

# Rules and Regulations

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2011-0754; **Airspace**  
Docket No. 11-AWP-12]

#### **Amendment of Class E Airspace; Hawaiian Islands, HI**

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

**ACTION:** Final rule, technical  
amendment.

**SUMMARY:** This action amends Class E airspace for the Hawaiian Islands, HI. The FAA is taking this action in response to a request from the Honolulu Control Facility (HCF) to better clarify the legal description of controlled airspace designated as Class E airspace extending upward from 1,200 feet above the surface for the Hawaiian Islands, HI. This action enhances the safety and management of aircraft operations.

**DATES:** Effective date, 0901 UTC, December 15, 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**

The FAA received a request from the Honolulu Control Facility to clarify the legal description of the existing Class E airspace extending upward from 1,200 feet above the surface. The current legal description is vague and confusing; this action is in response to that request.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9V dated August 9, 2011, and effective September 15, 2011, 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 amends Title 14 Code of Federal Regulations (14 CFR) part 71 by amending the legal description of the Class E airspace area extending upward from 1,200 feet above the surface for the Hawaiian Islands, HI. The legal description has been clarified to avoid confusion on the part of pilots flying in the Hawaiian Islands, HI. 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 amends

controlled airspace for the Hawaiian Islands, HI.

#### **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 7400.9V, Airspace Designations and Reporting Points, dated August 9, 2011, and effective September 15, 2011, is amended as follows:

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

\* \* \* \* \*

#### **AWP HI E5 Hawaiian Islands, HI [Amended]**

##### **Hilo VORTAC**

(Lat. 19°43'17" N., long. 155°00'39" W.)

##### **South Kauai VORTAC**

(Lat. 21°54'01" N., long. 159°31'44" W.)

That airspace extending upward from 5,500 feet above the surface within an area bounded by a line beginning at lat. 23°56'48" N., long. 160°45'50" W.; to lat. 24°18'48" N., long. 157°16'50" W.; to lat. 24°02'48" N., long. 156°18'50" W.; to lat. 23°31'48" N., long. 155°28'50" W.; to lat. 22°59'48" N., long. 154°38'50" W.; to lat. 22°21'48" N., long. 153°52'50" W.; to lat. 21°42'48" N., long. 153°08'50" W.; to lat. 20°48'48" N., long. 152°59'50" W.; to lat. 20°15'49" N., long. 152°13'50" W.; to lat. 19°13'49" N., long. 151°53'50" W.; to lat. 18°18'49" N., long. 157°48'50" W.; to lat. 18°25'49" N., long. 158°53'50" W.; to lat. 18°52'49" N., long. 159°52'50" W.; to lat. 19°31'49" N., long. 160°35'50" W.; to lat. 20°05'49" N., long. 161°51'50" W.; to lat. 21°00'49" N., long. 162°13'50" W.; to lat. 21°55'49" N., long. 162°28'50" W.; to lat. 22°49'49" N., long. 162°13'50" W.; to lat. 23°31'49" N., long. 161°34'50" W.; to the point of beginning. That airspace extending upward

from 1,200 feet above the surface within an area described by a line beginning at lat. 23°29'24" N., long. 158°54'07" W.; thence east to lat. 22°30'18" N., long. 155°48'43" W.; to lat. 20°59'57" N., long. 153°51'58" W.; thence clockwise along the 100-mile radius of the Hilo VORTAC to lat. 19°00'00" N., long. 153°25'14" W.; thence west to lat. 19°00'00" N., long. 157°42'33" W.; to lat. 20°26'57" N., long. 160°24'57" W.; thence clockwise along the 100-mile radius of the South Kauai VORTAC to the point of beginning.

Issued in Seattle, Washington, on August 17, 2011.

**Christine Mellon,**

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

[FR Doc. 2011-22243 Filed 9-1-11; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2011-0394; Airspace Docket No. 11-ASO-17]

#### Amendment of Class E Airspace; Clemson, SC

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

**ACTION:** Final rule.

**SUMMARY:** This action amends Class E Airspace at Clemson, SC, as a runway extension requires amended Standard Instrument Approach Procedures at Oconee County Regional Airport. This action enhances the safety and airspace management of Instrument Flight Rules (IFR) operations within the National Airspace System. This action also changes the airport name.

**DATES:** Effective 0901 UTC, October 20, 2011. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**FOR FURTHER INFORMATION CONTACT:** John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-6364.

#### SUPPLEMENTARY INFORMATION:

##### History

On July 1, 2011, the FAA published in the **Federal Register** a notice of proposed rulemaking to amend Class E airspace at Clemson, SC (76 FR 38582) Docket No. FAA-2011-0394. 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 the Order.

#### The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 amends Class E airspace extending upward from 700 feet above the surface at Clemson, SC, to support new Standard Instrument Approach Procedures at Oconee County Regional Airport. This action is necessary for the safety and management of IFR operations at the airport. This action also recognizes the airport name change from Clemson-Oconee County Airport to Oconee County Regional Airport, Clemson, SC.

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, is non-controversial and unlikely to result in adverse or negative comments. It, therefore, (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 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 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 Oconee County Regional Airport, Clemson, SC.

#### Lists 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 Federal Aviation Administration Order 7400.9U, Airspace Designations and Reporting Points, dated August 18, 2010, 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.*

\* \* \* \* \*

#### ASO SC E5 Clemson, SC [Amended]

Oconee County Regional Airport, SC (Lat. 34°40'19" N., long. 82°53'12" W.)

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Oconee County Regional Airport.

Issued in College Park, Georgia, on August 19, 2011.

**Mark D. Ward,**

*Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.*

[FR Doc. 2011-22314 Filed 9-1-11; 8:45 am]

**BILLING CODE 4910-13-P**

## FEDERAL TRADE COMMISSION

### 16 CFR Part 2

#### Statutory Delays of Notifications and Prohibitions of Disclosure

**AGENCY:** Federal Trade Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Trade Commission ("FTC" or "Commission") is establishing an internal procedure for delegating its authority to seek court orders to delay notification and prohibit disclosure of Commission compulsory process under the Right to Financial Privacy Act (RFPA), the Electronic