

As described in this **Federal Register** document, the current distribution of domestic Dairy Board members in 12 regions, as outlined in Section 1150.131(b) of the Dairy Order, will be maintained.

Dated: September 7, 2016.

Dana Coale,

Associate Administrator.

[FR Doc. 2016-21841 Filed 9-12-16; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2016-6006; Airspace
Docket No. 15-AGL-3]

Modification of Class D Airspace; Peru, IN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class D airspace at Grissom Army Reserve Base (ARB), IN, to allow for a lower Circling Minimum Descent Altitude, where Instrument Flight Rules Category E circling procedures are being used. This action increases the area of the existing controlled airspace for Grissom ARB, IN. Additionally, this action will add Peru, Grissom ARB, IN to the subtitle of the airspace designation.

DATES: Effective 0901 UTC, November 10, 2016. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, 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 on line at 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 this material at NARA, call 202-741-6030, or go to http://www.archives.gov/federal-register/code-of-federal-regulations/ibr_locations.html.

FAA Order 7400.9, Airspace Designations and Reporting Points, is

published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT:

Rebecca Shelby, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone: 817-222-5857.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes 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 modifies Class D airspace at Grissom ARB, Peru, IN.

History

On June 6, 2016, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to modify Class D Airspace to allow for a lower Circling Minimum Descent Altitude at Grissom Air Reserve Base (ARB), IN (81 FR 36214) FAA-2016-6006. 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 D airspace areas are published in paragraph 5000 of FAA Order 7400.9Z, dated August 6, 2016, and effective September 15, 2015, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document modifies FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2016, 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 modifies Title 14, Code of Federal Regulations (14 CFR), Part 71 by modifying Class D airspace at Grissom ARB, IN, to within a 5.8-mile radius of the airport. This increase will allow for a lower Circling Minimum Descent Altitude, where Instrument Flight Rules Category E circling procedures are being used. Also, this action adds Peru, Grissom Air Reserve Base, IN, to the subtitle of the airspace designation. Controlled airspace is needed for the safety and management of IFR operations at the airport.

Class D airspace areas are published in paragraph 5000 of FAA Order 7400.9Z, dated August 6, 2016, and effective September 15, 2015, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

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 will only affect air traffic procedures and air navigation, it is certified that this 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.

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 5-6.5a. 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(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, 2016, and effective September 15, 2015, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

AGL IN D Grissom ARB, IN [Amended]

Peru, Grissom Air Reserve Base, IN
(Lat. 40°38'53" N., long. 086°09'08" W.)

That airspace extending upward from the surface to and including 3,300 feet MSL within a 5.8 mile radius of Grissom ARB. This Class D airspace 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 Chart Supplement.

Issued in Fort Worth, TX, on August 30, 2016.

Walter Tweedy,

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

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 93

[Docket No. FAA–2010–0302; Amdt. No. 93–101]

RIN 2120–AK84

Extension of the Requirement for Helicopters To Use the New York North Shore Helicopter Route; Technical Amendment

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; technical amendment.

SUMMARY: The FAA is correcting an error, whereby the applicability of a regulation was extended instead of its

effectivity. Consequently, a section of the pertinent regulation was relocated in Title 14, Code of Federal Regulations and all remaining provisions of the regulation inadvertently expired. However, the entire regulation was intended to be extended for four years in the final rule published on July 25, 2016 (Doc. No. 2016–17427, 81 FR 48323), which became effective on August 7, 2016.

DATES: This action becomes effective on September 13, 2016.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this action, contact Kenneth Ready, Airspace and Rules Team, AJV–113, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–3396; email kenneth.ready@faa.gov.

SUPPLEMENTARY INFORMATION:

Good Cause for Immediate Adoption Without Prior Notice

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency for “good cause” finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under this section, an agency, upon finding good cause, may issue a final rule without seeking comment prior to the rulemaking.

Section 553(d)(3) of the Administrative Procedure Act requires that agencies publish a rule not less than 30 days before its effective date, except as otherwise provided by the agency for good cause found and published with the final rule.

This document is correcting an error that is in 14 CFR part 93. This correction will not impose any additional restrictions on the persons affected by these regulations. Furthermore, any additional delay in making the regulations correct would be contrary to the public interest. Accordingly, the FAA finds that (i) public comment on these standards prior to promulgation is unnecessary, and (ii) good cause exists to make this rule effective in less than 30 days and upon its publication in the **Federal Register**.

Background

On July 25, 2016, the FAA published a final rule extending the requirement an additional four years for pilots operating civil helicopters under Visual Flight Rules (VFR) to use the New York North Shore Helicopter Route when

operating along the north shore of Long Island, New York. The final rule extended the expiration date of the applicability, rather than the effectivity, to August 6, 2020. Consequently, that error in the final rule resulted in the inadvertent removal of Subpart H of part 93 of Title 14, Code of Federal Regulations (14 CFR). This final rule corrects that error and reinstates the provisions of Subpart H, extending those provisions to August 6, 2020.

Technical Amendment

This technical amendment will correct the current error of § 93.101 being moved to Subpart G, § 93.103 expiring, and Subpart H being reserved. Because this action results in no further substantive change to 14 CFR part 93, we find good cause exists under 5 U.S.C. 553(d)(3) to make this technical amendment effective in less than 30 days and upon its publication in the **Federal Register**.

List of Subjects in 14 CFR Part 93

Air traffic control, Airspace, Navigation (air).

The Amendment

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

PART 93—SPECIAL AIR TRAFFIC RULES

- 1. The authority citation for part 93 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40109, 40113, 44502, 44514, 44701, 44715, 44719, 46301.

- 2. Add subpart H consisting of § 93.103 to read as follows:

Subpart H—Mandatory Use of the New York North Shore Helicopter Route

§ 93.103 Helicopter operations.

(a) Unless otherwise authorized, each person piloting a helicopter along Long Island, New York’s northern shoreline between the VPLYD waypoint and Orient Point, shall utilize the North Shore Helicopter route and altitude, as published.

(b) Pilots may deviate from the route and altitude requirements of paragraph (a) of this section when necessary for safety, weather conditions or transitioning to or from a destination or point of landing.

§ 93.101 [Transferred to Subpart H]

- 3. Transfer § 93.101 from subpart G to subpart H.