

adhering hulls or defective shells are determined by count, using an adequate portion of the total sample. Finally, the nuts in that portion of the sample are cracked and the percentage having internal defects is determined on the basis of weight.

Dated: February 28, 2013.

**David R. Shipman,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 2013-05436 Filed 3-7-13; 8:45 am]

BILLING CODE 3410-02-P

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 1230

[Doc. No. AMS-LS-07-0143]

#### Pork Promotion, Research, and Consumer Information Program; Section 610 Review

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Confirmation of regulations.

**SUMMARY:** This document summarizes the results of an Agricultural Marketing Service (AMS) review of the Pork Promotion, Research, and Consumer Information Program (Program), commonly known as the Pork Checkoff Program, under the criteria contained in section 610 of the Regulatory Flexibility Act (RFA). Based upon this review, AMS concluded that there is a continued need for the Pork Promotion, Research, and Consumer Information Order (Order). Copies of the review performed by AMS are available to interested parties.

**DATES:** Effective March 8, 2013.

**ADDRESSES:** Interested persons may obtain a copy of the review. Requests for copies should be sent to Kenneth R. Payne, Director, Marketing Programs Division, Livestock and Seed Program, AMS, USDA, Room 2628-S, STOP 0251, 1400 Independence Avenue SW, Washington, DC 20250-0251 or email [Kenneth.Payne@ams.usda.gov](mailto:Kenneth.Payne@ams.usda.gov).

**FOR FURTHER INFORMATION CONTACT:** Kenneth R. Payne, Director, Marketing Programs Division, Livestock and Seed Program, AMS, USDA, Room 2628-S, STOP 0251, 1400 Independence Avenue SW, Washington, DC 20250-0251 or email [Kenneth.Payne@ams.usda.gov](mailto:Kenneth.Payne@ams.usda.gov).

**SUPPLEMENTARY INFORMATION:** The Order (7 CFR Part 1230) is authorized under the Pork Promotion, Research, and Consumer Information Act of 1985 (Act) (7 U.S.C. 4801-4819). As part of a comprehensive strategy to strengthen

the pork industry's position in the marketplace, this national pork Program maintains and expands existing domestic and foreign markets and develops new markets for pork and pork products. The Program is funded by a mandatory assessment of \$0.40 per-hundred-dollars of market value. Nearly all producers, with few exceptions, owning and marketing swine, regardless of the size of their operation or the value of their swine, must pay the assessment. A comparable assessment is collected on all imported swine, pork, and pork products. Assessments collected under this Program are used for promotion, research, consumer information, and industry information.

The Program is administered by the National Pork Board (Board), which is composed of 15 producer members. Board members serve 3-year terms, but no individual may serve more than two consecutive 3-year terms. Producer members are selected by the National Pork Producers Delegate Body, a group of producer and importer members that represent all 50 States and importers. The Program became effective on September 5, 1986, when the Order was issued. Assessments began on November 1, 1986.

On February 18, 1999, AMS published in the **Federal Register** (64 FR 8014) its plan to review certain regulations. On January 4, 2002, AMS published in the **Federal Register** (67 FR 525) an update to its plan to review regulations, including the Pork Promotion and Research Program, which is conducted under the Order, under criteria contained in section 610 of the RFA (5 USC 601-612). Additional updates were provided on August 14, 2003, in the **Federal Register** (68 FR 48575) and on March 24, 2006, in the **Federal Register** (71 FR 14827). Because many AMS regulations impact small entities, AMS decided, as a matter of policy, certain regulations warranted review, although they may not meet the threshold requirement under section 610 of the RFA.

The reviews are being conducted over a ten-year period under section 610 of the RFA. The Program was reviewed for the purpose of determining whether it should be continued without change, or should be amended, rescinded, or terminated (consistent with the objectives of applicable statutes) to minimize the impacts on small entities.

AMS published a notice for review and request for written comments on the Order in the March 27, 2008, issue of the **Federal Register** (73 FR 16218).

Comments were due May 27, 2008. USDA received one comment generally opposing the Program, which did not

specifically address the criteria provided under section 610 of the RFA.

