

Administration Order 7400.9U, Airspace Designations and Reporting Points, dated August 18, 2010, and effective September 15, 2010 is amended as follows:

\* \* \* \* \*

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

\* \* \* \* \*

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

Mosby, Midwest National Air Center Airport, MO

(Lat. 39°19'57" N., long. 94°18'35" W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Midwest National Air Center Airport.

Issued in Fort Worth, Texas, on May 23, 2011.

**Walter L. Tweedy,**

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

[FR Doc. 2011-13586 Filed 6-1-11; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 91

[Docket No. FAA-2001-10047; Amdt. No. 91-322]

RIN 2120-AH06

#### Regulation of Fractional Aircraft Ownership Programs and On-Demand Operations; Technical Amendment

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

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

**SUMMARY:** The FAA is amending its regulations governing operations of aircraft in fractional ownership programs. This document corrects a technical error in the codified text of the regulations.

**DATES:** Effective June 2, 2011.

**FOR FURTHER INFORMATION CONTACT:** For technical questions concerning this action, contact Everette Rochon, General Aviation and Commercial Division, AFS-800, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: 202-267-7413; e-mail: [everette.rochon@faa.gov](mailto:everette.rochon@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

On September 17, 2003, the FAA published a final rule entitled, "Regulation of Fractional Aircraft

Ownership Programs and On-Demand Operations" (68 FR 54520).

In that final rule the FAA updated and revised the regulations governing operations of aircraft in fractional ownership programs.

#### Technical Amendment

This technical amendment makes one revision to the final rule. The language in § 91.1091(f)(2) incorrectly uses the term "check pilot" when the term "flight instructor" should have been used. Accordingly, this amendment revises § 91.1091(f)(2).

Because the section title applies to flight instructors it is obvious that the use of the term "check pilot" in (f)(2) should have been "flight instructor". This technical amendment corrects an incorrect term and we find good cause exists under 5 U.S.C. 553(d)(3) to make the amendment effective in less than 30 days.

#### List of Subjects in 14 CFR Part 91

Afghanistan, Agriculture, Air traffic control, Aircraft, Airmen, Airports, Aviation safety, Canada, Cuba, Ethiopia, Freight, Mexico, Noise control, Political candidates, Reporting and recordkeeping requirements, and Yugoslavia.

#### The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends chapter I of title 14, Code of Federal Regulations as follows:

#### PART 91—GENERAL OPERATING AND FLIGHT RULES

■ 1. The authority citation for part 91 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 1155, 40103, 40113, 40120, 44101, 44111, 44701, 44704, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506-46507, 47122, 47508, 47528-47531, articles 12 and 29 of the Convention on International Civil Aviation (61 Stat. 1180).

■ 2. Amend § 91.1091 by revising paragraph (f)(2) to read as follows:

**§ 91.1091 Qualifications: Flight instructors (aircraft) and flight instructors (simulator).**

\* \* \* \* \*

(f) \* \* \*

(2) Satisfactorily complete an approved line-observation program within the period prescribed by that program preceding the performance of any flight instructor duty in a flight simulator.

\* \* \* \* \*

Issued in Washington, DC on May 26, 2011.

**Dennis R. Pratte,**

*Acting Director, Office of Rulemaking.*

[FR Doc. 2011-13675 Filed 6-1-11; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

#### 19 CFR Part 122

[CBP Dec. 11-13]

#### Technical Amendment to List of User Fee Airports: Addition of Dallas Love Field Municipal Airport, Dallas, TX

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

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

**SUMMARY:** This document amends the regulations pertaining to the organization of U.S. Customs and Border Protection (CBP) by revising the list of user fee airports to reflect the recent user fee airport designation for Dallas Love Field Municipal Airport, in Dallas, Texas. User fee airports are those airports which, while not qualifying for designation as international or landing rights airports, have been approved by the Commissioner of CBP to receive, for a fee, the services of CBP officers for the processing of aircraft entering the United States, and the passengers and cargo of those aircraft.

**DATES:** *Effective Date:* June 2, 2011.

**FOR FURTHER INFORMATION CONTACT:** Roger Kaplan, Acting Director, Audits and Self-Inspection, Office of Field Operations, at 202-325-4543 or by e-mail at [Roger.Kaplan@dhs.gov](mailto:Roger.Kaplan@dhs.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Title 19, Code of Federal Regulations (CFR), sets forth at Part 122 the regulations relating to the entry and clearance of aircraft in international commerce and the transportation of persons and cargo by aircraft in international commerce.

Generally, a civil aircraft arriving from a place outside of the United States is required to land at an airport designated as an international airport. Alternatively, the pilot of a civil aircraft may request permission to land at a specific airport, and, if landing rights are granted, the civil aircraft may land at that landing rights airport.

