

**ANM MT E5 Circle Town, MT [New]**

Circle Town County Airport  
(Lat. 47°25'06" N., long. 105°33'39" W.)

That airspace extending upward from 700 feet above the surface within 12.1-mile radius of the Circle Town County Airport; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 47°59'00" N., long. 106°16'00" W.; to lat. 47°49'00" N., long. 105°59'00" W.; to lat. 47°49'00" N., long. 105°24'00" W.; to lat. 47°40'00" N., long. 105°26'00" W.; to lat. 47°25'00" N., long. 105°00'00" W.; to lat. 47°05'00" N., long. 105°25'00" W.; to lat. 47°22'00" N., long. 106°06'00" W.; to lat. 47°27'00" N., long. 106°17'00" W.; to lat. 47°50'00" N., long. 106°26'00" W.; thence to the point of origin.

Issued in Seattle, Washington on August 30, 2012.

**Steven L. Vale,**

*Acting Manager, Operations Support Group,  
Western Service Center.*

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**BILLING CODE 4910-13-P**

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

[Docket No. FAA-2012-0617; Airspace  
Docket No. 12-ANM-18

**Establishment of Class E Airspace;  
Fort Garland, CO]**

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

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E airspace at Trinchera Ranch Airstrip Airport, Fort Garland, CO. Controlled airspace is necessary to accommodate aircraft using new Area Navigation (RNAV) Global Positioning System (GPS) standard instrument approach procedures at Trinchera Ranch Airstrip Airport. This improves the safety and management of Instrument Flight Rules (IFR) operations at the airport.

**DATES:** Effective date, 0901 UTC, November 15, 2012. 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:**  
Eldon Taylor, Federal Aviation  
Administration, Operations Support  
Group, Western Service Center, 1601  
Lind Avenue SW., Renton, WA 98057;  
telephone (425) 203-4537.

**SUPPLEMENTARY INFORMATION:**

**History**

On July 12, 2012, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish controlled airspace at Fort Garland, CO (77 FR 41108). 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 7400.9V dated August 9, 2011, and effective September 15, 2011, 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 extending upward from 700 feet above the surface, at Trinchera Ranch Airstrip Airport, to accommodate IFR aircraft executing new RNAV (GPS) standard instrument approach procedures at the airport. This action is necessary for the safety and management of IFR operations.

The FAA has determined 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 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 discusses 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 establishes

controlled airspace at Trinchera Ranch Airstrip Airport, Fort Garland, CO.

**Environmental Review**

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures," paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

**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 7400.9V, Airspace Designations and Reporting Points, dated August 9, 2011, and effective September 15, 2011 is amended as follows:

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

\* \* \* \* \*

**ANM CO E5 Fort Garland, CO [New]**

Trinchera Ranch Airstrip Airport, CO  
(Lat. 37°27'50" N., long. 105°24'25" W.)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of Trinchera Ranch Airstrip Airport; that airspace extending upward from 1,200 feet above the surface in an area bounded by a line beginning at lat. 37°38'00" N., long. 105°31'00" W.; to lat. 37°33'00" N., long. 105°12'00" W.; to lat. 37°24'00" N., long. 105°07'00" W.; to lat. 37°04'00" N., long. 105°23'30" W.; to lat. 37°03'00" N., long. 105°43'00" W.; to lat. 37°15'00" N., long. 105°50'00" W.; to lat. 37°29'00" N., long. 105°42'00" W., thence to the point of beginning.

Issued in Seattle, Washington on August 30, 2012.

Steven L. Vale,

Acting Manager, Operations Support Group,  
Western Service Center.

