categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points). As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. Accordingly, the FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List 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 FAA Order JO 7400.11G, Airspace Designations and Reporting Points, dated August 19, 2022, effective September 15, 2022, is amended as follows:

Paragraph 4000 Class C Airspace.

* * * * *

ASO FL C Daytona Beach, FL [Amended]

Daytona Beach International Airport, FL
(Lat. 29°10′48″ N, long. 81°03′29″ W)

That airspace extending upward from the surface to and including 4,000 feet MSL within a 5-mile radius of the Daytona Beach International Airport; and that airspace extending upward from 1,200 feet MSL to and including 4,000 feet MSL within a 10-mile radius of Daytona Beach International Airport.

* * * * *

Issued in Washington, DC, on June 29, 2023.

Brian Konie,

Acting Manager, Airspace Rules and Regulations.

[FR Doc. 2023–14198 Filed 7–3–23; 8:45 am]

BILLING CODE 4910–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1204

[NASA Document No: NASA–23–054; NASA Docket No: NASA–2023–0003]

RIN 2700–AE70

Delegations and Designations

AGENCY: National Aeronautics and Space Administration.

ACTION: Direct final rule.

SUMMARY: The National Aeronautics and Space Administration (NASA) is amending its delegations and designations rule to make nonsubstantive changes to correct citations and titles throughout and clarify regulatory text in specific sections.

DATES: This direct final rule is effective on September 5, 2023. Comments due on or before August 4, 2023. If adverse comments are received, NASA will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: Comments must be identified with RINs 2700–AE70 and may be sent to NASA via the Federal E-Rulemaking Portal: *https://www.regulations.gov.* Follow the online instructions for submitting comments. Please note that NASA will post all comments on the internet with changes, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Daniela Cruzado, 202–295–7589.

SUPPLEMENTARY INFORMATION:

Direct Final Rule and Significant Adverse Comments

NASA has determined that this rulemaking meets the criteria for a direct final rule because it makes nonsubstantive changes to correct citations and titles and clarify regulatory text in specific sections. No opposition to the changes and no significant adverse comments are expected. However, if NASA receives significant adverse comments, it will withdraw this direct final rule by publishing a notice in the **Federal Register**. A significant adverse comment is one that explains: (1) Why the direct final rule is inappropriate, including challenges to the rule's underlying premise or approach; or (2) why the direct final rule will be ineffective or unacceptable without a change. In determining whether a comment necessitates withdrawal of this direct final rule, NASA will consider whether it warrants a substantive response in a notice and comment process.

Background

Subpart 5 of part 1204, promulgated March 13, 1965 [30 FR 3378], established delegations and designations for NASA officials and other Government agencies acting on behalf of the Agency to carry out functions related to real estate and related matters, granting easements, leaseholds, permits, and licenses in real property, executing certificates of full faith and credit, and taking actions on liquidated damage. Sections 1204.501, 1204.503, and 1204.504 will be amended to correct citations and titles, and to clarify regulatory text in specific sections.

Statutory Authority

The National Aeronautics and Space Act (the Space Act), 51 U.S.C. 20113 (a), authorizes the Administrator of NASA to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of its operations and the exercise of the powers vested in it by law.

Regulatory Analysis

Executive Order (E.O.) 12866, Regulatory Planning and Review and E.O. 13563, Improvement Regulation and Regulation Review

E.O.s 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated as ''not significant'' under E.O. 12866.

Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires an agency to

prepare an initial regulatory flexibility analysis to be published at the time the proposed rule is published. This requirement does not apply if the agency ''certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities'' (5 U.S.C. 603). This rule removes one section from title 14 of the CFR and, therefore, does not have a significant economic impact on a substantial number of small entities.

Review Under the Paperwork Reduction Act

This direct final rule does not contain any information collection requirements subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Review Under E.O. 13132

E.O. 13132, ''Federalism,'' 64 FR 43255 (August 4, 1999) requires regulations be reviewed for federalism effects on the institutional interest of states and local governments and, if the effects are sufficiently substantial, preparation of the Federal assessment is required to assist senior policy makers. The amendments will not have any substantial direct effects on state and local governments within the meaning of the E.O. Therefore, no federalism assessment is required.

List of Subjects in 14 CFR Part 1204

Authority delegation.

Accordingly, under the authority of the National Aeronautics and Space Act, as amended, 51 U.S.C. 20113, NASA amends 14 CFR part 1204 as follows:

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

■ 1. The authority citation for part 1204 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(5); 42 U.S.C. 2473b; Public Law 101–507, the VA/HUD/Indep. Agencies Appropriation Act for FY 1991, at 104 Stat. 1380 (Nov. 5, 1990); and 15 U.S.C. 631–650.

§ 1204.501 [Amended]

■ 2. Amend § 1204.501 as follows:

■ a. In paragraph (a) introductory text, add the words ''the Office of'' before the word ''Strategic'' and remove the words ''Integrated Associate Management'' and add in their place the words ''Facilities and Real Estate.''

