SUPPLEMENTARY INFORMATION:

Background

On December 16, 2014, the FAA published a final rule with request for comments, entitled “Elimination of the Air Traffic Control Tower Operator Certificate for Controllers Who Hold a Federal Aviation Administration Credential with a Tower Rating” (79 FR 74607).

In that final rule, the FAA revised the requirement for an air traffic control tower operator to hold a control tower operator certificate if the individual also holds a Federal Aviation Administration Credential with a tower rating (FAA Credential). In that final rule, the FAA inadvertently printed the incorrect part heading for part 65 of Title 14, Code of Federal Regulations.

Correction

In FR Doc. 2014–29386, beginning on page 74611 in the Federal Register of December 16, 2014, make the following correction.

Correction to Regulatory Text

1. On page 74611, in the third column, revise the heading of Part 65 to read as follows:

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

* * * * *

Issued under authority provided by 49 U.S.C. 106(f), in Washington, DC, on December 19, 2014.

Brenda D. Courtney,
Acting Director, Office of Rulemaking.

For legal questions concerning this action, contact Will Gonzalez, Air Transportation Division, APS–220, Flight Standards Service Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone 202–267–8166; email will.gonzalez@faa.gov.

For technical questions concerning this action, contact Robert Frenzel, Office of the Chief Counsel, AGC–200, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–7638; email robert.frenzel@faa.gov.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 65

[Docket No.: FAA–2014–1000; Amdt. No. 65–56A]

RIN 2120–AK40

Elimination of the Air Traffic Control Tower Operator Certificate for Controllers Who Hold a Federal Aviation Administration Credential With a Tower Rating; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments; correction.

SUMMARY: The FAA is correcting a final rule with request for comments published on December 16, 2014 (79 FR 74607). In that final rule, the FAA amended its regulations to eliminate the requirement for an air traffic control tower operator to hold a control tower operator certificate if the individual also holds a Federal Aviation Administration Credential with a tower rating (FAA Credential). In that document, the FAA inadvertently made an error in the part heading for 14 CFR part 65. This document corrects that error.

DATES: This correction will become effective on February 17, 2015.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this action, contact Michele Cappelle, Air Traffic Safety Oversight Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–5205; email michele.cappelle@faa.gov.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No.: FAA–2014–0225; Amdt. No. 91–331A]

RIN 2120–AK56

Prohibition Against Certain Flights in the Simferopol (UKFV) and Dnipropetrovsk (UKDV) Flight Information Regions (FIRs)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Immediately adopted final rule.

SUMMARY: This action amends Special Federal Aviation Regulation (SFAR) No. 113, “Prohibition Against Certain Flights in the Simferopol (UKFV) Flight Information Region (FIR),” which prohibited certain flight operations in a portion of the Simferopol (UKFV) FIR by all U.S. air carriers; U.S. commercial operators; persons exercising the privileges of a U.S. airman certificate, except when such persons are operating a U.S.-registered aircraft for a foreign air carrier; and operators of U.S.-registered civil aircraft, except when such operators are foreign air carriers. This action expands the area in which flight operations by persons subject to SFAR No. 113 are prohibited, to include all of the Simferopol (UKFV) FIR, as well as the entire Dnipropetrovsk (UKDV) FIR. The FAA finds this action to be necessary to prevent a potential hazard to persons and aircraft engaged in such flight operations.

DATES: This final rule is effective on December 29, 2014.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this action, contact Brenda D. Courtney, Air Traffic Service, Federal Aviation Administration, Washington, DC 20591; telephone (202) 267–5205; email michele.cappelle@faa.gov.

SUMMARY: The FAA is correcting a final rule with request for comments published on December 16, 2014 (79 FR 74607). In that final rule, the FAA amended its regulations to eliminate the requirement for an air traffic control tower operator to hold a control tower operator certificate if the individual also holds a Federal Aviation Administration Credential with a tower rating (FAA Credential). In that final rule, the FAA inadvertently printed the incorrect part heading for part 65 of Title 14, Code of Federal Regulations.

Correction

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Issued under authority provided by 49 U.S.C. 106(f), in Washington, DC, on December 19, 2014.

Brenda D. Courtney,
Acting Director, Office of Rulemaking.

