Public Notice

U.S. Army Corps of Engineers, Norfolk District

CENAO-WR-RS
NAO-2009-00949

October 17, 2012

PUBLIC NOTICE

ACTION: Final Rule

SUMMARY: The U.S. Army Corps of Engineers (Corps) has amended an existing permanent danger zone in the waters of the Atlantic Ocean off Wallops Island and Chincoteague Inlet, Virginia. The National Aeronautics and Space Administration, Goddard Space Flight Center, Wallops Flight Facility flight range capabilities have been expanded to accommodate larger classes of orbital rockets. This amendment increases the permanent danger zone to a 30 nautical mile sector and is necessary to protect the public from hazards associated with rocket-launching operations. The final rule was published in the Federal Register Vol. 77, No. 197 on Thursday, October 11, 2012.

EFFECTIVE DATE: October 12, 2012

AUTHORITY: 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

33 CFR §334.130, Atlantic Ocean off Wallops Island and Chincoteague Inlet, Va.; danger zone is revised to read as follows:

(a) The Area. An area immediately behind and directly offshore from Wallops Island defined by lines drawn as follows: Beginning at latitude 37° 53' 00" N., longitude 75° 29' 48" W.; thence to latitude 37° 53' 03" N., longitude 74° 50' 52" W.; thence to latitude 37° 38' 28" N., longitude 74° 51' 48" W.; thence to latitude 37° 22' 00" N., longitude 75° 09' 35" W.; thence to latitude 37° 19' 11" N., longitude 75° 30' 00" W.; thence to latitude 37° 47' 57" N., longitude 75° 32' 19" W.; and thence to latitude 37° 53' 00" N., longitude 75° 29' 48" W.

(b) The Regulations.

(1) Persons and vessels shall only be prohibited from entering the area when launch operations are being conducted.

(2) In advance of scheduled launch operations which, in the opinion of the enforcing agency, may be dangerous to persons and watercraft, appropriate warnings will be issued to navigation interests through official government and civilian channels or in such other manner as the District Engineer, Corps of Engineers, may direct. Such warnings will specify the location, time, and duration of operations, and give such other pertinent information as may be required in the interests of safety. Announcement of area of closure will appear in the weekly "Notice to Mariners."

(3) The intent to conduct rocket-launching operations involving the area shall also be indicated by visual signals consisting of a large orange-colored, ``blimp-shaped" balloon by day and a signal rotating alternately red and white beacon by night. The balloon shall be flown at latitude 37°50′38" N, longitude 75°28′47" W and the beacon shall be displayed about 200 feet above mean high water at latitude 37°50′16" N, longitude 75°29′07" W. The appropriate signals shall be displayed 30 minutes prior to rocket-launching time and shall remain displayed until danger no longer exists.

(4) In addition to visual signals and prior to conducting launch operations, the area will be patrolled by aircraft or surface vessels and monitored by radars and cameras to ensure no persons or watercraft are within the danger zone or designated area of interest within the danger zone. Patrol aircraft and surface vessels are equipped with marine band radios and may attempt to hail watercraft and request that they leave the designated area and remain clear of the area at a safe distance until launch operations are complete, however launch will not occur until the designated area is clear. Patrol aircraft may also employ the method of warning known as "buzzing" which consists of low flight by the airplane and repeated opening and closing of the throttle. Surveillance vessels may also close watercraft and employ flashing light to establish communications to indicate that the watercraft is entering the designated hazard area.

(5) Any watercraft being so warned, shall immediately leave designated area, until the conclusion of launch operations, and shall remain at such distance that it will be safe from falling debris.

(6) Nothing in this regulation shall be intended to prevent commercial fishing or the lawful use of approved waterfowl hunting blinds along the shorelines of the Wallops Flight Facility at Wallops Island, Virginia, provided that all necessary licenses and permits have been obtained from the Virginia Marine Resources Commission, Virginia Department of Game and Inland Fisheries, and U.S. Fish and Wildlife Service. Commercial fishermen and waterfowl hunters must observe all warnings and range clearances during hazardous range operations.

(c) Enforcement. The regulations in this section shall be enforced by the Director, National Aeronautics and Space Administration, Goddard Space Flight Center, Wallops Flight Facility Wallops Island, Va., or such agencies as he may designate.

