

Section of OMB guidance	Section in this part where supplemented	What the supplementation clarifies
(1) 2 CFR 182.225(a)	§ 421.225	Whom in the USDA a recipient other than an individual must notify if an employee is convicted for a violation of a criminal drug statute in the workplace.
(2) 2 CFR 182.300(b)	§ 421.300	Whom in the USDA a recipient who is an individual must notify if he or she is convicted of a criminal drug offense resulting from a violation occurring during the conduct of any award activity.
(3) 2 CFR 182.500	§ 421.500	Who in the USDA is authorized to determine that a recipient other than an individual is in violation of the requirements of 2 CFR part 182, as implemented by this part.
(4) 2 CFR 182.505	§ 421.505	Who in the USDA is authorized to determine that a recipient who is an individual is in violation of the requirements of 2 CFR part 182, as implemented by this part.

(c) *Sections of the OMB guidance that this part does not supplement.* For any section of OMB guidance in Subparts A through F of 2 CFR part 182 that is not listed in paragraph (b) of this section, USDA policies and procedures are the same as those in the OMB guidance.

Subpart A—Purpose and Coverage [Reserved]

Subpart B—Requirements for Recipients Other Than Individuals

§ 421.225 Whom in the USDA does a recipient other than an individual notify about a criminal drug conviction?

A recipient other than an individual that is required under 2 CFR 182.225(a) to notify Federal agencies about an employee's conviction for a criminal drug offense must notify the awarding official for each USDA agency from which the recipient currently has an award.

Subpart C—Requirements for Recipients Who Are Individuals

§ 421.300 Whom in the USDA does a recipient who is an individual notify about a criminal drug conviction?

A recipient who is an individual that is required under 2 CFR 182.300(b) to notify Federal agencies about a conviction for a criminal drug offense must notify the awarding official for each USDA agency from which the recipient currently has an award.

Subpart D—Responsibilities of Agency Awarding Officials

§ 421.400 What method do I use as an agency awarding official to obtain a recipient's agreement to comply with the OMB guidance?

To obtain a recipient's agreement to comply with applicable requirements in the OMB guidance at 2 CFR part 182, you must include the following term or condition in the award:

Drug-free workplace. You as the recipient must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an

individual) of part 421, which adopts the Governmentwide implementation (2 CFR part 182) of sec. 5152–5158 of the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, Title V, Subtitle D; 41 U.S.C. 701–707).

Subpart E—Violations of This Part and Consequences

§ 421.500 Who in the USDA determines that a recipient other than an individual violated the requirements of this part?

The Secretary of Agriculture and the Secretary's designee or designees are authorized to make the determination under 2 CFR 182.500.

§ 421.505 Who in the USDA determines that a recipient who is an individual violated the requirements of this part?

The Secretary of Agriculture and the Secretary's designee or designees are authorized to make the determination under 2 CFR 182.505.

Title 7—Agriculture

Chapter XXX—Office of the Chief Financial Officer, Department of Agriculture

PART 3021—[REMOVED]

■ 2. Remove Part 3021.

Approved: October 26, 2011.

Pearlie S. Reed,

Assistant Secretary for Administration.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

Interference With a Crewmember via Laser

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Interpretation.

SUMMARY: On June 1, 2011, the Assistant Chief Counsel for Regulations, Federal Aviation Administration (“FAA”),

issued an interpretation of 14 CFR 91.11. Section 91.11 provides that “[n]o person may assault, threaten, intimidate, or interfere with a crewmember in the performance of the crewmember's duties aboard an aircraft being operated.” The FAA is aware of an increasing number of incidents involving the use of lasers being directed toward aircraft operating on the ground or in the air. Such conduct has the potential to adversely affect safety by interfering with flight crewmembers in the performance of their duties. The FAA considers a situation in which a laser beam is aimed at an aircraft by a person on the ground or from any other location including from another aircraft so that it interferes with a crewmember in the performance of the crewmember's duties as a violation of 14 CFR 91.11.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: The FAA published its June 1, 2011 interpretation of section 91.11 on its Web site, which is available to the public at: http://www.faa.gov/news/press_releases/news_story.cfm?newsId=12765. It is also available on the FAA's Laser Incident Information and Reporting Web site: <http://www.faa.gov/go/laserinfo>. In addition, the FAA and the Department of Transportation have issued press releases with regard to publicizing the dangers of interfering with flight crew operations by using lasers directed at aircraft. With this notice published in the **Federal Register**, the FAA is again advising the public of the FAA's June 1, 2011 interpretation of section 91.11 in an effort to increase awareness that: (1) Directing laser beams towards aircraft operating on the ground or in the air so that it interferes with a crewmember in the performance of the crewmember's duties is a violation of section 91.11; and, (2) persons violating section 91.11 are subject to a substantial civil penalty.

The text of the interpretation issued by the Assistant Chief Counsel for Regulations, FAA, on June 1, 2011, follows:

This memorandum is in response to your request for legal interpretation on whether directing a laser at an aircraft from the ground could constitute interference with a crewmember under 14 CFR 91.11. The FAA's understanding of the plain language of § 91.11, and the purpose of the regulation, indicate that the answer to this question is "yes."

Section 91.11 establishes that "[n]o person may assault, threaten, intimidate, or interfere with a crewmember in the performance of the crewmember's duties aboard an aircraft being operated."