■ b. In paragraph (a)(2)(i), remove the word ''to'' before the words ''sign declarations of taking.''

■ c. In paragraph (a)(2)(ii), add the text '', in accordance with statutory authority'' after the word ''reimbursement.''

■ d. In paragraph (a)(2)(iv), add the words ''in or over real property owned or'' before the word ''controlled.''

■ e. In paragraph (a)(2)(v):

■ i. Remove the phrase ''NASA-controlled'' and add in its place the phrase ''NASA-owned or -controlled.''

■ ii. Remove the word ''Comptroller'' and add in its place the words ''Office of the Chief Financial Officer.''

■ 3. Revise § 1204.503 to read as follows:

§ 1204.503 Delegation of authority to grant easements.

(a) *Scope.* 40 U.S.C. 1314 authorizes executive agencies to grant, under certain conditions, the easements as the head of the agency determines will not be adverse to the interests of the United States and subject to the provisions as the head of the agency deems necessary to protect the interests of the United States.

(b) *Delegation of authority.* The Assistant Administrator for the Office of Strategic Infrastructure and the Director, Facilities and Real Estate Division, are delegated authority to take actions in connection with the granting of easements.

(c) *Redelegation.* (1) The Real Estate Branch Chief may, subject to the restrictions in paragraph (d) of this section, exercise the authority of the National Aeronautics and Space Act of 1958, as amended, and 40 U.S.C. 1314 to authorize or grant easements in, over, or upon real property of the United States administered by NASA upon compliance with statute including a determination that such authorization or grant will not be adverse to the interests of the United States.

(2) The Real Estate Branch Chief may redelegate this authority to the appropriate warranted Real Estate Contracting Officer, in accordance with the requirements set forth in NASA Procedural Requirements (NPR) 8800.15, Real Estate Management Program.

(d) *Restrictions.* Except as otherwise specifically provided, no such easement shall be authorized or granted under the authority stated in paragraph (c) of this section unless:

(1) The appropriate Real Estate Contracting Officer determines:

(i) That the interest in real property to be conveyed is not required for a NASA program.

(ii) That the grantee's exercise of rights under the easement will not be adverse to the interests of the United States or interfere with NASA operations.

(2) Monetary or other benefit, including any interest in real property, is received by the government as consideration for the granting of the easement.

(3) The instrument granting the easement is on a form or template approved or directed to be used by the Real Estate Branch Chief, and provides at a minimum:

(i) For the termination of the easement, in whole or in part, and without cost to the Government, if there has been:

(A) A failure to comply with any term or condition of the easement;

(B) A nonuse of the easement for a consecutive 2-year period for the purpose for which granted; or

(C) An abandonment of the easement.

(ii) That written notice of the termination shall be given to the grantee, or its successors or assigns, by the Assistant Administrator for the Office of Strategic Infrastructure or the Director, Facilities and Real Estate Division, and that termination shall be effective as of the date of the notice.

(iii) That restoration provisions are provided for in the agreement that protect the interests of the United States and ensure the grantee is responsible for removal of any and all improvements in or on NASA real property.

(iv) Such other reservations, exceptions, limitations, benefits, burdens, terms, or conditions as are set forth in the forms and templates for easements approved for NASA use by the Real Estate branch Chief.

(e) *Waivers.* If, in connection with a proposed granting of an easement, the Real Estate Contracting Officer determines that a waiver from any of the restrictions in paragraph (d) of this section is appropriate, authority for the waiver may be requested from the Assistant Administrator for the Office of Strategic Infrastructure or the Director, Facilities Real Estate Division.

(f) *Services of the Corps of Engineers.* In exercising the authority herein granted, the Real Estate Contracting Officer, under the applicable provisions of any cooperative agreement between NASA and the Corps of Engineers (in effect at that time), may:

(1) Utilize the services of the Corps of Engineers, U.S. Army.

(2) Delegate authority to the Corps of Engineers to execute, on behalf of NASA, grants of easements in real property, as authorized in this section, provided that the conditions set forth in paragraphs (d) and (e) of this section are complied with.

(g) *Distribution of documents.* One copy of each document granting an easement interest under this authority, including instruments executed by the Corps of Engineers, will be filed in the

Central Depository for Real Property Documents at National Aeronautics and Space Administration, Office of Strategic Infrastructure, Facilities and Real Estate Division, Washington, DC 20546.

■ 4. Revise § 1204.504 to read as follows:

§ 1204.504 Delegation of authority to grant leaseholds, permits, and licenses in real property.

(a) *Delegation of authority.* The National Aeronautics and Space Act, as amended, authorizes NASA to grant agreements for the use of NASA-owned and/or -controlled real property. This authority is delegated to the Assistant Administrator for the Office of Strategic Infrastructure and the Director, Facilities Real Estate Division.

(b) *Definition. Real Property* refers to land, buildings, structures (including relocatable structures), air space, utility systems, improvements, and appurtenances annexed to land referred to as real property assets. For purposes of NASA use, the term real property also includes related personal property, also known as collateral equipment.

