

Products office found the geographic coordinates of the Wasatch VORTAC needed to be corrected. This action makes the correction.

Class E airspace designations are published in paragraph 6006, of FAA Order 7400.9X dated August 7, 2013, and effective September 15, 2013, 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 establishing Class E en route domestic airspace extending upward from 1,200 feet above the surface, at the Wasatch VORTAC navigation aid, Wasatch, UT, to accommodate IFR aircraft under control of Salt Lake City ARTCC by vectoring aircraft from en route airspace to terminal areas. This action is necessary for the safety and management of IFR operations. The geographic coordinates of the VORTAC are adjusted from (Lat. 40°51'10" N., long. 111°58'55" W.) to (Lat. 40°51'01" N., long. 111°58'55" W.) in accordance with the FAA's aeronautical database. Except for administrative changes, and the changes listed above, this rule is the same as that proposed in the NPRM.

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 only affects air traffic procedures and air navigation, it is certified this rule, when promulgated, does 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 Wasatch VORTAC, Wasatch, UT.

### 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 71.1 of the Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013 is amended as follows:

*Paragraph 6006 En Route Domestic Airspace Areas.*

\* \* \* \* \*

#### ANM UT E6 Wasatch, UT [New]

Wasatch VORTAC, UT  
(Lat. 40°51'01" N., long. 111°58'55" W.)

That airspace extending upward from 1,200 feet above the surface within an area bounded by Lat. 42°27'00" N., long. 113°22'00" W.; to Lat. 41°41'49" N., long. 109°29'35" W.; to Lat. 41°26'15" N., long. 109°19'46" W.; to Lat. 41°10'22" N., long. 109°42'26" W.; to Lat. 40°21'23" N., long. 109°42'25" W.; to Lat. 39°59'03" N., long. 110°43'27" W.; to Lat. 39°37'44" N., long. 111°07'28" W.; to Lat. 39°03'55" N., long. 110°37'49" W.; to Lat. 38°28'51" N., long. 110°38'05" W.; to Lat. 38°10'56" N., long. 111°24'19" W.; to Lat. 37°50'39" N., long. 112°24'51" W.; to Lat. 37°30'00" N., long. 112°03'30" W.; to Lat. 37°30'00" N., long. 113°00'00" W.; to Lat. 37°32'02" N., long. 113°07'15" W.; to Lat. 37°48'00" N., long.

113°30'00" W.; to Lat. 38°23'43" N., long. 113°12'48" W.; to Lat. 38°19'56" N., long. 114°09'07" W.; to Lat. 38°28'04" N., long. 114°21'28" W.; to Lat. 39°38'25" N., long. 114°42'19" W.; to Lat. 40°06'57" N., long. 114°37'44" W.; to Lat. 40°40'40" N., long. 114°28'45" W.; to Lat. 41°08'22" N., long. 114°57'44" W.; to Lat. 42°00'00" N., long. 114°42'42" W., thence to the point of beginning.

Issued in Seattle, Washington, on September 11, 2013.

**Christopher Ramirez,**

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

[FR Doc. 2013–22840 Filed 9–20–13; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2013–0530; Airspace Docket No. 13–AWP–9]

#### Establishment of Class E Airspace; Battle Mountain, NV

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

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E airspace at the Battle Mountain VHF Omni-Directional Radio Range Tactical Air Navigational Aid (VORTAC) navigation aid, Battle Mountain, NV, to facilitate vectoring of Instrument Flight Rules (IFR) aircraft under control of Salt Lake City, Oakland and Los Angeles 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, December 12, 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 July 10, 2013, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish controlled airspace at Battle Mountain, NV (78 FR 41335). 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 7400.9X dated August 7, 2013, and effective September 15, 2013, 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 establishing Class E en route domestic airspace extending upward from 1,200 feet above the surface, at the Battle Mountain VORTAC navigation aid, Battle Mountain, NV, to accommodate IFR aircraft under control of Salt Lake City, Oakland and Los Angeles 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 only affects air traffic procedures and air navigation, it is certified this rule, when promulgated, does 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 Battle Mountain VORTAC, Battle Mountain, NV.

### 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 71.1 of the Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013 is amended as follows:

*Paragraph 6006 En Route Domestic Airspace Areas.*

\* \* \* \* \*

#### ANM NV E6 Battle Mountain, NV [New]

Battle Mountain VORTAC, NV  
(Lat. 40°34’09” N., long. 116°55’20” W.)

That airspace extending upward from 1,200 feet above the surface within an area bounded by Lat. 41°08’22” N., long. 114°57’44” W.; to Lat. 40°40’40” N., long. 114°28’45” W.; to Lat. 40°06’57” N., long. 114°37’44” W.; to Lat. 39°38’25” N., long. 114°42’19” W.; to Lat. 38°28’04” N., long. 114°21’28” W.; to Lat. 38°19’56” N., long. 114°09’07” W.; to Lat. 38°23’43” N., long. 113°12’48” W.; to Lat. 37°48’00” N., long. 113°30’00” W.; to Lat. 37°49’25” N., long. 113°42’01” W.; to Lat. 37°53’44” N., long. 113°42’03” W.; to Lat. 38°01’00” N., long. 114°12’03” W.; to Lat. 38°01’00” N., long. 114°30’03” W.; to Lat. 37°59’59” N., long. 114°42’06” W.; to Lat. 37°53’00” N., long. 116°11’03” W.; to Lat. 37°53’00” N., long. 116°26’03” W.; to Lat. 37°53’00” N., long. 116°50’00” W.; to Lat. 38°13’30” N., long. 117°00’00” W.; to Lat. 38°13’30” N., long. 117°16’30” W.; to Lat. 37°55’11” N., long. 117°53’37” W.; to Lat. 39°39’28” N., long. 117°59’55” W.; to Lat. 40°04’38” N., long. 118°49’42” W., thence to the point of beginning.

Issued in Seattle, Washington, on September 11, 2013.

**Christopher Ramirez,**

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

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## DEPARTMENT OF JUSTICE

### 28 CFR Part 26

[Docket No. 1540; AG Order No. 3399–2013]

RIN 1121–AA77

### Certification Process for State Capital Counsel System

**AGENCY:** Office of the Attorney General, Department of Justice.

**ACTION:** Final rule.

**SUMMARY:** Chapter 154 of title 28, United States Code, provides special procedures for Federal habeas corpus review of cases brought by indigent prisoners in State custody who are subject to a capital sentence. These special procedures are available to States that the Attorney General has certified as having established mechanisms for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State postconviction proceedings brought by such prisoners, and as providing standards of competency for the appointment of counsel in these proceedings. This rule sets forth the regulations for the certification procedure.

**DATES:** *Effective Date:* This rule is effective October 23, 2013.

**FOR FURTHER INFORMATION CONTACT:** Robert Hinchman, U.S. Department of Justice, Office of Legal Policy, 950 Pennsylvania Avenue NW., Washington, DC 20530, at (202) 514–8059 or [Robert.Hinchman@usdoj.gov](mailto:Robert.Hinchman@usdoj.gov).

**SUPPLEMENTARY INFORMATION:** Chapter 154 of title 28, United States Code, makes special procedures applicable in Federal habeas corpus review of State capital judgments if the Attorney General has certified “that [the] State has established a mechanism for providing counsel in postconviction proceedings as provided in section 2265” and “counsel was appointed pursuant to that mechanism, petitioner validly waived counsel, petitioner retained counsel, or petitioner was found not to be indigent.” 28 U.S.C. 2261(b). Section 2265(a)(1) provides that, if requested by an appropriate State official, the Attorney General must