

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator is consulting with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

#### 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, paragraph 311a Environmental Impacts: Policies and Procedures. 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).

#### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 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 7400.9S, Airspace Designations and Reporting Points, signed October 3, 2008, and effective October 31, 2008, is amended as follows:

*Paragraph 6002 Class E Airspace Areas Designated as an Extension to a Class D Surface Area.*

\* \* \* \* \*

**AWP CQ E2 Saipan Island, CQ [Removed]**

\* \* \* \* \*

*Paragraph 6004 Class E Airspace Areas Designated as Extensions to Surface Areas.*

**AWP CQ E4 Saipan Island, CQ [Amended]**

Saipan International Airport, CQ  
(Lat. 15°07'08" N, Long. 145°43'46" E)  
Saipan NDB  
(Lat. 15°06'41" N, Long. 145°42'37" E)

That airspace extending upward from the surface within a 4.3 mile radius of Saipan International Airport and within 3 miles north and 2-miles south of the Saipan NDB 248° bearing, extending from the 4.3 mile radius to 8.5-miles southwest of the NDB and within 3 miles each side of the Saipan NDB 068° bearing extending from the 4.3 mile radius to 9 miles northeast of the NDB.

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**AWP GU E4 Guam Island, Agana NAS, GU [Removed]**

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**AWP GU E4 Guam International Airport, GU [New]**

Tiyan, Guam International Airport, GU  
(Lat. 13°29'02" N, Long. 144°47'50" E)  
Nimitz VORTAC  
(Lat. 13°27'16" N, Long. 144°44'00" E)

That airspace extending upward from the surface within 2 miles each side of the Nimitz VORTAC 245° radial, extending from the 4.3 mile radius of Guam International Airport to 5 miles southwest of the Nimitz VORTAC.

\* \* \* \* \*

**AWP GU E4 Guam Island, GU [Removed]**

\* \* \* \* \*

**AWP GU E4 Anderson AFB, GU [New]**

Yigo, Andersen AFB, GU  
(Lat. 13°35'02" N, Long. 144°55'48" E)  
Tiyan, Guam International Airport, GU  
(Lat. 13°29'02" N, Long. 144°47'50" E)

That airspace extending upward from the surface within 3 miles each side of the 065° bearing from Andersen AFB extending from the 4.3-mile radius of Andersen AFB to 8.5 miles northeast and that airspace within 2 miles north of and 3.5 miles south of the 245° bearing from Andersen AFB, extending from the 4.3-mile radius of the airport to 7.5 miles southwest of Andersen AFB, excluding the Guam International Airport Class D airspace area.

\* \* \* \* \*

*Paragraph 6005 Class E Airspace Areas Designated Extending Upward from 700 feet or More Above the Surface of the Earth.*

\* \* \* \* \*

**AWP GU E5 Guam Island, GU [Removed]**

\* \* \* \* \*

**AWP NMI E5 Northern Mariana Islands, NMI [New]**

Yigo, Andersen AFB, GU  
(Lat. 13°35'02" N, Long. 144°55'48" E)  
Rota International Airport, CQ  
(Lat. 14°10'28" N, Long. 145°14'28" E)  
Saipan International Airport, CQ  
(Lat. 15°07'08" N, Long. 145°43'46" E)  
Tinian International Airport, CQ

(Lat. 14°59'57" N, Long. 145°37'10" E)  
Nimitz VORTAC  
(Lat. 13°27'16" N, Long. 144°44'00" E)  
Saipan NDB  
(Lat. 15°06'41" N, Long. 145°42'37" E)

That airspace extending upward from 700 feet above the surface within a 12 mile radius of Andersen AFB and within 12 miles each side of the 245° bearing from Andersen AFB extending from the 12-mile radius to 35 miles southwest of Andersen AFB and within an 8 mile radius of Rota International Airport, and within a 12 mile radius of Saipan International Airport and within a 7 mile radius of Tinian International Airport. That airspace extending upward from 1,200 feet above the surface within a 100-mile radius of the Nimitz VORTAC and within a 35 mile radius of the Saipan NDB, excluding the portion that coincides with W-517.

\* \* \* \* \*

Issued in Washington DC on November 25, 2008.