FOR FURTHER INFORMATION CONTACT: Mr. David Olson, Headquarters, Operations and Regulatory Community of Practice, Washington, DC at 202–761–4922, or Ms. Nancy Hankins, Corps of Engineers, Norfolk District, Regulatory Branch, at 757–201–6048.

FOR THE DISTRICT ENGINEER:

Richard Henderson
Deputy Chief, Regulatory Branch

33 CFR 334.130- Atlantic Ocean Off Wallops Island Chincoteague Inlet, Danger Zone														
	Latitude	Longitude		Latitude						Longitude				
ID	Dec Deg	Dec Deg		Deg	Dec Min	Deg	Min	Sec		Deg	Dec Min	Deg	Min	Sec
A	37.8583	-75.4583		37	51.5000	37	51	30		-75	27.4980	-75	27	30
B	37.8583	-75.2867		37	51.5000	37	51	30		-75	17.2020	-75	17	12
C	37.7217	-75.4950		37	43.3000	37	43	18		-75	29.7000	-75	29	42
D	37.8217	-75.4950		37	49.3000	37	49	18		-75	29.7000	-75	29	42

30 NM Sector Coordinates														
	Latitude	Longitude		Latitude						Longitude				
ID	Dec Deg	Dec Deg		Deg	Dec Min	Deg	Min	Sec		Deg	Dec Min	Deg	Min	Sec
A	37.8833	-75.4968		37	52.9980	37	52	60		-75	29.8080	-75	29	48
B	37.8841	-74.8478		37	53.0460	37	53	3		-74	50.8680	-74	50	52
C	37.6412	-74.8634		37	38.4720	37	38	28		-74	51.8040	-74	51	48
D	37.3666	-75.1597		37	21.9960	37	21	60		-75	9.5820	-75	9	35
E	37.3197	-75.5001		37	19.1820	37	19	11		-75	30.0060	-75	30	0
F	37.7993	-75.5386		37	47.9580	37	47	57		-75	32.3160	-75	32	19
A	37.8833	-75.4968		37	52.9980	37	52	60		-75	29.8080	-75	29	48

Table One: 33 CFR 334.130-Atlanic Ocean Off Wallops Island and Chincoteague Inlet, Va; danger zone and 30 NM Sector Coordinates

Figure One: Atlantic Ocean Off Wallops Island and Chincoteague Inlet, Va; danger zone and 30 NM Sector

Rules and Regulations

Federal Register
Vol. 77, No. 197
Thursday, October 11, 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 61

[Docket No. FAA–2006–26661; Amdt. No. 61–129A]

RIN 2120–AI86

Pilot, Flight Instructor, and Pilot School Certification; Technical Amendment

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; technical amendment.

SUMMARY: The FAA is correcting a final rule; technical amendment published on December 16, 2011 (76 FR 78141). This final rule; technical amendment was originally published to correct a final rule published on August 21, 2009 (74 FR 42500). In that original final rule, the FAA amended its regulations to revise the training, qualification, certification, and operating requirements for pilots, flight instructors, ground instructors, and pilot schools. A portion of the codified text was inadvertently deleted and this document corrects that error.

DATES: *Effective:* October 11, 2012.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this action, contact Jeffrey Smith, Airmen Certification and Training Branch, AFS–810, General Aviation and Commercial Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 493–4789; email to *jeffrey.smith@faa.gov.*

For legal questions concerning this action, contact Paul G. Greer, Office of the Chief Counsel, Regulations Division, AGC–210, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–3073; email *Paul.G.Greer@faa.gov.*

SUPPLEMENTARY INFORMATION:

Technical Amendment

On December 16, 2011 (76 FR 78141), the FAA published a final rule; technical amendment. This final rule; technical amendment was originally published to correct a final rule published on August 21, 2009 (74 FR 42500). That original final rule revised the training, qualification, certification, and operating requirements for pilots, flight instructors, ground instructors, and pilot schools. The FAA is now issuing an additional final rule; technical amendment that corrects the codified text that was inadvertently deleted in § 61.23.

Because the changes in this technical amendment result in no substantive change, we find good cause exists under 5 U.S.C. 553(d)(3) to make the amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 61

Aircraft, Airmen, Aviation safety.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends chapter I of title 14, Code of Federal Regulations as follows:

PART 61—CERTIFICATION: PILOTS, FLIGHT INSTRUCTORS, AND GROUND INSTRUCTORS

■ 1. The authority citation for part 61 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44703, 44707, 44709–44711, 45102–45103, 45301–45302.

