consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

Proprietary or Confidential Business Information

Do not file in the docket information that you consider to be proprietary or confidential business information. Send or deliver this information directly to the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this document. You must mark the information that you consider proprietary or confidential. If you send the information on a disk or CD–ROM, mark the outside of the disk or CD–ROM and also identify electronically within the disk or CD–ROM the specific information that is proprietary or confidential.

Under 14 CFR 11.35(b), when we are aware of proprietary information filed with a comment, we do not place it in the docket. We hold it in a separate file to which the public does not have access, and we place a note in the docket that we have received it. If we receive a request to examine or copy this information, we treat it as any other request under the Freedom of Information Act (5 U.S.C. 552). We process such a request under the DOT procedures found in 49 CFR part 7.

Availability of Rulemaking Documents

You can get an electronic copy of rulemaking documents using the Internet by—Searching the Federal eRulemaking Portal (*http://www.regulations.gov*); Visiting the FAA's Regulations and Policies Web page at: *http://www.faa.gov/regulations_policies* or Accessing the Government Printing Office's Web page at: *http://www.gpoaccess.gov/fr/index.html.*

You can also get a copy by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9680. Make sure to identify the docket or notice number of this rulemaking.

You may access all documents the FAA considered in developing this proposed rule, including economic analyses and technical reports, from the internet through the Federal eRulemaking Portal referenced in paragraph (1).

List of Subjects in 14 CFR Part 91

Air traffic control, Aircraft, Airmen, Airports, Aviation safety, Freight, Afghanistan.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Chapter I of Title 14, Code of Federal Regulations, as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

1. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(g), 1155, 40103, 40113, 40120, 44101, 44111, 44701, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506–46507, 47122, 47508, 47528–47531; articles 12 and 29 of the Convention on International Civil Aviation (61 Stat. 1180).

2. In part 91, Special Federal Aviation Regulation (SFAR) No. 110 is added to read as follows:

Special Federal Aviation Regulation No. 110—Prohibition Against Certain Flights Within the Territory and Airspace of Afghanistan

1. *Applicability.* This rule applies to the following persons:

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

(b) 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

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

2. *Flight prohibition.* Except as provided below, or in paragraphs 3 and 4 of this SFAR, no person described in paragraph 1 may conduct flight operations within the territory and airspace of Afghanistan below FL 160. This rule permits U.S. civil aircraft operations by persons described in paragraph 1 below flight level (FL) 160 within the territory and airspace of Afghanistan, only when approved by the FAA as provided herein.

(a) Overflights of Afghanistan may be conducted at or above FL 160 subject to the approval of, and in accordance with the conditions established by, the appropriate authorities of Afghanistan.

(b) Flights departing from countries adjacent to Afghanistan whose climb performance will not permit operation at or above FL 160 prior to entering Afghan airspace may operate at altitudes below FL 160 within Afghanistan to the extent necessary to permit a climb above FL 160, subject to the approval of, and in accordance with the conditions established by, the appropriate authorities of Afghanistan.

3. *Permitted operations.* This SFAR does not prohibit persons described in section 1 from conducting flight operations within the territory and airspace of Afghanistan below FL 160 when such operations are authorized either by another agency of the United States Government with the approval of the FAA or by an exemption issued by the Administrator.

4. *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 SFAR to the extent required by that emergency. Except for U.S. air carriers and commercial operators that are subject to the requirements of Title 14 CFR parts 119, 121, or 135, each person who deviates from this rule must, within 10 days of the deviation, excluding Saturdays, Sundays, and Federal holidays, submit to the nearest FAA Flight Standards District Office a complete report of the operations of the aircraft involved in the deviation, including a description of the deviation and the reasons for it.

5. *Expiration.* This Special Federal Aviation Regulation will remain in effect for 5 years from the effective date. The FAA may amend, rescind, or extend the SFAR as necessary.

Issued in Washington, DC, on May 21, 2010.

Raymond Towles,

Acting Director, Flight Standards Service, Aviation Safety.

