

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

[Docket No. FAA-2005-22399; Airspace  
Docket No. 05-AAL-27]

RIN 2120-AA66

**Modification of the Norton Sound Low Offshore Airspace Area; AK**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends the Norton Sound Low airspace area, AK. Specifically, this action modifies the Norton Sound Low airspace area in the vicinity of the Deering Airport, AK, by lowering the controlled airspace floor to 1,200 feet mean sea level (MSL) and expanding the area to a 45-nautical mile (NM) radius of the airport. The FAA is taking this action to provide additional controlled airspace for aircraft instrument operations at the Deering Airport.

**EFFECTIVE DATE:** 0901 UTC, February 16, 2006.

**FOR FURTHER INFORMATION CONTACT:** Ken McElroy, Airspace and Rules, Office of System Operations Airspace and AIM, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

**SUPPLEMENTARY INFORMATION:****History**

On September 21, 2005, the FAA published in the **Federal Register** a notice of proposed rulemaking to modify the Norton Sound Low Offshore Airspace Area in Alaska (70 FR 55325). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received. A review of the airspace configuration at Nome, Alaska, revealed that an exclusion for the Nome Class E airspace was not needed; this resulted in a minor change to the legal description of the Norton Sound Low area, which removed the exclusion for the Nome, Alaska, Class E airspace.

Norton Sound Low airspace areas are published in paragraph 6007 of FAA Order 7400.9N dated September 1, 2005, and effective September 15, 2005, which is incorporated by reference in 14 CFR 71.1. The Norton Sound Low airspace area listed in this document will be published subsequently in the order.

**The Rule**

This action amends to Title 14 Code of Federal Regulations (14 CFR) part 71 to modify the Norton Sound Low airspace area, AK, by lowering the floor to 1,200 feet MSL within a 45-NM radius of Deering Airport, AK. This action establishes controlled airspace to support instrument flight rules operations at Deering Airport. The FAA Instrument Flight Procedures Production and Maintenance Branch has developed four new instrument approach procedures for the Deering Airport. New controlled airspace extending upward from 1,200 feet MSL above the surface in international airspace is created by this action.

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. Therefore, this regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (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 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.

**ICAO Considerations**

As part of this action relates to navigable airspace outside the United States, this notice is submitted in accordance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

The application of International Standards and Recommended Practices by the FAA, Office of System Operations Airspace and AIM, Airspace & Rules, in areas outside the United States domestic airspace, is governed by the Convention on International Civil Aviation. Specifically, the FAA is governed by Article 12 and Annex 11, which pertain to the establishment of necessary air navigational facilities and services to promote the safe, orderly, and expeditious flow of civil air traffic. The purpose of Article 12 and Annex 11 is to ensure that civil aircraft operations on international air routes are performed under uniform conditions.

The International Standards and Recommended Practices in Annex 11

apply to airspace under the jurisdiction of a contracting state, derived from ICAO. Annex 11 provisions apply when air traffic services are provided and a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty.

A contracting state accepting this responsibility may apply the International Standards and Recommended Practices that are consistent with standards and practices utilized in its domestic jurisdiction.

In accordance with Article 3 of the Convention, state-owned aircraft are exempt from the Standards and Recommended Practices of Annex 11. The United States is a contracting state to the Convention. Article 3(d) of the Convention provides that participating state aircraft will be operated in international airspace with due regard for the safety of civil aircraft. Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

**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, Policies and Procedures for Considering Environmental Impacts. 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 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 FAA Order 7400.9N, Airspace Designations and Reporting

Points, dated September 1, 2005, and effective September 15, 2005, is amended as follows:

*Paragraph 6007—Offshore Airspace Areas.*

\* \* \* \* \*

**Norton Sound Low, AK [Amended]**

That airspace extending upward from 1,200 MSL within a 45-mile radius of the Deering Airport, Alaska, and airspace extending upward from 14,500 feet MSL within an area bounded by a line beginning at Lat. 59°59'57" N., long. 168°00'08" W.; to Lat. 62°35'00" N., long. 175°00'00" W.; to Lat. 65°00'00" N., long. 168°58'23" W.; to Lat. 68°00'00" N., long. 168°58'23" W.; to a point 12 miles offshore at Lat. 68°00'00" N.; thence by a line 12 miles from and parallel to the shoreline to Lat. 56°42'59" N., long. 160°00'00" W.; to Lat. 58°06'57" N., long. 160°00'00" W.; to Lat. 57°45'57" N., long. 161°46'08" W.; to the point of beginning, excluding that portion that lies within Class E airspace above 14,500 feet MSL, Federal airways and the Nome and Kotzebue, AK, Class E airspace areas.

\* \* \* \* \*

Issued in Washington, DC, on November 17, 2005.