**Edith V. Parish,**

*Manager, Airspace and Rules Group.*

[FR Doc. E8–29255 Filed 12–9–08; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2008–0940; Airspace Docket No. 08–AAL–25]

#### Proposed Removal and Modification of VOR Federal Airways; Alaska

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to remove Federal Airway V–328, and modify three Federal Airways, V–319, V–333 and V–480, in Alaska. The FAA is proposing this action in preparation of the eventual decommissioning from the National Airspace System (NAS) of the Kipnuk, Very High Omni-directional Range (VOR), Kipnuk, AK.

**DATES:** Comments must be received on or before January 26, 2009.

**ADDRESSES:** Send comments on the proposal to the U.S. Department of Transportation, Docket Operations, M–30, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001. You must identify the docket number FAA–2008–0940 and Airspace Docket No. 08–AAL–25, at the beginning of your comments. You may also submit comments on the Internet at <http://www.regulations.gov>.

**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:

##### 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 both docket numbers (FAA-2008-0940 and Airspace Docket No. 08-AAL-25) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at <http://www.regulations.gov>.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2008-0940 and Airspace Docket No. 08-AAL-25." 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 action may be changed in light of comments received. All comments submitted will be available for examination in the public docket 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 NPRMs

An electronic copy of this document may be downloaded through the Internet at <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at [http://www.faa.gov/airports\\_airtraffic/air\\_traffic/publications/airspace\\_amendments/](http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and

phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513-7587.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking, (202) 267-9677, for a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

##### The Proposal

The FAA is proposing an amendment to the Code of Federal Regulations (14 CFR Part 71), that proposes to revoke one Federal Airway V-328, and modify three Federal Airways, V-319, V-333 and V-480 in Alaska. The FAA is proposing this action to remove all airways off the Kipnuk, Very High Omni-directional Range (VOR), Kipnuk, AK, in preparation for the VOR's eventual decommissioning from the National Airspace System (NAS). The portion of the Victor airways that are attached to the Kipnuk VOR are proposed to be removed. Two airways (V-319 and V-333) have the Kipnuk VOR supporting one segment of the airway, and will simply be shortened. One airway (V-480) would be modified to remove the Kipnuk from the description. However, three Area Navigation (RNAV) low altitude T routes will be revised in another airspace action to continue IFR service on routing along the same tracks as all four affected airways. The Kipnuk VOR decommissioning proposal was publicly advertised in non-rulemaking case numbers 02-AAL-31NR and 06-AAL-32NR. After receiving public comment, the FAA decided that keeping or moving the VOR was not feasible and that it should be decommissioned.

The justification addressed these areas; the VOR was only being used to support enroute airway operations, and village construction adjacent to the VOR's location in the Village of Kipnuk was encroaching on and degrading the VOR's signal in many quadrants. Additionally, the instrument approaches servicing the airport at Kipnuk are RNAV approaches, which do not utilize the Kipnuk VOR. This action would be timed to coincide with the planned navigation aid decommissioning for July 2, 2009. One Victor airway (V-480) that passes over the Village of Kipnuk, will remain between Bethel (BET), AK, and Saint Paul Island (SPY) Nondirectional

Beacon, AK, if that airway passes the flight inspection. The T route revisions mentioned above will be announced in a separate airspace action, that will also coincide with the July 2, 2009, VOR decommissioning date. The intended effect of this proposal is to revise three Victor Airways and revoke one Victor Airway when the Kipnuk (IIK) VOR is decommissioned on July 2, 2009.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed 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 proposed 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 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 1, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to endure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it revokes and modifies VOR Federal Airways in Alaska.

##### 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).

**The Proposed Amendment**

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 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 7400.9S, *Airspace Designations and Reporting Points*, signed October 3, 2008, and effective October 31, 2008, is to be amended as follows:

*Paragraph 6010(b) Alaskan VOR Federal Airways.*

\* \* \* \*

**V-319 [Amended]**

From Yakutat, AK, via Johnstone Point, AK, INT Johnstone Point 286° and Anchorage, AK, 117° radials; Anchorage, AK; Sparrevohn, AK; Bethel, AK; Hooper Bay, AK; to Nanwak, AK NDB.

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**V-333 [Amended]**

From Hooper Bay, AK; Nome, AK; to Shishmaref, AK.

