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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2004-19458; Airspace Docket No. 04-AEA-11]

#### Establishment of Class E Airspace; Mifflintown, PA; Correction

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

**ACTION:** Final Rule; correction.

**SUMMARY:** This action corrects a final rule published in the *Federal Register* on March 14, 2005 (70 FR 12414). In that rule, the effective date was inadvertently published as September 29, 2005. The correct effective date is September 1, 2005. This action corrects that error.

**DATES:** Effective 0901 UTC, September 1, 2005.

**FOR FURTHER INFORMATION CONTACT:** Mr. Francis Jordan, Airspace Specialist, Airspace and Operations, ETSU-530, Eastern Terminal Service Unit, Eastern Region, Federal Aviation Administration, 1 Aviation Plaza, Jamaica, New York 11434-4809, telephone: (718) 553-4521.

**SUPPLEMENTARY INFORMATION:** On March 14, 2005, Docket No. FAA-2004-19438; Airspace Docket 04-AEA-11 (70 FR 12414), was published establishing Class E airspace at Mifflintown, PA. In that rule, the effective date was inadvertently published as September 29, 2005. The correct effective date is September 1, 2005. This action corrects that error.

#### Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, the effective date for Docket No. FAA-2004-19438; Airspace docket No. 04-AEA-11, as published in the *Federal Register* on

March, 14, 2005 (70 FR 12414) is corrected as follows:

On page 12414, correct the effective date to read September 1, 2005.

Issued in Jamaica, New York, on June 30, 2005.

**Diane L. Crean,**

*Acting Area Staff Manager, Eastern Terminal Operations.*

[FR Doc. 05-13366 Filed 7-6-05; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket FAA 2005-21522; Airspace Docket No. 05-AWP-06]

#### Establishment of Class E Surface Area, South Lake Tahoe, CA

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

**ACTION:** Final rule.

**SUMMARY:** This action establishes a Class E Surface Area to replace existing Class D airspace at South Lake Tahoe, CA.

**DATES:** *Effective Date:* 0901 UTC September 1, 2005.

#### FOR FURTHER INFORMATION CONTACT:

Larry Tonish, Air Traffic Division, Airspace Specialist, AWP-520, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725-6539.

#### SUPPLEMENTARY INFORMATION:

##### History

On January 20, 2005, the FAA revoked Class D airspace at South Lake Tahoe, CA due to the closure of the Airport Traffic Control Tower. This action will establish Class E Surface Area airspace at South Lake Tahoe, CA to replace the Class D airspace, and to contain instrument procedures in controlled airspace.

Class E Surface Area airspace is published in Paragraph 6002 of FAA Order 7400.9M dated August 30, 2004, and effective September 16, 2004, which is incorporated by reference in 14 CFR 71.1. The Class E Surface Area airspace designation listed in this document would be published subsequently in this Order.

## The Rule

This amendment to 14 CFR, part 71 establishes Class E Surface Area at South Lake Tahoe, CA.

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.

#### 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; 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 the Federal Aviation Administration Order 7400.9M, Airspace Designation and Reporting Points, dated August 30, 2004, and effective September 16, 2004, is amended as follows:

\* \* \* \* \*

*Paragraph 6002 Class E Airspace Designated as Surface Areas.*

\* \* \* \* \*

**AWP CA E2 South Lake Tahoe, CA [Established]**

South Lake Tahoe Airport, CA

(Lat. 38°53'38" N., long. 122°59'44" W.)

Within a 4.3-mile radius of the South Lake Tahoe Airport.

Issued in Los Angeles, California, on June 28, 2005.

**Leonard Mobley,**

*Acting Area Director, Western Terminal Operations.*

[FR Doc. 05-13365 Filed 7-6-05; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[COTP Corpus Christi-04-006]

RIN 1625-AA87

#### **Security Zones; Port of Port Lavaca-Point Comfort, Point Comfort, TX and Port of Corpus Christi Inner Harbor, Corpus Christi, TX**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is removing an established security zone in the Port of Port Lavaca-Point Comfort. Under the Maritime Transportation Security Act of 2002, owners or operators of local facilities are required to take specific action to improve facility security. As such, a security zone around local facilities will no longer be necessary under normal conditions. This final rule removes an established security zone.

**DATES:** This rule is effective on August 8, 2005.

**ADDRESSES:** Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket [COTP Corpus Christi 04-006], and are available for inspection or copying at Sector Corpus Christi Prevention Department, 555 N. Carancahua, Suite 500, Corpus Christi, TX 78478, between 7:30 a.m. 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Ensign John Oscar, Marine Safety Office Corpus Christi, at (361) 888-3162, ext. 534.

