

comments a self-addressed stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA-2011-1429 and Airspace Docket No. 11-AAL-22". The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

#### Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's web page at [http://www.faa.gov/airports\\_airtraffic/air\\_traffic/publications/airspace\\_amendments/](http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue SW., Renton, WA 98057.

Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267-9677, for a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

#### The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing Class E airspace at Chenega Bay Airport, Chenega Bay, AK. Controlled airspace is necessary to accommodate aircraft using the new RNAV (GPS) standard instrument approach procedures at Chenega Bay Airport, Chenega Bay, AK. This action would enhance the safety and management of aircraft operations at the airport.

Class E airspace designations are published in paragraph 6005, of FAA

Order 7400.9V, dated August 9, 2011, and effective September 15, 2011, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in this Order.

The FAA has determined this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed 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 proposed rule, when promulgated, would 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 for 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 would establish controlled airspace at Chenega Bay Airport, Chenega Bay, AK.

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures" prior to any FAA final regulatory action.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 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 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

#### AAL AK E5 Chenega Bay, AK [New]

Chenega Bay Airport, AK  
(Lat. 60°04'43" N., long. 147°59'41" W.)

That airspace extending upward from 700 feet above the surface within a 2-mile radius of the Chenega Bay Airport, and that airspace beginning at the intersection of the 2-mile radius of the airport and 170° bearing of Chenega Bay Airport to lat. 60°02'17" N., long. 147°39'07" W.; to lat. 60°05'06" N., long. 147°28'33" W.; to lat. 60°11'41" N., long. 147°37'16" W.; thence to the intersection of the 2-mile radius of Chenega Bay Airport and 353° bearing of the airport.

Issued in Seattle, Washington, on May 17, 2012.

**Robert Henry,**

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

[FR Doc. 2012-12943 Filed 5-25-12; 8:45 am]

**BILLING CODE 4910-13-P**

### DEPARTMENT OF LABOR

#### Wage and Hour Division

#### 29 CFR Parts 570 and 579

RIN 1235-AA06

#### Child Labor Regulations, Orders and Statements of Interpretation; Child Labor Violations—Civil Money Penalties

**AGENCY:** Wage and Hour Division, Labor.

**ACTION:** Withdrawal of proposed rule.

**SUMMARY:** The Department of Labor (Department or DOL) is withdrawing its proposed rule published on September 2, 2011, 76 FR 54836, which provided the public with notice of and the opportunity to submit written comments on its proposal to amend its

child labor regulations which protect children from employment in particularly hazardous occupations.

**DATES:** The proposed rule published on September 2, 2011 (76 FR 54836) is withdrawn as of May 29, 2012.

**FOR FURTHER INFORMATION CONTACT:**

Mary Ziegler, Director, Division of Regulations, Legislation and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693-0406 (this is not a toll free number). Copies of this notice may be obtained in alternative formats (Large Print, Braille, Audio Tape, or Disc), upon request, by calling (202) 693-0023. TTY/TDD callers may dial toll-free (877) 889-5627 to obtain information or request materials in alternative formats.

**SUPPLEMENTARY INFORMATION:**

**A. Rulemaking Background**

On September 2, 2011, WHD published a Notice of Proposed Rulemaking (NPRM), 76 FR 54836, that proposed amendments to child labor regulations issued pursuant to the child labor provisions of the Fair Labor Standards Act (FLSA), 29 U.S.C. 203(l), 212, 213, primarily to address the employment of children under 16 years of age in particularly hazardous agricultural occupations. The FLSA's child labor provisions do not apply to the employment of children working in agricultural industries once they reach the age of 16. The proposed amendments would have, among other things, amended existing hazardous occupation orders related to the agricultural employment of children under the age of 16 to address specific recommendations made by the National Institute for Occupational Safety and Health; created new agricultural hazardous occupation orders; and revised the agricultural student learner exemptions that permit the employment of 14- and 15-year-olds to perform certain hazardous agricultural work that they would otherwise be prohibited from performing because they are under the age of 16.

