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Issued in Burlington, Massachusetts, on October 17, 2005.

Francis A. Favara,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2005-21449; Airspace Docket No. 05-AAL-15]

Establishment of Class E Airspace; Deering, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Deering, AK to provide adequate controlled airspace to contain aircraft executing four new Standard Instrument Approach Procedures (SIAPs). This rule results in new Class E airspace upward from 700 feet (ft.) and 1,200 ft. above the surface at Deering, AK.

DATES: Effective 0901 UTC, December 22, 2005.

FOR FURTHER INFORMATION CONTACT: Gary Rolf, AAL-538G, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513-7587; telephone number (907) 271-5898; fax: (907) 271-2850; e-mail: gary.ctr.rolf@faa.gov. Internet address: <http://www.alaska.faa.gov/at>.

SUPPLEMENTARY INFORMATION:

History

On Thursday, August 4, 2005, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to create new Class E airspace

upward from 700 ft. and 1,200 ft. above the surface at Deering, AK (70 FR 44869). The action was proposed in order to create Class E airspace sufficient in size to contain aircraft while executing four new SIAPs for the Deering Airport. The new approaches are (1) Area Navigation (Global Positioning System) (RNAV (GPS)) Runway (RWY) 2, original; (2) RNAV (GPS) RWY 20, original; (3) RNAV (GPS) RWY 11, original, and (4) RNAV (GPS) RWY 29, original. New Class E controlled airspace extending upward from 700 ft. and 1,200 ft. above the surface in the Deering Airport area is established by this action. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No public comments have been received; thus the rule is adopted as proposed.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as 700/1200 ft. transition areas are published in paragraph 6005 of FAA Order 7400.9N, *Airspace Designations and Reporting Points*, dated September 1, 2005, and effective September 16, 2005, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order. The Notice of Proposed Rulemaking document included airspace exclusions to Kotzebue and Buckland Class E airspace and established Federal Airways. Those exclusions were not necessary and are not included in this action.

The Rule

This amendment to 14 CFR part 71 establishes Class E airspace at Deering, Alaska. This Class E airspace is designated to accommodate aircraft executing four new SIAPs and will be depicted on aeronautical charts for pilot reference. The intended effect of this rule is to provide adequate controlled airspace for Instrument Flight Rule (IFR) operations at Deering Airport, Deering, Alaska.

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. 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 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 United States 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 1, section 40103, Sovereignty and use of airspace. Under that section, the FAA is charged with prescribing regulations to ensure the safe and efficient use of the navigable airspace. This regulation is within the scope of that authority because it creates Class E airspace sufficient in size to contain aircraft executing instrument procedures for the Deering Airport and represents the FAA’s continuing effort to safely and efficiently use the navigable airspace.

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, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; 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 71.1 of Federal Aviation Administration Order 7400.9N, *Airspace Designations and Reporting Points*, dated September 1, 2005, and effective September 16, 2005, is amended as follows:

* * * * *

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

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AAL AK E5 Deering, AK [New]

Deering Airport, AK

(Lat. 66°04'10" N., long. 162°45'59" W.)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Deering Airport, and that airspace extending upward from 1,200 feet above the surface within a 45-mile radius of the Deering Airport, excluding the airspace outside 12 miles from the shoreline.

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Issued in Anchorage, AK, on October 14, 2005.

Judith G. Heckl,

Area Director, Alaska Flight Service Operations.

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DEPARTMENT OF STATE**22 CFR Part 51****[Public Notice 5208]****RIN 1400-AB93****Electronic Passport****AGENCY:** Department of State.**ACTION:** Final rule.

SUMMARY: This rule amends the passport regulations to incorporate changes related to introduction of the electronic passport. The rule defines "electronic passport," includes a damaged electronic chip as an additional basis for possible invalidation of a passport and provides for no fee issuance of a replacement passport if an electronic chip fails.

DATES: This rule is effective October 25, 2005.

FOR FURTHER INFORMATION CONTACT:

Sharon Palmer-Royston, Office of Passport Policy, Planning and Advisory Services, Bureau of Consular Affairs on 202-663-2662.

