

(4) You may review copies of the referenced revisions at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call 816-329-4148.

(5) You may also review copies of the service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at an NARA facility, 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).

Issued in Kansas City, Missouri, on August 19, 2011.

**John Colomy,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2011-21876 Filed 8-26-11; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2011-0427; Airspace Docket No. 11-AGL-7]

#### Amendment of Class E Airspace; Gary, IN

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

**ACTION:** Final rule.

**SUMMARY:** This action amends Class E airspace for Gary, IN, to accommodate new Area Navigation (RNAV) Standard Instrument Approach Procedures at Gary/Chicago International Airport. The FAA is taking this action to enhance the safety and management of Instrument Flight Rule (IFR) operations at the airport. This action also updates the airport name.

**DATES:** *Effective date:* 0901 UTC, December 15, 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:** Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone (817) 321-7716.

#### SUPPLEMENTARY INFORMATION:

##### History

On May 18, 2011, the FAA published in the **Federal Register** a notice of proposed rulemaking to amend Class E airspace for Gary, IN, creating additional

controlled airspace at Gary/Chicago International Airport (76 FR 28686) Docket No. FAA-2011-0427. 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 6005 of FAA Order 7400.9U dated August 18, 2010, and effective September 15, 2010, which is incorporated by reference in 14 CFR Part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

#### The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by creating additional Class E airspace extending upward from 700 feet above the surface for new standard instrument approach procedures at Gary/Chicago International Airport, Gary, IN. This action also updates the airport name from Gary Regional Airport to Gary/Chicago International Airport, Gary, IN. This action is necessary for the safety and management of IFR operations at the airport.

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. 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 that 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, 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 for Gary/Chicago International Airport, Gary, IN.

#### 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 Part 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.*

\* \* \* \* \*

#### AGL IN E5 Gary, IN [Amended]

Gary/Chicago International Airport, IN  
(Lat. 41°36'59" N., long. 87°24'46" W.)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Gary/Chicago International Airport, and within 2 miles each side of the 124° bearing from the airport extending from the 6.7-mile radius to 11.6 miles southeast of the airport.

Issued in Fort Worth, Texas, on August 17, 2011.

**Walter L. Tweedy,**

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

[FR Doc. 2011-21908 Filed 8-26-11; 8:45 am]

**BILLING CODE 4910-13-P**

## FEDERAL TRADE COMMISSION

### 16 CFR Part 310

RIN 3084-AA98

#### Telemarketing Sales Rule Fees

**AGENCY:** Federal Trade Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Trade Commission (the Commission or "FTC") is amending its Telemarketing Sales Rule ("TSR") by updating the fees

charged to entities accessing the National Do Not Call Registry (the Registry as required by the Do-Not-Call Registry Fee Extension Act of 2007.

**DATES:** *Effective Date:* The revised fees will become effective October 1, 2011.

**ADDRESSES:** Requests for copies of this document should be sent to: Public Reference Branch, Federal Trade Commission, Room 130, 600 Pennsylvania Avenue, NW., Washington, DC 20580. Copies of this document are also available on the Internet at the Commission's Web site: <http://www.ftc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Ami Joy Dziekan, (202) 326-2648, BCP, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Rm. H-246, Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** To comply with the Do-Not-Call Registry Fee Extension Act of 2007 (Pub. L. 110-188, 122 Stat. 635) (Act), the Commission is amending the TSR by updating the fees entities are charged for accessing the Registry as follows: The revised rule increases the annual fee for access to the Registry for each area code of data from \$55 to \$56 per area code; increases the fee per area code of data during the second six months of an entity's annual subscription period from \$27 to \$28; and increases the maximum amount that will be charged to any single entity for accessing area codes of data from \$15,058 to \$15,503.

These increases are in accordance with the Act, which specifies that beginning after fiscal year 2009, the dollar amounts charged shall be increased by an amount equal to the amounts specified in the Act, multiplied by the percentage (if any) by which the average of the monthly consumer price index (for all urban consumers published by the Department of Labor) ("CPI") for the most recently ended 12-month period ending on June 30 exceeds the CPI for the 12-month period ending June 30, 2008. The Act also states that any increase shall be rounded to the nearest dollar and that there shall be no increase in the dollar amounts if the change in the CPI is less than one percent. For fiscal year 2009, the Act specified that the original annual fee for access to the Registry for each area code of data was \$54 per area code, or \$27 per area code of data during the second six months of an entity's annual subscription period, and that the maximum amount that would be charged to any single entity for accessing area codes of data would be \$14,850.