[FR Doc. 2010–12670 Filed 5–25–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 93

[Docket No. FAA–2010–0302; Notice No. 10–08]

RIN 2120–AJ75

The New York North Shore Helicopter Route

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This proposed action would require helicopter operators to use the New York North Shore Route when operating in that area of Long Island, New York. The North Shore Route was added to the New York Helicopter Route

Chart in 2008 and the use of that route is currently voluntary. New York public officials have continued to receive complaints regarding the adverse impact of helicopter noise on their communities. The intended effect of this proposal is to maximize utilization of the existing route flown by helicopter traffic along the north shore of Long Island and reduce the noise impact on nearby communities.

DATES: Send your comments on or before June 25, 2010.

ADDRESSES: You may send comments identified by Docket Number FAA–2010–0302 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

For more information on the rulemaking process, *see* the **SUPPLEMENTARY INFORMATION** section of this document.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://DocketsInfo.dot.gov.*

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time and follow the online instructions for accessing the docket or Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this proposed rule contact Ellen Crum, Airspace and Rules Group, AJR–33, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–8783. For legal questions concerning this proposed rule contact Lorelei Peter, AGC–220, Office of Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone 202–267–3073.

SUPPLEMENTARY INFORMATION:

Later in this preamble under the Additional Information section, we discuss how you can comment on this proposal and how we will handle your comments. Included in this discussion is related information about the docket, privacy, and the handling of proprietary or confidential business information. We also discuss how you can get a copy of related rulemaking documents.

Authority for This Rulemaking

The FAA has broad authority and responsibility to regulate the operation of aircraft and the use of the navigable airspace and to establish safety standards for and regulate the certification of airmen, aircraft, and air carriers. (49 U.S.C. 40104 *et seq.,* § 40103(b). The FAA's authority for this proposed rule is contained in 49 U.S.C. 40103 and 44715. Under § 40103, the Administrator of the FAA has authority to "prescribe air traffic regulations on the flight of aircraft (including regulations on safe altitudes) for * * * (B) protecting individuals and property on the ground. (49 U.S.C. 40103(b)(2)). In addition, § 44715(a), provides that to "relieve and protect the public health and welfare from aircraft noise," the Administrator of the FAA, "as he deems necessary, shall prescribe * * * (ii) regulations to control and abate aircraft noise * * *"

Background

In response to numerous complaints regarding helicopter noise received by New York public officials, including Senator Schumer and former Senator Clinton, the FAA began working with stakeholders and industry groups to address the issue. Senator Charles Schumer and Representative Tim Bishop conducted a meeting in October 2007 with the FAA, local helicopter operators and the airport proprietors to specifically address the noise complaints stemming from the north shore of Long Island. As a result of this meeting, a visual flight rules (VFR) helicopter route, the North Shore route, was designed for helicopters to use when transiting the area in order to lessen the noise impact on populated areas by remaining offshore and over the water. As this route was developed for VFR flight, use of it is voluntary. The route was published on the Helicopter Route Chart for New York, effective May 8, 2008.

The Helicopter Route Chart program was established by the FAA to enhance helicopter access into, egress from, and operation within high density traffic areas by depicting discrete and/or common use helicopter routes. Guidance and procedures for this program are contained in FAA Order 7210.3, Facility Operation and Administration, Chapter 11. The use of these routes is voluntary, unless air traffic control assigns the charted routes to pilots for purposes of addressing traffic density or safety.

New York elected officials have advised the FAA the noise complaints continue in this area notwithstanding the North Shore route. The local FAA Flight Standards Division has also received the same complaints.

The New York Long Island airspace, like many other areas in the U.S., presents competing interests. The geographic area is not vast but supports a highly congested populated area that is surrounded by traffic operating into and out of LaGuardia Airport, John F. Kennedy International Airport, Republic Airport and a multitude of both public and private heliports.

This proposed action would require civil helicopters along Long Island, New York's northern shoreline to follow the published New York North Shore Route between the fixed waypoint VPLYD and Orient Point. The FAA is aware that several conditions may exist for which helicopter operators would need to deviate from the route. Therefore, provisions are included that take into consideration the wide variety of helicopters, their associated performance and mission profiles, the dynamic weather environment along the route, and the pilot's responsibility to maintain safe operations at all times.

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. We have determined that there is no new information collection requirement associated with this proposed rule.

International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to conform to International Civil Aviation Organization (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.