The review was undertaken to determine whether the Order should be continued without change, amended, or rescinded (consistent with the objectives of the Act) to minimize the impacts on small entities. In conducting this review and using the guidance set forth in section 610 of the RFA, AMS considered the following factors: (1) The continued need for the Order; (2) the nature of complaints or comments received from the public concerning the Order; (3) the complexity of the Order; (4) the extent to which the Order overlaps, duplicates, or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and (5) the length of time since the Order has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the Order.

Based upon this review, AMS has concluded that there is continued need for the Order. AMS plans to continue working with the pork industry in maintaining an effective program. Interested parties may request a copy of the review by AMS as set forth in this Confirmation of Regulations.

**Authority:** 7 U.S.C. 4801-4819.

Dated: February 28, 2013.

**David R. Shipman,**

*Acting Administrator, Agricultural Marketing Service.*

[FR Doc. 2013-05432 Filed 3-7-13; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2013-0079; Airspace Docket No. 13-AWA-1]

RIN 2120-AA66

#### Amendment of Class B Airspace Description; Houston, TX

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

**ACTION:** Final rule, technical amendment.

**SUMMARY:** This action amends the description of the Houston, TX, Class B airspace area by changing the airport reference for describing the William P. Hobby Airport in the Class B airspace header from "Secondary Airport" to "Primary Airport." This change is editorial only and does not alter the

current charted boundaries or altitudes or ATC procedures for the Houston Class B airspace area.

**DATES:** *Effective date:* April 8, 2013. 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:** Colby Abbott, Airspace Policy and ATC Procedures Group, Office of Mission Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-8783.

**SUPPLEMENTARY INFORMATION:**

**Background**

In 1973, the FAA issued a final rule (38 FR 31286, November 13, 1973) which established the Houston Terminal Control Area (TCA), with an effective date of March 28, 1974. The Houston TCA listed the Houston Intercontinental Airport (later renamed the George Bush Intercontinental Airport) as the primary airport. In 1987, to further reduce the risk of midair collision in the Houston terminal areas and promote the efficient control of air traffic, the FAA issued a final rule (52 FR 1418, January 13, 1987) which established the William P. Hobby Airport, Airport Radar Service Area (ARSA) next to and under the existing Houston TCA airspace. Then, in 1992, to better accommodate current traffic flows and provide a greater degree of safety in known areas of congestion involving controlled IFR and uncontrolled VFR operations, the FAA issued a final rule (57 FR 30818, July 10, 1992) and a final rule; correction (57 FR 40095, September 2, 1992) which amended the Houston TCA configuration, listed two primary airports (Houston Intercontinental Airport and William P. Hobby Airport) in the Houston TCA description, and rescinded the William P. Hobby Airport ARSA concurrently. As a result of the Airspace Reclassification final rule (56 FR 65638, December 17, 1991), which became effective on September 16, 1993, the term "terminal control area" was replaced by "Class B airspace area."

In 1998, the FAA issued a final rule (63 FR 4162, January 28, 1998) further amending the Houston Class B airspace area to enhance safety, reduce the potential for midair collision, and better manage the air traffic operations into, out of, and through Houston Class B airspace. However, the airport reference for describing William P. Hobby Airport in the Class B airspace header was

inadvertently changed from "Primary Airport" to "Secondary Airport." The unintended consequence of this inadvertent change has led to questions and concerns regarding the 30-nautical mile (NM) Mode C veil that is charted around the Houston terminal airspace area, as well as why William P. Hobby Airport is listed as a secondary airport and what that means. The charted depiction of the Mode C veil surrounding the George Bush Intercontinental Airport and William P. Hobby Airport is correct with no change to the existing charted boundaries. Additionally, the FAA does not define what a secondary airport is, nor is that description used to identify airports in any other Class B or Class C airspace areas.