The determination whether a fee change is required and the amount of

the fee change involves a two step process. First, to determine whether a fee change is required, we measure the change in the CPI from the time of the previous increase in fees. There was no change in the fees for fiscal year 2011 because last year, there was an increase in the CPI of 0.97 percent, which was under the one percent CPI change specified in the statute. Accordingly, we calculated the change in the CPI since we last changed the fee in fiscal year 2009, and the change was 3.00 percent. Because this change is over the 1 percent threshold, the fees will change for fiscal year 2012.

Second, to determine how much the fees should increase this fiscal year, we use the calculation specified by the Act set forth above, the percentage change in the baseline CPI applied to the original fees for fiscal year 2009. The average value of the CPI for July 1, 2007 to June 30, 2008 was 211.702; the average value for July 1, 2010 to June 30, 2011 was 221.087, an increase of 4.4 percent. Applying the 4.4 percent increase to the base amount from fiscal year 2009, leads to an increase from \$55 to \$56 in the fee from last year for access to a single area code of data for a full year for fiscal year 2012. The actual amount is \$56.38, but when rounded, pursuant to the Act, the amount is \$56. The fee for accessing an additional area code for a half year increases to \$28.19 (rounded to \$28). The maximum amount charged increases to \$15,503.40 (rounded to \$15,503).

**Administrative Procedure Act; Regulatory Flexibility Act; Paperwork Reduction Act**

The revisions to the Fee Rule are technical in nature and merely incorporate statutory changes to the TSR. These statutory changes have been adopted without change or interpretation, making public comment unnecessary. Therefore, the Commission has determined that the notice and comment requirements of the Administrative Procedure Act do not apply. *See* 5 U.S.C. 553(b). For this reason, the requirements of the Regulatory Flexibility Act also do not apply. *See* 5 U.S.C. 603, 604.

Pursuant to the Paperwork Reduction Act, 44 U.S.C. 3501-3521, the Office of Management and Budget ("OMB") approved the information collection requirements in the Amended TSR and assigned the following existing OMB Control Number: 3084-0097. The amendments outlined in this Final Rule pertain only to the fee provision (§ 310.8) of the Amended TSR and will not establish or alter any record keeping, reporting, or third-party

disclosure requirements elsewhere in the Amended TSR.

**List of Subjects in 16 CFR Part 310**

Advertising, Consumer protection, Reporting and recordkeeping requirements, Telephone, Trade practices.

Accordingly, the Federal Trade Commission amends part 310 of title 16 of the Code of Federal Regulations as follows:

**PART 310—TELEMARKETING SALES RULE**

■ 1. The authority citation for part 310 continues to read as follows:

**Authority:** 15 U.S.C. 6101-6108; 15 U.S.C. 6151-6155.

■ 2. Revise §§ 310.8(c) and (d) to read as follows:

**§ 310.8 Fee for access to the National Do Not Call Registry.**

\* \* \* \* \*

(c) The annual fee, which must be paid by any person prior to obtaining access to the National Do Not Call Registry, is \$56 for each area code of data accessed, up to a maximum of \$15,503; *provided*, however, that there shall be no charge to any person for accessing the first five area codes of data, and *provided further*, that there shall be no charge to any person engaging in or causing others to engage in outbound telephone calls to consumers and who is accessing area codes of data in the National Do Not Call Registry if the person is permitted to access, but is not required to access, the National Do Not Call Registry under this Rule, 47 CFR 64.1200, or any other Federal regulation or law. Any person accessing the National Do Not Call Registry may not participate in any arrangement to share the cost of accessing the registry, including any arrangement with any telemarketer or service provider to divide the costs to access the registry among various clients of that telemarketer or service provider.

(d) Each person who pays, either directly or through another person, the annual fee set forth in § 310.8(c), each person excepted under § 310.8(c) from paying the annual fee, and each person excepted from paying an annual fee under § 310.4(b)(1)(iii)(B), will be provided a unique account number that will allow that person to access the registry data for the selected area codes at any time for the twelve month period beginning on the first day of the month in which the person paid the fee ("the annual period"). To obtain access to additional area codes of data during the first six months of the annual period,

each person required to pay the fee under § 310.8(c) must first pay \$56 for each additional area code of data not initially selected. To obtain access to additional area codes of data during the second six months of the annual period, each person required to pay the fee under § 310.8(c) must first pay \$28 for each additional area code of data not initially selected. The payment of the additional fee will permit the person to access the additional area codes of data for the remainder of the annual period.

\* \* \* \* \*

By direction of the Commission.

**Donald S. Clark,**

Secretary.

