

controlled airspace at Monterey Peninsula Airport, Monterey, CA.

#### 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 7400.9T, Airspace Designations and Reporting Points, signed August 27, 2009, and effective September 15, 2009 is amended as follows:

*Paragraph 6002 Class E Airspace Designated as Surface Areas.*

\* \* \* \* \*

#### AWP CA, E2 Monterey, CA [New]

Monterey Peninsula Airport, CA  
(Lat. 36°35'13" N., long. 121°50'35" W.)

Within a 5-mile radius of the Monterey Peninsula Airport, and within 3 miles each side of the 113° bearing of the airport extending from the 5-mile radius of Monterey Peninsula Airport to 15.7 miles east of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

Issued in Seattle, Washington, on July 1, 2010.

**John Warner,**

*Manager, Operations Support Group, Western Service Center.*

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BILLING CODE 4910–13–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2010–0633; Airspace Docket No. 10–AWP–12]

#### Revision of Class E Airspace; Monterey, CA

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

**ACTION:** Final rule.

**SUMMARY:** This action revises Class E airspace at Monterey Peninsula Airport, Monterey, CA. The FAA is taking this action in response to a request from the National Aeronautical Charting Office (NACO) to better clarify the legal description of controlled airspace designated as an extension to Class C surface area.

**DATES:** Effective date, 0901 UTC, September 23, 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:** 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

The FAA received a request from NACO to clarify the legal description of the existing Class E surface airspace area designated as an extension to Class C airspace area, stating it was vague and confusing and needed to be clarified. This action is in response to that request.

Class E airspace designations are published in paragraph 6003 of FAA Order 7400.9T signed August 27, 2009, and effective September 15, 2009, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in that Order.

#### The Rule

This action will amend Title 14 Code of Federal Regulations (14 CFR) part 71 by revising the legal description of Class E airspace designated as an extension to Class C airspace area for Monterey Peninsula Airport, Monterey, CA. The legal description has been clarified to avoid confusion on the part of pilots flying in the Monterey, CA, area. This action will be in concert with a change in the legal description for Class E

surface area airspace being rewritten under separate rulemaking. This is an administrative change and does not affect the boundaries, altitudes, or operating requirements of the airspace, therefore, notice and public procedures under 5 U.S.C. 553(b) are unnecessary.

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 revises controlled airspace at Monterey Peninsula Airport, Monterey, CA.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

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#### 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 7400.9T, Airspace Designations and Reporting Points, signed August 27, 2009, and effective September 15, 2009 is amended as follows:

*Paragraph 6003 Class E Airspace Designated as an Extension to Class C Surface Areas.*

\* \* \* \* \*

**AWP CA, E3 Monterey, CA [Amended]**

Monterey Peninsula Airport, CA  
(Lat. 36°35'13" N., long. 121°50'35" W.)

That airspace extending upward from the surface within 3 miles each side of the 113° bearing of the airport extending from the 5-mile radius of Monterey Peninsula Airport to 15.7 miles east of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

Issued in Seattle, Washington, on July 1, 2010.

**John Warner,**

*Manager, Operations Support Group, Western Service Center.*

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**DEPARTMENT OF COMMERCE****Bureau of Industry and Security****15 CFR Parts 742 and 774**

[Docket No. 080721866-0167-02]

RIN 0694-AE42

**Revisions to the Commerce Control List To Update and Clarify Crime Control License Requirements**

**AGENCY:** Bureau of Industry and Security, Commerce.

**ACTION:** Final Rule.

**SUMMARY:** This rule updates and clarifies export and reexport license requirements on striking weapons, restraint devices, shotguns and parts, optical sighting devices, and electric shock devices. It also adds equipment designed for the execution of humans to the Commerce Control List. This rule makes no changes to the longstanding policy of denial of applications to export or reexport specially designed implements of torture. The rule provides additional illustrative examples of such items and adopts a definition of torture used in a U.S. statute that implements the United Nations Convention against Torture and

Other Cruel, Inhuman or Degrading Treatment or Punishment. BIS is publishing this rule as part of an ongoing review of crime control license requirements and policy.

**DATES:** This rule is effective July 15, 2010.

**ADDRESSES:** Comments on this rule may be submitted by e-mail directly to BIS at [publiccomments@bis.doc.gov](mailto:publiccomments@bis.doc.gov) (refer to Regulatory Identification Number (RIN) 0694-AE42 in the subject line), or on paper to the Regulatory Policy Division, Office of Exporter Services, Bureau of Industry and Security, Room H2705, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue, NW, Washington, DC 20230. Refer to RIN 0694-AE42 in all comments.

**FOR FURTHER INFORMATION CONTACT:** Ron Rolfe, Office of Non-proliferation and Treaty Compliance, Bureau of Industry and Security, telephone: 202 482-4563; fax: 202 482-4145; e-mail: [rrolve@bis.doc.gov](mailto:rrolve@bis.doc.gov).

**SUPPLEMENTARY INFORMATION:****Background**

The Export Administration Regulations (EAR) (15 CFR parts 730-774) impose license requirements for certain exports from the United States and reexports from other countries for, among other reasons, "crime control." The crime control license requirements are intended for the "support of U.S. foreign policy to promote human rights throughout the world" (15 CFR 742.7(a)). Publication of this rule is part of BIS's ongoing effort to review and, where appropriate, revise the crime control license requirements in the EAR. As part of that effort, BIS published a notice of inquiry seeking public comments on whether the scope of items and destinations that are subject to crime control license requirements should be changed (73 FR 14769, March 19, 2008). After reviewing those comments, and conducting its own internal deliberations, BIS decided to proceed in stages. This final rule is the culmination of the first stage, which began with the publication of a proposed rule (74 FR 40117, August 11, 2009). This first stage addresses relatively simple extensions, modifications or removals of items currently on the Commerce Control List or additions to that List of items that have an easily identified crime control or law enforcement nexus.

BIS plans to publish a subsequent proposed rule that will identify potential expansion of certain Export Control Classification Numbers as suggested in the comments to this proposed rule; whether, and, if so, the

extent to which biometric measuring devices, integrated data systems, simulators, and communications equipment should be added to the Commerce Control List; the degree to which software and technology related to commodities on the Commerce Control List should be listed and how such software and technology should be described; and general policy issues such as whether the range of destinations to which crime control license requirements apply should be modified.

**Summary of the Comments on the Proposed Rule and BIS's Response to Those Comments**

BIS received comments from two commenters, on individual and one non-profit organization, on the proposed rule. The comments and BIS's responses are summarized below.

**Comment**

One commenter welcomed the strong and unambiguous statement in § 742.7(d) that the United States considers international norms regarding human rights and the practices of other countries that control exports to promote human right when developing U.S. crime control export controls. That commenter noted that awareness of the centrality of human rights in export control policy helps international efforts to reform export control policy and serves as an example to other countries.

**Response**

This final rule retains the proposed rule language in § 742.7(d). The centrality of human rights in connection with crime control license requirements has been noted in the EAR for many years.

**Comment**

One commenter welcomed the use of the word "including" in § 742.11, which sets license requirements and policy for specially designed implements of torture.

**Response**

Addition of the word "including" to § 742.11 and its related Export Control Classification Number 0A983 is, as this commenter noted, intended to clarify the point that the operative factor in determining whether an item is subject to ECCN 0A983 and § 742.11 is whether that item is a specially designed implement of torture. The listed items are examples of such instruments.

**Comment**

One commenter welcomed the addition of the term "shock sleeves" to