

that airspace extending upward from 1,200 feet above the surface within a 45-mile radius of Hooper Bay Airport, AK.

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Issued in Anchorage, AK, on December 8, 2006.

**Anthony M. Wylie,**

*Manager, Alaska Flight Service Information Office.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2006-24748; Airspace Docket No. 06-AAL-15]

#### Revision of Class E Airspace; Perryville, AK

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

**ACTION:** Final rule.

**SUMMARY:** This action revises Class E airspace at Perryville, AK to provide adequate controlled airspace to contain aircraft executing a new Standard Instrument Approach Procedure (SIAP) and a new Standard Instrument Departure procedure (SID). This rule results in the revision of Class E airspace upward from 700 feet (ft.) and 1,200 ft. above the surface at Perryville, AK.

**DATES:** *Effective Date:* 0901 UTC, March 15, 2007. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**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](mailto:gary.ctr.rolf@faa.gov). Internet address: <http://www.alaska.faa.gov/at>.

#### SUPPLEMENTARY INFORMATION:

##### History

On Thursday, October 5, 2006, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise Class E airspace upward from 700 ft. and 1,200 ft. above the surface at Perryville, AK (71 FR 58764). The action was proposed in order to create Class E airspace sufficient in size to contain aircraft while executing one new SIAP and one

new SID for the Perryville Airport. The new approach is the Area Navigation (Global Positioning System) (RNAV (GPS)) Runway (RWY) 02, Original. The SID is the CILAC TWO departure. Class E controlled airspace extending upward from 700 ft. and 1,200 ft. above the surface in the Perryville Airport area is revised by this action. There is an issue with charting domestic controlled airspace near Perryville, Alaska. Any airspace to the West of 160° West Longitude must be defined in the Offshore Airspace Area named Control 1234L, even if the airspace is within 12 miles of the shoreline. The Notice of Proposed Rulemaking mentioned this issue, but did not explain that this is a charting issue and does not impact controlled airspace. Any of the controlled airspace necessary for service at Perryville Airport which lies to the west of 160° W. Longitude must be described in the Offshore definition for Control 1234L. Domestic airspace east of 160° W. Longitude extends to 12 miles from the shoreline. The airspace definition delineation between Offshore and domestic controlled airspace is not necessary because the 12-mile limit line is shown on aeronautical charts. To address the delineation in the controlled airspace description would be redundant. The Offshore Airspace action associated with this rule is taking place concurrently in a separate airspace rule.

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 700/1,200 ft. transition areas are published in paragraph 6005 of FAA Order 7400.9P, *Airspace Designations and Reporting Points*, dated September 1, 2006, and effective September 15, 2006, 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 Rule

This amendment to 14 CFR part 71 revises Class E airspace at the Perryville Airport, Alaska. This Class E airspace is revised to accommodate aircraft executing one new SIAP and one new SID, and will be depicted on aeronautical charts for pilot reference. The intended effect of this rule is to

provide adequate controlled airspace for IFR operations at the Perryville Airport, Perryville, 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 Perryville 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 7400.9P, *Airspace Designations and Reporting Points*, dated September 1, 2006, and effective September 15, 2006, is amended as follows:

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*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 Perryville, AK [Revised]**

Perryville Airport, AK

(Lat. 55°54'24" N., long. 159°09'39" W.)

That airspace extending upward from 700 feet above the surface within a 14.7-mile radius of the Perryville Airport, AK; and that airspace east of long. 160°00'00" W. extending upward from 1,200 feet above the surface within a 81.2-mile radius of Perryville Airport, AK.

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**Anthony M. Wylie,**

*Manager, Alaska Flight Service Information Office.*

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****15 CFR Part 930**

[Docket No. 030604145-4038-02]

RIN 0648-AR16

**Coastal Zone Management Act Federal Consistency Regulations**

**AGENCY:** Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Final rule; technical corrections.

**SUMMARY:** The National Oceanic and Atmospheric Administration (NOAA) published a document (Final Rule) in the **Federal Register** on January 5, 2006, effective on February 6, 2006, revising the federal consistency regulations under the Coastal Zone Management Act of 1972 (CZMA). That document referenced an incorrect cross-reference in § 930.125(b) and unnecessarily required the submission of multiple copies of some documents in §§ 930.127(d)(1) and 930.127(i)(2). This

document amends the final regulations by revising these sections.