[FR Doc. 2011-21992 Filed 8-26-11; 8:45 am]

BILLING CODE 6750-01-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R03-OAR-2010-1027; FRL-9457-2]

#### Approval and Promulgation of Air Quality Implementation Plans; Delaware; Infrastructure State Implementation Plan Requirement To Address Interstate Transport for the 2006 24-Hour PM<sub>2.5</sub> NAAQS

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Delaware on September 16, 2009, as supplemented on April 27, 2011. The revision satisfies the Clean Air Act (CAA) infrastructure requirement that each State's plan contain adequate provisions prohibiting its emissions from contributing significantly to nonattainment in, or interfering with maintenance by, any other state with respect to the 2006 24-hour fine particulate matter (PM<sub>2.5</sub>) national ambient air quality standards (NAAQS). EPA is approving this revision in accordance with the requirements of the CAA.

**DATES:** *Effective Date:* This final rule is effective on September 28, 2011.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2010-1027. All documents in the docket are listed in the <http://www.regulations.gov> Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information whose disclosure is restricted by statute.

Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Delaware Department of Natural Resources and Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19903.

**FOR FURTHER INFORMATION CONTACT:** Marilyn Powers, (215) 814-2308, or by e-mail at [powers.marilyn@epa.gov](mailto:powers.marilyn@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On January 18, 2011 (76 FR 2853), EPA published a notice of proposed rulemaking (NPR) for the State of Delaware. The NPR proposed approval, and in the alternative, proposed disapproval of Delaware's infrastructure SIP submittal intended to address significant contribution to nonattainment or interference with maintenance in another state with respect to the 2006 PM<sub>2.5</sub> NAAQS, as required by section 110(a)(2)(D)(i)(I) of the CAA. The formal SIP revision was submitted by the Delaware Department of Natural Resources and Environmental Control (DNREC) on September 16, 2009. As discussed in EPA's January 18, 2011 NPR (76 FR 2853), DNREC supplemented its September 16, 2009 submittal with a technical analysis submitted to EPA for parallel-processing on December 9, 2010. Since the time of EPA's January 18, 2011 NPR, DNREC took the supplemental technical analysis, for which it has requested parallel-processing, through the public notice and hearing procedures required for SIP revisions by section 110 of the CAA. On April 27, 2011, DNREC submitted the technical analysis to EPA as a formal supplement to its September 16, 2009 submittal. The technical analysis submitted on April 27, 2011 is exactly the same as the technical analysis for which DNREC requested parallel-processing on December 9, 2010, and which was included in the rulemaking docket (EPA-R03-OAR-2010-1027) for EPA's January 18, 2011 NPR (76 FR 2853).

This final action addresses only those portions of Delaware's September 16, 2009 submittal that address the 110(a)(2)(D)(i)(I) requirements relating to significant contribution to

nonattainment or interference with maintenance in another state with respect to the 2006 PM<sub>2.5</sub> NAAQS. EPA has taken separate action on certain other portions of Delaware's September 16, 2009 submittal. (See Docket ID No. EPA-R03-OAR-2010-0158.)

##### II. EPA's Evaluation of the SIP Revision

In the January 18, 2011 NPR (76 FR 2853), EPA proposed to approve, and in the alternative, proposed to disapprove Delaware's SIP revision to address significant contribution to nonattainment or interference with maintenance in another state with respect to the 2006 PM<sub>2.5</sub> NAAQS. The NPR explained that if in the course of reviewing and preparing responses to the comments submitted on the proposed "Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone" (75 FR 45210, August 2, 2010, also known as the Transport Rule), EPA's additional modeling and the adjustments made to its technical analyses indicate that the State of Delaware should not be subject to or covered by the final Transport Rule, EPA would take final action to approve DNREC's SIP. Alternatively, if in the course of reviewing and preparing responses to the comments submitted on the proposed Transport Rule, EPA's additional modeling and the adjustments made to its technical analyses indicate that the State of Delaware should be subject to and covered by the final Transport Rule, EPA would take final action to disapprove Delaware's SIP revision for infrastructure element 110(a)(2)(D)(i)(I) for the 2006 PM<sub>2.5</sub> NAAQS. The full explanation and rationale for EPA's proposed action is discussed in the NPR and will not be restated here.

On July 6, 2011, EPA promulgated the Transport Rule, now referred to as the "Cross-State Air Pollution Rule" (CSAPR). EPA's review of the comments submitted on the proposed Transport Rule and the additional modeling and adjustments made to the technical analyses for the final CSAPR indicate that the State of Delaware is meeting its obligations to address the requirements of CAA section 110(a)(2)(D)(i)(I). EPA has, therefore, determined that Delaware is not subject to or covered by the CSAPR. For additional information on the final CSAPR, including the technical support documents and the rationale for EPA's final determination that Delaware does not significantly contribute to any other state's ability to attain or maintain the 2006 PM<sub>2.5</sub> NAAQS, please see Docket ID No. EPA-HQ-OAR-2009-0491 for the Federal Implementation