The FLSA exempts from the agricultural hazardous occupation orders and minimum age requirements children who are employed by their parent or person standing in the place of their parent on a farm owned or operated by the parent or such person. See 29 U.S.C. 213(c)(1)(A), (c)(2). As a result of this statutory parental exemption, the agricultural hazardous occupation orders apply only to children who are hired farm workers employed on farms not owned or

operated by their parent or person standing in the place of their parent. The rule as proposed would have amended the Department's regulations to include the Wage Hour Division's interpretations of the statutory parental exemption as it applies to the agricultural employment of children under the age of 16.

The Department received over 10,000 written comments on the proposed rule and held a public hearing on the rule on October 14, 2011, in Tampa, Florida. To ensure that all who wished to comment on the rule had the opportunity to do so the Department extended the initial 60-day comment period for an additional 30 days, through December 1, 2011. As a result of the comments it received, on February 1, 2012, the Department announced that it would re-propose the parts of the child labor NPRM related to its interpretation of the agricultural parental exemption. On April 26, 2012, the Department announced its intent to withdraw the entire rulemaking, including the proposed regulations related to the parental exemption.

**B. Reason for the Decision To Withdraw the Proposed Rule**

*1. The Secretary's Discretion To Establish Hazardous Occupations Orders*

To protect the safety, health and welfare of children, the FLSA, 29 U.S.C. 213(c)(2), gives the Secretary discretion to "find and declare[]" certain occupations to be "particularly hazardous," for children under the age of 16. The FLSA's child labor provisions do not apply to children employed in agriculture who are 16 years of age and older. The Secretary has the same discretion to establish hazardous occupation orders in nonagricultural employment, but those orders apply to children who are 17 years of age and younger. 29 U.S.C. 203(l). The Secretary has used this discretionary authority to establish 17 hazardous occupation orders applicable to nonagricultural employment, and 11 hazardous orders applicable to agricultural employment. See 29 CFR 570.51-.68 & 570.71.

*2. Use of a Non-Regulatory Approach*

The Department received over 10,000 comments on the proposed rule. Many of the comments were from parents who own or operate farms who believed that the Department's proposal would limit their ability to employ their own children on their farm and to provide their children with hands-on experiences in agricultural occupations. Further, many of the commenters maintained that the Department's

proposed amendments interpreting the statutory parental exemption failed to recognize that many farms are no longer wholly owned by a parent or parents of the children employed on the farm and the proposed rule should allow for corporate and other types of ownership of farms by multiple members of an employed child's family. Other commenters, including 153 Members of the House of Representatives, 42 United States Senators, and a number of agricultural education instructors, emphasized the importance of preparing the next generation of farmers and ranchers. These individuals also stated that the Department's proposal to increase the rigor of the current student learner exemptions that allow 14- and 15-year-olds to be employed in certain occupations that the Secretary has declared are particularly hazardous for children under the age of 16, would unduly limit the work young children could be employed to perform on a farm and thereby limit their opportunity to learn about farming through hands-on experience and discourage them from entering the field of farming. The Department also received comments from members of Congress and the public that supported the Department's proposed amendment, citing to data demonstrating that the hazards on farms are significant.

On April 26, 2012, the Department issued a statement announcing that it would withdraw the proposed child labor rule. Acknowledging the thousands of comments the Department received that expressed concerns about the effect the commenters stated the rule would have on small family-owned farms and farming traditions, the Department stated that "[t]he Obama administration is firmly committed to promoting family farmers and respecting the rural way of life, especially the role that parents and other family members play in passing those traditions down through the generations." The Department stated that its decision to withdraw, rather than re-propose or finalize the rule, was based on its "deep[] commit[ment] to listening and responding to what Americans across the country have to say about proposed rules and regulations." The Department explained that rather than re-proposing the regulation, it intended to work to promote safer and healthier working practices and conditions for children employed as farm workers by collaborating with farming organizations such as the American Farm Bureau and Future Farmers of America to develop educational programs that address

hazardous agricultural work practices and conditions.

### C. Conclusion

In summary, the FLSA grants the Secretary of Labor exclusive authority to determine that a proposed rule should be withdrawn provided she publishes reasons for her decision not to promulgate the rule. This Notice explains the Secretary's reasons for pursuing a non-regulatory approach to addressing the safety and health of children employed in agriculture rather than amending the existing child labor rules. The FLSA affords the Secretary broad authority to set and order her rulemaking priorities. The Secretary properly exercised her discretion by determining not to proceed with the child labor rulemaking, particularly in light of the many comments informing the Secretary about the effect of the rule.

