

Order 7400.9Z dated August 6, 2015, and effective September 15, 2015, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

#### Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015. FAA Order 7400.9Z is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.9Z lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

#### The Rule

This action amends Title 14, Code of Federal Regulations (14 CFR) part 71, updating the geographic coordinates for Class E airspace extending upward from 700 feet above the surface at Harvey Municipal Airport, Harvey, ND; Rolla Municipal Airport, Rolla, ND; Minot AFB, Minot ND; and the Devils Lake VOR/DME to coincide with the FAA's aeronautical database.

This is an administrative change amending the description for Harvey Municipal Airport and Rolla Municipal Airport to be in concert with the FAA's aeronautical database, and does not affect the boundaries, or operating requirements of the airspace; therefore, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

#### Regulatory Notices and Analyses

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, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (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 that 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.

#### Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," paragraph 5–6.5.a. 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.

#### Lists 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 Part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 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 FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, effective September 15, 2015, is amended as follows:

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

\* \* \* \* \*

##### AGL ND E5 Harvey, ND [Amended]

Harvey Municipal Airport, ND  
(Lat. 47°47'28" N., long. 99°55'54" W.)  
Minot AFB, ND  
(Lat. 48°24'57" N., long. 101°21'29" W.)  
Bismarck VOR/DME  
(Lat. 46°45'42" N., long. 100°39'55" W.)  
Devils Lake VOR/DME  
(Lat. 48°06'55" N., long. 98°54'45" W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Harvey Municipal Airport; and that airspace extending upward from 1,200 feet above the surface bounded on the north by V-430, on the west by the 47-mile radius of Minot AFB, on the southwest by V-15, on the south by the Bismarck VOR/DME 36-mile radius, on the southeast by V-169, and on the east by the Devils Lake VOR/DME 22-mile radius; and that airspace extending upward from 1,200 feet above the surface bounded on the northwest by V-169, on the south by latitude 47°30'00" N., and on the east by

longitude 99°19'00" W., excluding all Federal airways.

\* \* \* \* \*

##### AGL ND E5 Rolla, ND [Amended]

Rolla Municipal Airport, ND  
(Lat. 48°53'04" N., long. 99°37'15" W.)  
Devils Lake VOR/DME  
(Lat. 48°06'55" N., long. 98°54'45" W.)

That airspace extending upward from 700 feet above the surface within a 7.3-mile radius of Rolla Municipal Airport, excluding that airspace north of lat. 49°00'00" N.; and that airspace extending upward from 1,200 feet above the surface within an area bounded on the north by lat. 49°00'00" N., on the east by long. 99°00'00" W., on the southeast by the 22-mile arc of the Devils Lake VOR/DME, on the south by V-430, on the southwest by the Rugby, ND, Class E airspace area, and on the west by long. 99°49'00" W.

Issued in Fort Worth, Texas, on February 19, 2016.

**Walter Tweedy,**

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

[FR Doc. 2016–04202 Filed 3–3–16; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2015–6001; Airspace Docket No. 15–ANM–10]

**RIN 2120–AA66**

#### Amendment of United States Area Navigation (RNAV) Route Q–35; Western United States

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

**ACTION:** Final rule; correction.

**SUMMARY:** This action corrects the FAA docket number of a final rule published in the **Federal Register** on January 14, 2016, amending the legal description of RNAV Route Q–35 in the Western United States. In that rule, the FAA docket number was incorrectly published as FAA–2013–6001, instead of FAA–2015–6001.

**DATES:** Effective date 0901 UTC, March 31, 2016. 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.

**ADDRESSES:** FAA Order 7400.9Z, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [http://www.faa.gov/air\\_traffic/publications/](http://www.faa.gov/air_traffic/publications/). For further

information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.9Z at NARA, call (202) 741-6030, or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

**FOR FURTHER INFORMATION CONTACT:** Jason Stahl, Airspace Policy Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-8783.

**SUPPLEMENTARY INFORMATION:**

**Background**

A final rule was published in the **Federal Register** on January 14, 2016 (81 FR 1877), FR Doc. 2015-33095, that reversed the order of points listed in the legal description of RNAV Route Q-35 as published in FAA Order 7400.9, Airspace Designations and Reporting Points. Subsequent to publication, the FAA found that the FAA docket number for this document was inadvertently mistyped. This action corrects the FAA docket number.

**Correction to Final Rule**

Accordingly, pursuant to the authority delegated to me, in the **Federal Register** of January 14, 2016 (81 FR 1877), the docket number, as published in the **Federal Register** on January 14, 2016 (81 FR 1877), FR Doc. 2015-33095, amending the legal description of RNAV Route Q-35, is corrected as follows:

**§ 71.1 [Amended]**

■ On page 1877, column 1, line 4, Remove “Docket No. FAA-2013-6001” and add in its place “Docket No. FAA-2015-6001.”