For legal questions concerning this action, contact Will Gonzalez, Air Transportation Division, APS–220, Flight Standards Service Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone 202–267–8166; email will.gonzalez@faa.gov.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No.: FAA–2014–0225; Amdt. No. 91–331A]

RIN 2120–AK56

Prohibition Against Certain Flights in the Simferopol (UKFV) and Dnipropetrovsk (UKDV) Flight Information Regions (FIRs)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Immediately adopted final rule.

SUMMARY: This action amends Special Federal Aviation Regulation (SFAR) No. 113, “Prohibition Against Certain Flights in the Simferopol (UKFV) Flight Information Region (FIR),” which prohibited certain flight operations in a portion of the Simferopol (UKFV) FIR by all U.S. air carriers; U.S. commercial operators; persons exercising the privileges of a U.S. airman certificate, except when such persons are operating a U.S.-registered aircraft for a foreign air carrier; and operators of U.S.-registered civil aircraft, except when such operators are foreign air carriers. This action expands the area in which flight operations by persons subject to SFAR No. 113 are prohibited, to include all of the Simferopol (UKFV) FIR, as well as the entire Dnipropetrovsk (UKDV) FIR. The FAA finds this action to be necessary to prevent a potential hazard to persons and aircraft engaged in such flight operations.

DATES: This final rule is effective on December 29, 2014.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this action, contact Brenda D. Courtney, Air Traffic Service, Federal Aviation Administration, Washington, DC 20591; telephone (202) 267–5205; email michele.cappelle@faa.gov.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No.: FAA–2014–0225; Amdt. No. 91–331A]

RIN 2120–AK56

Prohibition Against Certain Flights in the Simferopol (UKFV) and Dnipropetrovsk (UKDV) Flight Information Regions (FIRs)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Immediately adopted final rule.

SUMMARY: This action amends Special Federal Aviation Regulation (SFAR) No. 113, “Prohibition Against Certain Flights in the Simferopol (UKFV) Flight Information Region (FIR),” which prohibited certain flight operations in a portion of the Simferopol (UKFV) FIR by all U.S. air carriers; U.S. commercial operators; persons exercising the privileges of a U.S. airman certificate, except when such persons are operating a U.S.-registered aircraft for a foreign air carrier; and operators of U.S.-registered civil aircraft, except when such operators are foreign air carriers. This action expands the area in which flight operations by persons subject to SFAR No. 113 are prohibited, to include all of the Simferopol (UKFV) FIR, as well as the entire Dnipropetrovsk (UKDV) FIR. The FAA finds this action to be necessary to prevent a potential hazard to persons and aircraft engaged in such flight operations.

DATES: This final rule is effective on December 29, 2014.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this action, contact Brenda D. Courtney, Air Traffic Service, Federal Aviation Administration, Washington, DC 20591; telephone (202) 267–5205; email michele.cappelle@faa.gov.
operators are foreign air carriers. On March 28, 2014, the Russian Federation had issued a Notice-to-Airmen (NOTAM) purporting to establish unilaterally a new FIR, effective April 3, 2014, in a significant portion of the Simferopol (UKFV) FIR, which included sovereign Ukrainian airspace over the Crimean Peninsula and the associated Ukrainian territorial sea, as well as international airspace managed by Ukraine over the Black Sea and the Sea of Azov. Ukraine rejected the Russian Federation’s purported establishment of a new FIR within the existing Simferopol (UKFV) FIR, established a prohibited area over the Crimean Peninsula for flight operations below flight level 290, and closed various air traffic services (ATS) route segments. The Russian Federation responded by issuing a NOTAM that rejected and directly conflicted with Ukrainian NOTAMs concerning the establishment of the prohibited area and the route segment closures. On April 2, 2014, the International Civil Aviation Organization’s (ICAO’s) Regional Director for Europe and the North Atlantic Regions issued a state letter to countries and their civil aviation authorities highlighting the possible existence of serious risks to the safety of international civil flights and recommending that consideration be given to implementing measures to avoid the airspace and to circumnavigate the Simferopol (UKFV) FIR with alternative routings.

