

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 City of Colorado Springs Municipal Airport, Colorado Springs, CO.

#### 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 6003 Class E airspace designated as an extension to class C surface areas.*

\* \* \* \* \*

#### ANM CO E3 Colorado Springs, CO [Amended]

City of Colorado Springs Municipal Airport, CO

(Lat. 38°48'21" N., long. 104°42'03" W.)

That airspace extending upward from the surface within 2.4 miles northwest and 1.2 miles southeast of the City of Colorado Springs Municipal Airport 025° bearing extending from the 5-mile radius of the airport to 8.9 miles northeast, and within 1.4 miles each side of the airport 360° bearing extending from the 5-mile radius of the airport to 7.7 miles north of the airport.

Issued in Seattle, Washington, on February 7, 2012.

**John Warner,**

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

[FR Doc. 2012–3827 Filed 2–17–12; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2011–1193; Airspace Docket No. 11–ANM–14]

#### Modification of Area Navigation Route T–288; WY

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

**ACTION:** Final rule.

**SUMMARY:** This action modifies area navigation (RNAV) route T–288 by extending the route westward from the Rapid City, SD, VORTAC to the Gillette, WY, VOR/DME. This extension enhances the efficiency and safety of the National Airspace System (NAS) by supplementing the existing VOR Federal airway structure in that area.

**DATES:** *Effective Dates:* 0901 UTC, April 5, 2012. 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:** Paul Gallant, Airspace, Regulations and ATC Procedures Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783.

#### SUPPLEMENTARY INFORMATION:

##### History

On December 6, 2011, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to modify RNAV route T–288 by adding a new segment between the Rapid City, SD, VORTAC (RAP) and the Gillette, WY, VOR/DME (GCC) (76 FR 76070). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

In the NPRM, the state designation (WY) for the KARAS intersection was inadvertently omitted from the route description. With the exception of that editorial change, this amendment is the same as that proposed in the NPRM.

##### The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 to modify RNAV route T–288 by adding a new segment between the Rapid City, SD, VORTAC and the Gillette, WY, VOR/DME. The extension supplements the existing VOR Federal airway structure to provide alternative routing

between Gillette and Rapid City in the event of navigation aid outages.

RNAV routes are published in paragraph 6011 of FAA Order 7400.9V signed August 9, 2011 and effective September 15, 2011, which is incorporated by reference in 14 CFR 71.1. The jet route listed in this document will be published 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 expands RNAV route coverage to enhance the safe and efficient flow of traffic in the western United States.

##### 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).

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

*Paragraph 6011 United States area navigation routes.*

\* \* \* \* \*

**T-288 Gillette, WY (GCC) to Wolbach, NE (OBH) [Amended]**

Gillette, WY (GCC) VOR/DME

(Lat. 44°20'52" N., long. 105°32'37" W.)

KARAS, WY INT

(Lat. 44°16'23" N., long. 104°18'50" W.)

Rapid City, SD (RAP) VORTAC

(Lat. 43°58'34" N., long. 103°00'42" W)

WNDED, SD WP

(Lat. 43°19'14" N., long. 101°32'19" W.)

Valentine, NE (VTN) NDB

(Lat. 42°51'42" N., long. 100°32'59" W.)

Ainsworth, NE (ANW) VOR/DME

(Lat. 42°34'09" N., long. 99°59'23" W.)

FESNT, NE WP

(Lat. 42°03'57" N., long. 99°17'18" W.)

Wolbach, NE (OBH) VORTAC

(Lat. 41°22'33" N., long. 98°21'13" W.)

Issued in Washington, DC, on February 2, 2012.

**Gary A. Norek,**

*Acting Manager, Airspace, Regulations and ATC Procedures Group.*

[FR Doc. 2012–3813 Filed 2–17–12; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****18 CFR Part 292**

[Docket No. RM09–23–000]

**Revisions to Form, Procedures and Criteria for Certification of Qualifying Facility Status for a Small Power Production or Cogeneration Facility**

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Final rule; correcting amendment.

**SUMMARY:** This document contains corrections to the final regulations (Docket No. RM09–23–000) which were published in the **Federal Register** of Tuesday, March 30, 2010 (75 FR 15950). The final rule document adopted revisions to FERC Form 556 and to Commission procedures and criteria for the certification of qualifying status for a small power production or cogeneration facility.

**DATES:** *Effective date:* February 21, 2012.

**FOR FURTHER INFORMATION CONTACT:** S.L. Higginbottom (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Telephone: 202–502–8561, Email: [samuel.higginbottom@ferc.gov](mailto:samuel.higginbottom@ferc.gov).

**SUPPLEMENTARY INFORMATION:** The final regulations that are the subject of these regulations amended 18 CFR 292.602(c) and affect the Commission's grant of exemption of qualifying small power production facilities and cogeneration facilities from certain Federal and State laws and regulations.

As published, the final regulations contained errors which involved the removal of subparagraphs from 18 CFR 292.602(c)(1). These subparagraphs contain critical information concerning which state laws apply to qualifying small power production facilities and qualifying cogeneration facilities.

**List of Subjects in 18 CFR Part 292**

Electric power, Electric power plants, Electric utilities.

**Kimberly D. Bose,**  
*Secretary.*

Accordingly, 18 CFR part 292 is corrected by making the following correcting amendment:

**Subchapter K—Regulations Under the Public Utility Regulatory Policies Act of 1978****PART 292—REGULATIONS UNDER SECTION 201 AND 210 OF THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978 WITH REGARD TO SMALL POWER PRODUCTION AND COGENERATION**

- 1. The authority citation for part 292 continues to read as follows:

**Authority:** 16 U.S.C. 791a–825r, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352.

- 2. Section 292.602(c) is amended by adding paragraphs (c)(1)(i) and (c)(1)(ii) to read as follows:

**§ 292.602 Exemption to qualifying facilities from the Public Utility Holding Company Act of 2005 and certain State laws and regulations.**

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

(i) The rates of electric utilities; and

(ii) The financial and organizational regulation of electric utilities.

\* \* \* \* \*

[FR Doc. 2012–3811 Filed 2–17–12; 8:45 am]

**BILLING CODE 6717–01–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Food and Drug Administration****21 CFR Part 101**

[Docket No. FDA–2000–P–0102 (formerly 2000P–1275), FDA–2000–P–0133 (formerly 2000P–1276), and FDA–2006–P–0033 (formerly 2006P–0316)]

**Health Claim; Phytosterols and Risk of Coronary Heart Disease**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notification; extension of enforcement discretion.

**SUMMARY:** The Food and Drug Administration (FDA) is extending the period of time that it intends to exercise enforcement discretion concerning the use of the health claim for phytosterols and risk of coronary heart disease (CHD), in a manner that is consistent with FDA's February 14, 2003, letter of enforcement discretion to Cargill Health and Food Technologies, until publication of a final rule.

**DATES:** Submit either electronic or written comments by April 23, 2012.

**ADDRESSES:** Submit electronic comments to <http://www.regulations.gov>. Submit written