SUPPLEMENTARY INFORMATION: This rule was originally published in the **Federal Register** on February 18, 2005 (70 FR 8305) as a proposed rule that included changes to the passport regulations needed due to the pending introduction of the electronic passport, as well as changes related to passport amendments, replacement passports, and unpaid fees that did not relate exclusively to electronic passports. Because of the volume of comments, we separated the proposed rule into two final rules. The first rule, RIN 1400-AC11, incorporated the provisions of the proposed rule on passport amendments, replacement passports, and unpaid fees. We received only two comments on those provisions. The

second, and instant, rule focuses on electronic passports.

Analysis of Comments

We received a total of 2,335 comments on the introduction of the electronic passport. All comments have been read, sorted, and tabulated according to primary concerns. Comments opposing the proposed rule primarily focus on security and/or privacy, the adequacy of Radio Frequency Identification (RFID), technology, and religious concerns. Specifically, concerns focused as follows: 2019 comments listed security and/or privacy; 171 listed general objections to use of the data chip and/or the use of RFID; 85 listed general objections to use of the electronic passport; 52 listed general technology concerns; and 8 listed religious concerns. Overall, approximately 1% of the comments were positive, 98.5% were negative, and .5% were neither negative nor positive.

The comments are available for review at <http://www.travel.state.gov/>, under the passport section, or at the Department of State (Department) reading room.

Security and Privacy

Passports must be globally interoperable—that is, they must function the same way at every nation's border when they are presented. To that end, the International Civil Aviation Organization (ICAO) has developed international specifications for electronic passports that will ensure their security and global interoperability. These specifications prescribe use of contactless smartcard chips and the format for data carried on the chips. They also specify the use of a form of Public Key Infrastructure (PKI) that will permit digital signatures to protect the data from tampering. The United States (U.S.) will follow these international specifications to ensure its electronic passport is globally interoperable.

The Department intends to begin the electronic passport program in December 2005. The first stage will be a pilot program in which the electronic passports will be issued to U.S. Government employees who use Official or Diplomatic passports for government travel. This pilot program will permit a limited number of passports to be issued and field tested prior to the first issuance to the American traveling public, slated for early 2006. By October 2006, all U.S. passports, with the exception of a small number of emergency passports issued by U.S.

embassies or consulates, will be electronic passports.

The ICAO specification for use of contactless chip technology requires a minimum capacity of 32 kilobytes (KB). The U.S. has decided to use a 64KB chip to permit adequate storage room in case additional data, or biometric indicators such as fingerprints or iris scans, are included in the future. Before modifying the definition of "electronic passport" to add a new or additional biometric identifier other than a digitized photograph, we will seek public comment through a new rule making process.

The contactless smart chip that is being used in the electronic passport is a "passive chip" that derives its power from the reader that communicates with it. It cannot broadcast personal information because it does not have its own source of power. Readers that are on the open market, designed to read Type A or Type B contactless chips complying with International Standards Organization (ISO) 14443 and ISO 7816 specifications, will be able to communicate with the chip. This is necessary to permit nations to procure readers from a variety of vendors, facilitate global interoperability and ensure that the electronic passports are readable at all ports of entry.

The proximity chip technology utilized in the electronic passport is designed to be read with chip readers at ports of entry only when the document is placed within inches of such readers. It uses RFID technology. The ISO 14443 RFID specification permits chips to be read when the electronic passport is placed within approximately ten centimeters of the reader. The reader provides the power to the chip and then an electronic communication between the chip and reader occurs via a transmission of radio waves. The technology is not the same as the vicinity chip RFID technology used for inventory tracking of items from distances at retail stores and warehouses. It will not permit "tracking" of individuals. It will only permit governmental authorities to know that an individual has arrived at a port of entry—which governmental authorities already know from presentation of non-electronic passports—with greater assurance that the person who presents the passport is the legitimate holder of the passport.

The personal information that will be contained in the chip is the information on the data page of the passport—the name, nationality, sex, date of birth, place of birth, and digitized photograph of the passport holder. The chip will also contain information about the