#### **SUPPLEMENTARY INFORMATION:**

##### **Regulatory Information**

On February 25, 2005, the Coast Guard published a Notice of Proposed Rule Making and request for comments entitled "Security Zones; Port of Port Lavaca-Point Comfort, TX and Port of Corpus Christi Inner Harbor, Corpus

Christi, TX" in the **Federal Register** (70 FR 9263). As of March 28, 2005, we have received five written comments on that Notice of Proposed Rulemaking. No public meeting was requested so one was not held.

As indicated in our "Discussion of Comments and Changes" section below, we have considered these comments in this final rule.

#### **Discussion of Comments and Changes**

As of March 28, 2005, we received five written comments on the NPRM. These comments focused generally on one concern, which is the increase in maritime security risk due to commercial and recreational boating. Each section of this concern is discussed in more detail in the following paragraphs.

*Increased Maritime Security Risk.* All five comments express concern regarding the increase in maritime security risk that would accompany the removal of the Port of Port Lavaca-Point Comfort Security Zone. Each comment states that the Port of Port Lavaca-Point Comfort has several shipping receiving and storage terminals for a variety of liquid chemicals, and it also has many foreign flagged vessels arriving and departing the port every day. Further, the comments state that the prohibition of commercial and recreational vessels in the established security zone has provided a much-needed additional tier of security protection for these terminals, as well as the vessel and cargo users. These comments state that the removal of the established security zone would create an increased maritime security risk for the port and its users.

To address these comments, the Coast Guard's position regarding the following issues of waterfront facility security, foreign flagged vessel security, and commercial and recreational vessel security in the Port of Port Lavaca-Point Comfort will be explained separately. *Facility Security.* Under the authority of the Maritime Transportation Security Act (MTSA) of 2002, the Coast Guard published a final rule on October 22, 2003, entitled "Facility Security" in the **Federal Register** (68 FR 60515) that established 33 CFR part 105. That final rule became effective November 21, 2003, and provides security measures for certain facilities, including those facilities that exist on waterways in the Port of Port Lavaca-Point Comfort area. Section 105.200 of 33 CFR requires owners or operators of these facilities to designate security officers for facilities, develop security plans based on security assessments and surveys, implement security measures specific to the

facility's operations, and comply with Maritime Security Levels. Under 33 CFR 105.115, the owners or operators of these facilities must have submitted to the Captain of the Port, by December 31, 2003, a Facility Security Plan as described in Subpart D of 33 CFR 105, or if intending to operate under an approved Alternative Security Program as described in 33 CFR 101.130, a letter signed by the facility owner or operator stating which approved Alternative Security Program the owner or operator intends to use. Section 105.115 of 33 CFR part 105 also requires facility owners or operators to be in compliance with 33 CFR part 105 on or before July 1, 2004.

Only a small number of waterfront facilities exist within the area protected by the security zone. Each of these facilities submitted a comprehensive facility security plan (FSP), which has been thoroughly reviewed and approved by the Coast Guard. Additionally, each facility was examined for compliance with their FSP within the last twelve months. All facilities were found to be in full compliance with their FSP. Additionally, facilities subject to the MTSA must have the capability to continuously monitor, among other things, the facility and its approaches on land and water, and vessels at the facility and areas surrounding the vessels.

*Vessel Security.* Each foreign flagged vessel greater than 300 gross tons that intends to enter the Port of Port Lavaca-Point Comfort must submit a notice of arrival to the Coast Guard through the National Vessel Movement Center in accordance with 33 CFR part 160. As part of this notification process, detailed information regarding the times of arrival and departure, on board cargo, crew, last five ports visited and other pertinent information must be supplied in advance of the vessel's arrival. MSO Corpus Christi processes this arrival information, and using standard Coast Guard criteria, determines if a vessel merits special consideration before being allowed entry into the United States. Such vessels are characterized as high interest vessels (HIV). Those HIVs are boarded offshore to verify the integrity of the vessel's security in order to ensure the protection of both the vessel and the port. In all cases, no vessel is allowed entry into any port unless all security concerns have been adequately addressed.

The Coast Guard calculated that for the past 5 years the average number of vessels arriving each year was 330. Between April 1, 2004, and March 31, 2005, a total of 364 vessel arrivals occurred. Of that, only 20 vessels, or 5.5