

Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.

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#### AGL MN E4 Rochester, MN (Amended)

Rochester International Airport, MN  
(Lat. 43°54'30" N., long. 92°30'00" W.)  
Rochester VOR/DME  
(Lat. 43°46'58" N., long. 92°35'49" W.)

That airspace extending upward from the surface within 3.1 miles each side of Rochester VOR/DME 028° radial, extending from the 4.3-mile radius to 7 miles southwest of the airport.

#### AGL MN E4 St. Cloud, MN (Amended)

St. Cloud Regional Airport, MN  
(Lat. 45°32'48" N., long. 94°03'36" W.)  
St. Cloud VOR/DME  
(Lat. 45°32'58" N., long. 94°03'31" W.)

That airspace extending upward from the surface within 2.4 miles each side of St. Cloud VOR/DME 143° radial extending from the 4.1-mile radius of St. Cloud Regional Airport to 7.2 miles southeast of the airport.

Issued in Fort Worth, Texas, on January 27, 2016.

**Robert W. Beck,**

Manager, Operations Support Group, ATO  
Central Service Center.

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2015-7486; Airspace  
Docket No. 15-AGL-26]

#### Amendment of Class E Airspace; Wilmington, OH

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

**ACTION:** Final rule.

**SUMMARY:** This action amends the legal description of Class E surface area airspace and Class E airspace designated as an extension at Wilmington Air Park, Wilmington, OH, eliminating the Notice to Airmen (NOTAM) part-time status. This action also updates the airport name of Wilmington Air Park, Wilmington, OH, to coincide with the FAA's aeronautical database.

**DATES:** Effective 0901 UTC, March 31, 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 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 29591; 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).

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222-5711.

#### **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 amends controlled airspace at Wilmington Air Park, Wilmington, OH.

##### **History**

In a review of the airspace, the FAA found the airspace for Wilmington Air Park, Wilmington, OH, as published in FAA Order 7400.9Z, Airspace Designations and Reporting Points, does not require part time status. This is an administrative change removing the part time NOTAM information from the legal description for the airport.

Class E airspace designations are published in paragraph 6002 and 6004, respectively, of FAA 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 by eliminating the NOTAM information that reads, "This Class E 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 Airport/Facility Directory." from the regulatory text of the Class E surface area airspace, and Class E airspace designated as an extension to Class D, at Wilmington Air Park, Wilmington, OH, formerly Airborne Airpark.

This is an administrative change amending the description for Wilmington Air Park 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 6002 Class E Airspace Designated as Surface Areas.*

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#### **AGL OH E2 Wilmington, OH (Amended)**

Wilmington, Wilmington Air Park, OH  
(Lat. 39°25'41" N., long. 083°47'32" W.)  
Wilmington, Hollister Field Airport, OH  
(Lat. 39°26'15" N., long. 083°42'30" W.)

Within a 4.2-mile radius of Wilmington Air Park, and within 3.7 miles each side of the Midwest VOR/DME 215° radial extending from the 4.2-mile radius of Wilmington Air Park to 7 miles southwest of the airport, and within 3.7 miles each side of the Midwest VOR/DME 041° radial extending from the 4.2-mile radius of the airport to 7 miles northeast of the airport, excluding that portion of airspace within a 1-mile radius of Hollister Field Airport.

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*Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.*

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#### **AGL OH E4 Wilmington, OH (Amended)**

Wilmington, Wilmington Air Park, OH  
(Lat. 39°25'41" N., long. 083°47'32" W.)  
Wilmington, Hollister Field Airport, OH  
(Lat. 39°26'15" N., long. 083°42'30" W.)  
Midwest VOR/DME  
(Lat. 39°25'47" N., long. 083°48'04" W.)

That airspace extending upward from the surface within 3.7 miles each side of the Midwest VOR/DME 215° radial, extending from the 4.2-mile radius of Wilmington Air Park to 7 miles southwest of the airport, and within 3.7 miles each side of the Midwest VOR/DME 041° radial extending from the 4.2-mile radius of the airport to 7 miles northeast of the airport, excluding that portion of airspace within a 1-mile radius of Hollister Field Airport.

Issued in Fort Worth, Texas, on January 29, 2016.

**Robert W. Beck,**

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

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## **DEPARTMENT OF JUSTICE**

### **Drug Enforcement Administration**

#### **21 CFR Part 1308**

[Docket No. DEA–367]

**RIN 1117–AB39**

#### **Schedules of Controlled Substances: Table of Excluded Nonnarcotic Products: Vicks® VapoInhaler®**

**AGENCY:** Drug Enforcement Administration, Department of Justice.

**ACTION:** Final rule.

**SUMMARY:** This final rule adopts the interim final rule, with a correction to spelling of the manufacturer's name that was published in the **Federal Register** on October 27, 2015. The Drug Enforcement Administration is amending the table of Excluded Nonnarcotic Products to update the listing for Vicks® VapoInhaler®, containing 50 mg levmetamfetamine in a nasal decongestant inhaler, marketed by The Procter & Gamble Company. This over-the-counter, non-narcotic drug product is excluded from provisions of the Controlled Substances Act.

**DATES:** This final rule is effective on February 8, 2016.

**FOR FURTHER INFORMATION CONTACT:** Barbara J. Boockholdt, Office of Diversion Control, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (202) 598–6812.

#### **SUPPLEMENTARY INFORMATION:**

##### **Legal Authority**

The Drug Enforcement Administration (DEA) implements and enforces titles II and III of the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended. 21

U.S.C. 801–971. Titles II and III are referred to as the "Controlled Substances Act" and the "Controlled Substances Import and Export Act," respectively, and they are collectively referred to as the "Controlled Substances Act" or the "CSA" for the purpose of this action. The DEA publishes the implementing regulations for these statutes in title 21 of the Code of Federal Regulations (CFR), chapter II.

The CSA and its implementing regulations are designed to prevent, detect, and eliminate the diversion of controlled substances and listed chemicals into the illicit market while ensuring an adequate supply is available for the legitimate medical, scientific, research, and industrial needs of the United States. Controlled substances have the potential for abuse and dependence and are controlled to protect the public health and safety.

Under the CSA, each controlled substance is classified into one of five schedules based upon its potential for abuse, its currently accepted medical use in treatment in the United States, and the degree of dependence the drug or other substance may cause. 21 U.S.C. 812. The initial schedules of controlled substances established by Congress are found at 21 U.S.C. 812(c) and the current list of all scheduled substances is published at 21 CFR part 1308.

The CSA states that the Attorney General shall by regulation exclude any nonnarcotic drug which contains a controlled substance from the application of the CSA, if such drug may, under the Federal Food, Drug, and Cosmetic Act (FD&C Act), 21 U.S.C. 301 *et seq.*, be lawfully sold over-the-counter without a prescription. 21 U.S.C. 811(g)(1). Such exclusions apply only to specific nonnarcotic drugs following suitable application to the DEA in accordance with 21 CFR 1308.21. The current table of Excluded Nonnarcotic Products is found in 21 CFR 1308.22. The authority to exclude such substances has been delegated to the Administrator of the DEA, 28 CFR 0.100, and redelegated to the Deputy Assistant Administrator of the Office of Diversion Control, section 7 of 28 CFR part 0, appendix to subpart R.

#### **Background**

This final rule adopts, with a change to the spelling of the manufacturer's name, the interim final rule, "Schedules of Controlled Substances: Table of Excluded Nonnarcotic Products: Vicks® VapoInhaler®" that was published in the **Federal Register** on October 27, 2015. 80 FR 65635. The correct spelling of the manufacturer's name is "The Procter & Gamble Company." The