When SFAR No. 113, § 91.1607, was issued, the FAA viewed the possibility of civil aircraft receiving confusing and conflicting air traffic control instructions from both Ukrainian and Russian ATS providers when operating in the portion of the Simferopol (UKFV) FIR covered by SFAR No. 113, § 91.1607, as an unsafe condition that presented a potential hazard to civil flight operations in the disputed airspace. Because political and military tensions between Ukraine and the Russian Federation remained high, the FAA was also concerned that compliance with air traffic control instructions issued by the authorities of one country could result in a civil aircraft being misidentified as a threat and intercepted or otherwise engaged by air defense forces of the other country. The FAA continues to have these concerns.

The FAA is now expanding SFAR No. 113, § 91.1607, due to safety and national security concerns regarding flight operations in the Simferopol (UKFV) and Dnipropetrovsk (UKDV) FIRs. The ongoing conflict in the region poses a significant threat to civil aviation operations in these FIRs. In addition to a series of attacks on fixed-wing and rotary-wing military aircraft flying at lower altitudes, a Ukrainian An-26 flying at 21,000 feet southeast of Luhansk was shot down on July 14, 2014, and a Malaysia Airlines Boeing 777 was shot down on July 17, 2014, while flying over Ukraine at 33,000 feet just west of the Russian border. Approximately 290 passengers and crew perished. The use of weapons capable of targeting and shooting down aircraft flying on civil air routes at cruising altitudes poses a significantly dangerous threat to civil aircraft flying in the Simferopol (UKFV) and Dnipropetrovsk (UKDV) FIRs.

In response to this situation, the FAA issued a NOTAM on July 18, 2014 (UTC), to prohibit operations within the Simferopol (UKFV) and Dnipropetrovsk (UKDV) FIRs by all U.S. air carriers; U.S. commercial operators; persons exercising the privileges of a U.S. airman certificate, except when such persons are operating a U.S.-registered aircraft for a foreign air carrier; and operators of U.S.-registered civil aircraft, except when such operators are foreign air carriers. Given the uncertainty about when the conflict in the region will end, this amendment follows up on that action.

The FAA will continue to actively evaluate the area and the airports in the region to determine to what extent U.S. civil operators may be able to safely operate in the region. Amendments to the SFAR may be appropriate if the risk to aviation safety and security changes. The FAA may amend or rescind the SFAR as necessary prior to its expiration date. This amendment also makes a few technical corrections to SFAR No. 113, § 91.1607.

Because the circumstances described herein warrant immediate action by the FAA, I find that notice and public comment under 5 U.S.C. 553(b)(3)(B) are impracticable and contrary to the public interest. However, we will accept any comments regarding the impact of this action for consideration in any future rulemaking action to amend or rescind this SFAR. Further, I find that good cause exists under 5 U.S.C. 553(d) for making this rule effective immediately upon issuance. I also find that this action is fully consistent with the obligations under 49 U.S.C. 40105 to ensure that I exercise my duties consistently with the obligations of the United States under international agreements.
Approval Based on Authorization Request of an Agency of the United States Government

On April 23, 2014, the FAA put an approval process in place as part of SFAR No. 113, § 91.1607. In this rule, the approval process has been expanded to address flight operations by persons covered by SFAR No. 113, § 91.1607, in the entirety of the Simferopol (UKFV) and Dnipropetrovsk (UKDV) FIRs. If a department, agency, or instrumentality of the U.S. Government determines that it has a critical need to engage any person covered under SFAR No. 113, § 91.1607, including a U.S. air carrier or a U.S. commercial operator, to conduct a charter to transport civilian or military passengers or cargo in the Simferopol (UKFV) and Dnipropetrovsk (UKDV) FIRs. If the FAA approves the request, the FAA’s approval conditions in place as part of SFAR No. 113, § 91.1607, do not relieve persons subject to this SFAR of their responsibility to comply with all applicable FAA rules and regulations. Operators of civil aircraft will have to comply with the conditions of their certificate and Operations Specifications (OpSpecs) under chapter 443. Operators will also have to comply with the conditions and regulations of other U.S. Government departments or agencies that may apply to the proposed operation, including, but not limited to, the Transportation Security Administration, Department of Homeland Security.

