

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA–2023–0099; **Airspace**
Docket No. 22–ANE–12]

RIN 2120–AA66

**Establishment of Class E Airspace;
Ellsworth, Augusta, and Waterville, ME**

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace extending upward from 700 feet above the surface for Maine Coast Memorial Heliport, Ellsworth, Maine; Maine General Medical Center/Augusta Heliport, Augusta, Maine; and Maine General Medical Center-Waterville Heliport, Waterville, Maine as instrument approach procedures have been designed for each heliport.

DATES: Effective 0901 UTC, June 15, 2023. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

ADDRESSES: A copy of the notice of proposed rulemaking (NPRM), all comments received, this final rule, and all background material may be viewed online at www.regulations.gov using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours a day, 365 days a year. An electronic copy of this document may also be downloaded from the Office of the Federal Register's website at www.federalregister.gov.

FAA Order JO 7400.11G, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at www.faa.gov/air_traffic/publications/. For further information, contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; Telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone: (404) 305–6364.

SUPPLEMENTARY INFORMATION:**Authority for This Rulemaking**

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 establishes airspace in Ellsworth, Augusta, and Waterville, ME, to support instrument flight rules (IFR) operations in the area.

History

The FAA published a notice of proposed rulemaking for Docket No. FAA–2023–0099 in the **Federal Register** (88 FR 11833, February 24, 2023) to establish Class E airspace extending upward from 700 feet above the surface for Maine Coast Memorial Heliport, Ellsworth, Maine; Maine General Medical Center/Augusta Heliport, Augusta, Maine; and Maine General Medical Center-Waterville Heliport, Waterville, Maine, as instrument approach procedures have been designed for each heliport. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Incorporation by Reference

Class E airspace designations are published in paragraph 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11G, dated August 19, 2022, and effective September 15, 2022. FAA Order JO 7400.11G is publicly available as listed in the **ADDRESSES** section of the document. These amendments will be published in the next update to FAA Order JO 7400.11.

FAA Order JO 7400.11G lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This action amends 14 CFR part 71 by establishing a 6-mile radius of Class E airspace extending upward from 700 feet above the surface for Maine Coast Memorial Heliport, Ellsworth, Maine; Maine General Medical Center/Augusta Heliport, Augusta, Maine; and Maine General Medical Center-Waterville Heliport, Waterville, Maine as instrument approach procedures have been designed for each heliport.

Controlled airspace is necessary for the safety and management of IFR operations in the area.

Regulatory Notices and Analyses

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 minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures,” paragraph 5–6.5a.

This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant the preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

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(f), 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 JO 7400.11G, Airspace Designations and Reporting Points, dated August 19, 2022, and effective September 15, 2022, is amended as follows:

*Paragraph 6005 Class E Airspace Areas
Extending Upward From 700 Feet or More
Above the Surface of the Earth.*

* * * * *

ANE ME E5 Ellsworth, ME [Established]

Maine Coast Memorial Heliport, ME
(Lat. 44°32'48" N, long. 68°25'03" W)
Point in Space Coordinates
(Lat. 44°33'09" N, long. 68°25'17" W)

That airspace extending upward from 700 feet above the surface within a 6.0-mile radius of the point in space coordinates for Maine Coast Memorial Heliport.

ANE ME E5 Augusta, ME [Established]

Maine General Medical Center/Augusta
Heliport, ME
(Lat. 44°21'43" N, long. 69°46'47" W)
Point in Space Coordinates
(Lat. 44°21'44" N, long. 69°47'35" W)

That airspace extending upward from 700 feet above the surface within a 6.0-mile radius of the point in space coordinates for Maine General Medical Center/Augusta Heliport.

ANE ME E5 Waterville, ME [Established]

Maine General Medical Center-Waterville
Heliport, ME
(Lat. 44°33'58" N, long. 69°38'52" W)
Point in Space Coordinates
(Lat. 44°33'23" N, long. 69°38'30" W)

That airspace extending upward from 700 feet above the surface within a 6.0-mile radius of the point in space coordinates for Maine General Medical Center-Waterville Heliport.

Issued in College Park, Georgia, on April 12, 2023.

