

# Rules and Regulations

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2008-0873; *Airspace*  
Docket No. 08-AGL-7]

#### Establishment of Class E Airspace; Branson, MO

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

**SUMMARY:** This action establishes Class E airspace at Branson Airport, Branson, MO. Establishment of an air traffic control tower and Standard Instrument Approach Procedures (SIAPs) have made this action necessary for the safety of Instrument Flight Rule (IFR) operations at the airport. Also, this action corrects the name to Branson Airport, and makes a correction to the geographic coordinates for Branson Airport.

**DATES:** *Effective Date:* 0901 UTC, March 12, 2009. 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., Ft. Worth, TX 76193-0530; telephone (817) 222-5582.

#### SUPPLEMENTARY INFORMATION:

##### History

On October 22, 2008, the FAA published in the **Federal Register** a notice of proposed rulemaking to establish Class E airspace at Branson, MO (73 FR 62940, Docket No. FAA-2008-0873). Interested parties were

invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. With the exception of editorial changes, and the changes described above, this rule is the same as that proposed in the NPRM. Class E airspace designations are published in paragraphs 6002 and 6005 of FAA Order 7400.9S signed October 3, 2008, and effective October 31, 2008, 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 airspace at Branson Airport, Branson, MO. Controlled airspace is necessary to accommodate a new air traffic control tower and SIAPs for IFR operations at this new airport.

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 establishes controlled airspace at Branson Airport, Branson, MO.

#### 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 7400.9S, *Airspace Designations and Reporting Points*, signed October 3, 2008, and effective October 31, 2008, is amended as follows:

*Paragraph 6002 Class E Airspace Designated as Surface Areas.*

\* \* \* \* \*

##### ACE MO E2 Branson, MO [New]

Branson Airport, MO  
(lat. 36°31'55" N., long. 93°12'02" W.)

Within a 4.1-mile radius of Branson 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 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

##### ACE MO E5 Branson, MO [New]

Branson Airport, MO  
(Lat. 36°31'55" N., long. 93°12'02" W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Branson Airport.

\* \* \* \* \*

Issued in Fort Worth, TX, on December 19, 2008.

**Donald R. Smith,**

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

[FR Doc. E8-31441 Filed 1-7-09; 8:45 am]

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## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### 15 CFR Part 744

[Docket No. 080717847-81643-01]

RIN 0694-AE35

#### **Burma: Revision of Restrictions on Exports, Reexports and Transfers to Persons Whose Property and Interests in Property Are Blocked Pursuant to Executive Orders**

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

**ACTION:** Final rule.

**SUMMARY:** In response to the Government of Burma's continued repression of the democratic opposition in Burma, and consistent with Executive Order 13047 of May 20, 1997, Executive Order 13310 of July 28, 2003, Executive Order 13448 of October 18, 2007, and the Trade Sanctions Reform and Export Enhancement Act (Title IX of Pub. L. 106-387), the Bureau of Industry and Security (BIS) previously amended the Export Administration Regulations (EAR) on October 24, 2007 to impose a license requirement for most exports, reexports, or transfers of items subject to the EAR to persons whose property and interests in property are blocked pursuant to those Executive Orders. In light of the Government of Burma's continued repression of the democratic opposition in Burma and unwillingness to respond to the calls of the Burmese people for genuine dialogue that will lead to a democratic transition in Burma, this final rule amends the EAR to extend these existing licensing requirements to persons whose property and interests in property are blocked pursuant to Executive Order 13464 of April 30, 2008.

**DATES:** *Effective Date:* This rule is effective January 8, 2009. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

**ADDRESSES:** You may submit comments, identified by RIN 0694-AE35 (Burma II), by any of the following methods:

*E-mail:* [publiccomments@bis.doc.gov](mailto:publiccomments@bis.doc.gov). Include "RIN 0694-AE 35 (Burma II)" in the subject line of the message.

*Fax:* (202) 482-3355. Please alert the Regulatory Policy Division, by calling (202) 482-2440, if you are faxing comments.

