

free percentage cherries and does not differentiate between product types.

When the Board met in June 2009 and made its recommendation for preliminary free and reserve percentages, it utilized a crop estimate of 284 million pounds. It also computed a surplus of 131 million pounds, according to the order formula. The actual crop materialized at a much higher level (355 million pounds). The larger crop, combined with a higher carryin inventory than initially estimated and a lower optimum supply due to lower sales from previous years, resulted in a larger surplus than initially estimated. These changes resulted in a higher restricted percentage and a lower free percentage than initially recommended by the Board as preliminary percentages. However, the reserve formula under the order is designed to ensure that aggregate market needs can be met with free percentage cherries. The Board followed the formula prescribed in the order in making its recommendation concerning volume regulation.

In addition, the marketing order does not dictate what types of products must be placed in the reserve or the products that can be used to satisfy a handler's restricted obligation. Handlers can use whatever form of product that is available to them to meet their restricted obligation. This provision takes into account that handlers process different types of products.

The Board is continuing to work with USDA to solve the oversupply situation and most recently made a recommendation to add another feature to their grower diversion program to remove more cherries from production to bring supply more in line with demand. The industry also has an active domestic promotion program designed to help increase the demand for tart cherries.

The Board has also made a recommendation to make grower diversion certificates more valuable to the handler by making them not be counted as production. This recommendation is under consideration by the USDA.

Accordingly, no changes will be made to the rule as proposed, based on the comments received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <http://www.ams.usda.gov/fv/moab.html>. Any questions about the compliance guide should be sent to Antoinette Carter at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant matter presented, including information and recommendation submitted by the Board and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because handlers are already shipping tart cherries from the 2009–2010 crop. Further, handlers are aware of this rule, which was recommended at a public meeting. Also, a fifteen day comment period was provided for in the proposed rule.

#### List of Subjects in 7 CFR Part 930

Marketing agreements, Reporting and recordkeeping requirements, Tart cherries.

■ For the reasons set forth in the preamble, 7 CFR part 930 is amended as follows:

#### **PART 930—TART CHERRIES GROWN IN THE STATES OF MICHIGAN, NEW YORK, PENNSYLVANIA, OREGON, UTAH, WASHINGTON, AND WISCONSIN**

■ 1. The authority citation for 7 CFR part 930 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

■ 2. Section 930.256 is added to read as follows:

**Note:** This section will not appear in the annual Code of Federal Regulations.

#### **§ 930.256 Final free and restricted percentages for the 2009–2010 crop year.**

The final percentages for tart cherries handled by handlers during the crop year beginning on July 1, 2009, which shall be free and restricted, respectively, are designated as follows: Free percentage, 32 percent and restricted percentage, 68 percent.

Dated: May 21, 2010.

**David R. Shipman,**

*Acting Administrator, Agricultural Marketing Service.*

[FR Doc. 2010–12770 Filed 5–26–10; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2010–0028; Airspace Docket No. 10–AWP–1]

#### Amendment of Area Navigation Route Q–15; California

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

**ACTION:** Final rule.

**SUMMARY:** This action amends Area Navigation Route Q–15 by modifying a segment of the airway to provide adequate separation from restricted area R–2508 Complex, CA. This action is necessary for the safety and management of instrument flight rules (IFR) operations within the National Airspace System (NAS).

**DATES:** *Effective Date:* 0901 UTC, July 29, 2010. 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:** Ken McElroy, 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 February 24, 2010, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to amend Area Navigation Route Q–15 in California (75 FR 8286). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received. With the exception for the order of the points listed, (Q–15 route has been reversed to comply with policy that odd numbered routes be described with the points listed from South to North,) this amendment is the same as that proposed in the NPRM.

#### **The Rule**

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by replacing the DOBNE waypoint of Q–15 with the KENNO waypoint to adequately provide the additional lateral separation from the boundary of R–2508 and Q–15. The operational benefits of this change will positively impact the day-to-day traffic flow on Q–15 within the NAS.

Area Navigation Routes are published in paragraph 2006 of FAA Order 7400.9T, dated August 27, 2009 and effective September 15, 2009, which is incorporated by reference in 14 CFR 71.1. The Area Navigation Route listed in this document would be subsequently published in the Order.

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.

The FAA’s authority to issue rules regarding 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 I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the 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 modifies an RNAV route in California.

**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 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 FAA Order 7400.9T, Airspace Designations and Reporting Points, dated August 27, 2009 and effective September 15, 2009, is amended as follows:

*Paragraph 2006 Area Navigation Routes*  
\* \* \* \* \*

**Q–15 CHILY to LOMIA**

CHILY .....	Fix .....	(Lat. 34°42’49” N., long. 112°45’42” W.)
DOVEE .....	Fix .....	(Lat. 35°26’51” N., long. 114°48’01” W.)
BIKKR .....	WP .....	(Lat. 36°34’00” N., long. 116°45’00” W.)
KENNO .....	WP .....	(Lat. 37°17’53” N., long. 117°18’37” W.)
RUSME .....	WP .....	(Lat. 37°29’39” N., long. 117°31’12” W.)
LOMIA .....	WP .....	(Lat. 39°13’12” N., long. 119°06’23” W.)

Issued in Washington, DC, May 18, 2010.  
**Edith V. Parish,**  
*Manager, Airspace and Rules Group.*  
[FR Doc. 2010–12402 Filed 5–26–10; 8:45 am]  
**BILLING CODE 4910–13–P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA–2009–0697; Airspace Docket No. 09–ACE–10]

**Amendment of Class E Airspace; Beatrice, NE**

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

**SUMMARY:** This action amends Class E airspace for Beatrice, NE. Decommissioning of the Shaw non-directional beacon (NDB) at Beatrice Municipal Airport, Beatrice, NE, has made this action necessary to enhance the safety and management of

Instrument Flight Rule (IFR) operations at the airport.

**DATES:** *Effective Date:* 0901 UTC, July 29, 2010. 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 76137; telephone (817) 321–7716.

**SUPPLEMENTARY INFORMATION:**

**History**

On March 15, 2010, the FAA published in the **Federal Register** a notice of proposed rulemaking to amend Class E airspace for Beatrice, NE, reconfiguring controlled airspace at Beatrice Municipal Airport (75 FR 12166) Docket No. FAA–2009–0697. 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 7400.9T signed August 27, 2009, and effective September 15, 2009, 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 for the Beatrice, NE area. Decommissioning of the Shaw NDB and cancellation of the NDB approach at Beatrice Municipal Airport has made this action necessary for the safety and management of IFR operations at the airport.

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