Approval Conditions

On April 23, 2014, the FAA put approval conditions in place as part of SFAR No. 113, § 91.1607. The approval conditions will now apply to flight operations conducted by persons covered by SFAR No. 113, § 91.1607, in the entirety of the Simferopol (UKFV) and Dnipropetrovsk (UKDV) FIRs. If the FAA approves the request, the FAA’s Aviation Safety Organization (ASO) will send an approval letter to the requesting department, agency, or instrumentality informing it that the FAA’s approval is subject to all of the following conditions:

(1) The approval will stipulate those procedures and conditions that limit, to the greatest degree possible, the risk to the operator, while still allowing the operator to achieve its operational objectives.

(2) The approval will specify that the operation is not eligible for coverage under a premium war risk insurance policy issued by the FAA under chapter 443 of title 49, U.S. Code.1

(3) If the proposed operation would have been covered by a premium war risk insurance policy issued by the FAA under chapter 443 of title 49, U.S. Code, but for SFAR No. 113, § 91.1607, the FAA will issue an endorsement to that premium policy that specifically excludes coverage for any operations into, out of, within, or through the Simferopol (UKFV) and Dnipropetrovsk (UKDV) FIRs, including operations under a flight plan that contemplates landing in or taking off from Ukrainian territory within those two FIRs. The endorsement to the premium policy will take effect before the approval’s effective date. The exclusion specified in the endorsement will remain in effect as long as this SFAR remains in effect, notwithstanding the issuance of any approval under, or exemption from, this SFAR (the chapter 443 premium policy refers to such approval as a “waiver” and such exemption as an “exclusion”).

(4) Before any approval takes effect, the operator must submit to the FAA a written release of the U.S. Government (including but not limited to the United States of America, as Insurer) from all damages, claims, and liabilities, including without limitation legal fees and expenses, and the operator’s agreement to indemnify the U.S. Government (including but not limited to the United States of America, as Insurer) with respect to any and all third-party damages, claims, and liabilities, including without limitation legal fees and expenses, relating to any event arising from or related to the approved operations in the Simferopol (UKFV) and Dnipropetrovsk (UKDV) FIR. The release and agreement to indemnify do not preclude an operator from raising a claim under an applicable non-premium war risk insurance policy issued by the FAA under chapter 443.

(5) Other conditions that the FAA may specify, including those that may be imposed in OpSpecs. If the proposed operation or operations are approved, the FAA will issue OpSpecs to the certificate holder.

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1 If and when, in connection with an operator’s contract with a department, agency, or instrumentality of the U.S. Government, an operation is covered by a non-premium war risk insurance policy issued by FAA under 49 U.S.C. 44305, coverage under that operator’s FAA premium war risk insurance policy is suspended as a condition contained in that premium policy.
authorizing these operations and will
notify a department, agency, or
instrumentality that requests FAA
approval of civil flight operations to be
conducted by one or more persons
described in paragraph (a) of SFAR No.
113, §91.1607, of any additional
conditions beyond those contained in
the approval letter, if the operations are
approved. The requesting department,
agency, or instrumentality must have a
contract, grant, or cooperative
agreement (or its prime contractor must
have a subcontract) with the person(s)
described in paragraph (a) of SFAR No.
113, §91.1607, on whose behalf the
department, agency, or instrumentality
requests FAA approval.

Request for Exemptions

The FAA included a section about
requests for exemption when it issued
SFAR No. 113, §91.1607, on April 23,
2014. The section concerning requests
for exemption has been expanded to
address flight operations by persons
covered by SFAR No. 113, §91.1607, in
both the Simferopol (UKFV) and the
Dnipropetrovsk (UKDV) FIRs. Any
operations not conducted under the
approval process set forth above must be
conducted under an exemption from
SFAR No. 113, §91.1607. A request by
any person covered under SFAR No.
113, §91.1607, for an exemption must
comply with 14 CFR part 11, and will
require exceptional circumstances
beyond those contemplated by the
approval process set forth above. In
addition to the information required by
14 CFR §11.81, at a minimum, the
requestor must describe in its
submission to the FAA—

• The proposed operation(s),
  including the nature of the operation;
• The service to be provided by the
  person(s) covered by the SFAR;
• The specific locations within the
  Simferopol (UKFV) FIR and/or the
  Dnipropetrovsk (UKDV) FIR where the
  proposed operation(s) will be
  conducted; and
• The method by which the operator
  will obtain current threat information,
  and an explanation of how the operator
  will integrate this information into all
  phases of its proposed operations (e.g.,
  the pre-mission planning and briefing,
in-flight, and post-flight phases).

