

# Rules and Regulations

Federal Register

Vol. 77, No. 77

Friday, April 20, 2012

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2011-1148; Airspace Docket No. 11-ASO-37]

#### Revocation of Class E Airspace; Southport, NC, and Establishment of Class E Airspace; Oak Island, NC

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

**ACTION:** Final rule.

**SUMMARY:** This action removes Class E Airspace at Southport, NC, and establishes Class E Airspace at Oak Island, NC, as new Standard Instrument Approach Procedures have been developed at Cape Fear Regional Jetport/Howie Franklin Field. This action enhances the safety and airspace management of Instrument Flight Rules (IFR) operations within the National Airspace System. This action also recognizes the airport name change to Cape Fear Regional Jetport/Howie Franklin Field and updates the geographic coordinates of the airport.

**DATES:** Effective 0901 UTC, May 31, 2012. 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:** John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-6364.

#### SUPPLEMENTARY INFORMATION:

#### History

On January 6, 2012, the FAA published in the **Federal Register** a

notice of proposed rulemaking, (77 FR 770) Docket No. FAA-2011-1148, to remove Class E airspace extending upward from 700 feet above the surface designated as South Brunswick County Airport, Southport, NC, (old name), and establish Class E airspace extending upward from 700 feet above the surface at Cape Fear Regional Jetport/Howie Franklin Field, Oak Island, NC (new name). Also, as noted, the airport, formerly called Southport Brunswick County Airport, Southport, NC, is changed to Cape Fear Regional Jetport/Howie Franklin Field, Oak Island, NC, and the geographic coordinates are adjusted to coincide with the FAA's aeronautical database. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9V dated August 9, 2011, and effective September 15, 2011, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

#### The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 removes Class E airspace extending upward from 700 feet above the surface at Southport, NC, and establishes Class E airspace at Oak Island, NC to support new Standard Instrument Approach Procedures at Cape Fear Regional Jetport/Howie Franklin Field, Oak Island, NC. Airspace reconfiguration is necessary to the design of new standard instrument approach procedures, and for continued safety and management of IFR operations at the airport. Also, as noted, the airport, formerly called Southport Brunswick County Airport, Southport, NC, is changed to Cape Fear Regional Jetport/Howie Franklin Field, Oak Island, NC, and the geographic coordinates are adjusted to coincide with the FAA's aeronautical database.

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, is non-controversial and unlikely to result in adverse or negative comments. 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, 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 United States Code. Subtitle I, 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 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 removes controlled airspace at Southport, NC, and establishes controlled airspace at Cape Fear Regional Jetport/Howie Franklin Field, Oak Island, NC.

#### Lists 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 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 7400.9V, Airspace Designations and Reporting Points, dated August 9, 2011, effective

September 15, 2011, is amended as follows:

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

\* \* \* \* \*

**ASO NC E5 Southport, NC [Removed]**

\* \* \* \* \*

**ASO NC E5 Oak Island, NC [New]**

Cape Fear Regional Jetport/Howie Franklin Field, NC

(Lat. 33 °55'51" N., long. 78 °04'24" W.)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of the Cape Fear Regional Jetport/Howie Franklin Field.

Issued in College Park, Georgia, on March 30, 2012.

**Barry A. Knight,**

*Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.*

[FR Doc. 2012-8557 Filed 4-19-12; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

#### 19 CFR Part 122

[CBP Dec. 12-08]

#### Technical Amendment to Cuba Airport List: Addition of Recently Approved Airports

**AGENCY:** Customs and Border Protection, Department of Homeland Security.

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

**SUMMARY:** This document amends the Customs and Border Protection (CBP) regulations by updating the list of airports authorized to accept aircraft traveling to or from Cuba.

**DATES:** *Effective:* April 20, 2012.

**FOR FURTHER INFORMATION CONTACT:** Arthur A.E. Pitts, Sr., U.S. Customs and Border Protection, Office of Field Operations, 202-344-2752.