(c) *Redelegation.* (1) The Real Estate Branch Chief may, subject to the restrictions in paragraph (d) of this section, grant a leasehold, permit, or license to any person or organization, including other Government agencies, a State, or political subdivision or agency thereof. This authority may not be exercised with respect to real property which is proposed for use by a NASA exchange and subject to the provisions of NASA Policy Directive 9050.6, NASA Exchange and Morale Support Activities.

(2) The Real Estate Branch Chief may redelegate this authority to the appropriate warranted Real Estate Contracting Officer, in accordance with the requirements set forth in NPR 8800.15.

(d) *Restrictions.* Except as otherwise specifically provided, no leasehold, permit, or license shall be granted under the authority stated in paragraph (c) of this section unless:

(1) The Real Estate Contracting Officer determines:

(i) That the interest or rights to be granted are not required for a NASA program.

(ii) That the interests or rights to be granted will not be adverse to the interests of the United States nor interfere with NASA operations.

(2) That, in the case of leaseholds fair market value monetary consideration is received by NASA.

(3) The instrument granting the leasehold, permit, or license in real property is on a form or template approved by or directed to be used by the Real Estate Branch Chief, and provides, at a minimum:

(i) For unilateral termination by NASA in the event of:

(A) Default by the grantee; or

(B) Abandonment of the property by the grantee; or

(C) Force majeure circumstances including a determination by Congress, the President, or the NASA Administrator that the interest of the national space program, the national defense, or the public welfare require the termination of the interest granted, with a suitable notice provided to the grantee.

(ii) A liability waiver, indemnification requirements, environmental requirements, and insurance provisions as needed to suitably protect the United States from damages arising from the grantee's use of NASA real property.

(iii) That restoration provisions are provided for in the agreement that protect the interests of the United States and ensure the grantee is responsible for removal of any and all improvements in or on NASA real property.

(iv) Such other reservations, exceptions, limitations, benefits, burdens, terms, or conditions as are set forth in the forms and templates for leaseholds, permits, and licenses in real property approved by and directed for use by the Real Estate Branch Chief.

(e) *Waivers.* If, in connection with a proposed grant, the Real Estate Contracting Officer determines that a waiver from any of the restrictions set forth in paragraph (d) of this section is appropriate, a request may be submitted to the Associate Administrator for the Office of Strategic Infrastructure or the Director, Facilities Real Estate Division.

(f) *Distribution of documents.* One copy of each document granting an interest in real property will be filed in the Central Depository for Real Property Documents at: National Aeronautics and Space Administration, Office of Strategic Infrastructure, Washington, DC 20546.

Nanette Smith,

Team Lead, NASA Directives and Regulations.

[FR Doc. 2023–14042 Filed 7–3–23; 8:45 am]

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FEDERAL TRADE COMMISSION

16 CFR Parts 0, 1, 2, 3 and 4

Rules of Practice

AGENCY: Federal Trade Commission.

ACTION: Final rules.

SUMMARY: The Commission is amending its rules of practice to reflect the creation of the agency's new Office of Technology. The Commission is also amending, its rules of practice for adjudicative proceedings so that administrative law judges presiding over an administrative hearing render a ''recommended'' decision rather than an ''initial'' decision. Additionally, the Commission is amending its rules of practice to reflect new procedures for making *Touhy* and Privacy Act requests. Finally, the Commission is amending certain provisions in its rules of practice to fix misspellings and cross-references and make other ministerial changes.

DATES: This rule is effective on June 5, 2023. The rules of practice for adjudicative proceedings that were in effect before June 5, 2023 will govern all currently pending Commission adjudicative proceedings.

FOR FURTHER INFORMATION CONTACT: Josephine Liu, (202) 326–2170, or Michael Lezaja, (202) 326–2661, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: The Federal Trade Commission is revising certain rules in parts 0 through 4 of its rules of practice, 16 CFR parts 0 through 4. These revisions fall into four categories: (1) revisions in parts 0 and 2 to reflect the creation of the agency's new Office of Technology; (2) revisions in part 3 so that the administrative law judge (ALJ) will issue a ''recommended'' decision after each administrative hearing rather than an ''initial'' decision, and so that each recommended decision will be subject to automatic Commission review; (3) revisions in part 4 to amend the procedures for *Touhy* and Privacy Act requests; and (4) revisions to parts 1 and 3 to make ministerial changes such as updating cross-references and fixing misspellings.

Because these rule revisions relate solely to agency procedure and practice, publication for notice and comment is not required under the Administrative Procedure Act. 5 U.S.C. 553(b).[1]

I. Revisions to Part 0—Organization

The Commission recently created a new Office of Technology. Consequently, the Commission is adding new 16 CFR 0.8(f) to include

[1] For this reason, the requirements of the Regulatory Flexibility Act are also inapplicable. 5 U.S.C. 601(2), 604(a). Likewise, the amendments do not modify any FTC collections of information within the meaning of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*