

on the size of the animals. Large dogs on average require about 13 square feet of floor space, while small dogs require about 6.5 square feet. Bare wire of the type most often used currently sells for about \$1.50 per square foot. Coated wire that meets the other standards for use under the Animal Welfare Act sells for between \$2.25 and \$5.00 per square foot. Requiring the use of coated wire could result in increased costs for replacement of between 60 and 233 percent. Thus, replacing bare wire with coated wire could result in additional expenditures ranging from \$4.87 to \$22.75 for each small dog housed and from \$13.00 to \$45.50 for each large dog. We estimate that it would take approximately 1 to 1½ hours per cage to replace bare wire flooring with coated wire. Labor could run from \$5.00 to \$10.00 per hour.

The total cost to an individual licensee or registrant would depend on the number of animals being housed. However, because coated wire floors do not rust, they need to be replaced far less frequently than bare wire floors. Therefore, the initial cost of replacing the floors would be made up, in part, over a period of time, because the coated wire floor will provide longer use.

To ease the burden of complying with the new requirement, we are proposing that the final rule would have two effective dates: one 30 days after publication of the final rule and one 2 years after publication of the final rule. Any new construction done on and after 30 days after publication of the final rule would have to be in compliance with the new flooring requirements. Also, on and after 30 days after publication of the final rule, any bare wire floors in existing primary enclosures that are replaced because of wear would have to be replaced in compliance with the new flooring requirements. On and after 2 years from the effective date of a final rule, all licensees and registrants would have to comply with the new requirements. Wire floors usually wear out from rust and general usage within a 2 year time-frame, so we believe that almost all existing bare wire floors would be replaced by coated wire before the 2 year grace period expired. The delayed effective date would give breeders, dealers, researchers, and exhibitors the opportunity to retain their existing bare wire floors until they wear out under normal usage. The 2 year delay would also give time to prepare for the additional cost of replacing existing floors.

The alternative to this proposed rule would be to make no change to the

flooring requirements for primary enclosures. After consideration, we rejected this alternative because we believe that bare wire floors are inadequate to provide for the comfort and well-being of dogs and cats.

This proposed rule contains no paperwork or recordkeeping requirements.

#### Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.028 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 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. This rule would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. The Act does not provide administrative procedures which must be exhausted prior to a judicial challenge to the provisions of this rule.

#### Paperwork Reduction Act

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

#### List of Subjects in 9 CFR Part 3

Animal welfare, Marine mammals, Pets, Reporting and recordkeeping requirements, Research, Transportation.

Accordingly, 9 CFR part 3 would be amended as follows:

### PART 3—STANDARDS

1. The authority citation for part 3 would continue to read as follows:

Authority: 7 U.S.C. 2131–2156; 7 CFR 2.22, 2.80, and 371.2(d).

2. In § 3.6, a new paragraph (a)(2)(xii) would be added to read as follows:

#### § 3.6 Primary enclosures.

(a) *General requirements.* \* \* \*

(2) \* \* \*

(xii) *The following requirements are effective for primary enclosures constructed on or after [insert date 30 days after publication of final rule] and for bare wire floors replaced on or after [insert date 30 days after publication of final rule]. On or after [insert date 2 years after publication of final rule] the following requirements are effective for all primary enclosures.* The floor of the primary enclosure may not be

constructed of bare wire. If the floor of the primary enclosure is constructed of wire, the wire must be coated with a material, such as plastic or fiberglass, that can be cleaned and sanitized readily. The coated wire must have a well-rounded surface and must be of a large enough diameter so that it is comfortable on the animals' feet and protects the animals' feet from injury. Coated wire floors must be strong enough so that the floor does not sag or bend between structural supports.

Done in Washington, DC, this 27th day of June 1996.

Terry L. Medley,

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 96–16872 Filed 7–1–96; 8:45 am]

BILLING CODE 3410–34–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 95–AAL–4]

#### Proposed Revision of Class E Airspace; Ketchikan, AK

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This action revises the Class E airspace at Ketchikan, AK. The development of the Global Positioning System (GPS) instrument approach (GPS-B) to Ketchikan International Airport, AK, and the establishment of the Special Visual Flight Rules (VFR) Seaplane holding area at Ward Cove have made this action necessary. The areas would be depicted on aeronautical charts for pilot reference. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations and provide Special VFR seaplane holding at Ketchikan, AK.

**DATES:** Comments must be received on or before August 23, 1996.

**ADDRESSES:** Send comments on the proposal in triplicate to: Manager, System Management Branch, AAL–530, Docket No. 95–AAL–4, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587.

The official docket may be examined in the Office of the Assistant Chief Counsel for the Alaskan Region at the same address.

An informal docket may also be examined during normal business hours in the Office of the Manager, System Management Branch, Air Traffic Division, at the address shown above.

**FOR FURTHER INFORMATION CONTACT:**

Robert van Haastert, System Management Branch, AAL-538, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513-7587; telephone number (907) 271-5863.

**SUPPLEMENTARY INFORMATION:**

## Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made:

"Comments to Airspace Docket No. 95-AAL-4." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the System Management Branch, Air Traffic Division, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

## Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the System Management Branch, AAL-530, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513-7587. Communications must identify the notice number of this NPRM.

Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

## The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify Class E airspace at Ketchikan, AK. This action is necessary to accommodate a new GPS instrument approach and incorporate Special VFR seaplane holding at Ketchikan, AK. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as 700/1200 foot transition areas are published in paragraph 6005 of FAA Order 7400.9C, dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1 (58 FR 36298; July 6, 1993). The Class E airspace designation listed in this document would be published subsequently in the Order. The FAA has determined that these proposed regulations only involve an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(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.

## List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

## The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

**PART 71—[AMENDED]**

1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g), 14 CFR 11.69.

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective

September 16, 1995, is amended as follows:

\* \* \* \* \*

*Paragraph 6002 The Class E airspace areas listed below are designated as a surface area for an airport.*

\* \* \* \* \*

AAL AK E2 Ketchikan, AK [Revised]

Ketchikan International Airport, AK  
(lat. 55°21'20"N, long. 131°42'49"W)  
Ketchikan Localizer  
(lat. 55°20'51"N, long. 131°42'00"W)

Within a 3-mile radius of the Ketchikan International Airport and within 1 mile each side of the Ketchikan localizer northwest/southeast courses extending from the 3-mile radius to 4.6 miles northwest and 4.1 miles southeast of the airport excluding that airspace beyond 2.5-miles beginning 1 mile east of the Ketchikan localizer northwest course clockwise to the 350° bearing from the Ketchikan International Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Supplement Alaska (Airport/Facility Directory).

\* \* \* \* \*

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

\* \* \* \* \*

AAL AK E5 Ketchikan, AK [Revised]

Ketchikan International Airport, AK  
(lat. 55°21'20"N, long. 131°42'49"W)  
Annette Island VORTAC  
(lat. 55°03'38"N, long. 131°34'42"W)  
Ketchikan Localizer  
(lat. 55°20'51"N, long. 131°42'00"W)

That airspace extending upward from 700 feet above the surface within 2.0 miles each side of the Ketchikan Localizer east course extending from the Ketchikan Localizer to 9.0 miles southeast of the Ketchikan International Airport and within 1.8 miles each side of the 353° radial of the Annette Island VORTAC extending from 11 miles north of the VORTAC to the Ketchikan Localizer east course and within 1.9 miles either side of the Ketchikan Localizer west course extending from the localizer to 6.7 miles west of the airport; and that airspace extending upward from 1,200 feet above the surface within a 12-mile radius of the Annette Island VORTAC and within 10 miles east of the 169° bearing from the Clam Cove NDB extending to 10 miles southeast of the airport; and that airspace extending upward from 4,700 feet MSL within 13.2 miles east and 10.5 miles west of the 165° radial of the Annette Island VORTAC extending from the VORTAC to the U.S.-Canada border; and that airspace extending upward from 5,200 feet MSL within 10 miles

either side of the 349° bearing from the Clam Cove NDB extending to 50 miles north of the airport; and that airspace extending upward from 5,700 feet MSL within 15.6 miles south of the 311° radial of the Annette Island VORTAC extending from 15.8 miles west of the VORTAC to 56.8 miles west of the VORTAC and within 9 miles north and 14 miles south of the Ketchikan Localizer west course extending from 4.3 miles west of the airport to 42.7 miles west of the airport.

\* \* \* \* \*

Issued in Anchorage, AK, on June 21, 1996.

Willis C. Nelson,

Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 96-16731 Filed 7-1-96; 8:45 am]

BILLING CODE 4910-13-P

## 14 CFR Part 71

[Airspace Docket No. 96-AAL-10]

### Proposed Establishment of Class E Airspace; Nuiqsut, AK

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This action establishes Class E airspace at Nuiqsut, AK. The development of a Global Positioning System (GPS) instrument approach to RWY 4 and RWY 22 has made this action necessary. This action will change the airport status from Visual Flight Rules (VFR) to Instrument Flight Rules (IFR). The area would be depicted on aeronautical charts for pilot reference. The intended effect of this proposal is to provide adequate controlled airspace for IFR operations at Nuiqsut, AK.

**DATES:** Comments must be received on or before August 23, 1996.

**ADDRESSES:** Send comments on the proposal in triplicate to: Manager, System Management Branch, AAL-530, Docket No. 96-AAL-10, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513-7587.

The official docket may be examined in the Office of the Assistant Chief Counsel for the Alaskan Region at the same address.

An informal docket may also be examined during normal business hours in the Office of the Manager, System Management Branch, Air Traffic Division, at the address shown above.

**FOR FURTHER INFORMATION CONTACT:** Robert van Haastert, System Management Branch, AAL-538, Federal Aviation Administration, 222 West 7th

Avenue, Box 14, Anchorage, AK 99513-7587; telephone number (907) 271-5902.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made:

"Comments to Airspace Docket No. 96-AAL-10." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the System Management Branch, Air Traffic Division, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

##### Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the System Management Branch, AAL-530, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513-7587. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

##### The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E airspace at Nuiqsut,

AK, due to the creation of GPS approaches to RWY 4 and RWY 22. The status of Nuiqsut Airport will change from VFR to IFR. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as 700/1200 foot transition areas are published in paragraph 6005 of FAA Order 7400.9C, dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1 (58 FR 36298; July 6, 1993). The Class E airspace designation listed in this document would be published subsequently in the Order. The FAA has determined that these proposed regulations only involve an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(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.

##### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

##### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

#### PART 71—[AMENDED]

1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g), 14 CFR 11.69.

##### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

\* \* \* \* \*