

The FAA believes that lowering this airspace is outside the scope of this rulemaking action and would not serve the immediate purpose of establishing the airspace necessary for the safety of aircraft within the Chenega Bay, airport area.

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 that Order.

### 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 Chenega Bay Airport, to accommodate IFR aircraft executing new RNAV (GPS) standard instrument approach procedures at the airport. This action is necessary for the safety and management of IFR operations.

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 establishes controlled airspace at Chenega Bay Airport, 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 7400.9V, Airspace Designations and Reporting Points, dated August 9, 2011, and 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.*

\* \* \* \* \*

#### AAL AK E5 Chenega Bay, AK [New]

Chenega Bay Airport, AK  
(Lat. 60°04’43” N., long. 147°59’41” W.)

That airspace extending upward from 700 feet above the surface within a 2-mile radius of the Chenega Bay Airport, and that airspace beginning at the intersection of the 2-mile radius of the airport and 170° bearing of Chenega Bay Airport to lat. 60°02’17” N., long. 147°39’07” W.; to lat. 60°05’06” N., long. 147°28’33” W.; to lat. 60°11’41” N., long. 147°37’16” W.; thence to the intersection of the 2-mile radius of Chenega Bay Airport and 353° bearing of the airport.

Issued in Seattle, Washington, on August 6, 2012.

**John Warner,**

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

[FR Doc. 2012–20139 Filed 8–16–12; 8:45 am]

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### DEPARTMENT OF COMMERCE

#### Bureau of Economic Analysis

#### 15 CFR Part 801

[Docket No. 111012619–2294–04]

RIN 0691–AA81

#### International Services Surveys and Direct Investment Surveys Reporting

**AGENCY:** Bureau of Economic Analysis.

**ACTION:** Notice of clarification.

**SUMMARY:** The Bureau of Economic Analysis (BEA) issues this document to clarify for the public a rule BEA published in April 2012 that set out new procedures BEA will follow to collect data on international trade in services and direct investment surveys. The surveys are provided for by the International Investment and Trade in Services Survey Act (the Act) and the Omnibus Trade and Competitiveness Act of 1988. Specifically, BEA clarifies that the previously issued rule does not have retroactive effect, and that those entities required to complete surveys that BEA is currently conducting based on rules creating those surveys—the 2011 BE–11, 2011 BE–15, 2012 BE–12, 2012 BE–29, 2012 BE–120, and all 2012 quarterly surveys—must still complete those surveys.

**DATES:** August 17, 2012.

#### FOR FURTHER INFORMATION CONTACT:

David H. Galler, Chief, Direct Investment Division (BE–50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; email [David.Galler@bea.gov](mailto:David.Galler@bea.gov) or phone (202) 606–9835.

**SUPPLEMENTARY INFORMATION:** The International Investment and Trade in Services Survey Act (the Act) and the Omnibus Trade and Competitiveness Act of 1988 both require BEA to collect comprehensive and reliable information on international trade in services and direct investment from all U.S. persons coming within the reporting requirements. For many years, BEA conducted these surveys only after implementing the surveys through notice and comment rulemaking procedures. See, e.g., Direct Investment Surveys: BE–12, Benchmark Survey of Foreign Direct Investment in the United States at 76 FR 79054 (December 21, 2011) or International Services Surveys: BE–150, Quarterly Survey of Cross-Border Credit, Debit, and Charge Card Transactions at 77 FR 10958 (February 24, 2012). Issuing the surveys using the notice and comment procedures of the Administrative Procedure Act, 5 U.S.C. 553 (APA) provided all potential filers

with constructive notice of the surveys as well as of their requirement to complete them. See 44 U.S.C. 1507 (filing a document with the **Federal Register** “is sufficient to give notice of the contents of the document to the person subject to or affected by it”). However, issuing surveys through notice and comment was not required by statute. Additionally, over time BEA found that going through the notice and comment requirements of the APA to prepare and issue surveys on a routine basis was time-consuming, and determined that it could collect such information just as, or perhaps more, efficiently by issuing the surveys through notices, rather than through individual rulemakings, and by informing respondents directly of the need to complete the surveys. See 77 FR 772 (January 6, 2012).

To make this change, on April 24, 2012, BEA published in the **Federal Register** a final rule titled, “International Services Surveys and Direct Investment Surveys Reporting,” 77 FR 24373. That rule amended BEA’s regulations at 15 CFR parts 801–807, and stated that BEA will no longer issue most surveys required under the Act or the Omnibus Trade and Competitiveness Act of 1988 following notice and comment rulemaking procedures under the APA. BEA will now, going forward, issue notices of its surveys in the **Federal Register** and individually to U.S. persons required to complete the surveys. See 15 CFR 801.3.

