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(5) You may also review copies of the service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

Issued in Renton, Washington, on July 20, 2011.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2011-0516; Airspace Docket No. 11-ANM-12]

Modification of Class E Airspace; Forsyth, MT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action will modify Class E airspace at Forsyth, MT. Controlled airspace is necessary to accommodate aircraft using Area Navigation (RNAV) Global Positioning System (GPS) standard instrument approach procedures at Tillitt Field Airport. This action also corrects a typographical error in the regulatory text for the Class E airspace area. This action improves the safety and management of Instrument Flight Rules (IFR) operations at the airport.

DATES: Effective date, 0901 UTC, October 20, 2011. 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 June 7, 2011, the FAA published in the **Federal Register** a notice of proposed rulemaking to modify controlled airspace at Forsyth, MT (76 FR 32879). 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 7400.9U dated August 18, 2010, and effective September 15, 2010, 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 that Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by modifying Class E airspace extending upward from 700 feet above the surface, at Tillitt Field Airport, Forsyth, MT, to accommodate IFR aircraft executing RNAV (GPS) standard instrument approach procedures at the airport. This action also corrects a typographical error in the regulatory text of the Class E airspace area by correcting 'lat. 46°05'00" N., long. 106°210'3" W.' to 'lat. 46°05'00" N., long. 106°21'03" W.'. This action is necessary for the safety and management of IFR operations. Except for administrative changes, and the changes listed above, this rule is the same as that proposed in the NPRM.

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 additional controlled airspace at Tillitt Field Airport, Forsyth, MT.

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 Part 71.1 of the Federal Aviation Administration Order 7400.9U, Airspace Designations and Reporting Points, dated August 18, 2010, and effective September 15, 2010 is amended as follows:

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

* * * * *

ANM MT E5 Forsyth, MT [Modified]

Tillitt Field Airport, MT

(Lat. 46°16'16" N., long. 106°37'26" W.)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Tillitt Field Airport, and within 2.5 miles north and 5.5 miles south of the 075° bearing of the airport extending from the 7-mile radius to 13 miles east of the airport; that airspace extending upward from 1,200 feet

above the surface within an area bounded by lat. 46°31'00" N., long. 107°00'00" W.; to lat. 46°22'00" N., long. 106°03'00" W.; to lat. 46°05'00" N., long. 106°21'03" W.; to lat. 46°00'00" N., long. 107°15'00" W.; to lat. 46°15'00" N., long. 107°16'00" W.; to lat. 46°20'00" N., long. 107°00'00" W., thence to the point of beginning.

Issued in Seattle, Washington, on July 26, 2011.

John Warner,

Manager, Operations Support Group, Western Service Center.

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CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1450

Virginia Graeme Baker Pool and Spa Safety Act; Incorporation by Reference of Successor Standard

AGENCY: U.S. Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Consumer Product Safety Commission ("Commission," "CPSC," or "we") finds the successor drain cover standard, ANSI/APSP-16 2011, to be in the public interest, and incorporates the standard by reference into its regulations implementing the Virginia Graeme Baker Pool and Spa Safety Act.

DATES: The rule takes effect September 6, 2011. The incorporation by reference of the publication listed in this rule is approved by the Director of the Federal Register as of September 6, 2011.

FOR FURTHER INFORMATION CONTACT: Mark Eilbert, Mechanical Engineer, Directorate for Laboratory Sciences, Consumer Product Safety Commission, 5 Research Place, Rockville, Maryland 20850; telephone (301) 987-2232 or e-mail meilbert@cpsc.gov.

SUPPLEMENTARY INFORMATION:

A. What does the Virginia Graeme Baker Pool and Spa Safety Act do? What standard is involved?

The Virginia Graeme Baker Pool and Spa Safety Act (VGB Act), 15 U.S.C. 8001 *et seq.*, was signed into law on December 19, 2007, and became effective on December 19, 2008. The VGB Act's purpose is to prevent drain entrapment and child drowning in swimming pools and spas.