Lisa E. Burrows,

*Manager, Airspace & Procedures Team North,
Eastern Service Center, Air Traffic
Organization.*

[FR Doc. 2023-08089 Filed 4-17-23; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF THE INTERIOR

**Bureau of Safety and Environmental
Enforcement**

30 CFR Part 250

[Docket ID: BSEE-2020-0016] 234E1700D2;
ETISF0000.EAQ000 EEEE500000]

RIN 1082-AA02

**Risk Management, Financial
Assurance, and Loss Prevention—
Decommissioning Activities and
Obligations**

AGENCY: Bureau of Safety and
Environmental Enforcement, Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Safety and
Environmental Enforcement (BSEE)
issues this final rule to clarify and
formalize its regulations related to

decommissioning responsibilities of
Outer Continental Shelf (OCS) oil, gas,
and sulfur lessees and grant holders to
ensure compliance with lease, grant,
and regulatory obligations. This rule
implements provisions of the proposed
rule intended to clarify
decommissioning responsibilities of
right-of-use and easement (RUE) grant
holders and to formalize BSEE's policies
regarding performance by predecessors
ordered to decommission OCS facilities.
This rule withdraws the proposal to
amend BSEE's regulations to require
BSEE to proceed in reverse
chronological order against predecessor
lessees, owners of operating rights, and
grant holders when requiring such
entities to perform their accrued
decommissioning obligations if the
current lessees, owners, or holders have
failed to perform.

DATES: This rule is effective May 18,
2023.

FOR FURTHER INFORMATION CONTACT: Kirk
Malstrom, BSEE, at kirk.malstrom@bsee.gov or at (703) 787-1751.

SUPPLEMENTARY INFORMATION:

Executive Summary

On October 16, 2020, the Bureau of
Ocean Energy Management (BOEM) and
BSEE published a proposed rule entitled
“Risk Management, Financial Assurance
and Loss Prevention.” (85 FR 65904). In
this final rule, the Department of the
Interior (Department or DOI)
implements certain proposed revisions
to regulations administered by BSEE.
BOEM intends to issue a new proposed
rule for the provisions within its
regulatory purview.

The BSEE-administered portion of the
proposed rule would have established
that BSEE could only proceed in reverse
chronological order against predecessor
lessees, owners of operating rights, and
grant holders when requiring them to
perform their accrued decommissioning
obligations if the current lessees,
owners, or holders failed to perform.
The BSEE-administered provisions also
proposed to clarify decommissioning
responsibilities for RUE grant holders,
promulgate as regulations BSEE policy
surrounding the obligations of
predecessors when ordered to
decommission, and require that any
party appealing and seeking to stay a
final decommissioning order post a
surety bond.

This final rule focuses on clarifying
decommissioning obligations of RUE
grant holders and promulgating as
regulations BSEE policy regarding the
obligations of predecessors ordered to
perform decommissioning. BSEE has
decided to withdraw its proposal that

would have established the reverse
chronological order constraint on
BSEE's pursuit of predecessor lessees,
owners of operating rights, and grant
holders for performance of their accrued
decommissioning obligations. BSEE has
also chosen not to finalize the proposed
appeal bonding requirements.

Table of Contents

- I. Preamble Acronyms and Abbreviations
- II. Background of BSEE Regulations
 - A. BSEE Statutory and Regulatory
Authority and Responsibilities
 - B. Summary of Differences Between the
Proposed and Final Rules for BSEE
Provisions
- III. Discussion of Comments
 - A. Overview of Comments on the BSEE
Portion of the Proposed Rule
 - B. Specific Comments on the BSEE Portion
of the Proposed Rule
- IV. Section-by-Section Discussion of
Revisions
- V. Procedural Matters
 - A. Regulatory Planning and Review
(Executive Orders (E.O.) 12866, 13563
and 13771)
 - B. Regulatory Flexibility Act
 - C. Congressional Review Act
 - D. Unfunded Mandates Reform Act of 1995
 - E. Takings Implication Assessment (E.O.
12630)
 - F. Federalism (E.O. 13132)
 - G. Civil Justice Reform (E.O. 12988)
 - H. Consultation With Indian Tribes (E.O.
13175 and Departmental Policy)
 - I. Paperwork Reduction Act (PRA)
 - J. National Environmental Policy Act
 - K. Data Quality Act
 - L. Effects on the Nation's Energy Supply
(E.O. 13211)
 - M. Clarity of This Regulation

**I. Preamble Acronyms and
Abbreviations**

To ease the reading of this preamble
and for reference purposes, the
following acronyms and abbreviations
are used in the preamble:

ASLM Assistant Secretary for Land and
Minerals Management
BOEM Bureau of Ocean Energy
Management
BSEE Bureau of Safety and Environmental
Enforcement
DOI or Department Department of the
Interior
E.O. Executive Order
FR Federal Register
IBLA Interior Board of Land Appeals
IC Information Collection
IRIA Initial Regulatory Impact Analysis
NTL Notice to Lessees and Operators
OCS Outer Continental Shelf
OCSLA Outer Continental Shelf Lands Act
OIRA Office of Information and Regulatory
Affairs (a sub-agency within OMB)
OMB Office of Management and Budget
PRA Paperwork Reduction Act
RCO Reverse Chronological Order
RIA Regulatory Impact Analysis
ROW Right-of-Way
RUE Right-of-Use and Easement