Additionally, FAA’s endorsement of
any premium war risk insurance policy
issued under chapter 443 of title 49,
U.S. Code, and the release and
agreement to indemnify, all as referred
to above, will be required as a condition
of any exemption that may be issued
under SFAR No. 113, §91.1607.

The FAA recognizes that operations
that may be affected by SFAR No. 113,
§91.1607, including this amendment,
may be planned for the governments of
other countries with the support of the
U.S. Government. While these
operations will not be permitted
through the approval process, the FAA
will process exemption requests for
such operations on an expedited basis
and prior to any private exemption
requests.

III. Regulatory Evaluation, Regulatory
Flexibility Determination, International
Trade Impact Assessment, and
Unfunded Mandates Assessment

Changes to Federal regulations must
undergo several economic analyses.
First, Executive Order 12866 and
Executive Order 13563 direct that each
Federal agency shall propose or adopt a
regulation only upon a reasoned
determination that the benefits of the
intended regulation justify its costs.
Second, the Regulatory Flexibility Act
of 1980 (Pub. L. 96–354), as codified in
5 U.S.C. 603, requires agencies to
analyze the economic impact of
regulatory changes on small entities.
Third, the Trade Agreements Act of
1979 (Pub. L. 96–39), as codified in 19
U.S.C. 2532, prohibits agencies from
setting standards that create
unnecessary obstacles to the foreign
commerce of the United States. In
developing U.S. standards, the Trade
Agreements Act requires agencies to
consider international standards and,
where appropriate, that they be the basis
of U.S. standards. Fourth, the Unfunded
Mandates Reform Act of 1995 (Pub. L.
104–4), as codified in 2 U.S.C. 1532,
requires agencies to prepare a written
assessment of the costs, benefits, and
other effects of proposed or final rules
that include a Federal mandate likely to
result in the expenditure by State, local,
or tribal governments, in the aggregate,
or by the private sector, of $100 million
or more annually (adjusted for inflation
with base year of 1995). This portion of
the preamble summarizes the FAA’s
analysis of the economic impacts of this
final rule.

Department of Transportation (DOT)
Order 2100.5 prescribes policies and
procedures for simplification, analysis,
and review of regulations. If the
expected cost impact is so minimal that
a proposed or final rule does not
warrant a full evaluation, this order
permits that a statement to that effect
and the basis for it to be included in the
preamble if a full regulatory evaluation
of the cost and benefits is not prepared.
Such a determination has been made for
this final rule. The reasoning for this
determination follows:

This rule prohibits flights in both the
Simferopol (UKFV) and Dnipropetrovsk
(UKDV) FIRs due to the significant
hazards to civil aviation described in
the Background section of this
preamble. The alternative flight routes
result in some additional fuel and
operations costs to the operators, as well
as some costs attributed to passenger
time. However, no U.S. operators are
now operating in the portion of the
Simferopol (UKFV) FIR for which flight
operations have already been prohibited
by SFAR No. 113. Moreover, almost all
U.S. operators had already voluntarily
ceased their operations in these two
FIRs prior to the issuance of the FAA
NOTAM on July 18, 2014 (UTC),
because of the significant hazards
involved. Accordingly, the incremental
costs of this proposed amendment to
SFAR No. 113 are minimal. By
prohibiting unsafe flights, the benefits
of this rule will exceed the minimal flight
deviation costs.

In conducting these analyses, FAA
has determined this final rule is a
“significant regulatory action,” as
defined in section 3(f) of Executive
Order 12866, because it raises novel
policy issues contemplated under that
Executive Order. The rule is also
“significant” as defined in DOT’s
Regulatory Policies and Procedures. The
final rule, if adopted, will not have a
significant economic impact on a
substantial number of small entities,
will not create unnecessary obstacles to
international trade and will not impose
an unfunded mandate on state, local, or
tribal governments, or on the private
sector.