*Mail or Hand Delivery/Courier:* Sheila Quarterman, U.S. Department of Commerce, Bureau of Industry and Security, Regulatory Policy Division, 14th St. & Pennsylvania Avenue, NW., Room 2705, Washington, DC 20230, Attn: RIN 0694-AE35 (Burma II).

Send comments regarding the collection of information associated with this rule, including suggestions for reducing the burden, to Jasmeet Seehra, Office of Management and Budget (OMB), by e-mail to [jseehra@omb.eop.gov](mailto:jseehra@omb.eop.gov), or by fax to (202) 395-7285; and to the U.S. Department of Commerce, Bureau of Industry and Security, Regulatory Policy Division, 14th St. & 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-AE35 (Burma II))—all comments on the latter should be submitted by one of the three methods outlined above.

**FOR FURTHER INFORMATION CONTACT:** Susan Kramer, Foreign Policy Division, Office of Nonproliferation and Treaty Compliance, Bureau of Industry and Security, Department of Commerce, 14th St. & Pennsylvania Avenue, NW., Room 2705, Washington, DC 20230; Telephone: (202) 482-4252, or E-mail: [skramer@bis.doc.gov](mailto:skramer@bis.doc.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

In response to the Government of Burma's repression of the democratic opposition in Burma, the President has issued a series of Executive Orders imposing economic sanctions on the Burmese regime. In 1997, pursuant to Executive Order 13047 (May 20, 1997) and other relevant authorities, the U.S. imposed a ban on new investments in Burma by U.S. persons. In 2003, pursuant to Executive Order 13310 (July 28, 2003) and other relevant authorities, the U.S. imposed additional economic sanctions, including a ban on all imports from Burma, a ban on the export of financial services by U.S. persons to Burma, and the freezing of assets of designated Burmese persons listed in the Annex or subsequently designated according to the criteria of the Executive Order. The sanctions are primarily administered by the Department of the Treasury's Office of Foreign Assets Control (OFAC).

In 2007, the President further expanded the sanctions by issuing

Executive Order 13448 (October 18, 2007), which listed certain additional persons in its Annex and set forth additional criteria for blocking the property and interests in property of additional persons. Consistent with Executive Orders 13310 and 13448, and the Trade Sanctions Reform and Export Enhancement Act (Title IX of Pub. L. 106-387), BIS issued a final rule, published in the **Federal Register** on October 24, 2007 (72 FR 60248, October 24, 2007), amending the EAR to impose a license requirement for exports, reexports or transfers of items subject to the EAR, except agricultural commodities, medicine, or medical devices classified as EAR99, to persons listed in or designated pursuant to Executive Orders 13310 or 13448. The 2007 BIS rule created section 744.22 of the EAR to set forth this licensing requirement.

Further, in part 740 of the EAR (License Exceptions), that rule moved Burma from Computer Tier 1 to Computer Tier 3, restricting access to high-performance computers and certain related technology and software under License Exception APP (Section 740.7). In Supplement No. 1 to part 740 (Country Groups), that rule moved Burma from Country Group B (countries raising few national security concerns) to Country Group D:1 (countries raising national security concerns), which further limits the number of license exceptions available for exports to Burma. Burma remained in Country Group D:3 (countries raising proliferation concerns related to chemical and biological weapons).

In this final rule, BIS further amends the EAR to expand the existing licensing requirements in section 744.22 of the EAR to include persons whose property and interests in property are blocked pursuant to Executive Order 13464 of April 30, 2008 (73 FR 24489, May 2, 2008). The Annex to Executive Order 13464 designates certain persons subject to this prohibition, and provides criteria for additional designations. Additional designations were announced by the Department of the Treasury on July 29, 2008 (73 FR 45270 and 73 FR 45271, both of August 4, 2008). As set forth in section 744.22 of the EAR, exports, reexports or transfers of items subject to the EAR, except agricultural commodities, medicine, or medical devices classified as EAR99, to any person whose property and interests in property are blocked pursuant to Executive Orders 13310, 13448 or 13464, require a license under the EAR.

The licensing requirements set forth in section 744.22 of the EAR are applicable to all persons whose property