

PART 702—PROMPT CORRECTIVE ACTION

5. The authority citation for part 702 continues to read as follows:

Authority: 12 U.S.C. 1766(a), 1790(d).

6. In § 702.2, revise paragraph (f)(3) and add paragraph (f)(4) to read as follows:

§ 702.2 Definitions.

* * * * *

(f) * * *

(3) For a credit union that acquires another credit union in a mutual combination, net worth includes the retained earnings of the acquired credit union, or of an integrated set of activities and assets, less any bargain purchase gain recognized in either case to the extent the difference between the two is greater than zero. The acquired retained earnings must be determined at the point of acquisition under generally accepted accounting principles. A mutual combination is a transaction in which a credit union acquires another credit union or acquires an integrated set of activities and assets that is capable of being conducted and managed as a credit union.

(4) The term “net worth” also includes loans to and accounts in an insured credit union established pursuant to section 208 of the Act [12 U.S.C. 1788], provided such loans and accounts:

- (i) Have a remaining maturity of more than 5 years;
- (ii) Are subordinate to all other claims including those of shareholders, creditors and the National Credit Union Share Insurance Fund;
- (iii) Are not pledged as security on a loan to, or other obligation of, any party;
- (iv) Are not insured by the National Credit Union Share Insurance Fund;
- (v) Have non-cumulative dividends;
- (vi) Are transferable; and
- (vii) Are available to cover operating losses realized by the insured credit union that exceed its available retained earnings.

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PART 741—REQUIREMENTS FOR INSURANCE

7. The authority citation for part 741 continues to read as follows:

Authority: 12 U.S.C. 1757, 1766(a), 1781–1790, and 1790d; 31 U.S.C. 3717.

8. In § 741.4, in paragraph (b), revise the introductory text for the definition of *equity ratio* to read as follows:

§ 741.4 Insurance premium and one percent deposit.

* * * * *

(b) * * *

Equity ratio, which shall be calculated using the financial statements of the NCUSIF alone, without any consolidation or combination with the financial statements of any other fund or entity, means the ratio of:

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2011–0123; Airspace Docket No. 11–AGL–2]

Proposed Amendment of Class E Airspace; Duluth, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace at Duluth, MN, to accommodate new Standard Instrument Approach Procedures at Duluth International Airport. The FAA is taking this action to enhance the safety and management of Instrument Flight Rules (IFR) operations at the airport.

DATES: 0901 UTC. Comments must be received on or before May 9, 2011.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001. You must identify the docket number FAA–2011–0123/Airspace Docket No. 11–AGL–2, at the beginning of your comments. You may also submit comments through the Internet at <http://www.regulations.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

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:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: “Comments to Docket No. FAA–2011–0123/Airspace Docket No. 11–AGL–2.” The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA’s Web page at http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Central Service Center, 2601 Meacham Blvd., Fort Worth, TX 76137.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA’s Office of Rulemaking (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

This action proposes to amend title 14, Code of Federal Regulations (14 CFR), part 71 by amending Class E airspace, as an extension to a Class D or E surface area; and Class E airspace extending upward from 700 feet above the surface, for new standard instrument approach procedures at Duluth

International Airport, Duluth, MN. Controlled airspace is needed for the safety and management of IFR operations at the airport. Geographic coordinates would also be updated to coincide with the FAA's aeronautical database.

Class E airspace areas are published in Paragraphs 6004 and 6005, respectively, of FAA Order 7400.9U, dated August 18, 2010 and effective September 15, 2010, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. 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 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 would amend controlled airspace at Duluth International Airport, Duluth, MN.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 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(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 7400.9U, Airspace Designations and Reporting Points, dated August 18, 2010, and effective September 15, 2010, is amended as follows:

Paragraph 6004 Class E Airspace areas designated as an extension to a Class D or Class E Surface Area.

* * * * *

AGL MN E4 Duluth, MN [Amended]

Duluth International Airport, MN
(Lat. 46°50'32" N., long. 92°11'37" W.)
Duluth VORTAC

(Lat. 46°48'08" N., long. 92°12'10" W.)

That airspace extending upward from the surface within 3.4 miles each side of the Duluth VORTAC 193° radial extending from the 4.9-mile radius of Duluth International Airport to 14.2 miles south of the VORTAC, and within 3.6 miles each side of the 267° bearing from Duluth International Airport extending from the 4.9-mile radius of the airport to 9.7 miles west of the airport.

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

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AGL MN E5 Duluth, MN [Amended]

Duluth International Airport, MN
(Lat. 46°50'32" N., long. 92°11'37" W.)

That airspace extending upward from the 700 feet above the surface within a 7.1-mile radius of Duluth International Airport, and within 4.4 miles each side of the 267° bearing from the airport extending from the 7.1-mile radius to 7.7 miles west of the airport.

Issued in Fort Worth, TX, on March 15, 2011.

Richard J. Kerwin, Jr.,

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

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Chapter 1

Notice of Policy Regarding Civil Aircraft Operators Providing Contract Support to Government Entities (Public Aircraft Operations)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notification of policy change; request for comments.

SUMMARY: This notice states the Federal Aviation Administration's (FAA) policy pertaining to civil aircraft operators that provide contract support to government entities.

DATES: Comments must be received before April 22, 2011.

ADDRESSES: This is a statement of policy only. We are accepting comments concerning the implementation of this policy only from government entities via e-mail at PublicAircraft@faa.gov.

FOR FURTHER INFORMATION CONTACT: Monica C. Buenrostro, General Aviation and Commercial Division, Flight Standards Service, AFS–800, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8212; e-mail: monica.c.buenrostro@faa.gov.

SUPPLEMENTARY INFORMATION: Title 49 of the United States Code (U.S.C), section 40102 (a)(41) provides the definition of "Public Aircraft" and Title 49 U.S.C 40125 provides the Qualifications for Public Aircraft Status. These statutory provisions provide the legal basis for public aircraft operations in the United States.

The FAA recognizes that these statutory provisions are difficult to apply to aircraft operations conducted by civil contractors for government entities. The FAA is therefore clarifying its policy toward these operators by better defining the responsibilities of the parties affected by these contracts.

Public Aircraft Operation is limited by the statute to certain government operations within U.S. airspace. Although these operations must comply with certain general operating rules (including those applicable to all aircraft in the National Airspace System), other civil certification and safety oversight regulations do not apply. Whether an operation may be considered public is determined on a flight-by-flight basis, under the terms of the statute (49 U.S.C 40102 and 49 U.S.C 40125) and considers aircraft