Section 236 of Public Law 98-573 (the Trade and Tariff Act of 1984), codified

at 19 U.S.C. 58b, created an option for civil aircraft desiring to land at an airport other than an international airport or a landing rights airport. A civil aircraft arriving from a place outside of the United States may ask for permission to land at an airport designated by the Secretary of Homeland Security as a user fee airport.

Pursuant to 19 U.S.C. 58b, an airport may be designated as a user fee airport if the Commissioner of CBP as delegated by the Secretary of Homeland Security determines that the volume of business at the airport is insufficient to justify customs services at the airport and the governor of the state in which the airport is located approves the designation. Generally, the type of airport that would seek designation as a user fee airport would be one at which a company, such as an air courier service, has a specialized interest in regularly landing.

As the volume of business anticipated at this type of airport is insufficient to justify its designation as an international or landing rights airport, the availability of customs services is not paid for out of appropriations from the general treasury of the United States. Instead, customs services are provided on a fully reimbursable basis to be paid for by the user fee airport on behalf of the recipients of the services.

The fees which are to be charged at user fee airports, according to the statute, shall be paid by each person using the customs services at the airport and shall be in the amount equal to the expenses incurred by the Commissioner of CBP in providing customs services which are rendered to such person at such airport, including the salary and expenses of those employed by the Commissioner of CBP to provide the customs services. To implement this provision, generally, the airport seeking the designation as a user fee airport or that airport's authority agrees to pay a flat fee for which the users of the airport are to reimburse the airport/airport authority. The airport/airport authority agrees to set and periodically review the charges to ensure that they are in accord with the airport's expenses.

The Commissioner of CBP designates airports as user fee airports pursuant to 19 U.S.C. 58b. If the Commissioner decides that the conditions for designation as a user fee airport are satisfied, a Memorandum of Agreement (MOA) is executed between the Commissioner of CBP and the local responsible official signing on behalf of the state, city or municipality in which the airport is located. In this manner, user fee airports are designated on a case-by-case basis. The regulation

pertaining to user fee airports is 19 CFR 122.15. It addresses the procedures for obtaining permission to land at a user fee airport, the grounds for withdrawal of a user fee designation and includes the list of user fee airports designated by the Commissioner of CBP in accordance with 19 U.S.C. 58b. Periodically, CBP updates the list of user fee airports at 19 CFR 122.15(b) to reflect those that have been recently designated by the Commissioner. On January 28, 2011, the Commissioner signed an MOA approving the designation of user fee status for Dallas Love Field Municipal Airport. This document updates the list of user fee airports by adding Dallas Love Field Municipal Airport, in Dallas, Texas, to the list.

## II. Statutory and Regulatory Requirements

### A. Inapplicability of Public Notice and Delayed Effective Date Requirements

Because this amendment merely updates the list of user fee airports to include an airport already designated by the Commissioner of CBP in accordance with 19 U.S.C. 58b and neither imposes additional burdens on, nor take away any existing rights or privileges from, the public, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure are unnecessary, and for the same reasons, pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

### B. The Regulatory Flexibility Act and Executive Order 12866

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. This amendment does not meet the criteria for a "significant regulatory action" as specified in Executive Order 12866.

### C. Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

### D. Executive Order 13132

The rule will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive

Order 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

### E. Signing Authority

This document is limited to technical corrections of CBP regulations. Accordingly, it is being signed under the authority of 19 CFR 0.1(b).

## List of Subjects in 19 CFR Part 122

Air carriers, Aircraft, Airports, Customs duties and inspection, Freight.

Part 122, Code of Federal Regulations (19 CFR part 122) is amended as set forth below:

## PART 122—AIR COMMERCE REGULATIONS

■ 1. The authority citation for Part 122 continues to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 58b, 66, 1431, 1433, 1436, 1448, 1459, 1590, 1594, 1623, 1624, 1644, 1644a, 2071 note.

### § 122.15 [Amended]

■ 2. The listing of user fee airports in section 122.15(b) is amended by adding, in alphabetical order, in the "Location" column "Dallas, Texas" and in the "Name" column, "Dallas Love Field Municipal Airport".

Dated: May 24, 2011.

**Alan D. Bersin,**

*Commissioner, U.S. Customs and Border Protection.*

[FR Doc. 2011-13615 Filed 6-1-11; 8:45 am]

**BILLING CODE 9111-14-P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### 21 CFR Part 1310

[Docket No. DEA-228F]

RIN 1117-AA66

#### Chemical Mixtures Containing Listed Forms of Phosphorus and Change in Application Process

**AGENCY:** Drug Enforcement Administration (DEA), Department of Justice.

**ACTION:** Final rule.

**SUMMARY:** This rulemaking finalizes a June 25, 2010, notice of proposed rulemaking in which DEA proposed regulations which establish those chemical mixtures containing red phosphorus or hypophosphorous acid and its salts (hereinafter "regulated phosphorus") that shall automatically qualify for exemption from the