

effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraphs 6003 and 6005, respectively, of FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

### Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016. FAA Order 7400.11A is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11A lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

### The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 amends Class E airspace designated as an extension to Class C surface area, and Class E airspace extending upward from 700 feet above the surface at Atlantic City International Airport, Atlantic City, NJ, by removing Atlantic City Municipal/Bader Field from the airspace description as the airport has closed, no longer requiring controlled airspace.

### Regulatory Notices and Analyses

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. 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 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 only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental

Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," paragraph 5–6.5a. 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.

### Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### Adoption of the Amendment

In consideration of the foregoing, the FAA 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(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 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, effective September 15, 2016, is amended as follows:

*Paragraph 6003 Class E Airspace Designated as an Extension to a Class C Surface Area.*

\* \* \* \* \*

#### AEA NJ E3 Atlantic City, NJ [Amended]

Atlantic City International Airport, NJ  
(Lat. 39°27'27" N., long. 74°34'38" W.)  
Atlantic City VORTAC  
(Lat. 39°27'21" N., long. 74°34'35" W.)

That airspace extending upward from the surface within 2.7 miles either side of the Atlantic City VORTAC 303° radial extending from the 5-mile radius to 7.4 miles northwest of Atlantic City International Airport.

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

#### AEA NJ E5 Atlantic City, NJ [Amended]

Atlantic City International Airport, NJ  
(Lat. 39°27'27" N., long. 74°34'38" W.)

That airspace extending upward from 700 feet above the surface within a 7.2-mile radius of Atlantic City International Airport.

Issued in College Park, Georgia, on April 12, 2017.

**Geoff Lelliott,**

*Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.*

[FR Doc. 2017–08100 Filed 4–21–17; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2015–8128; Airspace Docket No. 15–AEA–14]

### Amendment of Class D and Class E Airspace; Elmira, NY

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

**ACTION:** Final rule.

**SUMMARY:** This action amends Class D and E airspace at Elmira, NY, as the ERINN Outer Marker (OM) has been decommissioned requiring airspace reconfiguration at Elmira/Corning Regional Airport. This action enhances the safety and airspace management of Instrument Flight Rules (IFR) operations at the airport. This action also updates the geographic coordinates of the airport, and eliminates the Notice to Airmen (NOTAM) part-time status of the Class E airspace designated as an extension to a Class D surface area. Also, the FAA found the Class E airspace designated as an extension to a class D surface area description was inaccurate. This action corrects the error.

**DATES:** Effective 0901 UTC, June 22, 2017. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

**ADDRESSES:** FAA Order 7400.11A, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line at [http://www.faa.gov/air\\_traffic/publications/](http://www.faa.gov/air_traffic/publications/). For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 1–800–647–8927, or 202–267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11A at NARA, call 202–741–6030, or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

**FOR FURTHER INFORMATION CONTACT:** John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation

Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-6364.

#### SUPPLEMENTARY INFORMATION:

##### Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes 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 amends Class D and Class E airspace at Elmira/Corning Regional Airport, Elmira, NY.

##### History

On December 13, 2016, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to amend Class D and Class E airspace at Elmira, NY. (81 FR 89885) Docket No. FAA-2015-8128. This proposed change is necessary as the ERINN Outer Marker (OM) has been decommissioned requiring airspace reconfiguration at Elmira/Corning Regional Airport. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Subsequent to publication, the regulatory text for the Class E airspace designated as an extension was found to have some inaccuracies and is rewritten for clarity.

Class D and Class E airspace designations are published in paragraphs 5000, 6002 and 6004, respectively, of FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR part 71.1. The Class D and Class E airspace designations listed in this document will be published subsequently in the Order.

##### Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016. FAA Order 7400.11A is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11A lists

Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

##### The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 amends Class D airspace, Class E surface area airspace, and Class E airspace designated as an extension to a Class D surface area at Elmira/Corning Regional Airport, Elmira, NY. This action amends the geographic coordinates of the airport to coincide with the FAA's aeronautical database, and eliminates the NOTAM information from the regulatory text of the Class E airspace designated as an extension to Class D that reads, "This Class E airspace area is effective during the specific dates and time established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory." This action also corrects some inaccuracies in the segment dimensions northeast, east, and southwest of the airport in the description of Class E airspace designated as an extension to a Class D surface.