[FR Doc. 2012-22271 Filed 9-10-12; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 74

[Docket No. FDA-2011-C-0050]

#### D&C Red No. 6 and D&C Red No. 7; Change in Specification; Confirmation of Effective Date

**AGENCY:** Food and Drug Administration, HHS.

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

**SUMMARY:** The Food and Drug Administration (FDA) is confirming the effective date of August 7, 2012, for the final rule that published in the **Federal Register** of July 6, 2012 (77 FR 39921) and that revised the requirements for D&C Red No. 6 and D&C Red No. 7 by replacing the current specification for “Ether-soluble matter” with a maximum limit of 0.015 percent for the recently identified impurity 1-[(4-methylphenyl)azo]-2-naphthalenol.

**DATES:** *Effective Date Confirmed:* August 7, 2012.

**FOR FURTHER INFORMATION CONTACT:**

Teresa A. Croce, Center for Food Safety and Applied Nutrition (HFS-265), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740-3835, 240-402-1281.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of July 6, 2012, FDA amended the color additive regulations in §§ 74.1306 and 74.1307 (21 CFR 74.1306 and 74.1307) by replacing the current specification for “Ether-soluble matter” with a maximum limit of 0.015 percent for the recently identified impurity 1-[(4-methylphenyl)azo]-2-naphthalenol. FDA also removed Appendix A in 21 CFR part 74, which pertains to the ether-soluble matter specification. The changes to §§ 74.1306 and 74.1307 also affect the color additive regulations in §§ 74.2306 and 74.2307 (21 CFR 74.2306 and 74.2307) because the identity and specifications in §§ 74.1306 and 74.1307 are referenced by §§ 74.2306 and 74.2307.

FDA gave interested persons until August 6, 2012, to file objections or requests for a hearing. The Agency

received no objections or requests for a hearing on the final rule. Therefore, FDA finds that the effective date of the final rule that published in the **Federal Register** of July 6, 2012, should be confirmed.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, and redelegated to the Director, Office of Food Additive Safety, notice is given that no objections or requests for a hearing were filed in response to the July 6, 2012, final rule. Accordingly, the amendments issued thereby became effective August 7, 2012.

Dated: September 5, 2012.

Dennis M. Keefe,

Director, Office of Food Additive Safety,  
Center for Food Safety and Applied Nutrition.

[FR Doc. 2012-22296 Filed 9-10-12; 8:45 am]

BILLING CODE 4160-01-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2012-0722]

RIN 1625-AA08

#### Safety Zone; Miami Paddle Challenge, Biscayne Bay, Miami, FL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the waters of Biscayne Bay located west of Key Biscayne and south of Rickenbacker Causeway in Miami, Florida during the Miami Paddle Challenge, a series of paddle boat races. The Miami Paddle Challenge is scheduled to take place on Sunday, September 29, 2012. The temporary safety zone is necessary for the safety of race participants, participant vessels, spectators, and the general public during the event. Persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port Miami or a designated representative.

**DATES:** This rule is effective and will be enforced from 6 a.m. through 4 p.m. on September 29, 2012.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2012-7222 and are available online by going to <http://www.regulations.gov>, inserting

USCG-2012-7222 in the “SEARCH” box, and then clicking “SEARCH.” Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12-140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary final rule, call or email Lieutenant Junior Grade Mike H. Wu, Sector Miami Prevention Department, Coast Guard; telephone (305) 535-7576, email [mike.h.wu@uscg.mil](mailto:mike.h.wu@uscg.mil). If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366-9826.

**SUPPLEMENTARY INFORMATION:**

**Table of Acronyms**

DHS Department of Homeland Security  
FR **Federal Register**  
NPRM Notice of Proposed Rulemaking

**A. Regulatory History and Information**

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule, because a safety zone was not determined to be necessary until August 1, 2012. As a result, the Coast Guard did not have sufficient time to publish an NPRM and to receive public comments prior to the Miami Paddle Challenge. Any delay in the effective date of this rule would be contrary to the public interest as immediate action is needed to minimize potential danger to the public, race participants, and spectator craft.

For the same reason discussed above, under 5 U.S.C. 553(d)(3) the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

**B. Basis and Purpose**

The legal basis for the rule is the Coast Guard’s authority to establish regulated navigation areas and other