

# Rules and Regulations

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 25

[Docket No. FAA-2006-26722; Amendment Nos. 25-127]

RIN 2120-A166

#### Security Related Considerations in the Design and Operation of Transport Category Airplanes

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

**ACTION:** Final rule, correction.

**SUMMARY:** The Federal Aviation Administration (FAA) is amending an error in its security related regulations affecting the design and operation of transport category airplanes. The paragraph that describes the incorporation by reference of a document containing ballistic resistance requirements contains an erroneous cross reference which was included in both the final rule and the notice of proposed rulemaking. This document corrects that error so that the reader is able to locate the correct information.

**DATES:** *Effective Date:* May 15, 2009.

**FOR FURTHER INFORMATION CONTACT:** For technical questions concerning this final rule, contact: Jeff Gardlin, FAA Airframe and Cabin Safety Branch, ANM-115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-2136; facsimile (425) 227-1149; e-mail: [jeff.gardlin@faa.gov](mailto:jeff.gardlin@faa.gov). For legal questions concerning this final rule contact: Gary Michel, Regulations Division, AGC-200, FAA Office of the Chief Counsel, 800 Independence Avenue, SW., Washington DC, 20591; telephone (202) 267-3148; e-mail: [gary.michel@faa.gov](mailto:gary.michel@faa.gov).

**SUPPLEMENTARY INFORMATION:**

### Background

The FAA published a final rule entitled "Security Related Considerations in the Design and Operation of Transport Category Airplanes" in the **Federal Register** on October 28, 2008 (73 FR 63867). The final rule amended security related regulations affecting the design and operation of transport category airplanes. The final rule, as published, contained an erroneous cross reference in § 25.795 that was carried over from the notice of proposed rulemaking (Notice No. 06-19, published in the **Federal Register** on January 5, 2007, 72 FR 630), which was also in error. The cross reference related to the incorporation by reference of National Institute of Justice (NIJ) Standard 0101.04, Ballistic Resistance of Personal Body Armor, June 2001, Revision A, to establish ballistic resistance as required by paragraph (b)(3) of 14 CFR 25.795. The correct reference is paragraph (a)(3).

### List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

### Correction

■ In consideration of the foregoing, the Federal Aviation Administration amends part 25 of Title 14, Code of Federal Regulations, as follows:

#### PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

■ 1. The authority citation for part 25 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701, 44702, and 44704.

#### § 25.795 [Amended]

■ 2. Amend § 25.795(e), introductory text, by removing the phrase "paragraph (b)(3)" and adding the phrase "paragraph (a)(3)" in its place.

Issued in Washington, DC, on May 8, 2009.

**Pamela Hamilton-Powell,**

*Director, Office of Rulemaking.*

[FR Doc. E9-11235 Filed 5-14-09; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Parts 47, 61, 63, and 65

[Docket No. FAA-2006-26714; Amdt. Nos. 47-28, 61-118, 63-36, and 65-51]

RIN 2120-A143

#### Drug Enforcement Assistance; OMB Approval of Information Collection

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; notice of Office of Management and Budget approval for information collection.

**SUMMARY:** This notice announces the Office of Management and Budget's (OMB's) approval of the information collection requirement contained in the FAA's final rule, "Drug Enforcement Assistance," which was published on February 28, 2008.

**DATES:** The FAA received OMB approval for the information collection requirements in 14 CFR 61.19(h), 14 CFR 61.19(e), 14 CFR 63.15(d) and 14 CFR 65.15(d) on October 9, 2008. The rule became effective on March 31, 2008.

**FOR FURTHER INFORMATION CONTACT:** John G. Bent, Civil Aviation Registry, Mike Monroney Aeronautical Center, 6500 South MacArthur Boulevard, Oklahoma City, OK 73169; telephone (405) 954-4331.

**SUPPLEMENTARY INFORMATION:** On February 28, 2008, the FAA published the final rule, "Drug Enforcement Assistance" (73 FR 10662). Two years after this rule becomes effective, paper pilot certificates may no longer be used to exercise piloting privileges. Five years after this rule becomes effective, certain other paper airmen certificates, such as those of flight engineers and mechanics, may no longer be used to exercise the privileges authorized by those certificates. To exercise the privileges after those respective dates, the airmen must hold upgraded, counterfeit-resistant plastic certificates. Student pilot certificates, temporary certificates, and authorizations are not affected. The rule contains information collection requirements that had not yet been approved by the Office of Management and Budget at the time of publication. In the **DATES** section of the

rule, the FAA noted that affected parties did not need to comply with the information collection requirements until OMB approved the FAA's request to collect the information.

In accordance with the Paperwork Reduction Act, OMB approved that request on October 9, 2008, and assigned the information collection OMB Control Number 2120-0735. The FAA request was approved by OMB without change and expires on October 31, 2011. This notice is being published to inform affected parties of the approval of the information collection requirements of 14 CFR 61.19(h), 14 CFR 61.19(e), 14 CFR 63.15(d) and 14 CFR 65.15(d).

Issued in Washington, DC, on May 11, 2009.

**Pamela Hamilton-Powell,**

*Director, Office of Rulemaking.*

[FR Doc. E9-11362 Filed 5-14-09; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2008-1230; Airspace Docket No. 08-ACE-1]

#### Amendment of Class E Airspace; Fulton, MO

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

**ACTION:** Final rule.

**SUMMARY:** This action amends Class E airspace at Fulton, MO. Additional controlled airspace is necessary to accommodate Area Navigation (RNAV) Standard Instrument Approach Procedures (SIAPs) at Elton Hensley Memorial Airport, Fulton, MO. This action will also adjust the geographic coordinates of Elton Hensley Memorial Airport. The FAA is taking this action to enhance the safety and management of Instrument Flight Rule (IFR) operations at Elton Hensley Memorial Airport.

**DATES:** *Effective Date:* 0901 UTC, August 27, 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., Fort

Worth, TX 76193-0530; telephone (817) 321-7716.

#### SUPPLEMENTARY INFORMATION:

##### History

On February 24, 2009, the FAA published in the **Federal Register** a notice of proposed rulemaking to amend Class E airspace at Fulton, MO, adding additional controlled airspace and adjusting the geographic coordinates at Elton Hensley Memorial Airport, Fulton, MO (74 FR 8218, Docket No. FAA-2008-1230). 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 7400.9S signed October 3, 2008, and effective October 31, 2008, 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 Class E airspace at Fulton, MO, adding additional controlled airspace at Elton Hensley Memorial Airport, Fulton, MO, and adjusting the geographic coordinates of Elton Hensley Memorial 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 adds additional controlled airspace at Elton Hensley Memorial Airport, Fulton, 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 6005 Class E airspace areas extending upward from 700 feet or more above the surface.*

\* \* \* \* \*

#### ACE MO E5 Fulton, MO [Amended]

Fulton, Elton Hensley Memorial Airport, MO  
(Lat. 38°50'17" N., long. 92°00'09" W.)

Guthrie NDB (FTT)

(Lat. 38°50'34" N., long. 92°00'17" W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Elton Hensley Memorial Airport and within 2.6 miles each side of the 069° bearing from the Guthrie NDB extending from the 6.5-mile radius of the airport to 7 miles northeast of the NDB, and within 2.6 miles each side of the 229° bearing from the NDB extending from the 6.5-mile radius of the airport to 7 miles southwest of the NDB.

\* \* \* \* \*

Issued in Fort Worth, TX, on April 24, 2009.

**Roger M. Trevino,**

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

[FR Doc. E9-10986 Filed 5-14-09; 8:45 am]

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