For the reasons stated herein, the proposed rule is withdrawn.

**Nancy J. Leppink,**

*Deputy Administrator, Wage and Hour Division.*

[FR Doc. 2012-12954 Filed 5-25-12; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

#### 49 CFR Parts 171, 172, 173, 178, and 180

[Docket No. PHMSA-2011-0140 (HM-234)]

RIN 2137-AE80

#### Hazardous Materials; Miscellaneous Amendments Pertaining to DOT Specification Cylinders (RRR)

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Advance notice of proposed rulemaking (ANPRM).

**SUMMARY:** The Pipeline and Hazardous Materials Safety Administration (PHMSA) is considering amendments to the Hazardous Materials Regulations (HMR) to revise certain requirements applicable to the manufacture, use, and requalification of DOT specification cylinders. PHMSA is taking this action in response to petitions for rulemaking submitted by the regulated community and a review of the regulations applicable to compressed gas cylinders. PHMSA is not proposing specific amendments to the HMR; rather, we are seeking comment on the issues discussed in the ANPRM. While this

ANPRM focuses on specific petitions for rulemaking and special permits, we will accept comments on the HMR applicable to compressed gas cylinders. These comments will be combined with a retrospective review of existing requirements aimed to modify, streamline, expand, or repeal existing rules that are outmoded, ineffective, insufficient, or excessively burdensome.

**DATES:** Comments must be received by August 27, 2012.

**ADDRESSES:** You may submit comments identified by the docket number PHMSA-2011-0140 (HM-234) by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* 1-202-493-2251.
- *Mail:* Docket Management System; US Department of Transportation, West Building, Ground Floor, Room W12-140, Routing Symbol M-30, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* To the Docket Management System; Room W12-140 on the ground floor of the West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**Instructions:** All submissions must include the agency name and docket number for this ANPRM at the beginning of the comment. To avoid duplication, please use only one of these four methods. All comments received will be posted without change to the Federal Docket Management System (FDMS), including any personal information.

**Docket:** For access to the dockets to read background documents or comments received, go to <http://www.regulations.gov> or DOT's Docket Operations Office (see **ADDRESSES**).

**Privacy Act:** Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477) or you may visit <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Kevin Leary or Robert Benedict, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey

Avenue SE., Washington, DC 20590, at (202) 366-8553.

**SUPPLEMENTARY INFORMATION:**

- I. Executive Summary
- II. Background
- III. Summary Review of Amendments Considered
- IV. Regulatory Review and Notices
  - A. Statutory/Legal Authority for This ANPRM
  - B. Executive Order 12866, Executive Order 13563 and DOT Regulatory Policies and Procedures
  - C. Executive Order 13132
  - D. Executive Order 13175
  - E. Regulatory Flexibility Act and Executive Order 13272
  - F. Paperwork Reduction Act
  - G. Regulation Identifier Number (RIN)
  - H. Unfunded Mandates Reform Act of 1995
  - I. Environmental Assessment
  - J. Privacy Act
  - K. International Trade Analysis

### I. Executive Summary

PHMSA is considering amendments that would revise and clarify the HMR (49 CFR parts 171-180) applicable to cylinder manufacture, maintenance, and use. This action responds to ten petitions for rulemaking submitted by the regulated community and seeks comment on incorporating the provisions of three special permits. These amendments would update and expand the use of currently authorized industry consensus standards, revise the construction, marking and testing requirements of DOT-4 series cylinders, clarify the filling requirements for cylinders, discuss the handling of cylinders used in fire suppression systems, and revise the requalification and condemnation requirements for cylinders. PHMSA will review comments on the amendments described in this ANPRM for their potential economic and safety implications and will use these comments to craft more specific proposals in any potential future rulemaking. PHMSA requests that commenters note the applicable petition when submitting comments.

### II. Background

PHMSA requests public comment on various petitions for rulemaking submitted in accordance with § 106.95 and DOT special permits PHMSA has issued applicable to the manufacture, use, and requalification of cylinders. PHMSA is publishing this ANPRM to obtain the views of those who are likely to be affected by the changes discussed, including those who are likely to benefit from and those who are potentially subject to additional regulation if PHMSA were to adopt the petitions. This ANPRM is intended to provide the