Issued in Washington, DC, on February 25, 2016.

**Kenneth Ready,**

*Acting Manager, Airspace Policy Group.*

[FR Doc. 2016-04739 Filed 3-3-16; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Office of the Secretary**

**14 CFR Part 252**

[Docket No. DOT-OST-2011-0044]

RIN 2105-AE06

**Use of Electronic Cigarettes on Aircraft**

**AGENCY:** Office of the Secretary (OST), Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** The Department of Transportation is issuing a final rule to extend the smoking ban in DOT's regulation to include all charter (*i.e.*, nonscheduled) flights where a flight attendant is a required crewmember. The revised regulation would comport with 49 U.S.C. 41706, which was revised in 2012, to ban smoking on charter flights where a flight attendant is a required crewmember. This final rule also explicitly bans the use of electronic cigarettes (“e-cigarettes”) on all flights where smoking is banned. The Department interprets the existing regulation to prohibit e-cigarette use, but is codifying this interpretation.

**DATES:** The rule is effective April 4, 2016.

**FOR FURTHER INFORMATION CONTACT:** Robert M. Gorman, Senior Trial Attorney, or Blane A. Workie, Assistant General Counsel, Office of the Assistant General Counsel for Aviation Enforcement and Proceedings, U.S. Department of Transportation, 1200 New Jersey Ave. SE., Washington, DC 20590, 202-366-9342, 202-366-7152 (fax), [robert.gorman@dot.gov](mailto:robert.gorman@dot.gov) or [blane.workie@dot.gov](mailto:blane.workie@dot.gov) (email).

**SUPPLEMENTARY INFORMATION:**

**Background**

The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Pub. L. 106-181) was signed into law on April 5, 2000. Section 708 of this statute, “Prohibitions Against Smoking on Scheduled Flights” (codified as 49 U.S.C. 41706), banned passengers from smoking on all flights in scheduled passenger interstate and intrastate air transportation, and directed the Secretary of Transportation to prohibit smoking in foreign air transportation (with an exception process for foreign carriers). Shortly thereafter, the Department of Transportation (“DOT,” or “the Department”) amended its rule on smoking aboard aircraft, 14 CFR part 252, to implement section 41706. Under part 252, the smoking of tobacco products is banned on all scheduled

passenger flights of air carriers, and on all scheduled passenger flight segments of foreign air carriers between points in the United States and between the United States and foreign points. Under part 252, foreign governments may request and obtain a waiver from DOT provided that an alternative smoking prohibition resulting from bilateral negotiations is in effect. Further, part 252 was amended to permit carriers operating single-entity charters to allow smoking throughout the aircraft, but also required a no-smoking section for each class of service (*e.g.*, first class) on other charter flights where smoking is not banned.

Throughout this preamble, we use the terms “air carrier” and “foreign air carrier” as defined in 49 U.S.C. 40102, in which an “air carrier” is a citizen of the United States undertaking to provide air transportation, and a “foreign air carrier” is a person, not a citizen of the United States, undertaking to provide foreign air transportation.

**The Notice of Proposed Rulemaking**

*Electronic Cigarettes and Other Nicotine Delivery Systems*

On September 15, 2011, the Department published a notice of proposed rulemaking (NPRM) in which it proposed to amend its existing smoking rule (part 252) to explicitly ban the use of e-cigarettes on all flights covered by that rule (*i.e.*, all flights of U.S. air carriers in scheduled passenger interstate, intrastate and foreign air transportation and all scheduled flight segments of foreign air carriers in, to, or from the United States).<sup>1</sup> E-cigarettes typically contain a cartridge or chamber, which contain an atomizer or heating element, a battery and a liquid solution. Most often e-cigarettes contain liquid nicotine but they may contain other chemicals. When a user inhales, the heating element aerosolizes the liquid solution. This produces an aerosol,<sup>2</sup> which requires an inhalation and exhalation similar to smoking cigarettes. In addition to nicotine, e-cigarette aerosol can contain heavy metals, ultrafine particulates that can be inhaled deep into the lungs, and cancer-causing agents like acrolein. Secondhand

<sup>1</sup> *Smoking of Electronic Cigarettes on Aircraft*, Department of Transportation, Office of the Secretary, 14 CFR part 252, [Docket No. DOT-OST-2011-0044], RIN 2105-AE06, 76 FR 57008 (Sept. 15, 2011).

<sup>2</sup> Our NPRM and many commenters referred to the exhaled product of e-cigarettes as a “vapor.” It is more accurate to refer to the product as an aerosol. See Grana et al., *E-Cigarettes: A Scientific Review*, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4018182/>. Products that create both vapors and aerosols are included in the Department's definition of “smoking.”