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 directs 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) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Pub. L. 96–39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, the Trade 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) 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 proposed rule.

Department of Transportation Order DOT 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 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 proposed rule. The reasoning for this determination follows:

This proposed action is not expected to result in additional costs on the affected helicopters because those operators that cannot comply with the route as published due to operational limitations, performance factors, weather conditions or safety considerations are allowed to deviate from the provisions of Subpart H.

FAA has, therefore, determined that this proposed rule is not a "significant regulatory action" as defined in section 3(f) of Executive Order 12866, and is not "significant" as defined in DOT's Regulatory Policies and Procedures.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (Pub. L. 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.

This proposed rule would impact several small entities. For aircraft operators these include all firms with less than 1,500 employees. There are 5 small entities in the New York market for part 135 sightseeing helicopter tours. However, the rule does not require the purchase of additional equipment and allows pilots to deviate from the proposed provisions if necessary, due to operational limitations of the helicopter, performance factors, weather conditions or safety considerations. Therefore the rule imposes only minimal operating cost.

Therefore, the FAA certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities. The FAA solicits comments regarding this determination.

International Trade Impact Analysis

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 any 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 standards have a legitimate domestic objective, such as the protection of safety and do 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. As the proposed rule would have only a domestic impact, the Trade Agreement Act does not apply.

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 $143.1 million in lieu of $100 million. This proposed rule does not contain such a mandate; therefore, the requirements of Title II of the Act do not apply.

Executive Order 13132, Federalism

The FAA has analyzed this proposed rule under the principles and criteria of Executive Order 13132, Federalism. We determined that this action would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, would not have federalism implications.

Environmental Analysis

Under regulations issued by the Council on Environmental Quality, federal agencies are required to establish procedures that, among other things, identify agency actions that are categorically excluded from the requirement for an environmental assessment or environmental impact statement under the National Environmental Policy Act of 1969 because they do not have a significant effect on the human environment. *See* 40 CFR 1507.3(b)(2)(ii), 1508.4. The required agency procedures must also

"provide for extraordinary circumstances in which a normally excluded action may have a significant environmental effect." 40 CFR 1508.4. For FAA actions, these "categorical exclusions" and "extraordinary circumstances" are listed in Chapter 3 of FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures."

The FAA has determined that this proposed rulemaking action qualifies for the categorical exclusion identified in paragraph 312f of FAA Order 1050.1E. That categorical exclusion applies to "[r]egulations, standards, and exemptions (excluding those which if implemented may cause a significant impact on the human environment)." The existing New York North Shore Route is a visual flight rules (VFR) route, use of which is voluntary. Additionally, the route is located entirely over water and away from noise-sensitive locations. Therefore, implementation of this proposed rule is not expected to result in significant adverse impacts to the human environment. Moreover, implementation of the proposed rule would not involve any of the extraordinary circumstances listed in Section 304 of FAA Order 1050.1E.

Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA has analyzed this NPRM under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). We have determined that it is not a "significant energy action" under the executive order because it is not a "significant regulatory action" under Executive Order 12866, and it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

Additional Information

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, please send only one copy of written comments, or if you are filing comments electronically, please submit your comments only one time.

We will file in the docket all comments we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

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You may access all documents the FAA considered in developing this proposed rule, including economic analyses and technical reports, from the Internet through the Federal eRulemaking Portal referenced in paragraph (1).

List of Subjects in 14 CFR Part 93

Air traffic control, Airspace, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Chapter I of Title 14, 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, 44719, 46301.

2. Amend part 93 by adding subpart H to read as follows:

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

§ 93.101 Applicability.

§ 93.103 Helicopter operations.

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

§ 93.101 Applicability.

This subpart prescribes a special air traffic rule for civil helicopters operating VFR along the North Shore, Long Island, New York.

§ 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, as published.

(b) Pilots may deviate from the requirements of paragraph (a) when required for safety, weather conditions or transitioning to or from a destination or point of landing.

Issued in Washington, DC, on May 17, 2010.

Edie Parish,

Acting Director, Systems Operations, Airspace and Aeronautical Information Management.

[FR Doc. 2010–12606 Filed 5–25–10; 8:45 am]

BILLING CODE 4910–13–P