

# **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 7400.9U, Airspace Designations and Reporting Points, dated August 18, 2010, and effective September 15, 2010 is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

### **ANM MT E5 West Yellowstone, MT [Amended]**

West Yellowstone, Yellowstone Airport, MT (Lat. 44°41'18" N., long. 111°07'04" W.)

That airspace extending upward from 700 feet above the surface within 4.3 miles west and 8.3 miles east of the 026° and 206° bearings of the Yellowstone Airport extending from 8.3 miles northeast to 23.3 miles southwest of the Yellowstone Airport; that airspace extending upward from 1,200 feet above the surface within 6.6 miles west and 11 miles east of the 209° bearing from lat. 44°34'32" N., long. 111°11'51" W. extending to 36.2 miles southwest, and within 5 miles north and 4.3 miles south of the 304° bearing from lat. 44°34'32" N., long. 111°11'51" W. extending to the east edge of V-343; that airspace extending upward from 10,700 feet MSL within a 25.3-mile radius of lat. 44°34'32" N., long. 111°11'51" W. extending clockwise from the 081° bearing from lat. 44°34'32" N., long. 111°11'51" W. to 4.3 miles east of the 236° bearing from lat. 44°34'32" N., long. 111°11'51" W.; and within 4.3 miles each side of the 236° bearing from lat. 44°34'32" N., long. 111°11'51" W. extending to 43.5 miles southwest; that airspace extending upward from 10,700 feet MSL within 9 miles south and 5 miles north of the 304° bearing from lat. 44°34'32" N., long. 111°11'51" W. extending to the east edge of V-343; that airspace extending upward from 12,000 feet MSL within a 30.5-mile radius of lat. 44°34'32" N., long. 111°11'51" W. extending clockwise from the 026° bearing from lat. 44°34'32" N., long. 111°11'51" W. to the 081° bearing from lat. 44°34'32" N., long. 111°11'51" W.; that airspace extending upward from 12,500 feet MSL within 4.3 miles each side of the 293°, 329° and 043° bearing from lat. 45°00'19" N., long. 110°53'49" W. extending to 25.16 miles west to 30.57 miles northwest to 54.24 miles north, and within 4.3 miles each side of the 312° bearing from lat. 44°31'10" N., long. 111°14'03" W. extending to 25.20 miles northwest, excluding those portions that overlie the east edge of V-343, and south

edge of V-2 and V-86; that airspace extending upward from 13,000 feet MSL within a 30.5-mile radius of lat. 44°34'32" N., long. 111°11'51" W.; extending clockwise from the 313° bearing to the 026° bearing from lat. 44°34'32" N., long. 111°11'51" W.

Issued in Seattle, Washington, on March 21, 2011.

**Christine Mellon,**

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

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**BILLING CODE 4910-13-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 71**

**[Docket No. FAA-2010-1233; Airspace Docket No. 10-AWP-21]**

#### **Establishment of Class E Airspace; Kahului, HI**

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

**ACTION:** Final rule.

**SUMMARY:** This action will establish Class E airspace at Kahului Airport, Kahului, HI, to accommodate aircraft using Area Navigation (RNAV) standard instrument approach procedures at Kahului Airport. This will improve the safety and management of Instrument Flight Rules (IFR) operations at the airport.

**DATES:** Effective date, 0901 UTC, June 30, 2011. 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 January 20, 2011, the FAA published in the **Federal Register** a notice of proposed rulemaking to establish controlled airspace at Kahului, HI (76 FR 3571). 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 6002 of FAA Order 7400.9U dated August 18, 2010, and effective September 15, 2010, 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 surface airspace, at Kahului Airport, to accommodate IFR aircraft executing the RNAV standard instrument approach procedures at the airport. 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 will only affect air traffic procedures and air navigation, it is certified this rule, when promulgated, will 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 additional controlled airspace at Kahului Airport, Kahului, HI.

#### **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 7400.9U, Airspace Designations and Reporting Points, dated August 18, 2010, and effective September 15, 2010 is amended as follows:

*Paragraph 6002 Class E airspace designated as surface areas.*

\* \* \* \* \*

### AWP HI E2 Kahului, HI [New]

Kahului Airport, HI

(Lat. 20°53'55" N., long. 156°25'50" W.)