**DATES:** Effective December 19, 2006.

**FOR FURTHER INFORMATION CONTACT:** David W. Kaiser, Senior Policy Analyst, Office of Ocean and Coastal Resource Management/NOAA, Phone: 603-862-2719, Fax: 603-862-3957.

**ADDRESSES:** Office of Ocean and Coastal Resource Management/NOAA, c/o Coastal Response Research Center, University of New Hampshire, 35 Colovos Road, 246 Gregg Hall, Durham, NH 03824-3534.

*Headquarter and Official Mailing/ Filing Address:* Coastal Programs Division, Office of Ocean and Coastal Resource Management/NOAA, 1305 East-West Hwy., 11th Floor (N/ORM3), Silver Spring, MD 20910, Fax: 301-713-4367.

Additional information on federal consistency can be located at OCRM's federal consistency web page: <http://coastalmanagement.noaa.gov/consistency/welcome.html>.

**SUPPLEMENTARY INFORMATION:****Background**

The CZMA was enacted in 1972 to encourage States to be proactive in managing natural resources for their benefit and the benefit of the Nation. The CZMA recognizes a national interest in the resources of the coastal zone and in the importance of balancing the competing uses of those resources. The CZMA is a voluntary program for States. If a State elects to participate it must develop and implement a CMP pursuant to federal requirements. See CZMA section 306(d); 15 CFR part 923. State CMPs are comprehensive management plans that describe the uses subject to the management program, the authorities and enforceable policies of the management program, the boundaries of the State's coastal zone, the organization of the management program, and related State coastal management concerns. The State CMPs are developed with the participation of Federal agencies, industry, other interested groups and the public. Thirty-five coastal States are eligible to participate in the federal coastal management program. Thirty-four of the eligible States have federally approved CMPs. Illinois is not currently in program development.

The CZMA federal consistency provision is a cornerstone of the CZMA program and a primary incentive for States' participation. Federal agency activities that have coastal effects must be consistent to the maximum extent practicable with the federally approved enforceable policies of the State's CMP.

In addition, non-federal applicants for federal authorizations and funding must be fully consistent with the enforceable policies of State CMPs. States either concur with or object to a federal agency's consistency determination, under 15 CFR part 930, subpart C, or an applicant's consistency certification, under 15 CFR part 930, subparts D, E or F.

For non-federal applicants for federal authorizations under 15 CFR part 930, subparts D, E or F, the applicant may appeal a State's CZMA objection to the Secretary of Commerce pursuant to CZMA sections 307(c)(3) and (d). The Secretary overrides the State's objection if the Secretary finds that the activity is consistent with the objectives or purposes of the CZMA or is necessary in the interest of national security. If the Secretary overrides the State's objection, then the Federal agency may issue its authorization. NOAA's Federal consistency regulations were first promulgated in 1979.

On January 5, 2006, NOAA published a final rule amending the Agency's regulations implementing the CZMA, including procedural requirements governing the processing of consistency appeals filed under section 307 of the CZMA. These changes sought to effectuate necessary changes identified since the regulations were last amended in 2000, and respond to amendments to the CZMA enacted by Congress in the Energy Policy Act of 2005 (Pub. L. 109-58; 119 Stat. 594 (2005)) (Energy Policy Act).

**Explanation of Changes to the Federal Consistency Regulations**

*Rule Change 1:* § 930.125(b). The January 2006 amendments in part added new requirements concerning the content of a notice of appeal filed with the Secretary of Commerce. Section 930.125(b) now requires that a notice of appeal include a statement explaining the bases for appealing the State agency's objection. As noted in the Final Rule, this new requirement was promulgated to help the Secretary decide appeals within new time constraints established under the Energy Policy Act, by requiring that appellants clarify from the outset each separate basis for appeal. See 71 FR 788, 799 (Jan. 5, 2006). If identified in the notice of appeal, these bases can be argued in greater detail within an appellant's subsequent brief.

Section 930.125(b) includes an inadvertent error that necessitates technical correction. This section requires a statement explaining the bases for appeal under "§ 923.121," a cross reference that has no relevance to