This regulation was initially adopted in 1961 in reaction to increased hijackings of aircraft. See 26 FR 7009 (Aug. 4, 1961). The FAA intended to "provide additional controls over the conduct of passengers in order to avoid a serious threat to the safety of flights and persons aboard them." *Id.* In a later amendment to the rule, the FAA stated that this section was "clearly intended to apply to passengers * * * and any other 'person' on board the aircraft." 64 FR 1076, 1077 (Jan. 7, 1999).

Although the primary focus of the regulation, as explained in the 1999 amendments to the rule, was persons on board the aircraft, the plain language of the regulation does not specify that the person interfering with a crewmember must be on board the aircraft. We note that the FAA has successfully invoked this section to assess a civil penalty against a pilot who walked up to a helicopter that was on the ground preparing for takeoff, reached into the helicopter and physically assaulted the pilot. See *Adm'r v. Siegel*, NTSB Order No. EA-3804 (Feb. 10, 1993), 1993 WL 56200. Accordingly, the rule, and prior FAA interpretation, as evidenced by the *Siegel* case, support a finding that an individual does not need to be on board the aircraft to violate § 91.11.

The FAA is aware of an increasing number of incidents of lasers being pointed at aircraft, a scenario that could not have been contemplated by the drafters of the initial rule. The FAA has recognized "that the exposure of air crews to laser illumination may cause hazardous effects (e.g., distraction, glare, afterimage flash blindness, and, in extreme circumstances, persistent or permanent visual impairment), which could adversely affect the ability of air crews to carry out their responsibilities." FAA Advisory Circular 70-2 (Jan. 11, 2005). Distracting or impairing a crewmember's vision during operation of an aircraft could

reasonably be construed to constitute interference with a crewmember's duties aboard an aircraft.

Therefore, the FAA would consider a situation in which a laser beam, aimed at an aircraft by a person who is not on board the aircraft, interferes with a crewmember's performance of his or her duties aboard the aircraft to be a violation of § 91.11. We note that this interpretation would apply equally to the similarly worded provisions of §§ 121.580, 125.328, 135.120.

This response was prepared by Dean E. Griffith, Attorney in the Regulations Division of the Office of the Chief Counsel, and was coordinated with the Air Transportation, Flight Technologies and Procedures, and General Aviation and Commercial Divisions of Flight Standards Service. It was also coordinated with Airspace Services in the Air Traffic Organization's Office of Mission Support Services. Please contact us at (202) 267-3073 if we can be of additional assistance.

Issued in Washington, DC, on November 30, 2011.

Rebecca B. MacPherson,

Assistant Chief Counsel for Regulations.

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DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

30 CFR Parts 1206, 1210, 1218, 1220, 1227, 1228, and 1243

[Docket No. ONRR 2011-0016]

RIN 1012-AA07

Amendments to OMB Control Numbers and Certain Forms

AGENCY: Office of Natural Resources Revenue, Interior.

ACTION: Direct final rule.

SUMMARY: On May 19, 2010, the Secretary of the Interior separated the responsibilities previously performed by the former Minerals Management Service (MMS) and reassigned those responsibilities to three separate organizations. As part of this reorganization, the Secretary renamed MMS's Minerals Revenue Management Program (MRM) the Office of Natural Resources Revenue (ONRR) and directed that ONRR transition to the Office of the Assistant Secretary—Policy, Management and Budget (PMB). This change required ONRR to reorganize its regulations and repromulgate them in chapter XII, title 30 of the *Code of Federal Regulations*

(CFR). This direct final rule amends the Office of Management and Budget (OMB) control numbers for information collection requirements, certain form numbers, and corresponding technical corrections to part and position titles, agency names, and acronyms listed in chapter XII of 30 CFR.

DATES: This rule is effective on December 8, 2011.

FOR FURTHER INFORMATION CONTACT: For questions on technical issues, contact Armand Southall, Regulatory Specialist, ONRR, telephone (303) 231-3221; or email armand.southall@onrr.gov. You may obtain a paper copy of this rule by contacting Mr. Southall by phone or email.

SUPPLEMENTARY INFORMATION:

I. Background

On May 19, 2010, by Secretarial Order No. 3299, the Secretary of the Department of the Interior (Secretary) announced the restructuring of MMS. On June 18, 2010, by Secretarial Order No. 3302, the Secretary announced the name change of MMS to the Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE). By these orders, the Secretary separated the responsibilities previously performed by MMS and reassigned those responsibilities to three separate organizations: the Office of Natural Resources Revenue (ONRR); the Bureau of Ocean Energy Management (BOEM); and the Bureau of Safety and Environmental Enforcement (BSEE). The ONRR is responsible for the former MRM royalty and revenue functions.

II. Explanation of Proposed Amendments

In this direct final rule, ONRR amends the approved OMB control numbers for information collection requests and certain form numbers listed in certain parts of title 30 CFR, chapter XII. This direct final rule does not make any substantive changes to the regulations or requirements in chapter XII. It merely amends ONRR's OMB control and certain form numbers in the new chapter XII of 30 CFR and makes any necessary corresponding technical corrections to part and position titles, agency names, and acronyms. This rule will not have any effect on the rights, obligations, or interests of any affected parties. Thus, under 5 U.S.C. 553(b)(B), ONRR, for good cause, finds that notice and comment on this rule are unnecessary and contrary to the public interest. Additionally, because this document is a "rule[] of agency organization, procedure or practice" under 5 U.S.C. 553(b)(A), this document