

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

[Docket No. FAA-2004-17447; Airspace  
Docket No. 04-AGL-12]

**Modification of Class E Airspace;  
Merrill, WI**

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

**ACTION:** Final rule.

**SUMMARY:** This action modifies Class E airspace at Merrill, WI. Standard Instrument Approach Procedures have been developed for Merrill Municipal Airport. Controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain aircraft executing these approaches. This action modifies the area of existing controlled airspace for Merrill Municipal Airport.

**EFFECTIVE DATE:** 0901 UTC, November 25, 2004.

**FOR FURTHER INFORMATION CONTACT:** J. Mark Reeves, FAA, Terminal Operations, Central Service Office, Airspace Branch, AGL-520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294-7568.

**SUPPLEMENTARY INFORMATION:**

**History**

On Wednesday, June 9, 2004, the FAA proposed to amend 14 CFR part 71 to modify Class E airspace at Merrill, WI (69 FR 32294). The proposal was to modify controlled airspace extending upward from 700 feet or more above the surface of the earth to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9L dated September 2, 2003, and effective September 16, 2003, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

**The Rule**

This amendment to 14 CFR part 71 modifies Class airspace at Merrill, WI, to accommodate aircraft executing instrument flight procedures into and out of Merrill Municipal Airport. The area will be depicted on appropriate aeronautical charts.

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 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).

**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, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; 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 95665, 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 7400.9L, airspace Designations and Reporting Points, dated September 2, 2003, and effective September 16, 2003, is amended as follows:

\* \* \* \* \*

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

\* \* \* \* \*

**AGL WI E5 Merrill, WI [Revised]**

Merrill Municipal Airport, WI  
(Lat. 45°11'56" N., long. 89°42'46" W.)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Merrill Municipal Airport.

\* \* \* \* \*

Issued in Des Plaines, Illinois on  
September 9, 2004.

**Keith A. Thompson,**  
*Area Staff Manager, Central Terminal  
Operations.*

[FR Doc. 04-21396 Filed 9-22-04; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

[Docket No. FAA-2004-17446 Airspace  
Docket No. 04-AGL-11]

**Modification of Class E Airspace;  
Albert Lea, MN**

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

**ACTION:** Final rule.

**SUMMARY:** This action modifies Class E airspace at Albert Lea, MN. Standard Instrument Approach Procedures have been developed for Albert Lea Municipal Airport. Controlled airspace extending upward from 700 feet or more above the surface of the earth designated as an extension, is no longer needed. This action eliminates the area of controlled airspace designated as an extension to the existing Class E airspace area, at Albert Lea Municipal Airport.

**DATES:** *Effective Date:* 0901 UTC,  
November 25, 2004.

**FOR FURTHER INFORMATION CONTACT:** J. Mark Reeves, FAA, Terminal Operations, Central Service Office, Airspace Branch, AGL-520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294-7568.

**SUPPLEMENTARY INFORMATION:**

**History**

On Wednesday, June 9, 2004, the FAA proposed to amend 14 CFR part 71 to modify Class E airspace at Albert Lea, MN (69 FR 32293). The proposed was to eliminate controlled airspace extending upward from 700 feet or more above the surface designated as an extension to the existing Class E airspace area.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designation for airspace areas extending

upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9L dated September 2, 2003, and effective September 16, 2003, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

#### The Rule

This amendment to 14 CFR part 71 modifies Class E airspace at Albert Lea, MN, to accommodate aircraft executing instrument flight procedures into and out of Albert Lea Municipal Airport. The area will be depicted on appropriate aeronautical charts.

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 traffic procedures and air navigation, it is certified that this rule 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).

#### 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, CLASS B, CLASS C, CLASS E, AIRSPACE AREAS; AIRWAYS; 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 95665, 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 7400.9L, Airspace Designations and Reporting Points, dated September 2, 2003, and effective September 16, 2003, is amended as follows:

\* \* \* \* \*

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

\* \* \* \* \*

#### AGL MN E5 Albert Lea, MN [Revised]

Albert Lea Municipal Airport, MN  
(Lat. 43°40′54″ N., long. 93°22′02″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Albert Lea Municipal Airport.

\* \* \* \* \*

Issued in Des Plaines, Illinois, on September 9, 2004.

