

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 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 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012 is amended as follows:

*Paragraph 5000 Class D airspace.*

\* \* \* \* \*

#### ANM OR D Portland-Hillsboro, OR [Modified]

Portland-Hillsboro Airport, OR  
(Lat. 45°32'26" N., long. 122°57'01" W.)

That airspace extending upward from the surface to and including 2,700 feet MSL within a 4.2-mile radius of Portland-Hillsboro Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

*Paragraph 6002 Class E airspace designated as surface areas.*

\* \* \* \* \*

#### ANM OR E2 Portland-Hillsboro, OR [Modified]

Portland-Hillsboro Airport, OR  
(Lat. 45°32'26" N., long. 122°57'01" W.)

That airspace extending upward from the surface within a 4.2-mile radius of Portland-Hillsboro Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

*Paragraph 6004 Class E airspace areas designated as an extension to Class D surface area.*

\* \* \* \* \*

#### ANM OR E4 Portland-Hillsboro, OR [Modified]

Portland-Hillsboro Airport, OR  
(Lat. 45°32'26" N., long. 122°57'01" W.)

That airspace extending upward from the surface within 1 mile each side of the 144° bearing of the airport extending from the 4.2-mile radius to 5.5 miles southeast of the airport and within 1.5 miles each side of the 323° bearing of the airport extending from the 4.2-mile radius of the airport to 7 miles northwest of the airport.

Issued in Seattle, Washington, on May 12, 2013.

Clark Desing,

Manager, Operations Support Group, Western Service Center.

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2013-0051; Airspace Docket No. 13-ANM-2]

#### Establishment of Class E Airspace; Cherokee, WY

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

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E airspace at the Cherokee VHF Omni-Directional Radio Range/Distance Measuring Equipment (VOR/DME) navigation aid, Cherokee, WY, to facilitate vectoring of Instrument Flight Rules (IFR) aircraft under control of Denver and Salt Lake City Air Route Traffic Control Centers (ARTCCs). This improves the safety and management of IFR operations within the National Airspace System.

**DATES:** Effective date, 0901 UTC, August 22, 2013. 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

On March 4, 2013, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish controlled airspace at Cherokee, WY (78 FR 14032). 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 6006, of FAA Order 7400.9W dated August 8, 2012, and effective September 15, 2012, 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 that Order.

#### The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by establishing Class E en route domestic airspace extending upward from 1,200 feet above the surface, at the Cherokee VOR/DME navigation aid, Cherokee, WY, to accommodate IFR aircraft under control of Denver and Salt Lake City ARTCCs by vectoring aircraft from en route airspace to terminal areas. This action is necessary for the safety and management of IFR operations.

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 establishes controlled airspace at the Cherokee VOR/DME navigation aid, Cherokee, WY.

#### 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 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 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012 is amended as follows:

*Paragraph 6006 En route domestic airspace areas.*

\* \* \* \* \*

#### ANM WY E6 Cherokee, WY [New]

Cherokee VOR/DME, WY

(Lat. 41°45'21" N., long. 107°34'55" W.)

That airspace extending upward from 1,200 feet above the surface within an area bounded by lat. 39°59'03" N., long. 110°43'27" W.; to lat. 40°21'23" N., long. 109°42'25" W.; to lat. 41°10'22" N., long. 109°42'26" W.; to lat. 42°15'53" N., long. 108°06'44" W.; to lat. 42°52'37" N., long. 107°47'58" W.; to lat. 43°01'57" N., long. 107°06'08" W.; to lat. 42°23'15" N., long. 106°50'11" W.; to lat. 41°49'09" N., long. 105°41'46" W.; to lat. 40°33'32" N., long. 105°37'50" W.; to lat. 40°36'40" N., long. 108°02'31" W.; to lat. 39°26'08" N., long. 110°01'37" W.; to lat. 39°37'44" N., long. 111°07'28" W., thence to the point of beginning.

Issued in Seattle, Washington, on May 12, 2013.

**Clark Desing,**

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

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## DEPARTMENT OF STATE

### 22 CFR Part 42

**RIN 1400–AD39**

[Public Notice 8332]

#### Visas: Documentation of Immigrants Under the Immigration and Nationality Act, as Amended

**AGENCY:** Department of State.

**ACTION:** Final rule.

**SUMMARY:** The Department of State amends its regulations to eliminate the use of Form OF–224 as a method of recording an alien's entitlement to an immigrant visa classification. Due to the availability of automated systems at all immigrant visa-issuing posts, this entitlement is now recorded automatically, rendering the use of Form OF–224 unnecessary and obsolete.

**DATES:** This rule is effective May 24, 2013.

#### FOR FURTHER INFORMATION CONTACT:

Taylor W. Beaumont, Legislation and Regulations Division, Legal Affairs, Office of Visa Services, Bureau of Consular Affairs, Department of State, 2401 E Street NW., Room L–603D, Washington, DC 20520–0106, (202) 663–2951, email (*BeaumontTW@state.gov*).

**SUPPLEMENTARY INFORMATION:** This rule eliminates the use of Form OF–224, Immigrant Visa Control Card, as a method of recording an alien's entitlement to an immigrant visa classification. Section 203(e)(3) of the Immigration and Nationality Act (INA) requires the Department of State to prescribe regulations to maintain waiting lists of applicants for immigrant visas. In accordance with this provision, 22 CFR 42.52 was amended in 1988 to require consular officers to record that an alien is entitled to an immigrant visa classification, either on Form OF–224 or through the automated system in use at selected posts. As all immigrant-visa issuing posts now use an automated system, consular officers no longer use Form OF–224, making that part of the rule obsolete.

## Regulatory Findings

### A. Administrative Procedure Act

The Department is publishing this rule as a final rule based on its determination that this rulemaking relates to a matter relating to agency management, in that this rulemaking involves non-substantive changes to procedures. The Department does not expect any public comment. Since the rule is exempt from the provisions of 5 U.S.C. 553, it will be effective immediately.

### B. Regulatory Flexibility Act/Executive Order 13272: Small Business

Because this final rule is exempt from notice and comment rulemaking under 5 U.S.C. 553, it is exempt from the regulatory flexibility analysis requirements set forth at sections 603 and 604 of the Regulatory Flexibility Act (5 U.S.C. 603 and 604). Nonetheless, consistent with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Department has reviewed this regulation and certifies that this rule will not have a significant economic impact on a substantial number of small entities.

### C. The Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995, Public Law 104–4, 109 Stat. 48, 2 U.S.C. 1532, generally requires agencies to prepare a statement before proposing any rule that may result in an annual expenditure of \$100 million or more by State, local, or tribal governments, or by the private sector. This rule will not result in any such expenditure, nor will it significantly or uniquely affect small governments.

### D. The Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by 5 U.S.C. 804, for purposes of congressional review of agency rulemaking under the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121.

### E. Executive Order 12866: Regulatory Planning and Review

The Department has reviewed this rule to ensure its consistency with the regulatory philosophy and principles set forth in Executive Order 12866. Consistent with Executive Order 12866, the Department does not consider the rule to be a significant action as defined by the Executive Order.