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**V-328 [Removed]**

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**V-480 [Amended]**

From Mt. Moffett, AK, NDB, 20 AGL via St. Paul Island, AK, NDB, 20 AGL; Bethel, AK; McGrath, AK; Nenana, AK; to Fairbanks, AK.

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Issued in Washington, DC, on November 25, 2008.

**Edith V. Parish,**

*Manager, Airspace and Rules Group.*

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**DEPARTMENT OF STATE****22 CFR Part 62**

**[Public Notice: 6448]**

**RIN 1400–AC36**

**Exchange Visitor Program**

**AGENCY:** United States Department of State.

**ACTION:** Proposed rule with request for comment.

**SUMMARY:** The Department of State is proposing to amend the General Provisions (Subpart A) of the existing Exchange Visitor Program regulations in order to provide greater specificity regarding program administration, sponsor obligations and participant eligibility in the Exchange Visitor Program. Certain definitions have been added or deleted. New requirements regarding applications for designation and redesignation, health insurance, the collection of employment authorization information on dependants and the successful completion of criminal background checks on all Responsible Officers and Alternate Responsible Officers are proposed. In addition, the requirements set forth in Subpart F (SEVIS reporting requirements) are consolidated into Subpart A.

**DATES:** The Department will accept comments from the public up to 60 days from December 10, 2008.

**ADDRESSES:** You may submit comments, identified by any of the following methods:

- Persons with access to the Internet may view this notice and provide comments by going to the regulations.gov Web site at: <http://www.regulations.gov/index.cfm>
- Mail (paper, disk, or CD-ROM submissions): U.S. Department of State, Office of Designation, SA–44, 301 4th Street, SW., Room 734, Washington, DC 20547.
- E-mail: [jexchanges@state.gov](mailto:jexchanges@state.gov). You must include the Title and RIN in the subject line of your message.

**FOR FURTHER INFORMATION CONTACT:**

Stanley S. Colvin, Deputy Assistant Secretary for Private Sector Exchange, U.S. Department of State, SA–44, 301 4th Street, SW., Room 734, Washington, DC 20547; or e-mail at [jexchanges@state.gov](mailto:jexchanges@state.gov).

**SUPPLEMENTARY INFORMATION:** The Department of State is proposing modifications to § 62.2 through § 62.16 of the Code of Federal Regulations, Title 22: Foreign Relations, Part 62—Exchange Visitor Program (Subpart A—General Provisions). Subpart A has

remained largely unchanged since 1993, when the predecessor agency with oversight of the Exchange Visitor Program, the United States Information Agency (USIA), substantially rewrote all of the regulations governing the Program. (See 58 FR 15196, Mar. 19, 1993, as amended at 59 FR 34761, July 7, 1994, Redesignated at 64 FR 54539, Oct. 7, 1999). In the intervening 15 years, the Department of State has modified regulations governing certain categories of exchange and has added new categories. Significantly, the introduction of the Student and Exchange Visitor Information System (SEVIS) in 2003 required major amendments to the regulations. Proposed modifications to Subpart A are necessary to bring the general regulatory provisions in line with the category-specific sections or simply to update the regulations to reflect generic business changes that have occurred during the past 15 years.

The proposed rule includes a new provision requiring all new applicants for sponsor designation to be subject to “on-site” reviews. Such reviews, conducted by the Department of State or a third party on its behalf, will be required before a new applicant is designated as a sponsor. Site visits of existing sponsors may occur at the discretion of the Department. The applicants and/or sponsors will bear the cost of these reviews.

The Department of State also proposes to require potential Responsible Officers (“RO”) and Alternate Responsible Officers (“ARO”) to undergo a criminal background check. This requirement is reflective of the importance of the role of such individuals within sponsor organizations and their rights of access to and manipulation of data for a controlled Federal Government database. ROs and AROs are the only individuals authorized to issue and sign Form DS–2019, the “Certificate of Eligibility for Exchange Visitor (J–1) Status.” Foreign nationals who participate in the Exchange Visitor Program must obtain Forms DS–2019 in order to apply for a J–visa to gain entry into the United States. Thus, it is of vital importance that the individuals who have access to a secured Federal Government database (SEVIS) be properly vetted. The Department of State introduced without issue, in 2005, a criminal background check requirement for individuals hosting secondary school student participants. Sponsors of these programs routinely conduct over 60,000 criminal background checks each year. The Department of State anticipates that conducting criminal background checks