The FAA is changing the airport reference for William P. Hobby Airport in the Houston Class B airspace header to "Primary Airport," reflecting the FAA's original intent for the Houston Class B airspace area to encompass two primary airports, George Bush Intercontinental Airport and William P. Hobby Airport, as specified in the final rule (57 FR 30818, July 10, 1992) and final rule; correction (57 FR 40095, September 2, 1992). Additionally, the FAA plans to add the William P. Hobby Airport to the list of airports identified in Title 14 of the Code of Federal Regulations, Part 91, Appendix D, Section 1, in a separate rulemaking action.

**The Rule**

The FAA is amending Title 14 Code of Federal Regulations (14 CFR) part 71 by editing the Houston, TX, Class B airspace description changing the airport reference for William P. Hobby Airport listed in the header from "Secondary Airport" to "Primary Airport." This editorial change does not alter the currently charted boundaries or altitudes or ATC procedures for the Houston Class B airspace area. The FAA is taking this action to correctly describe the primary airports listed in the Houston Class B airspace area, resolve issues associated with William P. Hobby Airport having been described as a "Secondary Airport," and reaffirms the currently charted boundary of the Mode C veil around the Houston terminal airspace area is correct, as originally intended by the FAA.

Class B airspace areas are published in paragraph 3000 of FAA Order 7400.9W dated August 8, 2012, and effective September 15, 2012, which is incorporated by reference in 14 CFR 71.1. The Class B airspace area listed in this document will be published subsequently in the Order.

Because the amendment does not affect the boundaries, designated altitudes, or activities conducted within the Class B airspace area, Houston, TX, I find that notice and public procedures under 5 U.S.C. 553(b) are unnecessary.

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 makes editorial corrections to an existing Class B airspace description to maintain accuracy.

**Environmental Review**

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with 311a, FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures." This airspace action is an editorial change only and 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 FAA Order 7400.9W, Airspace Designations and Reporting Points, signed August 8, 2012, and effective September 15, 2012, is amended as follows:

*Paragraph 3000 Subpart B—Class B Airspace*

\* \* \* \* \*

#### ASW TX B Houston, TX [Amended]

George Bush Intercontinental Airport (IAH) (Primary Airport)

(Lat. 29°59'04" N., long. 95°20'29" W.)

William P. Hobby Airport (HOU) (Primary Airport)

(Lat. 29°38'44" N., long. 95°16'44" W.)

Ellington Field (EFD)

(Lat. 29°36'26" N., long. 95°09'32" W.)

Humble VORTAC (IAH)

(Lat. 29°57'25" N., long. 95°20'45" W.)

Point of Origin

(Lat. 29°39'01" N., long. 95°16'45" W.)

#### Boundaries

\* \* \* \* \*

Issued in Washington, DC, on February 21, 2013.

**Gary A. Norek,**

*Manager, Airspace Policy and ATC Procedures Group.*

[FR Doc. 2013–04891 Filed 3–7–13; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2012–0655; Airspace Docket No. 12–AGL–6]

#### Amendment of Class E Airspace; Hot Springs, SD

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

**ACTION:** Final rule.

**SUMMARY:** This action amends Class E airspace at Hot Springs, SD. Additional controlled airspace is necessary to

accommodate new Area Navigation (RNAV) Standard Instrument Approach Procedures at Hot Springs Municipal Airport. The FAA is taking this action to enhance the safety and management of Instrument Flight Rule (IFR) operations at the airport. Geographic coordinates of the airport are also updated.

**DATES:** Effective date: 0901 UTC, June 27, 2013. 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 November 16, 2012, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to amend Class E airspace for the Hot Springs, SD, area, creating additional controlled airspace at Hot Springs Municipal Airport (77 FR 68716) Docket No. FAA–2012–0655. 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 7400.9W dated August 8, 2012, and effective September 15, 2012, 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 extending upward from 700 feet above the surface to the north of the airport to accommodate new standard instrument approach procedures at Hot Springs Municipal Airport, Hot Springs, SD. This action is necessary for the safety and management of IFR operations at the airport. Geographic coordinates of the airport are updated to coincide with the FAA's aeronautical database.

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 amends controlled airspace at Hot Springs Municipal Airport, Hot Springs, SD.

##### 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.