A. Regulatory Flexibility Analysis

The Regulatory Flexibility Act of 1980
(Public Law 96–354, “RFA”) establishes
“as a principle of regulatory issuance
that agencies shall endeavor, consistent
with the objectives of the rule and of
applicable statutes, to fit regulatory and
informational requirements to the scale
of the businesses, organizations,
and governmental jurisdictions subject
to regulation. To achieve this principle,
agencies are required to solicit and
consider flexible regulatory proposals
and to explain the rationale for their
actions to assure that such proposals are
given serious consideration.” The RFA
covers a wide-range of small entities,
including small businesses, not-for-
profit organizations, and small
governmental jurisdictions.

Agencies must perform a review to
determine whether a rule will have a
significant economic impact on a
substantial number of small entities. If
the agency determines that it will, the
agency must prepare a regulatory
flexibility analysis as described in the
RFA.
However, if an agency determines that a rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

U.S. certificate holders affected by this final rule are predominately large passenger and all-cargo carriers. There are some small entity operators flying under U.S. government contract and some operators providing flights that support oil operations that the FAA anticipates will also be affected. Many of these operations are conducted by small entities, but due to the immediacy of the potential harm to U.S. certificate holders, their passengers, crew, and cargo, there is not a sufficient amount of time to ascertain exact numbers. There are likely to be enough such operators to be considered a substantial number of small entities. The incremental costs of this amendment are minimal because operators have largely stopped overflying this area voluntarily.

Therefore, as provided in section 605(b), the head of the FAA certifies that this rulemaking will not result in a significant economic impact on a substantial number of small entities.

B. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to these Acts, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety, and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. The FAA has assessed the potential effect of this final rule and determined that its purpose is to protect the safety of U.S. civil aviation from a potential hazard outside the U.S. Therefore, the rule is in compliance with the Trade Agreements Act.

C. Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (in 1995 dollars) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a “significant regulatory action.” The FAA currently uses an inflation-adjusted value of $151.0 million in lieu of $100 million. This final rule does not contain such a mandate; therefore, the requirements of Title II of the Act do not apply.

D. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. The FAA has determined that there is no new requirement for information collection associated with this immediately adopted final rule.

E. International Compatibility and Cooperation

In keeping with U.S. obligations under the Convention on International Civil Aviation (the “Chicago Convention”), it is FAA policy to conform to ICAO Standards and Recommended Practices to the maximum extent practicable. The FAA has determined that there are no ICAO Standards and Recommended Practices that correspond to these proposed regulations.

F. Environmental Analysis

FAA Order 1050.1E identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act (“NEPA”) in the absence of extraordinary circumstances. The FAA has determined this rulemaking action qualifies for the categorical exclusion identified in paragraph 312(f) and involves no extraordinary circumstances. The FAA has reviewed the implementation of the proposed SFAR and determined it is categorically excluded from further environmental review according to FAA Order 1050.1E, “Environmental Impacts: Policies and Procedures,” paragraph 312(f). The FAA has examined possible extraordinary circumstances and determined that no such circumstances exist. After careful and thorough consideration of the proposed action, the FAA finds that the Federal action does not require preparation of an EA or EIS in accordance with the requirements of NEPA, Council on Environmental Quality (CEQ) regulations, and FAA Order 1050.1E.

IV. Executive Order Determinations

A. Executive Order 13132, “Federalism”

The FAA has analyzed this immediately adopted final rule under the principles and criteria of Executive Order 13132, “Federalism.” The agency determined that this action will not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, does not have Federalism implications.

B. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA analyzed this immediately adopted final rule under Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (May 18, 2001). The agency has determined that it is not a “significant energy action” under the executive order and it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

C. Executive Order 13609, Promoting International Regulatory Cooperation

Executive Order 13609, Promoting International Regulatory Cooperation, promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and to reduce, eliminate, or prevent unnecessary differences in regulatory requirements. The FAA has analyzed this action under the policies and agency responsibilities of Executive Order 13609, and has determined that this action would have no effect on international regulatory cooperation.