The purpose of this notice is to clarify to respondents that the final rule did not alter any pre-existing response obligations; that is, the rule amending BEA’s regulations at 15 CFR parts 801–807 does not have retroactive effect. We also note that the APA generally prohibits an agency from implementing a rule with retroactive effect. Direct investment and international trade in services surveys that BEA is currently conducting will continue to operate under the regulations established under their most recent rulemaking action prior to April 24, 2012. For example, entities required by former 15 CFR 806.14 to complete the BE–11 Annual Survey of U.S. Direct Investment Abroad (see 75 FR 80294) for fiscal year 2011 are not freed of that obligation until they receive notice from BEA of a new BE–11 survey. The new procedures for implementing surveys through notices in the **Federal Register** and through direct notices to respondents will be used only for surveys issued after the April 24, 2012 final rule.

Accordingly, BEA’s new survey procedures only apply to surveys it will issue in the future, not to those that it

issued prior to April 24, 2012 following notice and comment rulemaking according to the APA.

Dated: August 9, 2012.

**Joel D. Platt,**

*Acting Director, Bureau of Economic Analysis.*

[FR Doc. 2012–20147 Filed 8–16–12; 8:45 am]

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### 29 CFR Part 1926

[Docket ID–OSHA–2007–0066]

RIN 1218–AC61

#### Cranes and Derricks in Construction: Demolition and Underground Construction

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Direct final rule.

**SUMMARY:** On August 9, 2010, OSHA issued a final standard updating the requirements for cranes and derricks used in construction work. For most construction work, the final rule replaced a prior cranes and derricks standard. However, the prior standard continues to apply to demolition and underground construction work. Through this direct final rule, OSHA is applying the updated requirements to that work. With this direct final rule, OSHA also is correcting inadvertent errors made to the demolition and underground construction standards when it issued the final rule for cranes and derricks in construction.

**DATES:** This direct final rule will become effective on November 15, 2012 unless OSHA receives a significant adverse comment to this direct final rule or the companion proposal by September 17, 2012. If OSHA receives adverse comment, it will publish a timely withdrawal of the rule in the **Federal Register**. Submit comments to this direct final rule, including comments to the information-collection (paperwork) determination (described under the section titled AGENCY DETERMINATIONS), hearing requests, and other information by September 17, 2012. All submissions must bear a postmark or provide other evidence of the submission date.

**ADDRESSES:** Submit comments, hearing requests, and other material, identified by Docket No. OSHA–2007–0066, by any of the following methods:

**Electronically:** Submit comments and attachments, as well as hearing requests and other information, electronically at <http://www.regulations.gov>, which is the Federal e-Rulemaking Portal. Follow the instructions online for submitting comments. Please note that this docket may include several different **Federal Register** notices involving active rulemakings, so selecting the correct notice or its ID number when submitting comments for this rulemaking is extremely important. After accessing the docket (OSHA–2007–0066), look for the name of this rulemaking (Cranes and Derricks in Construction: Demolition and Underground Construction) in the column labeled “Title.”

**Facsimile:** OSHA allows facsimile transmission of comments that are 10 pages or fewer in length (including attachments). Fax these documents to the OSHA Docket Office at (202) 693–1648. OSHA does not require hard copies of these documents. Instead of transmitting facsimile copies of attachments that supplement these documents (e.g., studies, journal articles), commenters must submit these attachments to the OSHA Docket Office, Technical Data Center, Room N–2625, OSHA, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, DC 20210. These attachments must clearly identify the sender’s name, the date, subject, the title of the rulemaking (Cranes and Derricks in Construction: Demolition and Underground Construction) and the docket number (OSHA–2007–0066) so that the Docket Office can attach them to the appropriate document.

**Regular mail, express delivery, hand (courier) delivery, and messenger service:** Submit comments and any additional material to the OSHA Docket Office, RIN No. 1218–AC61, Technical Data Center, Room N–2625, OSHA, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, DC 20210; telephone: (202) 693–2350. (OSHA’s TTY number is (877) 889–5627). Contact the OSHA Docket Office for information about security procedures concerning delivery of materials by express delivery, hand delivery, and messenger service. The Docket Office will accept deliveries (express delivery, hand delivery, messenger service) during the Docket Office’s normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

**Instructions:** All submissions must include the Agency’s name, the title of the rulemaking (Cranes and Derricks in Construction: Demolition and Underground Construction), and the docket number (i.e., OSHA Docket No. OSHA–2007–0066). OSHA will place comments and other material, including