

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 Raton Municipal Airport/Crews Field, Raton, NM.

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 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.

* * * * *

ASW NM E5 Raton, NM [Amended]

Raton, Raton Municipal Airport/Crews Field, NM

(Lat. 36°44'30" N., long. 104°30'08" W.)
Cimarron VORTAC

(Lat. 36°29'29" N., long. 104°52'19" W.)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Raton Municipal Airport/Crews Field excluding that portion northwest of a line 4.4 miles northwest and parallel to the 050° radial of the Cimarron VORTAC, and within 1.6 miles each side of the 034° bearing from the airport extending from the 6.7-mile radius to 7.8 miles northeast of the airport, and within 3.7 miles each side of the 050° radial of the Cimarron VORTAC extending from the 6.7-mile radius to 11.4 miles southwest of the airport; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 37°04'21" N., long. 103°45'12" W., to lat. 36°48'31" N., long. 103°41'50" W., to lat. 36°15'44" N., long. 104°38'43" W., to lat. 36°10'11" N., long. 104°55'44" W., to lat. 36°18'21" N., long. 105°02'23" W., to lat. 36°21'13" N., long. 105°04'16" W., to lat. 36°26'41" N., long. 105°04'22" W., to lat. 36°39'05" N., long. 105°00'42" W., to lat. 36°42'52" N., long. 104°48'55" W., to lat. 37°01'04" N., long. 104°19'16" W., to lat. 37°01'50" N., long. 104°11'29" W., to lat. 37°00'34" N., long. 104°08'01" W., to the point of beginning.

Issued in Fort Worth, Texas, on March 24, 2011.

Walter L. Tweedy,

*Acting Manager, Operations Support Group,
ATO Central Service Center.*

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2010–1054; Airspace
Docket No. 10–AGL–23]

Amendment of Class E Airspace; Kenton, OH

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace at Kenton, OH, to accommodate new Area Navigation (RNAV) Standard Instrument Approach Procedures (SIAPs) at Hardin County Airport, Kenton, OH. The FAA is taking this action to enhance the safety and management of Instrument Flight Rule (IFR) operations at the airport.

DATES: Effective date: 0901 UTC, June 30, 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:
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 December 16, 2010, the FAA published in the **Federal Register** a notice of proposed rulemaking to amend Class E airspace for Kenton, OH, creating additional controlled airspace at Hardin County Airport (75 FR 78645) Docket No. FAA–2010–1054. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Subsequent to publication, an error was found in the regulatory text noting incorrect geographic coordinates. This rule will make the correction.

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 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 creating Class E airspace extending upward from 700 feet above the surface to accommodate new standard instrument approach procedures at Hardin County Airport, Kenton, OH. This action is necessary for the safety and management of IFR operations at the airport. This action also corrects the geographic coordinates listed in the regulatory text for Kenton, OH. With the exception of editorial changes and the changes described above, this action is the same as that proposed in the NPRM.

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 creates controlled airspace at Hardin County Airport, Kenton, OH.

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 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.

* * * * *

AGL OH E5 Kenton, OH [Amended]

Kenton, Hardin County Airport, OH
(Lat. 40°36'36" N., long. 83°38'39" W.)

That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 40°43'34" N., long. 83°33'51" W., to lat. 40°38'16" N., long. 83°28'39" W., to lat. 40°30'37" N., long. 83°30'57" W., to lat. 40°24'00" N., long. 83°33'37" W., to lat. 40°13'31" N., long. 83°40'22" W., to lat. 40°11'47" N., long. 83°52'11" W., to lat. 40°16'44" N., long. 84°01'10" W., to lat. 40°24'31" N., long. 84°02'39" W., to lat. 40°31'30" N., long. 83°56'56" W., to lat. 40°32'13" N., long. 83°50'20" W., to lat. 40°34'45" N., long. 83°47'33" W., to lat. 40°38'56" N., long. 83°48'49" W., to lat. 40°43'49" N., long. 83°42'14" W., to the point of beginning.

Issued in Fort Worth, Texas, on March 15, 2011.

Richard J. Kervin, Jr.,

*Acting Manager Operations Support Group,
ATO Central Service Center.*

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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 774

[Docket No. 110106012–1013–01]

RIN 0694–AF04

Implementation of the Understandings Reached at the 2010 Australia Group (AG) Plenary Meeting and Other AG-Related Clarifications and Corrections to the EAR

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Industry and Security (BIS) publishes this final rule to amend the Export Administration Regulations (EAR) to implement the understandings reached at the June 2010 plenary meeting of the Australia Group (AG) and to make certain AG-related editorial clarifications and corrections to the EAR. Consistent with the June 2010 AG understandings, this rule amends the chemical manufacturing equipment entry on the Commerce Control List (CCL) of the EAR to reflect the addition of two parenthetical phrases that clarify the description of certain “materials” contained in items on the AG “Control List of Dual-Use Chemical Manufacturing Facilities and Equipment and Related Technology and Software.” In addition, this rule makes AG-related clarifications and corrections to the EAR. Specifically, this rule amends the human and zoonotic pathogens and toxins entry and the animal pathogens entry on the CCL by making an update and a clarification that are consistent with the description of items on the AG “List of Biological Agents for Export Control” and the AG “List of Animal Pathogens for Export Control,” respectively. Finally, this rule amends the listing for “valves” in the chemical manufacturing equipment entry on the CCL to clarify that it controls “valves” for the “production” of chemicals, as well as “valves” for the “processing” or “containment” of chemicals. The purpose of this rule is to ensure that the AG-related entries on the CCL conform with the wording in the AG Control Lists (as updated by the

understandings reached at the 2010 AG Plenary) and to clarify the meaning of terms used in these entries.

DATES: This rule is effective April 20, 2011.

ADDRESSES: Send comments regarding this collection of information, including suggestions for reducing the burden, to Jasmeet Sehra, Office of Management and Budget (OMB), by e-mail to Jasmeet_K_Sehra@omb.eop.gov, or by fax to (202) 395–7285; and to the Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, 14th Street & Pennsylvania Avenue, NW., Room 2705, Washington, DC 20230. Comments on this collection of information should be submitted separately from comments on the final rule (*i.e.*, RIN 0694–AF04)—all comments on the latter should be submitted by one of the three methods outlined above.

FOR FURTHER INFORMATION CONTACT: Elizabeth Sangine, Director, Chemical and Biological Controls Division, Office of Nonproliferation and Treaty Compliance, Bureau of Industry and Security, Telephone: (202) 482–3343.

SUPPLEMENTARY INFORMATION:

Background

The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) to implement the understandings reached at the annual plenary meeting of the Australia Group (AG) that was held in Paris, France, from May 31 through June 4, 2010. The AG is a multilateral forum consisting of 40 participating countries that maintain export controls on a list of chemicals, biological agents, and related equipment and technology that could be used in a chemical or biological weapons program. The AG periodically reviews items on its control list to enhance the effectiveness of participating governments' national controls and to achieve greater harmonization among these controls.

Consistent with the understandings reached at the 2010 AG Plenary, this final rule amends Export Control Classification Number (ECCN) 2B350 (Chemical manufacturing facilities and equipment) on the Commerce Control List (CCL) (Supplement No. 1 to Part 774 of the EAR) to reflect the addition of two parenthetical phrases that describe types of “materials” contained in items on the AG “Control List of Dual-Use Chemical Manufacturing Facilities and Equipment and Related Technology and Software.” Specifically, this rule adds a parenthetical phrase to ECCN 2B350.a .3, .b.3, .c.3, .d.3, .e.3, .g.3, .h.3, and .i.3 to clarify the meaning