■ 2. Amend § 61.23 by revising paragraph (c) to read as follows:

§ 61.23 Medical certificates: requirement and duration.

* * * * *

(c) *Operations requiring either a medical certificate or U.S. driver's license.* (1) A person must hold and possess either a medical certificate issued under part 67 of this chapter or a U.S. driver's license when—

(i) Exercising the privileges of a student pilot certificate while seeking sport pilot privileges in a light-sport aircraft other than a glider or balloon;

(ii) Exercising the privileges of a sport pilot certificate in a light-sport aircraft other than a glider or balloon;

(iii) Exercising the privileges of a flight instructor certificate with a sport pilot rating while acting as pilot in command or serving as a required flight crewmember of a light-sport aircraft other than a glider or balloon; or

(iv) Serving as an Examiner and administering a practical test for the issuance of a sport pilot certificate in a light-sport aircraft other than a glider or balloon.

(2) A person using a U.S. driver's license to meet the requirements of this paragraph must—

(i) Comply with each restriction and limitation imposed by that person's U.S. driver's license and any judicial or administrative order applying to the operation of a motor vehicle;

(ii) Have been found eligible for the issuance of at least a third-class airman medical certificate at the time of his or her most recent application (if the person has applied for a medical certificate);

(iii) Not have had his or her most recently issued medical certificate (if the person has held a medical certificate) suspended or revoked or most recent Authorization for a Special Issuance of a Medical Certificate withdrawn; and

(iv) Not know or have reason to know of any medical condition that would make that person unable to operate a light-sport aircraft in a safe manner.

* * * * *

Issued in Washington, DC, on October 1, 2012.

Lirio Liu,

Acting Director, Office of Rulemaking.

[FR Doc. 2012–25034 Filed 10–10–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 334

Atlantic Ocean off Wallops Island and Chincoteague Inlet, VA; Danger Zone

AGENCY: U.S. Army Corps of Engineers, Department of Defense.

ACTION: Final rule.

SUMMARY: The U.S. Army Corps of Engineers (Corps) is amending an existing permanent danger zone in the waters of the Atlantic Ocean off Wallops Island and Chincoteague Inlet, Virginia. The National Aeronautics and Space Administration, Goddard Space Flight Center, Wallops Flight Facility flight range capabilities have been expanded to accommodate larger classes of orbital rockets. This amendment increases the permanent danger zone to a 30 nautical mile sector and is necessary to protect the public from hazards associated with rocket-launching operations.

DATES: *Effective Date:* October 12, 2012.

ADDRESSES: U.S. Army Corps of Engineers, Attn: CECW–CO–R (David B. Olson), 441 G Street NW., Washington, DC 20314–1000.

FOR FURTHER INFORMATION CONTACT: Mr. David Olson, Headquarters, Operations and Regulatory Community of Practice, Washington, DC at 202–761–4922, or Ms. Nancy Hankins, Corps of Engineers, Norfolk District, Regulatory Branch, at 757–201–6048.

SUPPLEMENTARY INFORMATION:

Executive Summary

The purpose of this regulatory action is to amend an existing danger zone to accommodate larger classes of orbital rockets. This amendment increases the permanent danger zone to a 30 nautical mile sector and is necessary to protect the public from hazards associated with rocket-launching operations.

The Corps authority to amend this restricted area is Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3).

Background

Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3), the Corps is amending the regulations in 33 CFR part 334 by establishing a new permanent danger zone, in the waters of the Atlantic Ocean off Wallops Island and Chincoteague Inlet, Virginia. The modification to the regulations is described below.

The proposed rule was published in the October 11, 2011, issue of the **Federal Register** (76 FR 62692), and its regulations.gov docket number is COE–2011–0019. There were two comments received in response to the proposed rule. First, we received a response from the Commonwealth of Virginia Department of Conservation and Recreation stating that they do not anticipate that the project will adversely impact natural resources. Second, we received comments from the Town of Chincoteague, Virginia informing us of their space tourism plan and requesting confirmation that their proposed tourist viewing areas would not be in conflict with the new danger zone. In response, NASA met with the Town of Chincoteague and together they developed a communication plan that will ensure public safety during launching operations.

Procedural Requirements

a. *Review under Executive Order 12866.* This rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply.

b. *Review under the Regulatory Flexibility Act.* This rule has been reviewed under the Regulatory Flexibility Act (Pub. L. 96–354) which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (i.e., small businesses and small governments). The Corps determined that this regulation would have practically no economic impact on the public nor would it result in any anticipated navigational hazard or interference with existing waterway traffic. This regulation will have no significant economic impact on small entities.

c. *Review under the National Environmental Policy Act.* This rule will not have a significant impact to the quality of the human environment and, therefore, preparation of an environmental impact statement will not be required. An environmental assessment has been prepared and it may be reviewed at the district office listed at the end of the **FOR FURTHER INFORMATION CONTACT** above.

d. *Unfunded Mandates Act.* This rule does not impose an enforceable duty on the private sector and, therefore, it is not a Federal private sector mandate and is not subject to the requirements of either Section 202 or Section 205 of the Unfunded Mandates Reform Act. (Pub. L. 104–4, 109 Stat. 48, 2 U.S.C. 1501 *et seq.*) We have also found under Section 203 of the Act, that small governments will not be significantly or uniquely affected by this rulemaking.

List of Subjects in 33 CFR Part 334

Danger zones, Marine safety, Navigation (water), Restricted areas, Waterways.

For the reasons set out in the preamble, the Corps amends 33 CFR part 334 as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

■ 1. The authority citation for 33 CFR part 334 continues to read as follows:

Authority: 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

■ 2. Revise § 334.130 to read as follows:

§ 334.130 Atlantic Ocean off Wallops Island and Chincoteague Inlet, Va.; danger zone.

(a) *The area.* An area immediately behind and directly offshore from Wallops Island defined by lines drawn as follows: Beginning at latitude 37°53′00″ N, longitude 75°29′48″ W; thence to latitude 37°53′03″ N, longitude 74°50′52″ W; thence to latitude 37°38′28″ N, longitude 74°51′48″ W; thence to latitude 37°22′00″ N, longitude 75°09′35″ W; thence to latitude 37°19′11″ N, longitude 75°30′00″ W; thence to latitude 37°47′57″ N, longitude 75°32′19″ W; and thence to latitude 37°53′00″ N, longitude 75°29′48″ W.

(b) *The regulations.* (1) Persons and vessels shall only be prohibited from entering the area when launch operations are being conducted.

(2) In advance of scheduled launch operations which, in the opinion of the enforcing agency, may be dangerous to persons and watercraft, appropriate warnings will be issued to navigation interests through official government and civilian channels or in such other manner as the District Engineer, U.S. Army Corps of Engineers, may direct. Such warnings will specify the location, time, and duration of operations, and give other pertinent information as may be required in the interests of safety. Announcement of area of closure will appear in the weekly "Notice to Mariners."

(3) The intent to conduct rocket-launching operations in the area shall also be indicated by visual signals consisting of a large orange-colored "blimp-shaped" balloon by day and a rotating alternately red and white beacon by night. The balloon shall be flown at latitude 37°50′38″ N, longitude 75°28′47″ W and the beacon shall be displayed about 200 feet above mean high water at latitude 37°50′16″ N, longitude 75°29′07″ W. The appropriate signals shall be displayed 30 minutes prior to rocket-launching time and shall remain displayed until the danger no longer exists.

(4) In addition to visual signals and prior to conducting launch operations, the area will be patrolled by aircraft or surface vessels and monitored by radars and cameras to ensure no persons or watercraft are within the danger zone or

designated area of interest within the danger zone. Patrol aircraft and surface vessels are equipped with marine band radios and may attempt to hail watercraft and request that they leave the designated area and remain clear of the area at a safe distance until launch operations are complete, and launch will not occur until the designated area is clear. Patrol aircraft may also employ the method of warning known as "buzzing" which consists of low flight by the airplane and repeated opening and closing of the throttle. Surveillance vessels may also come close to watercraft and employ flashing light to establish communications to indicate that the watercraft is entering the designated hazard area.

(5) Any watercraft being so warned shall immediately leave the designated area until the conclusion of launch operations, and shall remain at a distance to ensure that it will be safe from falling debris.

