

editions and addenda of the ASME OM Code (or the optional ASME Code cases listed in the NRC Regulatory Guide 1.192 that is incorporated by reference in paragraph (b) of this section) referenced in paragraph (b)(3) of this section at the time the construction permit, combined license, or design certification is issued.

\* \* \* \* \*

Dated at Rockville, Maryland, this 28th day of May 2008.

For the Nuclear Regulatory Commission.

**Annette L. Vietti-Cook,**

*Secretary of the Commission.*

[FR Doc. E8-12345 Filed 6-2-08; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Parts 27 and 29

[Docket No.: FAA-2006-25414; Amendment Nos. 27-44 and 29-51]

RIN 2120-AH87

#### Performance and Handling Qualities Requirements for Rotorcraft; Notice of Approval for Information Collection

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

**ACTION:** Final rule; Office of Management and Budget approval for information collection.

**SUMMARY:** This document announces the Office of Management and Budget's (OMB) approval of the information collection requirement for the final rule entitled Performance and Handling Qualities Requirements for Rotorcraft (Amendments 27-44 and 29-51), published February 29, 2008.

**DATES:** The FAA received OMB approval for the information collection requirements for Performance and Handling Qualities Requirements for Rotorcraft, effective March 25, 2008.

**FOR FURTHER INFORMATION CONTACT:** Jeff Trang, Rotorcraft Standards Staff, ASW-111, Federal Aviation Administration, Fort Worth, Texas 76193-0111; telephone (817) 222-5135; facsimile (817) 222-5961, e-mail [jeff.trang@faa.gov](mailto:jeff.trang@faa.gov).

**SUPPLEMENTARY INFORMATION:** On February 29, 2008, the FAA published the final rule, "Performance and Handling Qualities Requirements for Rotorcraft" (73 FR 10987). The rule provided new and revised airworthiness standards for normal and transport category rotorcraft due to technological advances in design and operational

trends in normal and transport rotorcraft performance and handling qualities. The rule contained information collection requirements that had not yet been approved by OMB at the time of publication. In the **DATES** section of the rule, the FAA noted that affected parties did not need to comply with the information collection requirements until OMB approved the FAA's request to collect the information.

In accordance with the Paperwork Reduction Act of 1995, OMB approved the information collection request, without change, on March 25, 2008, and assigned OMB Control Number 2120-0726. This notice informs affected parties that effective March 25, 2008, the information collection requirements for Performance and Handling Qualities Requirements for Rotorcraft (Amendments 27-44 and 29-51) are approved. This information collection approval expires on March 31, 2011.

#### Authority for This Rulemaking

The FAA's authority to issue rules on aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, "General requirements," Section 44702, "Issuance of Certificates," and section 44704, "Type certificates, production certificates, and airworthiness certificates." Under section 44701, the FAA is charged with prescribing regulations and minimum standards for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. Under section 44702, the FAA may issue various certificates including type certificates, production certificates, and airworthiness certificates. Under section 44704, the FAA shall issue type certificates for aircraft, aircraft engines, propellers, and specified appliances when we find that the product is properly designed and manufactured, performs properly, and meets the regulations and minimum prescribed standards. This regulation is within the scope of that authority because it promotes safety by updating the existing minimum prescribed standards used during the type certification process to reflect the enhanced performance and handling quality capabilities of rotorcraft.

Issued in Washington, DC, May 27, 2008.

**Pamela Hamilton-Powell,**

*Director, Office of Rulemaking.*

[FR Doc. E8-12363 Filed 6-2-08; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2008-0025; Airspace Docket No. 08-AGL-3]

#### Establishment of Class E Airspace; La Pointe, WI

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

**ACTION:** Direct final rule; confirmation of effective date.

**SUMMARY:** This action confirms the effective date of the direct final rule that establishes Class E airspace at La Pointe, WI, published in the **Federal Register** February 21, 2008, 73 FR 9452, Docket No. FAA-2008-0025, Airspace Docket No. 08-AGL-3.

**DATES:** *Effective Date:* 0901 UTC April 10, 2008. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**FOR FURTHER INFORMATION CONTACT:** Gary A. Mallett, Central Service Center, Operations Systems Group, Federal Aviation Administration, Southwest Region, Ft. Worth, TX 76193-0530; telephone (817) 222-4949.

#### SUPPLEMENTARY INFORMATION:

##### History

The FAA published a direct final rule with request for comments in the **Federal Register** February 21, 2008, (73 FR 9452), Docket No. FAA-2008-0025, Airspace Docket No. 08-AGL-3. The FAA uses the direct final rule procedure for non-controversial rules where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit an adverse comment, was received within the comment period, the regulation would become effective on April 10, 2008.

No adverse comments were received; thus, this notice confirms that the direct final rule has become effective on this date.

Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9R, signed August 1, 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 the Order.