**Keith A. Thompson,**

*Area Staff Manager, Central Terminal Operations.*

[FR Doc. 04–21395 Filed 9–22–04; 8:45 am]

**BILLING CODE 4910–13–M**

## FEDERAL TRADE COMMISSION

### 16 CFR Part 228

#### Tire Advertising and Labeling Guides

**AGENCY:** Federal Trade Commission (“FTC” or “Commission”).

**ACTION:** Final decision.

**SUMMARY:** The Commission previously announced its intention to review and seek public comment on its Tire Advertising and Labeling Guides (“Tire Guides” or “Guides”). That review has been completed, and this document announces the Commission’s decision to rescind the Guides.

**DATES:** *Effective Date:* September 23, 2004.

**ADDRESSES:** Requests for copies of this document should be sent to the Consumer Response Center, Room 130, Federal Trade Commission, 600 Pennsylvania Ave., NW., Washington, DC 20580. The document is available on the Internet at the Commission’s Web site <http://www.ftc.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Jonathan L. Kessler, Federal Trade Commission, 1111 Superior Avenue, Suite 200, Cleveland, Ohio, 44114, telephone number (216) 263–3436, E-mail <[jkessler@ftc.gov](mailto:jkessler@ftc.gov)>.

#### SUPPLEMENTARY INFORMATION:

#### I. Overview of FTC Tire Advertising Regulation and the Consumer Tire Industry

The Commission’s Tire Guides address aspects of the marketing, use, and servicing of tires “for use on passenger automobiles, station wagons, and similar vehicles.”<sup>1</sup> 16 CFR 228.0. The Commission first promulgated

<sup>1</sup> This definition does not include minivans and sport utility vehicles.

Trade Practice Rules For The Tire Industry in 1936. The Tire Guides in their current form were published in 1968.<sup>2</sup> Commission hearings in the mid-1960s revealed problems with deceptive advertising by sellers, and the Commission concluded that consumers lacked the information needed to make informed purchasing decisions. The problems appear to have revolved around the lack of standard definitions for the terms “ply” and “ply rated,” the lack of recognized standards for safety and quality, and pricing practices.

The tire industry, however, has changed considerably in the last 35 years. First, in 1968, bias ply tires were standard on passenger cars. Today, radial tires dominate the consumer market, with bias tires relegated to large trucks and historical vehicles. As a result, factors such as the number of plies in a tire or its cord material are no longer relevant to consumer decision making. Second, in 1968, consumers bought tires at full-service gas stations or locally-owned stores that carried only one brand of tire. Today, sales also occur through national retailers, regional tire stores, new car dealerships, and the Internet.<sup>3</sup> These new retail establishments offer multiple brands, tread patterns, and mileage warranties. Moreover, prices for these tires are widely advertised, often in full-page newspaper ads or inserts. As a result, consumers have more choices of tires and more information about prices and options. Third, in 1968, no government or industry association established standards for measuring tire quality or insuring safety. Today, the National Highway Traffic Safety Administration (“NHTSA”) oversees the industry and has promulgated comprehensive regulations requiring disclosure of important safety and quality features.<sup>4</sup>

<sup>2</sup> The only change since 1968 was the addition of a provision regarding retreaded tires in 1994.

<sup>3</sup> In the United States, six tire manufacturers sell nearly 200 million passenger car replacement tires every year. Almost three-fourths (72%) of these tires are sold through independent tire dealers, including chain stores like Tire Kingdom and NTB. Mass merchandisers like Wal-Mart, Sears, and K-Mart account for 18% of replacement tire sales. Company-owned stores (e.g., Goodyear and Firestone), service stations, new car dealers, and, more recently, the Internet, account for the remainder.

<sup>4</sup> NHTSA’s Uniform Tire Quality Grading System regulations (“NHTSA regulations”) set standards for treadwear, traction, and temperature ratings, giving consumers the ability to compare the quality of one tire with that of another. See 49 CFR 575.104. NHTSA’s New Pneumatic Tires for Light Vehicles regulations, 49 CFR 571.139 (TREAD Act regulations), require disclosure on the tire of, among other things, the tire’s size, maximum inflation pressure, maximum load, generic name of cord material, number of plies, whether it has radial plies, and whether it is tube or tubeless.