That airspace extending upward from the surface within a 5-mile radius of the Kahului 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.

Issued in Seattle, Washington, on March 21, 2011.

**Christine Mellon,**

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

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

### 23 CFR Part 1340

[Docket No. NHTSA–2010–0002]

RIN 2127–AK41

### Uniform Criteria for State Observational Surveys of Seat Belt Use

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** This Final Rule amends the regulation establishing uniform criteria for designing and conducting State seat belt use observational surveys and the procedures for obtaining NHTSA approval of survey designs, and

provides a new form for reporting seat belt use rates to NHTSA. Since the adoption of the Uniform Criteria in 1998, NHTSA and the States have accumulated substantial experience in the design and implementation of seat belt use surveys. This experience has provided insight into factors that could affect survey accuracy and reliability. In addition, technological improvements in road inventories have made it possible to select observation sites that are more representative of the road segments in the State in a more cost effective manner. For these reasons, NHTSA is revising the Uniform Criteria so that future surveys will give States more accurate data to guide their occupant protection programs.

**DATES:** This Final Rule becomes effective on May 2, 2011.

**FOR FURTHER INFORMATION CONTACT:** For program issues: Mr. Jack Oates, Chief, Program Implementation, Regional Operations and Program Delivery, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., NTI–200, Washington, DC 20590. Telephone number: 202–366–2730; E-mail: [Jack.Oates@dot.gov](mailto:Jack.Oates@dot.gov).

For statistical issues: Dr. Chou-Lin Chen, Chief, Mathematical Analysis Division, National Center for Statistics and Analysis, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., NVS–421, Washington, DC 20590. Telephone number: 202–366–1048; E-mail: [Chou-Lin.Chen@dot.gov](mailto:Chou-Lin.Chen@dot.gov).

For legal issues: Ms. Jin Kim, Attorney-Advisor, Office of the Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., NCC–113, Washington, DC 20590. Telephone number: 202–366–1834; E-mail: [Jin.Kim@dot.gov](mailto:Jin.Kim@dot.gov).

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### I. Background

Section 1403 of the Transportation Equity Act for the 21st Century (TEA–21) (Pub. L. 105–178) authorized a seat belt incentive grant program that awarded grant funds to States based on a State's seat belt use rate. On September 1, 1998, the National Highway Traffic Safety Administration (NHTSA) published as an interim final rule the criteria to ensure accurate and representative measurements of a State's seat belt use rate, known as the Uniform Criteria for State Observational Surveys of Seat Belt Use (the Uniform Criteria). See 63 FR 46389. On March 14, 2000, NHTSA published a Final Rule, adopting the Uniform Criteria with one clarifying change.<sup>1</sup> See 65 FR 13679.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) (Pub. L. 109–59), enacted on August 10, 2005, did not reauthorize the seat belt incentive grant program. However, SAFETEA–LU established new administrative requirements relating to a State's qualification for a highway safety grant under 23 U.S.C. 402. One such requirement is that the State must provide satisfactory assurances that it will conduct an annual Statewide seat belt use survey in accordance with the criteria for State seat belt use rate measurement established by the Secretary of Transportation.<sup>2</sup> In August 2005, NHTSA notified the States and Territories that the Statewide surveys conducted in accordance with the Uniform Criteria for State Observational Surveys of Seat Belt Use, as published at 23 CFR part 1340, would satisfy the administrative requirements of Section 402. In addition, the implementing guidelines for the safety belt performance grant program under 23 U.S.C. 406 provide that seat belt use surveys conducted in accordance with the Uniform Criteria serve as the basis for an award under the seat belt

<sup>1</sup> In 2000, NHTSA clarified that States are permitted to “cluster sample,” i.e., group observation sites according to geographic areas to minimize travel time and distance required to conduct the observations.

<sup>2</sup> 49 CFR 1.50 (delegation of authority to Administrator of National Highway Traffic Safety Administration).