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Issued in Fort Worth, TX, on May 20, 2008.

**Joseph R. Yadouga,**

*Acting Manager, Operations Support Group,  
ATO Central Service Center.*

[FR Doc. E8-12026 Filed 6-2-08; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

### Federal Transit Administration

#### 23 CFR Part 774

RIN 2125-AF14

RIN 2132-AA83

### Parks, Recreation Areas, Wildlife and Waterfowl Refuges, and Historic Sites; Correction

**AGENCIES:** Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Department of Transportation (DOT).

**ACTION:** Correcting amendment.

**SUMMARY:** This rule makes a technical correction to the final regulations, which were published in the **Federal Register** on Wednesday, March 12, 2008, that govern Section 4(f) approvals for the FHWA and the FTA. The amendment contained herein makes no substantive change to the FHWA or the FTA regulations, policies, or procedures. This rule clarifies an ambiguity in the language of the regulatory text caused by a global word change implemented in the Final Rule as a result of comments received in response to the Notice of Proposed Rulemaking.

**DATES:** This rule is effective July 3, 2008.

**FOR FURTHER INFORMATION CONTACT:** For FHWA, Diane Mobley, Office of the Chief Counsel, (202) 366-1366; or Lamar Smith, Office of Project Development and Environmental Review, (202) 366-8994. For FTA, Joseph Ossi, Office of Planning and Environment, (202) 366-1613; or Christopher VanWyk, Office of the Chief

Counsel, (202) 366-1733. Both agencies are located at 1200 New Jersey Avenue, SE., Washington, DC 20590. Office hours for the FHWA are from 7:45 a.m. to 4:15 p.m., e.t., and for the FTA are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

An electronic copy of this document may be downloaded by using a computer, modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. Internet users may reach the Office of the Federal Register's home page at: <http://www.archives.gov> and the Government Printing Office's Web page at: <http://www.gpoaccess.gov/nara>.

##### Background

This rule makes a technical correction to the regulations that govern Section 4(f) approval procedures for the FHWA and the FTA found at 23 CFR part 774. In its final rule published in the **Federal Register** on March 12, 2008, at 73 FR 13368, the FHWA and FTA replaced the phrase "feasible and prudent project alternative" with the phrase "feasible and prudent avoidance alternative" to clarify that the statute requires a determination whether a feasible and prudent alternative exists that avoids using a Section 4(f) property. This phrase was globally replaced throughout the final rule. However, where this phrase was replaced in section 774.3(c), the new phraseology could be misinterpreted to require consideration of the already rejected, infeasible, or imprudent avoidance alternatives a second time. The preamble and regulatory text of the NPRM, and the preamble of the final rule, make clear that the intent of section 774.3(c) is to provide direction for how to analyze and select an alternative when it has been determined that no feasible and prudent avoidance alternatives exist and all viable alternatives use some Section 4(f) property. In order to correct the error caused by the global phrase change, and to clarify the intent of section 774.3(c) as noted in the preamble to the final rule, the FHWA and FTA have added the phrase "from among the remaining alternatives that use Section 4(f) property" to the regulatory text of section 774.3(c).

##### Rulemaking Analyses and Notice

Under the Administrative Procedure Act (5 U.S.C. 553(b)), an agency may waive the normal notice and comment requirements if it finds, for good cause, that they are impracticable,

unnecessary, or contrary to the public interest. The FHWA and the FTA find that notice and comment for this rule is unnecessary and contrary to the public interest because it will have no substantive impact, is technical in nature, and relates only to management, organization, procedure, and practice. The FHWA and the FTA do not anticipate receiving meaningful comments on it. States, local governments, transit agencies, and their consultants rely upon the environmental regulations corrected by this action. These corrections will reduce confusion for these entities and should not be unnecessarily delayed. Accordingly, for the reasons listed above, the agencies find good cause under 5 U.S.C. 553(b)(3)(B) to waive notice and opportunity for comment.

##### Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA and the FTA have determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of U.S. Department of Transportation regulatory policies and procedures. It is anticipated that the economic impact of this rulemaking will be minimal. This rule only entails minor corrections that will not in any way alter the regulatory effect of 23 CFR part 774. Thus, this final rule will not adversely affect, in a material way, any sector of the economy. In addition, these changes will not interfere with any action taken or planned by another agency and will not materially alter the budgetary impact of any entitlements, grants, user fees, or loan programs.

##### Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601-612) the FHWA and the FTA have evaluated the effects of this action on small entities and have determined that the action will not have a significant economic impact on a substantial number of small entities. This final rule will not make any substantive changes to our regulations or in the way that our regulations affect small entities; it merely corrects technical errors. For this reason, the FHWA and the FTA certify that this action will not have a significant economic impact on a substantial number of small entities.

##### Unfunded Mandates Reform Act of 1995

This rule does not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L.