

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 13

[Docket No. FAA-2002-11483; Amendment No. 13-33]

RIN 2120-AI52

Revisions to the Civil Penalty Inflation Adjustment Rule and Tables; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.
ACTION: Final rule, correction.

SUMMARY: This document contains corrections to the preamble of final rule published in the **Federal Register** on May 16, 2006, (71 FR 28518) and an amendment to the regulatory language. That final rule implements adjustments to certain civil monetary penalties under the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996.

DATES: This amendment becomes effective August 16, 2006.

FOR FURTHER INFORMATION CONTACT: Joyce Redos, Office of the Chief

Counsel, Enforcement Division, AGC-300, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3137; facsimile (202) 267-5106; e-mail joyce.redos@faa.gov.

SUPPLEMENTARY INFORMATION:

Need for Correction

The final rule document published in the **Federal Register** on May 16, 2006 (71 FR 28518), contains two errors in the preamble. In addition, the final column was omitted from Table One of the regulatory language and the dates in the two footnotes to Table Two should be the effective date of the rule, not the date of publication. This publication corrects the errors in the preamble and amends the regulatory language.

■ In the May 16, 2006, **Federal Register** (FR Doc. 06-4524), make the following corrections to read as follows:

■ 1. On page 28519, column 2, 10th line from the bottom, correct “insert effective date of rule” to read “June 15, 2006”.

■ 2. On page 28519, column 3, 9th line from the bottom, remove the sentence beginning with the word “Based” and insert the following sentence to read “Based on a new inflation adjustment,

as of June 15, 2006, the penalty is \$11,000 per day.”

List of Subjects in 14 CFR Part 13

Administrative practice and procedure, Air transportation, Hazardous materials transportation, Investigations, Law enforcement, Penalties.

The Amendment

■ In conclusion of the foregoing, the Federal Aviation Administration amends part 13 of Title 14, Code of Federal Regulations, as follows:

PART 13—INVESTIGATIVE AND ENFORCEMENT PROCEDURES

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

Authority: 18 U.S.C. 6002, 28 U.S.C. 2461 (note); 49 U.S.C. 106(g), 5121-5124, 40113-40114, 44103-44106, 44702-44703, 44709-44710, 44713, 44718, 44725, 46101-46110, 46301-46316, 46318, 46501-46502, 46504-46507, 47106, 47111, 47122, 47306, 47531-47532.

■ 2. Amend § 13.305 by revising Table 1 to read as follows:

§ 13.305 Cost of living adjustments of civil monetary penalties.

TABLE 1.—TABLE OF MINIMUM AND MAXIMUM CIVIL MONETARY PENALTY AMOUNTS FOR CERTAIN VIOLATIONS BEFORE DECEMBER 12, 2003, AND FOR HAZARDOUS MATERIALS VIOLATIONS BEFORE AUGUST 10, 2005

United States Code citation	Civil monetary penalty description	Minimum penalty amount	New adjusted minimum penalty amount	Maximum penalty amount when last set or adjusted pursuant to law	New or adjusted maximum penalty amount
49 U.S.C. 5123(a)	Violation of hazardous materials transportation law, regulation, or order.	\$250 per violation, last set 1990.	Same	\$30,000 per violation, adjusted 3/13/02.	Same.
49 U.S.C. 46301(a)(1).	Violation under 49 U.S.C. 46301(a)(1)	N/A	N/A	\$1,100 per violation, adjusted 1/21/1997.	Same.
49 U.S.C. 46301(a)(2).	Violations under 49 U.S.C. (a)(2)(A) or (B) by a person operating an aircraft for the transportation of passengers or property for compensation (except an airman serving as an airman).	N/A	N/A	\$11,000 per violation, adjusted 1/21/1997.	Same.
49 U.S.C. 46301(a)(3)(A).	Violation under 49 U.S.C. 46301(a)(1) related to the transportation of hazardous materials.	N/A	N/A	\$11,000 per violation, adjusted 1/21/1997.	Same.
49 U.S.C. 46301(a)(3)(B).	Violation related to the registration or recordation under 49 U.S.C. chapter 441 of an aircraft not used to provide air transportation.	N/A	N/A	\$11,000 per violation, adjusted 1/21/1997.	Same.
49 U.S.C. 46301(a)(3)(C).	Violation of 49 U.S.C. 44718(d) relating to limiting construction or establishment of landfills.	N/A	N/A	\$10,000 per violation, set 10/9/1996.	Same.
49 U.S.C. 46301(a)(3)(D).	Violation of 49 U.S.C. 44725 relating to the safe disposal of life-limited aircraft parts.	N/A	N/A	\$10,000, set 4/5/2000	Same.
49 U.S.C. 46301(a)(5).	Violation of 49 U.S.C. 47107(b) (or any assurance made under such section) or 49 U.S.C. 47133.	N/A	N/A	Increase above otherwise applicable maximum amount not to exceed 3 times the amount of revenues that are used in violation of such section.	Same.
49 U.S.C. 46301(b).	Tampering with a smoke alarm device	N/A	N/A	\$2,200, adjusted 1/21/1997	Same.
49 U.S.C. 46302(a).	Knowingly providing false information about alleged violation involving the special aircraft jurisdiction of the United States.	N/A	N/A	\$11,000, adjusted 1/21/1997	Same.