(6) Nothing in this regulation shall be intended to prevent commercial fishing or the lawful use of approved waterfowl hunting blinds along the shorelines of the Wallops Flight Facility at Wallops Island, Virginia, provided that all necessary licenses and permits have been obtained from the Virginia Marine Resources Commission, Virginia Department of Game and Inland Fisheries, and U.S. Fish and Wildlife Service. Commercial fishermen and waterfowl hunters must observe all warnings and range clearances during hazardous range operations.

(c) *Enforcement.* The regulations in this section shall be enforced by the Director, National Aeronautics and Space Administration, Goddard Space Flight Center, Wallops Flight Facility Wallops Island, Va., or such agencies as he or she may designate.

Dated: October 2, 2012.

James R. Hannon,

Chief, Operations and Regulatory, Directorate of Civil Works.

[FR Doc. 2012–24991 Filed 10–10–12; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 334

Felgates Creek and Indian Field Creek Along the York River in Yorktown, VA; Restricted Area

AGENCY: U.S. Army Corps of Engineers, Department of Defense.

ACTION: Final rule.

SUMMARY: The Corps of Engineers is amending an existing restricted area to include the waters of Felgates Creek and Indian Field Creek along the York River in Yorktown, Virginia. Naval Weapons Station Yorktown requested the Corps of Engineers modify the existing restricted area to include areas historically noted on nautical charts as closed to the public and traditionally enforced by Commander, Naval Weapons Station Yorktown.

DATES: *Effective date:* November 13, 2012.

FOR FURTHER INFORMATION CONTACT: Mr. David Olson, Headquarters, Operations and Regulatory Community of Practice, Washington, DC at 202–761–4922, or Ms. Nicole Woodward, Corps of Engineers, Norfolk District, Regulatory Branch, at 757–201–7122.

SUPPLEMENTARY INFORMATION:

Executive Summary

The purpose of this regulatory action is to amend an existing restricted area to include areas historically noted on nautical charts as closed to the public and traditionally enforced by the Commander, Naval Weapons Station Yorktown.

The Corps authority to amend this restricted area is Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3).

Background

The proposed rule was published in the April 4, 2012, edition of the Federal Register (77 FR 20331) and the regulations.gov docket number was COE–2011–0038. In response to the proposal, three comments were received. The commenters stated that the proposed rule will have no effect on historic properties and no adverse impacts on natural heritage resources.

In response to a request by the United States Navy, and pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3), the Corps of Engineers is amending 33 CFR 334.260 to include a permanent restricted area, in the waters of Felgates Creek and Indian Field Creek along the York River in Yorktown, Virginia.

Procedural Requirements

a. Review Under Executive Order 12866. This rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply.

b. Review Under the Regulatory Flexibility Act. This rule has been reviewed under the Regulatory Flexibility Act (Pub. L. 96–354) which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (i.e., small businesses and small governments). The Corps determined that the restricted area amendment will have practically no economic impact on the public, no anticipated navigational hazard, and no interference with existing waterway traffic. This rule will have no significant economic impact on small entities.

c. Review Under the National Environmental Policy Act. This rule will not have a significant impact to the quality of the human environment and, therefore, preparation of an environmental impact statement is not required. An environmental assessment has been prepared. It may be reviewed at the District office listed at the end of the **FOR FURTHER INFORMATION CONTACT** section, above.

d. Unfunded Mandates Act. This rule does not impose an enforceable duty among the private sector and, therefore, is not subject to the requirements of Section 202 or 205 of the Unfunded Mandates Reform Act (Pub. L. 104–4, 109 Stat. 48, 2 U.S.C. 1501 *et seq.*). We have also found under Section 203 of the Act, that small governments will not be significantly or uniquely affected by this rule.

List of Subjects in 33 CFR Part 334

Danger zones, Marine safety, Navigation (water), Restricted areas, Waterways.

For the reasons set out in the preamble, the Corps amends 33 CFR part 334 as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

■ 1. The authority citation for 33 CFR part 334 continues to read as follows:

Authority: 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

■ 2. Revise § 334.260 to read as follows:

§ 334.260 York River, Va.; naval restricted areas.

(a) *The areas*—(1) *Naval mine service-testing area (prohibited).* A rectangular area surrounding Piers 1 and 2, Naval Weapons Station, and extending upstream therefrom, beginning at a point on the shore line at latitude 37°15′25″ N, longitude 76°32′32″ W; thence to latitude 37°15′42″ N,