”; and by adding the sentence “An industry-issued certificate includes an ISPM 15 quality/treatment mark.” after the last sentence.

■ 4. In § 353.5, paragraph (a) is revised to read as follows:

##### § 353.5 Application for certification.

(a) To request the services of an inspector, a written application (PPQ Form 572) shall be made as far in advance as possible, and shall be filed in the office of inspection at the port of certification.

\* \* \* \*

##### § 353.7 [Amended]

■ 5. Section 353.7 is amended as follows:

■ a. In the introductory text of paragraph (d), by adding the sentence “An industry-issued certificate includes

an ISPM 15 quality/treatment mark.” immediately before the last sentence.

■ b. By removing paragraph (e).

Done in Washington, DC, this 26th day of June 2007.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E7–12770 Filed 6–29–07; 8:45 am]

BILLING CODE 3410–34–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 73

[Docket No. FAA–2004–17774; Airspace Docket No. 04–ACE–32]

RIN 2120–AA66

#### Modification of Restricted Areas 3601A and 3601B; Brookville, KS

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

**ACTION:** Final rule.

**SUMMARY:** This action revises Restricted Areas 3601A (R–3601A) and 3601B (R–3601B), at Brookville, KS, in response to a request from the United States Air Force (USAF). Specifically, this action revises R–3601A and R–3601B by combining their lateral boundaries, expanding the ceiling to flight level 230 (FL230), and re-designating the lower portion of the combined area as R–3601A and the upper portion as R–3601B. Additionally, this action changes the using agency of R–3601A and R–3601B from “Commander, Kansas ANG, McConnell AFB, KS” to “Air National Guard, 184th Air Refueling Wing, Detachment 1, Smoky Hill ANG Range, Salina, KS.” These revisions will fulfill new USAF requirements for high altitude release bomb training for fighter aircraft and medium-to-high altitude release bomb training for bombers.

**EFFECTIVE DATE:** 0901 UTC, August 30, 2007.

#### FOR FURTHER INFORMATION CONTACT:

Steve Rohring, Airspace and Rules Group, Office of System Operations Airspace and AIM, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

#### SUPPLEMENTARY INFORMATION:

#### History

On July 21, 2004, the FAA published in the **Federal Register** a notice of proposed rulemaking to modify the ceiling and lateral boundaries, and change the using agency of R–3601A

and R-3601B to assist the USAF in fulfilling new high altitude release bomb training requirements for fighter aircraft and new medium-to-high altitude release bomb training requirements for bombers (69 FR 43539). The current altitude structure is not sufficient to meet these new training requirements. Interested parties were invited to participate in the rulemaking effort by submitting written comments on this proposal to the FAA. The FAA received no comments in response to the proposal. With the exception of editorial changes, this amendment is the same as that proposed in the notice.

Section 73.36 of Title 14 CFR part 73 was republished in FAA Order 7400.8N, dated February 16, 2007.

### The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 73 by revising R-3601A and R-3601B at Brookville, KS, and changing the using agency. Specifically, this action revises R-3601A and R-3601B by combining their lateral boundaries, expanding the ceiling, and re-designating the lower portion (surface to but not including FL 180) as R-3601A and the upper portion (FL 180 to FL 230) as R-3601B. The FAA is taking this action to assist the USAF in meeting new training requirements that call for practicing the release of bombs from higher altitudes than are currently available within the existing restricted areas. Additionally, this action will change the using agency of R-3601A and R-3601B from "Commander, Kansas ANG, McConnell AFB, KS" to "Air National Guard, 184th Air Refueling Wing, Detachment 1, Smoky Hill ANG Range, Salina, KS." This action does not change the times of use or the controlling agency for R-3601A and R-3601B.

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 Department of Transportation (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.

