

## The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by establishing Class E airspace extending upward from 700 feet above the surface, at Kasigluk Airport, Kasigluk, AK, to accommodate aircraft using the new RNAV (GPS) standard instrument approach procedures at the airport. Also, the airport's geographic longitudinal coordinate is rounded up to the next whole number. This action is necessary for the safety and management of instrument flight rules operations at the airport.

The FAA has determined 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 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 discusses 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 modifies controlled airspace at Kasigluk Airport, Kasigluk, AK.

## Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures," paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

## 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, B, C, D AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE 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 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012 is amended as follows:

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

\* \* \* \* \*

#### AAL AK E5 Kasigluk, AK [New]

Kasigluk Airport, AK  
(Lat. 60°52'24" N., long. 162°31'28" W.)

That airspace extending upward from 700 feet above the surface within a 7.0-mile radius of Kasigluk Airport.

Issued in Seattle, Washington, on January 30, 2013.

**Clark Desing,**

*Manager, Operations Support Group, Western Service Center.*

[FR Doc. 2013–02590 Filed 2–6–13; 8:45 am]

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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### 14 CFR Part 1212

[Document Number NASA–2012–0005]

**RIN 2700–AD86**

### Update of Existing Privacy Act—NASA Regulations

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Correcting amendments.

**SUMMARY:** This document contains corrections to the final regulations (NASA–2012–0005), which were published in the **Federal Register** of Thursday, October 4, 2012 (77 FR

60620). The regulations relate to requests to access individual Privacy Act records.

**DATES:** Effective February 7, 2013.

**FOR FURTHER INFORMATION CONTACT:** Nanette Jennings, 202–358–0819.

#### SUPPLEMENTARY INFORMATION:

#### Background

NASA's final regulations that published in the **Federal Register** of October 4, 2012 [77 FR 60622] inadvertently omits the responsibility of NASA's Freedom of Information Act (FOIA) Office that processes requests for individual records. An individual's access request for his/her own record maintained in a system of records are processed by NASA's Privacy Act Office and FOIA Office staff. Therefore, this correction adds responsibility of the FOIA Office. This corrections also corrects the title to § 1212.201 and terms that were missed in the initial publication.

#### Need for Correction

As published, the final regulations contain omissions, an incorrect section title and terms which may prove to be misleading and need to be clarified.

#### List of Subjects in 14 CFR Part 1212

Freedom of information, Privacy.

Accordingly, 14 CFR part 1212 is corrected by making the following correcting amendments:

### PART 1212—PRIVACY ACT—NASA REGULATIONS

- 1. The authority citation for part 1212 is revised to read as follows:

**Authority:** The National Aeronautics and Space Act, as amended, 51 U.S.C. 20101 et seq.; the Privacy Act of 1974, as amended, 88 Stat. 1896, 5 U.S.C. 552a.

- 2. Revise the heading of § 1212.201 and paragraph (c)(1), redesignate paragraph (f) as paragraph (g), and add a new paragraph (f) to read as follows:

#### § 1212.201 Requesting a record.

\* \* \* \* \*

(c) \* \* \*

(1) Requests must be directed to the appropriate system manager, or, if unknown, to the Center Privacy Manager or Freedom of Information Act (FOIA) Office at NASA Headquarters or Field Center. The request should be identified clearly on the envelope and on the letter as a "Request Under the Privacy Act."

\* \* \* \* \*

(f) If the Center FOIA Office receives a first party request for records or access, the FOIA Office will process the

request under the Privacy Act pursuant to this part.

\* \* \* \* \*

#### **§ 1212.704 [Corrected]**

■ 3. In paragraph (a) remove the word “Installations” and add in its place the word “Centers” and remove the words “Component Centers” and add in its place the words “Component Facilities.”

Nanette Jennings,

*NASA Federal Register Liaison Officer.*

[FR Doc. 2013-02778 Filed 2-6-13; 8:45 am]

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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Highway Administration**

#### **23 CFR Part 771**

### **Federal Transit Administration**

#### **49 CFR Part 622**

[Docket No. FTA-2011-0056]

RIN 2132-AB03

### **Environmental Impact and Related Procedures**

**AGENCY:** Federal Transit Administration (FTA), Federal Highway Administration (FHWA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This final rule makes revisions to the joint Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) regulations that implement the National Environmental Policy Act (NEPA). The revisions are aimed at streamlining the FTA environmental process for transit projects, in response to the August 31, 2011, Presidential Memorandum titled “Speeding Infrastructure Development through More Efficient and Effective Permitting and Environmental Review.” The revisions also respond to Executive Order 13563’s directive to periodically review existing regulations to determine if they can be made more effective and/or less burdensome. The new categorical exclusions (CEs) established by this rule, which affect actions by FTA and FTA grant applicants, are intended to improve the efficiency of the environmental review process by making available the least intensive form of review for those actions that typically do not have the potential for significant environmental effects, and, therefore, do not merit additional analysis and documentation associated with an environmental assessment or an environmental impact statement.

