

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

[Airspace Docket No. 01-ANM-04]

Proposed Establishment of Class E airspace, Kanab, UT**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish the Class E airspace at Kanab, UT. Newly developed Area navigation (RNAV) Standard Instrument Approach Procedures (SIAP) and Departure Procedure (DP) at the Kanab Municipal Airport have made this proposal necessary. Class E 700-foot, and 1,200-foot controlled airspace, above the surface of the earth is required to contain aircraft executing the RNAV SIAPs and DP at Kanab Municipal Airport. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Kanab Municipal Airport, Kanab, UT.

DATES: Comments must be received on or before October 1, 2001.**ADDRESSES:** Send comments on the proposal in triplicate to: Manager, Airspace Branch, ANM-520, Federal Aviation Administration, Docket No. 01-ANM-04, 1601 Lind Avenue SW, Renton, Washington 98055-4056.

An informal docket may also be examined during normal business hours in the office of the Manager, Air Traffic Division, Airspace Branch, at the address listed above.

FOR FURTHER INFORMATION CONTACT: Brian Durham, ANM-520.7, Federal Aviation Administration, Docket No. 01-ANM-04, 1601 Lind Avenue SW, Renton, Washington 98055-4056; telephone number: (425) 227-2527.**SUPPLEMENTARY INFORMATION:****Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy related aspects of the proposal. Communications should identify the

airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit, with those comments, a self-addressed stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 01-ANM-04." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Airspace Branch, ANM-520, 1601 Lind Avenue SW, Renton, Washington 98055-4056. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by establishing Class E airspace at Kanab, UT. Newly developed RNAV approach and departure procedures at the Kanab Municipal Airport have made this proposal necessary. Class E 700-foot, and 1,200 feet controlled airspace, above the surface of the earth is required to contain aircraft executing the RNAV SIAP and DP, at Kanab Municipal Airport. The FAA establishes Class E airspace where necessary to contain aircraft transitioning between the terminal and en route environments. The intended effect of this proposal is designed to provide for the safe and efficient use of the navigable airspace. This proposal would promote safe flight operations under IFR at the Kanab Municipal Airport and between the terminal and en route transition stages.

The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83.

Class E airspace areas extending upward from 700 feet or more above the surface of the earth, are published in Paragraph 6005, of FAA Order 7400.9H dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed 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 11013; 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).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; 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 7400.9H, Airspace Designations and Reporting Points, dated September 1, 2000, and effective September 16, 2000, is amended as follows:

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

* * * * *

ANM UT E5 Kanab, UT [NEW]
Kanab Municipal Airport, UT

(lat. 37°00'40"N., long. 112°31'52"W.)

That airspace extending upward from 700 feet above the surface within the 8-mile radius of the Kanab Municipal Airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 36°32'10"N., long. 112°00'00"W., to lat. 36°32'10"N., long. 112°52'00"W., to lat. 37°15'00"N., long. 112°52'00"W., to lat. 37°15'00"N., long. 112°16'00"W., to lat. 37°09'00"N., long. 112°15'00"W., to lat. 37°09'00"N., long. 111°50'00"W., to lat. 36°45'00"N., long. 112°00'00"W.; thence to the point of origin; and excluding that airspace within Federal airways.

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Issued in Seattle, Washington, on August 3, 2001.

Dan A. Boyle,

*Assistant Manager, Air Traffic Division,
Northwest Mountain Region.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

[Docket No. 010712175-1175-01]

RIN 0648-XA71

Fair Market Value Analysis for a Submarine Cable Permit in National Marine Sanctuaries

AGENCY: National Marine Sanctuary Program (NMSP), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of Availability; reopening of opportunity for public comment.

SUMMARY: Notice is hereby given that NOAA is reopening its request for comments on the draft report "Fair Market Value Analysis for a Submarine Cable Permit in National Marine Sanctuaries." However, in re-opening the comment period, NOAA has removed the recommended fee amount from the report and, rather, seeks comment on the methodology presented in the report or suggestions of other appropriate methodologies for determining the fair market value for the presence of a submarine cable in a national marine sanctuary. NOAA is reopening the public comment period for 45 days.

DATES: Comments must be received by October 1, 2001.

ADDRESSES: Address all comments regarding this notice to Helen Golde,

Chief, Conservation Policy and Planning Branch, Office of National Marine Sanctuaries, 1305 East-West Highway, 11th Floor, Silver Spring, MD 20910, Attention: Fair Market Value Analysis. Comments may also be submitted by email to: submarine.cables@noaa.gov, subject line "Fair Market Value Analysis." The report is available for download at <http://www.sanctuaries.nos.noaa.gov> or by requesting an electronic or hard copy. Requests can be made by sending an email to submarine.cables@noaa.gov (subject line "Request for Fair Market Value Analysis") or by calling Matt Brookhart at the number below.

FOR FURTHER INFORMATION CONTACT: Matt Brookhart, (301) 713-3125 x140.

SUPPLEMENTARY INFORMATION: Section 310 of the National Marine Sanctuaries Act, 16 U.S.C. 1441, authorizes the issuance of special use permits to establish conditions of access to and use of any sanctuary resource or to promote public use and understanding of a sanctuary resource. Section 310 also authorizes the assessment of fees for issuance of special use permits, including a fee that represents the fair market value of the use of sanctuary resources. NOAA's National Marine Sanctuary Program has issued two special use permits for the presence of submarine fiber optic cables in two national marine sanctuaries, one in the Olympic Coast Sanctuary National Marine Sanctuary (NMS) and the second in the Stellwagen Bank NMS.

NOAA has committed that the process for determining the fair market value of any special use permit issued for the presence of submarine cables will allow for input from the permit holders as well as other stakeholders and interested persons.

An interim final version of a report, "Fair Market Value Analysis for Submarine Cable Permit in National Marine Sanctuaries," was completed in December 2000. The report presents an assessment of fair market value for the presence of a submarine cable in a National Marine Sanctuary. The content of this report is based on dozens of industry and government sources and draws on the collaboration with and review by numerous experts in the business, legal and technical arenas. NOAA published a notice in the **Federal Register** on January 5, 2000 initiating a public comment period on the report, that ended on January 18, 2001. Copies of the report and two peer reviews were also posted on the National Marine Sanctuary Program's website. A total of 21 responses were received. Of these responses, one generally supported the

report's methodology and conclusions, four argued it undervalued fair market fees in Sanctuaries, three argued it overvalued fair market fees in sanctuaries, and thirteen requested additional time to comment. Following the closure of the initial comment period, NOAA informally notified all commenters, the two existing permit holders, and all known interested parties that the public comment period would be reopened at some point in the future before a final determination on fair market value would be made. This notice reopens that comment period.

Since the initial comment period, NOAA has updated the report by making a number of editorial and clarifying changes, and including some updated information. Further, NOAA has removed the recommended fee amount and now seeks comments on the methodology described in the report or suggestion of an appropriate alternative methodology.

Once the current comment period closes, NOAA will evaluate the comments and make any necessary revisions to the methodology used in determining fair market value. NOAA will then work with the existing special use permit holders, utilizing such methodology, to assess the fair market value fee for their permits. NOAA will publish a final notice that summarizes all comments and presents a final fee methodology to be applied to any future cable projects within national marine sanctuaries that may be authorized pursuant to a special use permit.

In a separate process, NOAA will continue developing its policy on submarine cables within national marine sanctuaries, following up on the August 23, 2000, Advance Notice of Proposed Rulemaking (ANPR) on Installing and Maintaining Commercial Submarine Cables in National Marine Sanctuaries (65 FR 51264). The ANPR included a draft set of proposed principles for laying submarine cables in the marine and coastal environment. Through this separate process, NOAA will consider whether to issue regulations or a policy statement on submarine cables within sanctuaries including whether the issuance of special use permits is necessary or appropriate.

Dated: August 9, 2001.

Alan Neuschatz,

Chief Financial Officer/Chief Administrative Officer, Ocean Services and Coastal Zone Management.

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