

the regulated article must be sufficiently described on the certificate or limited permit and on the waybill to identify the regulated article.

(b) The certificate or limited permit for the interstate movement of a regulated article must be furnished by the carrier or the carrier's representative to the consignee listed on the certificate or limited permit upon arrival at the location provided on the certificate or limited permit.

(Approved by the Office of Management and Budget under control number 0579-0337)

§ 301.55-9 Costs and charges.

The services of the inspector during normal business hours (8 a.m. to 4:30 p.m., Monday through Friday, except holidays) will be furnished without cost. APHIS will not be responsible for all costs or charges incident to inspections or compliance with the provisions of the quarantine and regulations in this subpart, other than for the services of the inspector.

Done in Washington, DC, this 2nd day of June 2009.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E9-13317 Filed 6-5-09; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 36

Calculation of Noise Levels Published in Advisory Circular 36-3

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Statement of policy.

SUMMARY: This action clarifies the Federal Aviation Administration's (FAA) policy on the calculation of derived noise levels submitted for publication in Advisory Circular (AC) 36-3, Estimated Airplane Noise Levels in A-Weighted Decibels. This action is intended to provide guidance on calculating the derived levels used in that publication.

FOR FURTHER INFORMATION CONTACT: Mr. James Skalecky, Office of Environment and Energy (AEE-100), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3699; facsimile (202) 267-5594; e-mail James.Skalecky@faa.gov.

Background

Paragraph 3 of AC 36-3 states that "14 CFR part 36 requires the reporting of turbojet and large transport category aircraft certificated noise levels in units of Effective Perceived Noise Level in decibels (EPNdB). Many airport and other community noise analyses utilize a noise rating scale that is based upon A-weighted decibels. For this reason, A-weighted noise levels for aircraft under 14 CFR part 36 conditions have been estimated to provide a reference source for aircraft noise levels that is consistent with the many noise rating scales having A-weighted noise level as the basic measure." The noise levels published in AC 36-3 for turbojet and large transport category airplanes are usually submitted to the FAA by the airplane type certificate (or supplemental type certificate) holder. The entity submitting the noise levels for publication is responsible for deriving the A-weighted level from the EPNdB levels submitted for certification.

Recently, we received an inquiry requesting a clarification of those reference procedures, data analysis procedures, and data corrections that are to be used in deriving A-weighted noise levels for publication in AC 36-3. The question and our policy stated in this document apply only to noise levels for turbojet and large transport category airplanes.

Policy Statement

In order to ensure that all airplane noise levels submitted for publication in AC 36-3 are derived in a consistent manner, it is the FAA's policy that the noise levels be derived using the same reference procedures, data analysis procedures, and data corrections/adjustments that were used in deriving the 14 CFR part 36 certificated noise levels. The only exceptions are for deviations necessitated by (1) differences between the effective perceived noise level and A-weighted sound level metrics, or (2) inclusion of approach noise levels corresponding to use of less than the maximum flap setting, as permitted under AC 36-3, paragraph 4.a. In the case of number 2, the deviation is limited to the use of an approach configuration other than the noise-critical configuration that is required for the noise certification approach reference procedure by part 36, Appendix B, paragraph B36.7(c)(5). Such deviations must be identified to the FAA when the data are submitted for inclusion in the AC. No other deviations will be accepted.

When an airplane model that is already listed in AC 36-3 is recertificated from 14 CFR part 36 Stage 3 to Stage 4, the noise levels corresponding to the Stage 3 configuration are not automatically replaced. The Stage 3 noise levels will remain in AC 36-3, unless noise levels corresponding to the Stage 4 configuration are submitted for publication. If Stage 4 noise levels are submitted, the FAA will remove the Stage 3 noise levels from AC 36-3 for that model and replace them with the Stage 4 noise levels when the AC is updated.

Noise levels submitted for Stage 4 configurations must conform to this policy for deriving noise levels submitted for publication in AC 36-3.

Issued in Washington, DC, on June 2, 2009.

Lourdes Q. Maurice,

Acting Director of Environment and Energy.

[FR Doc. E9-13333 Filed 6-5-09; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2009-1236; Airspace Docket No. 08-AGL-16]

Amendment of Class E Airspace; Waverly, OH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace at Waverly, OH. Additional controlled airspace is necessary to accommodate Area Navigation (RNAV) Standard Instrument Approach Procedures (SIAP) at Pike County Airport, Waverly, OH. The FAA is taking this action to enhance the safety and management of Instrument Flight Rule (IFR) operations at Pike County Airport.

DATES: *Effective Date:* 0901 UTC, August 27, 2009. 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: Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76193-0530; telephone (817) 321-7716.

SUPPLEMENTARY INFORMATION:

History

On March 12, 2009, the FAA published in the **Federal Register** a notice of proposed rulemaking to amend Class E airspace at Waverly, OH, adding additional controlled airspace at Pike County Airport, Waverly, OH. (74 FR 10690, Docket No. FAA-2009-1236). 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 7400.9S signed October 3, 2008 and effective October 31, 2008, which is incorporated by reference in 14 CFR Part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by amending Class E airspace at Waverly, OH, adding additional controlled airspace at Pike County Airport, Waverly, OH, for the safety and management of IFR operations.

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.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, 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 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 adds

additional controlled airspace at Pike County Airport, Waverly, OH.

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 Part 71.1 of the Federal Aviation Administration Order 7400.9S, Airspace Designations and Reporting Points, signed October 3, 2008 and effective October 31, 2008, is amended as follows:

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

* * * * *

AGL OH E5 Waverly, OH [Amended]

Pike County Airport, OH
(Lat. 39°10'01" N., long. 82°55'41" W.)

That airspace extending upward from 700 feet above the surface within a 9.9-mile radius of Pike County Airport.

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Issued in Fort Worth, Texas, on May 18, 2009.

Anthony D. Roetzel,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. E9-13182 Filed 6-5-09; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA-2009-0127; Airspace Docket No. 09-AGL-4]

Amendment of Class E Airspace; Cleveland, OH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace at Cleveland, OH. Additional

controlled airspace is necessary to accommodate Area Navigation (RNAV) Standard Instrument Approach Procedures (SIAP) at Lorain County Regional Airport, Lorain, OH. The FAA is taking this action to enhance the safety and management of Instrument Flight Rule (IFR) operations at Lorain County Regional Airport.

DATES: *Effective Date:* 0901 UTC, August 27, 2009. 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: Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76193-0530; telephone (817) 321-7716.

SUPPLEMENTARY INFORMATION:**History**

On March 9, 2009, the FAA published in the **Federal Register** a notice of proposed rulemaking to amend Class E airspace at Cleveland, OH, adding additional controlled airspace at Lorain County Regional Airport, Cleveland, OH. (74 FR 9973, Docket No. FAA-2009-0127). 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 7400.9S signed October 3, 2008, and effective October 31, 2008, which is incorporated by reference in 14 CFR Part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by amending Class E airspace at Cleveland, OH, adding additional controlled airspace at Lorain County Regional Airport, Lorain, OH, for the safety and management of IFR operations.

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