**DATES:** Effective on February 7, 2013.

#### **FOR FURTHER INFORMATION CONTACT:**

Megan Blum at (202) 366-0463, Terence Plaskon at (202) 366-0442, Office of Planning and Environment (TPE); or Christopher Van Wyk at (202) 366-1733, Office of Chief Counsel (TCC), Federal Transit Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590.

#### **SUPPLEMENTARY INFORMATION:**

##### **Executive Summary**

The Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) published a Notice of Proposed Rulemaking (NPRM) on March 15, 2012. In the NPRM, FTA proposed: (1) The creation of ten new categorical exclusions (CEs) to be located in a newly proposed section of the regulation at 23 CFR 771.118; (2) the expansion of public involvement methods to include electronic means; (3) the addition of language on early scoping into the regulations; (4) a modification to the list of project types that normally result in the preparation of an Environmental Impact Statement (EIS); and (5) the inclusion of an FTA review role in contracting for Environmental Assessment (EA) and EIS projects. The comment period closed on May 14, 2012.

Numerous organizations submitted substantive comments to FTA that generally were positive in tone. Many comments requested clarification of terms or phrases, and several comments requested modification of the CE language and/or adding additional examples to the CEs found under section 771.118(c). Other than comments on preamble terminology itself, these comments were addressed by either providing the requested clarifications or modifying the CE language or examples.

Some of the more substantial revisions made in response to comments received on the proposed rule include: (1) The removal of an “adverse effect to historic properties” condition from section 771.118(c)(3); (2) the addition of “operating assistance” to section 771.118(c)(4); (3) a distinction between bridge projects (i.e., section 771.118(d)(2) covers projects involving new construction or reconstruction of a bridge, while section 771.118(c)(8) covers bridge rehabilitation and maintenance); and (4) the deletion of the proposed requirement that FTA review the project scope prior to contract finalization for preparation of EAs and EISs). FTA also made a number of minor revisions to the proposals in the NPRM,

which are described in detail in this final rule.

Additionally, since the close of the comment period for the NPRM, the President signed into law the Moving Ahead for Progress in the 21st Century Act (MAP-21). This final rule is consistent with provisions in MAP-21, and FTA and FHWA will initiate further rulemaking to implement the various environmental provisions contained in MAP-21. FTA made one edit in particular with respect to MAP-21: FTA removed the “railroad” limitation from the early acquisition of right-of-way CE pursuant to MAP-21’s revision to 49 U.S.C. 5323. Previously, an FTA grant applicant was permitted to acquire only railroad right-of-way prior to the completion of NEPA, but with the statutory revision, FTA grant applicants are now permitted to acquire any right-of-way, at their own risk, prior to the completion of NEPA. FTA received comments on its proposed CE for early acquisition in the NPRM, and the changes made by the final rule to the early acquisition provision in the regulation and to the CEs for early acquisition mirror the MAP-21 statutory language.

Of the five major changes FTA and the FHWA included in the March 2012 NPRM noted in the beginning of the Executive Summary, four are being carried forward in this final rule: (1) The creation of ten new CEs to be located in a newly proposed section of the regulation at 23 CFR 771.118; (2) the expansion of public involvement methods to include electronic means; (3) the addition of language on early scoping into the regulations; and (4) a modification to the list of project types that normally result in the preparation of an EIS. FTA intends that the preamble language contained in this final rule be used as guidance when applying the changes made by this final rule. This rule will become effective immediately upon publication, as described in the “Immediate Effective Date” section below.

##### **Background**

This final rule makes a number of revisions to the procedures that govern how FTA complies with the National Environmental Policy Act (NEPA). The regulation being revised, Part 771 of Title 23, Code of Federal Regulations (CFR), is a joint FTA and FHWA regulation, but nearly all of the revisions are written specifically to apply to actions by FTA and FTA grantees. The rule does contain a minor, non-substantive revision to a footnote discussing supplementary guidance, which applies specifically to the FHWA