V. How To Obtain Additional Information

A. Rulemaking Documents

An electronic copy of a rulemaking document may be obtained by using the Internet—

1. Search the Federal Document Management System (FDMS) Portal (http://www.regulations.gov); or
2. Visit the FAA’s Regulations and Policies Web page at http://www.faa.gov/regulations_policies/ or
PART 91—GENERAL OPERATING AND FLIGHT RULES

§ 91.1607 Special Federal Aviation Regulation No. 113—Prohibition Against Certain Flights in the Simferopol (UKFV) and the Dnipropetrovsk (UKDV) Flight Information Regions (FIRs).

(a) Applicability. This Special Federal Aviation Regulation (SFAR) applies to the following persons:

(1) All U.S. air carriers and U.S. commercial operators;

(2) All persons exercising the privileges of an airman certificate issued by the FAA, except such persons operating U.S.-registered aircraft for a foreign air carrier; and

(3) All operators of U.S.-registered civil aircraft, except where the operator of such aircraft is a foreign air carrier.

(b) Flight prohibition. Except as provided in paragraphs (c) and (d) of this section, no person described in paragraph (a) of this section may conduct flight operations in the Simferopol (UKFV) FIR or the Dnipropetrovsk (UKDV) FIR.

(c) Permitted operations. This section does not prohibit persons described in paragraph (a) of this section from conducting flight operations in either or both of the Simferopol (UKFV) and the Dnipropetrovsk (UKDV) FIRs, provided that such flight operations are conducted under a contract, grant, or cooperative agreement with a department, agency, or instrumentality of the U.S. government (or under a subcontract between the prime contractor of the department, agency, or instrumentality, and the person subject to paragraph (a)), with the approval of the FAA, or under an exemption issued by the FAA. The FAA will process requests for approval or exemption in a timely manner, with the order of preference being: First, for those operations in support of U.S. government-sponsored activities; second, for those operations in support of government-sponsored activities of a foreign country with the support of a U.S. government department, agency, or instrumentality; and third, for all other operations.

(d) Emergency situations. In an emergency that requires immediate decision and action for the safety of the flight, the pilot in command of an aircraft may deviate from this section to the extent required by that emergency. Except for U.S. air carriers and commercial operators that are subject to the requirements of 14 CFR parts 119, 121, 125, or 135, each person who deviates from this section must, within 10 days of the deviation, excluding Saturdays, Sundays, and Federal holidays, submit to the nearest FAA Flight Standards District Office (FSDO) a complete report of the operations of the aircraft involved in the deviation, including a description of the deviation and the reasons for it.

(e) Expiration. This SFAR will remain in effect until October 27, 2015. The FAA may amend, rescind, or extend this SFAR as necessary.

Issued under authority provided by 49 U.S.C. 106(f), 40101(d)(1), 40105(b)(1)(A), and 44701(a)(5), in Washington, DC, on December 19, 2014.

Michael P. Huerta,
Administrator.

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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 732, 736, 738, 740, 744, and 774

[Docket No. 141027899–4899–01]

RIN 0694–AG34

Corrections and Clarifications to the Export Administration Regulations

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Industry and Security (BIS) is correcting certain provisions of the Export Administration Regulations (EAR) that were amended in past rulemakings appearing in the Federal Register between November 5, 2007 and October 14, 2014. This final rule makes corrections to certain provisions to ensure consistency and clarity in the regulations. In addition, this final rule makes other corrections to the EAR to fix typographical errors to ensure that the regulations accurately reflect the revisions intended by these past rulemakings.

DATES: This rule is effective December 29, 2014.

FOR FURTHER INFORMATION CONTACT:
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SUPPLEMENTARY INFORMATION:

Background

The Bureau of Industry and Security (BIS) is correcting certain provisions of the Export Administration Regulations (EAR) that were amended in past rulemakings appearing in the Federal Register between November 5, 2007 and October 14, 2014. In total, this final rule makes corrections and clarifications for thirteen final rules that amended the EAR during this time period. This final rule corrects these provisions to accurately reflect the revisions intended by these past rulemakings. These final rulemakings consist of the following: Revisions to the Commerce Control List: Imposition of Controls on Integrated Circuits, Helicopter Landing System...