The VGB Act requires that each swimming pool or spa drain cover manufactured, distributed, or entered into commerce in the United States conform to the entrapment protection standards of the ANSI/ASME A112.19.8

performance standard or any successor standard regulating such swimming pool or spa drain cover. 15 U.S.C. 8003(b). The standard in existence at the time the VGB Act was passed was ANSI/ASME A112.19.8-2007. The VGB Act provides that if a successor standard is proposed, ASME must notify the Commission of the proposed revision. *Id.* The Commission, if it determines that the proposed revision is in the public interest, shall incorporate the revision into the standard, after providing 30 days' notice to the public. *Id.*

On August 11, 2008 and October 22, 2009, ASME approved two addenda to ANSI/ASME A112.19.8-2007, namely, ASME A112.19.8a-2008 and ASME A112.19.8b-2009 (collectively referred to herein as "addenda"). On February 17, 2011, the Association of Pool and Spa Professionals (APSP) approved the ANSI/APSP/IAPMO-16 2011 standard, a successor standard to ASME/ANSI A112.19.8-2007, which is substantively identical to ANSI/ASME A112.19.8-2007 and its two addenda. (In April 2011, IAPMO terminated its status as co-secretariat to the ANSI/APSP/IAPMO-16 2011 standard, so ANSI/APSP/IAPMO-16 2011 became ANSI/APSP-16 2011.) On March 18, 2011, ANSI/ASME began the process of withdrawing the A112.19.8-2007 standard. We have reviewed the successor standard, ANSI/APSP-16-2011, made comparisons to the requirements in ANSI/ASME A112.19.8-2007, and assessed whether the changes are in the public interest.

B. What are the changes to the standard, and are the changes in the public interest?

There were two substantive changes between the ANSI/ASME A112.19.8-2007 standard and ANSI/APSP-16 2011, each of which was made in the addenda to ANSI/ASME A112.19.8-2007. The other changes to the standard were minor and were made primarily to add clarity to the standard. We discuss the substantive changes in this part of the preamble.

a. Ultraviolet Light Exposure Test

The Ultraviolet Light Exposure Test (UV test) subjects the plastic drain fitting material to the damaging effects of UV rays that accompany sun exposure when the drains are installed in pools and spas. ("Fitting" is a term used in ANSI/ASME A112.19.8-2007 instead of "cover." ANSI/ASME A112.19.8-2007 indicates that "cover" is an obsolete term.) Tests for the structural integrity of the drain fitting are performed after the drain fittings are

exposed to UV light degradation. The structural integrity tests subject the drain fitting to forces expected under normal use and to excessive forces expected under extreme conditions.

In ANSI/ASME A112.19.8-2007, the UV test is conducted by a single method. According to section 3.2 of ANSI/ASME A112.19.8-2007, 12 new drain fittings are placed in a UV test chamber and exposed to UV light and water spray, according to the protocol in ASTM G154, *Standard Practices for Operating Fluorescent Light Apparatus for UV Exposure of Non-metallic Materials*. When the drain fitting is too large to fit in a test chamber, representative sections are tested to the intent of the structural integrity tests. This means that the test procedures in the structural integrity tests must be adapted to suit the diminished size/shape of the drain fitting section.

Changes to the UV testing were made in ANSI/ASME A112.19.8a-2008 and were carried over to ANSI/APSP-16 2011. ANSI/ASME A112.19.8a-2008 includes two UV test methods. Test Method 1 follows the general full-sample UV exposure in ASME A112.19.8-2007, with the addition of two more choices for the UV exposure protocol, specifically, ASTM G155, *Standard Practice for Operating Xenon Arc Light Apparatus for Exposure of Non-Metallic Materials*; and ASTM G153, *Standard Practice for Operating Enclosed Carbon Arc Light Apparatus for Exposure of Nonmetallic Materials*. Test Method 2 is an alternate UV exposure test. Here, the fitting polymeric material is molded into small uniform specimens. Half of the specimens are exposed to UV light and water spray, and half are not exposed. The exposed and unexposed (virgin) material specimens are then tested for tensile strength and impact resistance. The samples of the material must retain at least 70% of the virgin value (meaning that the samples, when tested, must retain at least 70% of the tensile strength and impact resistance values of the unexposed material) when the tensile strength and impact resistance tests are performed. The intensification factor, K, is defined as the inverse of the lowest retained portion. Thus, for example, if 80% of the tensile strength is retained in the exposed material and 85% of the impact resistance, then the intensification factor is $K=1/0.80=1.25$.

Complete (as sold) fittings are then tested to the structural integrity tests in sections 3.3 through 3.8 in ANSI/ASME A112.19.8-2007. For Test Method 1, the UV-exposed drain fitting is tested in the structural tests to the forces and pressures specified. This is essentially