**Edith V. Parish,**

*Manager, Airspace and Rules.*

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**BILLING CODE 4910-13-P**

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**DEPARTMENT OF COMMERCE**

**Bureau of Economic Analysis**

**15 CFR Part 806**

[Docket No. 050726200-5305-2]

**RIN 0691-AA58**

**Direct Investment Surveys: BE-11, Annual Survey of U.S. Direct Investment Abroad**

**AGENCY:** Bureau of Economic Analysis, Commerce.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends regulations of the U.S. Department of Commerce, Bureau of Economic Analysis (BEA), for the BE-11, Annual Survey of U.S. Direct Investment Abroad.

The BE-11 survey is conducted annually and is a sample survey that obtains financial and operating data covering the overall operations of nonbank U.S. parent companies and their nonbank foreign affiliates. To address the current needs of data users while at the same time keeping the respondent burden as low as possible, BEA is modifying, adding, or deleting items on the survey forms and in the reporting criteria. Most of the changes

will bring the BE-11 forms and related instructions into conformity with the 2004 BE-10, Benchmark Survey of U.S. Direct Investment Abroad.

**DATES:** This final rule will be effective December 28, 2005.

**FOR FURTHER INFORMATION CONTACT:** Obie G. Whichard, Chief, International Investment Division (BE-50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; phone (202) 606-9890 or e-mail (*obie.whichard@bea.gov*).

**SUPPLEMENTARY INFORMATION:** In the August 22, 2005, **Federal Register**, 70 FR 48920-48923, BEA published a notice of proposed rulemaking setting forth revised reporting requirements for the BE-11, Annual Survey of U.S. Direct Investment Abroad. No comments on the proposed rule were received. Thus, the proposed rule is adopted without change. This final rule amends 15 CFR 806.14 to set forth the reporting requirements for the BE-11, Annual Survey of U.S. Direct Investment Abroad.

**Description of Changes**

The BE-11, Annual Survey of U.S. Direct Investment Abroad, is a mandatory survey and is conducted annually by BEA under the International Investment and Trade in Services Survey Act (22 U.S.C. 3101-3108), hereinafter, the Act. BEA will send the survey to potential respondents in March of each year; responses will be due by May 31.

This final rule: (1) Increases the exemption level for reporting on the BE-11B(SF) form and BE-11C form from \$30 million to \$40 million; (2) increases the exemption level for reporting on the BE-11B(LF) form from \$100 million to \$150 million; and (3) increases the exemption level for reporting only selected items on Form BE-11A from \$100 million to \$150 million. In addition to certain identification items, U.S. Reporters with total assets, sales or gross operating revenues, and net income (loss) less than or equal to \$150 million report only selected items on the BE-11A report. In conjunction with the increase in the exemption level for reporting on Forms BE-11B(SF) and BE-11C, a schedule on Form BE-11A is introduced for reporting a few data items for affiliates with assets, sales, and net income between \$10 million and \$40 million that were established or acquired during the year. The foreign affiliate exemption level is the level of a foreign affiliate's assets, sales, or net income below which a Form BE-

11B(LF), BE-11B(SF), or BE-11C is not required.

In addition to the changes in reporting criteria mentioned above, BEA is introducing a statistical sampling procedure that utilizes a new BE-11B(EZ) form. This form provides a few basic indicators for non-sample foreign affiliates that can be used as a basis for estimating data that otherwise would have to be reported on the lengthier BE-11B(LF) and BE-11B(SF) forms.

BEA is introducing a few changes to the report forms themselves. BEA is adding questions to the BE-11A form, BE-11B(LF) form, and BE-11B(SF) form to bring the annual survey into conformity with the BE-10 benchmark survey. BEA is collecting detail on: (1) The broad occupational structure of employment, (2) premiums earned and claims paid by U.S. Reporters and foreign affiliates operating in the insurance industry, and (3) goods purchased for resale for U.S. Reporters and foreign affiliates operating in the wholesale and retail trade industries. In addition, BEA is expanding the ownership section on the BE-11B(LF) and (SF) forms to include components that are collected on the benchmark survey and to add a retained earnings reconciliation section on the BE-11B(LF) form similar to that on the benchmark survey.

**Survey Background**

The Bureau of Economic Analysis (BEA), U.S. Department of Commerce, will conduct the survey under the International Investment and Trade in Services Survey Act (22 U.S.C. 3101-3108), hereinafter, the Act. Section 4(a) of the Act requires that with respect to United States direct investment abroad, the President shall, to the extent he deems necessary and feasible, conduct a regular data collection program to secure current information on international financial flows and other information related to international investment and trade in services, including (but not limited to) such information as may be necessary for computing and analyzing the United States balance of payments, the employment and taxes of United States parents and affiliates, and the international investment and trade in services position of the United States.

In Section 3 of Executive Order 11961, the President delegated authority granted under the Act as concerns direct investment to the Secretary of Commerce, who has redelegated it to BEA. The annual survey of U.S. direct investment abroad is a sample survey that provides a variety of measures of the overall operations of U.S. parent