### Environmental Review

The FAA has determined that the Final Environmental Assessment (FEA) prepared by the Kansas Air National Guard for the proposed changes to the Smoky, Smokey High, and Bison MOAs and Restricted Areas 3601A and 3601B meet the criteria for adoption. The FAA has also determined that the proposed actions are consistent with existing national environmental policies and objectives as set forth in section 101 of the National Environmental Policy Act (NEPA) and other applicable environmental requirements and will not significantly affect the quality of the human environment or otherwise include any condition requiring consultation pursuant to section 102(2)(c) of NEPA. Therefore, on May 10, 2007, the FAA adopted the FEA and issued a Finding of No Significant Impact/Record of Decision in accordance with FAA Order 1050.1E, Environmental Impacts: Policies and Procedures.

### List of Subjects in 14 CFR Part 73

Airspace, Navigation (air).

### The Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

### PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 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.

#### § 73.36 [Amended]

■ 2. § 73.36 is amended as follows:

\* \* \* \* \*

#### R-3601A Brookville, KS [Revised]

By removing the current boundaries, designated altitudes, and using agency, and substituting the following:

Boundaries. Beginning at lat. 38°45'20" N., long. 97°46'01" W.; to lat. 38°39'45" N., long. 97°46'01" W.; then southwest along the Missouri Pacific Railroad Track; to lat. 38°38'20" N., long. 97°47'31" W.; to lat. 38°38'20" N., long. 97°50'01" W.; to lat. 38°35'00" N., long. 97°50'01" W.; to lat. 38°35'00" N., long. 97°56'01" W.; to lat. 38°45'20" N., long. 97°56'01" W.; to the point of beginning.

Designated altitudes. Surface to but not including FL180.

Using Agency. Air National Guard, 184th Air Refueling Wing, Detachment 1, Smoky Hill ANG Range, Salina, KS.

\* \* \* \* \*

#### R-3601B Brookville, KS [Revised]

By removing the current boundaries, designated altitudes, and using agency and substituting the following:

Boundaries. Beginning at lat. 38°45'20" N., long. 97°46'01" W.; to lat. 38°39'45" N., long. 97°46'01" W.; then southwest along the Missouri Pacific Railroad Track; to lat. 38°38'20" N., long. 97°47'31" W.; to lat. 38°38'20" N., long. 97°50'01" W.; to lat. 38°35'00" N., long. 97°50'01" W.; to lat. 38°35'00" N., long. 97°56'01" W.; to lat. 38°45'20" N., long. 97°56'01" W.; to the point of beginning.

Designated altitudes. FL180 to FL230.

Using Agency. Air National Guard, 184th Air Refueling Wing, Detachment 1, Smoky Hill ANG Range, Salina, KS.

\* \* \* \* \*

Issued in Washington, DC, June 18, 2007.

**Kenneth McElroy,**

*Acting Manager, Airspace and Rules Group.*

[FR Doc. E7-12703 Filed 6-29-07; 8:45 am]

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## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Part 3

RIN 3038-AC37

### Registration of Intermediaries

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commodity Futures Trading Commission ("Commission" or "CFTC") has amended Commission Regulation 3.10 to require certain registered intermediaries, *i.e.*, futures commission merchants ("FCMs"), introducing brokers ("IBs"), commodity pool operators ("CPOs"), commodity trading advisors ("CTAs") and leverage transaction merchants ("LTMs"), to complete an online annual review of their registration information maintained with the National Futures Association ("NFA"). This amendment is intended to ensure that NFA will have accurate and current information about such registrants. The Commission also has made a technical and conforming amendment to Commission Regulation 3.33(f) in order to remove an unnecessary reference to Regulation 3.10(d).

**EFFECTIVE DATE:** August 1, 2007.

**FOR FURTHER INFORMATION CONTACT:** Helene D. Schroeder, Special Counsel, Compliance and Registration Section, Division of Clearing and Intermediary Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581, telephone number: (202) 418-5450; facsimile number: (202) 418-5528; and electronic mail: [hschroeder@cftc.gov](mailto:hschroeder@cftc.gov).

**SUPPLEMENTARY INFORMATION:**