#### SUPPLEMENTARY INFORMATION:

##### Background

Part 122, subpart O, of the CBP regulations sets forth special procedures that apply to all aircraft (except public aircraft) entering or departing the United States to or from Cuba. Prior to January 2011, the regulations required direct flights between the United States and Cuba to arrive at or depart from one of three named U.S. airports: John F. Kennedy International Airport, Los Angeles International Airport, or Miami International Airport.

In a statement issued on January 14, 2011, the President announced a series of changes to ease the restrictions on travel to and from Cuba as part of an initiative to support the Cuban people's desire to freely determine their country's future by, among other things, supporting licensed travel and intensifying people-to-people exchanges. In the statement, the President announced that additional U.S. airports able to process international flights may request CBP approval to accept direct flights to and from Cuba in accordance with procedures to be established by CBP. On January 28, 2011, CBP published a final rule in the **Federal Register** (76 FR 5058) that amended the CBP regulations to establish such procedures and airport eligibility criteria.

As provided in 19 CFR 122.153(b), airports meeting certain prerequisites may submit a written request to CBP requesting approval to become an airport of entry and departure for aircraft traveling to and from Cuba. Upon determination that the airport is suitable to process these flights, CBP will notify the requestor that the airport has been approved, and that it may immediately begin to accept such aircraft. For more detailed background information on the application and approval procedure and the eligibility criteria, see the January 28, 2011 final rule and 19 CFR 122.153.

##### List of Approved Airports

The CBP regulations also specify that for reference purposes, approved airports will be listed on the CBP Web site and reflected in updates to the list in 19 CFR 122.153(c). The current list includes the three airports that were authorized to accept aircraft traveling to or from Cuba before the publication of the January 28, 2011 final rule: John F. Kennedy International Airport, Los Angeles International Airport, and Miami International Airport. This document updates the list of airports to reflect the 16 airports that CBP has approved to accept aircraft traveling to or from Cuba, since the publication of the final rule. Those airports include:

- Hartsfield-Jackson Atlanta International Airport
- Austin-Bergstrom International Airport
- Baltimore/Washington International Thurgood Marshall Airport
- O'Hare International Airport
- Dallas/Fort Worth International Airport
- Fort Lauderdale-Hollywood International Airport
- Southwest Florida International Airport

- George Bush Intercontinental Airport
- Key West International Airport
- Louis Armstrong New Orleans International Airport
- Oakland International Airport
- Orlando International Airport
- Pittsburgh International Airport
- San Juan Luis Muñoz Marín International Airport
- Tampa International Airport
- Palm Beach International Airport

The updated list of approved airports also appears on the CBP Web site: [www.cbp.gov](http://www.cbp.gov).

#### Inapplicability of Public Notice and Delayed Effective Date Requirements

Because this amendment merely updates the list of airports authorized to accept aircraft traveling to or from Cuba to include airports already approved by CBP in accordance with 19 CFR 122.153 and neither imposes additional burdens on, nor takes away any existing rights or privileges from the public, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure are unnecessary, and for the same reasons, pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

#### The Regulatory Flexibility Act and Executive Order 12866

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. This amendment does not meet the criteria for a "significant regulatory action" as specified in Executive Order 12866.

#### Signing Authority

This final rule technical amendment is being issued in accordance with 19 CFR 0.2(a).

#### List of Subjects in 19 CFR Part 122

Administrative practice and procedure, Air carriers, Aircraft, Airports, Alcohol and alcoholic beverages, Cigars and cigarettes, Cuba, Customs duties and inspection, Drug traffic control, Freight, Penalties, Reporting and recordkeeping requirements, Security measures.

#### Amendments to Regulations

Part 122, Code of Federal Regulations (19 CFR part 122) is amended as set forth below:

#### PART 122—AIR COMMERCE REGULATIONS

■ 1. The authority citation for part 122 continues to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 58b, 66, 1431, 1433, 1436, 1448, 1459, 1590, 1594, 1623, 1624, 1644, 1644a, 2071 note.

\* \* \* \* \*