

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**

In a final rule published in the *Federal Register* July 8, 2010 (75 FR 39148) Airspace Docket No. 09-ANM-25, the airspace description for the Lucin VORTAC, Lucin, UT, incorrectly referenced the existing Class E en route domestic airspace exclusion above 8,500 feet MSL. As written, the wording may cause confusion as to the exclusion of the existing controlled airspace at 8,500 feet MSL. It should read 8,500 feet and above MSL.

The FAA's Aeronautical Products office correctly charted the airspace and requested the correction be made. Accordingly, since this is an administrative change, and does not involve a change in the dimensions, altitudes, or operating requirements of that airspace, notice and public procedures under 5 U.S.C. 553(b) are unnecessary.

**Lists of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (Air).

**Technical 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 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 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 6006 En Route Domestic Airspace Areas.*

\* \* \* \* \*

**ANM UT E6 Lucin, UT [Amended]**

Lucin VORTAC

(Lat. 41°21'47" N., long. 113°50'26" W.)

That airspace extending upward from 1,200 feet above the surface bounded on the west by V-269; on the east by V-484; and on the south by V-32; excluding existing controlled airspace 8,500 feet MSL and above; excluding that airspace designated for Federal airways; excluding the portions within Restricted Area R-6404 and Lucin MOA during their published hours of designation.

Issued in Seattle, Washington on January 5, 2011.

**John Warner,**

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

[FR Doc. 2011-593 Filed 1-14-11; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA-2010-1191; Airspace Docket No. 10-AAL-22]

**Revocation and Establishment of Compulsory Reporting Points; Alaska**

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

**ACTION:** Final rule.

**SUMMARY:** This action removes and establishes high altitude Alaskan compulsory reporting points in the vicinity of the United States (U.S.) and Canadian border. Specifically, the FAA is removing BORAN and establishing the TOVAD reporting point.

**DATES:** Effective date 0901 UTC, May 5, 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:** Ken McElroy, Airspace Regulation and ATC Procedures Group, Office of Mission Support Services, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

**SUPPLEMENTARY INFORMATION:**

**History**

The FAA was notified November 30, 2010, that Canadian Authorities had removed the BORAN intersection and established the TOVAD intersection as a compulsory reporting point on the U.S./Canada border effective November 18, 2010. This action is in response to those changes. Accordingly, since this is an

administrative change and does not affect the boundaries, altitudes, or operating requirements of the airspace, notice and public procedures under Title 5 U.S.C. 553(b) are unnecessary.

**The Rule**

The FAA amends Title 14 Code of Federal Regulations (14 CFR) part 71 by removing the BORAN reporting point and establishing the TOVAD Compulsory Reporting Point on the U.S./Canadian border.

Alaskan High Altitude Reporting Points are listed in paragraph 7005 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 Reporting Points listed in this document will be revised subsequently in the Order.

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 amends High Altitude Compulsory Reporting Points in Alaska.

**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 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 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 7400.9U, Airspace Designations and Reporting Points, signed August 18, 2010, and effective September 15, 2010, is amended as follows:

*Paragraph 7005 Alaskan High Altitude Reporting Points.*

\* \* \* \* \*

**BORAN, AK [Removed]**

\* \* \* \* \*

**TOVAD, AK [New]**

Issued in Washington, DC on January 7, 2011.

**Edith V. Parish,**

*Manager, Airspace Regulation and ATC Procedures Group.*

[FR Doc. 2011–827 Filed 1–14–11; 8:45 am]

**BILLING CODE 4910–13–P**

#### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 77

[Docket No. FAA–2006–25002; Amendment No. 77–13–A]

RIN 2120–AH31

#### Safe, Efficient Use and Preservation of the Navigable Airspace; Correction

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

**ACTION:** Final rule; correction.

**SUMMARY:** The FAA is correcting the regulation addressing the effective date of FAA determinations issued under 14 CFR part 77. The FAA amended this regulation by final rule published on July 21, 2010. The purpose of the final rule was to update the regulations governing objects that may affect the navigable airspace, to incorporate case law and legislative action, and to simplify the rule language. In one section of the regulations, we inadvertently state that the effective date of all determinations is 40 days from the date of issuance. However, only FAA determinations subject to the discretionary review process are effective 40 days from the date of issuance. All other FAA determinations are effective upon issuance. This document corrects that error.

**DATES:** Effective January 18, 2011.

**FOR FURTHER INFORMATION CONTACT:** Ellen Crum, Air Traffic Organization, Airspace, Regulations and ATC Procedures Group, 800 Independence Ave., SW., Washington, DC 20591. (202) 267–8783; e-mail: [ellen.crum@faa.gov](mailto:ellen.crum@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 21, 2010 (75 FR 42296), we published a final rule that updated the FAA’s notice and obstruction standards requirements in Title 14 of the Code of Federal Regulations (14 CFR) part 77. These regulations had not been updated in many years, and we found it necessary to update them to incorporate case law and legislative action, and to simplify the rule language.

In the preamble discussion for the Notice of Proposed Rulemaking, the FAA proposed and subsequently adopted in the final rule that a Determination of Hazard or a Determination of No Hazard will become effective 40 days from the date of issuance, unless a petition for discretionary review is filed and received by the FAA within 30 days from the date of issuance. (See 71 FR 34028, 34037 and 75 FR 42296, respectively, published on June 13, 2006 and July 21, 2010.) Consequently, § 77.33(a), as adopted in the final rule, states “A determination issued under this subpart is effective 40 days after the date of issuance, unless a petition for discretionary review is received by the FAA \* \* \*”

As written, this requirement incorrectly applies to all FAA determinations. The FAA’s intent was to prevent a determination from becoming effective in the event that a petition for discretionary review was filed for a particular aeronautical study. Section

77.33(a) should have provided two effective dates. For determinations that are not subject to discretionary review, the effective date continues to be the date of issuance, which is consistent with the current rule. For determinations that are subject to the discretionary review process, these determinations will become effective 40 days from the date of issuance, unless a petition for discretionary review has been filed. Therefore, we find that paragraph (a) of this section must be corrected to provide the above two effective dates.

Accordingly, in the final rule, FR Doc. 2010–17767, published on July 21, 2010 (75 FR 42296), make the following corrections:

##### § 77.33 [Corrected]

■ 1. On page 42307, in the second column, in § 77.33, the text of paragraph (a) is corrected to read as follows:

##### § 77.33 Effective period of determinations.

(a) The effective date of a determination not subject to discretionary review under 77.37(b) is the date of issuance. The effective date of all other determinations for a proposed or existing structure is 40 days from the date of issuance, provided a valid petition for review has not been received by the FAA. If a valid petition for review is filed, the determination will not become final, pending disposition of the petition.

\* \* \* \* \*

Issued in Washington, DC on January 12, 2011.

**Pamela Hamilton-Powell,**

*Director, Office of Rulemaking.*

[FR Doc. 2011–863 Filed 1–14–11; 8:45 am]

**BILLING CODE 4910–13–P**

#### DEPARTMENT OF COMMERCE

#### Bureau of Industry and Security

#### 15 CFR Part 748

[Docket No. 101129595–0635–01]

RIN 0694–AF07

#### Additions and Revisions to the List of Validated End-Users in the People’s Republic of China: CSMC Technologies Corporation and Advanced Micro Devices China, Inc.

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

**ACTION:** Final rule.

**SUMMARY:** In this final rule, the Bureau of Industry and Security (BIS) amends the Export Administration Regulations (EAR) to add one end-user, CSMC Technologies Corporation (CSMC), to