TABLE 1.—TABLE OF MINIMUM AND MAXIMUM CIVIL MONETARY PENALTY AMOUNTS FOR CERTAIN VIOLATIONS BEFORE DECEMBER 12, 2003, AND FOR HAZARDOUS MATERIALS VIOLATIONS BEFORE AUGUST 10, 2005—Continued

United States Code citation	Civil monetary penalty description	Minimum penalty amount	New adjusted minimum penalty amount	Maximum penalty amount when last set or adjusted pursuant to law	New or adjusted maximum penalty amount
49 U.S.C. 46303	Carrying a concealed dangerous weapon	N/A	N/A	\$11,000, adjusted 1/21/1997	Same.
49 U.S.C. 46318	Interference with cabin or flight crew	N/A	N/A	\$25,000, set 4/5/2000	Same.
49 U.S.C. 47531	Violation of 49 U.S.C. 47528–47530 relating to the prohibition of operating certain aircraft not complying with stage 3 noise levels.	N/A	N/A	See 49 U.S.C. 46301(a)(1) and (a)(2), above.	Same.

¹ FAA prosecutes violations under this section that occurred before February 17, 2002.

■ 3. Amend § 13.305 by revising the footnotes to Table 2 to read as follows:

§ 13.305 Cost of living adjustments of civil monetary penalties.

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TABLE 2.—TABLE OF MINIMUM AND MAXIMUM CIVIL MONETARY PENALTY AMOUNTS FOR CERTAIN VIOLATIONS OCCURRING ON OR AFTER DECEMBER 12, 2003

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¹ The maximum penalty for a violation from 12/12/2003 until 6/15/2006 is \$10,000.
² The maximum penalty for a violation from 4/5/2000 until 6/15/2006 is \$25,000.

Dated: Issued in Washington, DC on August 11, 2006.

Rebecca McPherson,

Assistant Chief Counsel.

[FR Doc. 06–6953 Filed 8–15–06; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2006–25059; Airspace Docket No. 06–ACE–8]

Establishment of Class E5 Airspace; Higginsville, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes a Class E surface area airspace extending upward from 700 feet above the surface at Higginsville, MO.

The effect of this rule is to provide appropriate controlled Class E airspace for aircraft departing from and executing instrument approach procedures to Higginsville Industrial Municipal Airport, MO and to segregate aircraft using instrument approach procedures

in instrument conditions from aircraft operating in visual conditions.

DATES: *Effective Date:* 0901 UTC, September 28, 2006.

FOR FURTHER INFORMATION CONTACT: Grant Nichols, Airspace Branch, ACE–520G, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2522.

SUPPLEMENTARY INFORMATION:

History

On Monday, June 26, 2006, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E airspace at Higginsville, MO (71 FR 36257). The proposal was to establish a Class E5 airspace area to bring Higginsville, MO airspace into compliance with FAA directives. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

The Rule

This notice amends part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing a Class E airspace area extending upward from 700 feet above the surface at Higginsville Industrial Municipal Airport, MO. The establishment of Area Navigation (RNAV) Global Positioning System (GPS) Instrument Approach Procedures (IAP) to Runways 16 and 34 have made this action necessary. The intended effect of this action is to provide adequate controlled airspace for Instrument Flight Rules operations at Higginsville Industrial Municipal Airport, MO. The area will be depicted on appropriate aeronautical charts.

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 7400.9N, Airspace Designations and Reporting

Points, dated September 1, 2005, and effective September 16, 2005, which is incorporated by reference in 14 CFR 71.1 of the same Order. The Class E airspace designation listed in this document will be published subsequently in the Order.

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 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.

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 the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority since it contains aircraft executing instrument approach procedures to Higginsville Industrial Municipal Airport, MO.

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: