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**Eric Fox,**

*Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2013-0622; **Airspace**  
Docket No. 13-AWP-10]

#### Modification of Class D and Class E Airspace; Kailua-Kona, HI

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

**ACTION:** Final rule.

**SUMMARY:** This action amends Class D and E airspace at Kona International Airport at Keahole, Kailua-Kona, HI, to accommodate the Area Navigation (RNAV) Global Positioning System (GPS) and the Instrument Landing System (ILS) or Localizer (LOC) standard instrument approach procedures at the airport. This action also adjusts the geographic coordinates of the airport in the respective Class D and E airspace areas, and the airport name is corrected to Kona International Airport at Keahole. This action, initiated by the biennial review of the Kona airspace area, improves the safety and management of Instrument Flight Rules (IFR) operations at the airport. In addition, a correction to the south segment extension of Class E airspace is made.

**DATES:** *Effective Date*, 0901 UTC, May 29, 2014. 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:** Bill Nugent, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203-4518.

#### SUPPLEMENTARY INFORMATION:

##### History

On October 31, 2013, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to amend controlled airspace at Kailua-Kona, HI (78 FR 65241). Interested parties were invited to participate in

this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Subsequent to publication, the FAA found that in the proposal section of the NPRM, the south extension miles were inverted. It should read “. . . is decreased from 14.5 miles to 8.5 miles south of the airport . . .” The Class E regulatory text is correctly entered.

Class D and Class E airspace designations are published in paragraphs 5000, 6004 and 6005, respectively, 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 D and 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 extending upward from 700 feet above the surface, at Kona International Airport at Keahole, Kailua-Kona, HI, to accommodate the RNAV (GPS) and ILS or LOC standard instrument approach procedures at the airport. The segment of controlled airspace extending from the 7.4-mile radius of the airport is decreased from 14.5 miles to 8.5 miles south of the airport. The geographic coordinates of the airport for the respective Class D and Class E airspace are updated to coincide with the FAA's aeronautical database. The airport formerly called Keahole Airport, Kailua-Kona, HI, is corrected to Kona International Airport at Keahole, Kailua-Kona, HI. 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 amends controlled airspace at Kona International Airport at Keahole, Kailua-Kona, HI.

##### 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 5000 Class D Airspace*  
\* \* \* \* \*

##### **AWP HI D Kailua-Kona, HI [Modified]**

Kona International Airport at Keahole, HI  
(Lat. 19°44'20" N., long. 156°02'44" W.)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 4.3-mile radius of Kona

International Airport at Keahole. This Class D 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, Pacific Chart Supplement.

*Paragraph 6004 Class E Airspace Designated as an Extension to Class D Surface Area*

\* \* \* \* \*

**AWP HI E4 Kailua-Kona, HI [Modified]**

Kona International Airport at Keahole, HI (Lat. 19°44'20" N., long. 156°02'44" W.)

That airspace extending upward from the surface within 2.8 miles either side of the 186° bearing of Kona International Airport at Keahole extending from the 4.3-mile radius of the airport to 5.7 miles south of the airport, and within 4.3 miles either side of the 006° bearing of the airport extending from the 4.3-mile radius to 11.5 miles north of the 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, Pacific Chart Supplement.

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth*

\* \* \* \* \*

**AWP HI E5 Kailua-Kona, HI [Modified]**

Kona International Airport at Keahole, HI (Lat. 19°44'20" N., long. 156°02'44" W.)

That airspace extending upward from 700 feet above the surface within a 7.4-mile radius of Kona International Airport at Keahole, and within 4.3 miles each side of the 006° bearing of the airport extending from the 7.4-mile radius to 11.5 miles north of the airport, and within 4 miles each side of the 186° bearing of the airport extending from the 7.4-mile radius to 8.5 miles south of the airport.

Issued in Seattle, Washington, on January 30, 2014.

**Clark Desing,**

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

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**OVERSEAS PRIVATE INVESTMENT CORPORATION**

**22 CFR Part 706**

[No. FOIA-2013]

RIN 3420-ZA00

**Freedom of Information**

**AGENCY:** Overseas Private Investment Corporation.

**ACTION:** Final rule.

**SUMMARY:** This final rule implements revisions to the Overseas Private

Investment Corporation's ("OPIC") Freedom of Information Act (FOIA) regulations by making substantive and administrative changes. These revisions are intended to supersede OPIC's current FOIA regulations, located at this part. The final rule incorporates the FOIA revisions contained in the Openness Promotes Effectiveness in our National Government Act of 2007 ("OPEN Government Act"), makes administrative changes to reflect OPIC's cost, and organizes the regulations to more closely match those of other agencies for ease of reference. The rule also reflects the disclosure principles established by President Barack Obama and Attorney General Eric Holder in their FOIA Policy Memoranda issued on January 12, 2009 and March 19, 2009, respectively.

**DATES:** This rule is effective February 14, 2014.

**FOR FURTHER INFORMATION CONTACT:**

Nichole Cadiente, Administrative Counsel, (202) 336-8400, or *foia@opic.gov*.

**SUPPLEMENTARY INFORMATION:** The revision of Part 706 incorporates changes to the language and structure of the regulations and adds new provisions to implement the OPEN Government Act. OPIC is already complying with these changes and this final rule serves as OPIC's formal codification of the applicable law and its practice.

The most significant change in this final rule is the treatment of business submitters. This section will define confidential commercial information more concisely and provide a default expiration date for confidentiality labels. This will enable OPIC to more efficiently process requests for commercial information, which comprise the majority of OPIC's FOIA requests. Among other substantive changes: the search date is now the responsive record cutoff date, the information OPIC posts online has been clarified, there is more detail on how to request records about an individual, and illustrative examples have been added.

OPIC published a proposed rule on December 4, 2013 at 78 FR 72843 and invited interested parties to submit comments. OPIC received two sets of comments and a forwarded set of best practices and has made several changes to its rule based on these suggestions.

OPIC adopted the following suggestions. First, OPIC made some editorial changes. An erroneous reference in § 706.11(e) was changed from Section 706.10(c) to § 706.24. Also the term "non-public records" was changed to "records" as it was suggested that requesters might consider

"non-public records" to be records excluded from the FOIA.

Second, OPIC added a subsection for "all other requesters" to the listing of requester categories in Section 706.21 to make the listing comprehensive.

Third, OPIC added definitions of "requester categories" and "fee waivers" to §§ 706.21 and 706.24, respectively. These two fee relevant determinations are often confused by requesters and OPIC agrees that the public would benefit from explicit definitions.

Fourth, OPIC added the following sentence to the end of § 706.22(f): "OPIC will not aggregate multiple requests that involve multiple matters." This language is already included in the other subsection dealing with request aggregation, § 706.30(e).

Fifth, OPIC has modified the example in § 706.30(f)(3) to remove the word "professional." The sentence now reads: "For example, under paragraph (e)(1)(ii) of this section, a requester who is not a full-time member of the news media must establish that he or she is a person whose primary activity or occupation is information dissemination." OPIC did so to address a concern that requesters might interpret the expedited processing provision relating to "a person primarily engaged in information dissemination" as applying only to persons who are paid for disseminating information. The new wording makes it clearer that the standard can be met regardless of whether the requester is paid.

Sixth, OPIC has reduced its per page charge for photocopies from \$0.15 to \$0.10.

OPIC considered, but did not adopt the following suggestions. First, OPIC did not adopt a suggestion to add a definitions section. OPIC's 2000 FOIA regulations contained a definitions section which was intentionally removed. Most definitions in the regulations are specific to a topic, therefore placing the definitions near the terms as they are used is more efficient for the reader.

Second, OPIC did not add suggested language specifying that the Privacy Act deals with first-party requests and the FOIA deals with third party requests. The suggested language does not reflect OPIC's practice. OPIC automatically processes first party requests under both the Privacy Act and the FOIA, regardless of which statute it is submitted under, and informs the requester of that dual processing in the acknowledgement letter.

Third, in § 706.11(a)(3), OPIC did not change the term, "Where a request for records pertains to a third party" to, "Where a request for records pertains to