##### Regulatory Notices and Analyses

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. 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 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 only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

##### Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," paragraph 5-6.5a. 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.

##### Lists 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(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 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, effective September 15, 2016, is amended as follows:

*Paragraph 5000 Class D Airspace.*

\* \* \* \* \*

##### AEA NY D Elmira, NY [Amended]

Elmira/Corning Regional Airport, NY  
(Lat. 42°09'35" N., long 76°53'30" W.)

That airspace extending upward from the surface to and including 3,500 MSL within a 4.2-mile radius of the Elmira/Corning Regional Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement, (previously called Airport/Facility Directory).

*Paragraph 6002 Class E Surface Area Airspace.*

\* \* \* \* \*

##### AEA NY E2 Elmira, NY [Amended]

Elmira/Corning Regional Airport, NY  
(Lat. 42°09'35" N., long 76°53'30" W.)

That airspace extending upward from the surface within a 4.2-mile radius of the Elmira/Corning Regional Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement, (previously called Airport/Facility Directory).

*Paragraph 6004 Class E Airspace Designated as an Extension to a Class D Surface Area.*

\* \* \* \* \*

##### AEA NY E4 Elmira, NY [Amended]

Elmira/Corning Regional Airport, NY  
(Lat. 42°09'35" N., long 76°53'30" W.)

That airspace extending upward from the surface within 1.8 miles each side of the 062° bearing from the airport extending from the

4.2-mile radius of Elmira/Corning Regional Airport to 8.6-miles northeast of the airport, within 1.8 miles each side of the 101° bearing from the airport extending from the 4.2-mile radius to 6 miles east of the airport, and within 1.8 miles each side of the 240° bearing from the airport extending from the 4.2-mile radius to 7 miles southwest of the airport, and within 1.8 miles each side of the 282° bearing from the airport extending from the 4.2-mile radius to 8 miles northwest of the airport.

Issued in College Park, Georgia, on April 12, 2017.

**Geoff Lelliott,**

*Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.*

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## DEPARTMENT OF THE INTERIOR

### Office of Natural Resources Revenue

#### 30 CFR Part 1241

[Docket No. ONRR-2016-0002; DS63644000 DR2PS0000.CH7000 178D0102R2]

RIN 1012-AA17

#### Civil Monetary Penalty Rates Inflation Adjustments for Calendar Year 2017 and Initial “Catch-Up” Adjustments

**AGENCY:** Office of the Secretary, Office of Natural Resources Revenue, Interior.

**ACTION:** Final rule.

**SUMMARY:** In accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990 (Act), as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act) and recent Office of Management and Budget (OMB) guidance, the Office of Natural Resources Revenue (ONRR) is publishing this final rule to adjust our maximum civil monetary penalty (CMP) rates for calendar year 2017. This final rule also adopts as final a 2016 interim final rule that adjusted the amount of our civil monetary penalties for inflation with initial “catch-up” adjustments under the 2015 Act.

**DATES:** This rule is effective on April 24, 2017.

**FOR FURTHER INFORMATION CONTACT:** For questions on procedural issues, contact Armand Southall, Regulatory Specialist, by telephone at (303) 231-3221 or email to [Armand.Southall@onrr.gov](mailto:Armand.Southall@onrr.gov). For questions on technical issues, contact Geary Keeton, Chief of Enforcement, by telephone at (303) 231-3096 or email to [Geary.Keeton@onrr.gov](mailto:Geary.Keeton@onrr.gov). You may obtain a paper copy of this rule by contacting Mr. Southall by phone or email.

#### SUPPLEMENTARY INFORMATION:

- I. Background
- II. Calculation of Adjustment
- III. Summary of Final Rule
- IV. Procedural Requirements
  - A. Regulatory Planning and Review (E.O. 12866)
  - B. Regulatory Flexibility Act
  - C. Small Business Regulatory Enforcement Fairness Act
  - D. Unfunded Mandates Reform Act
  - E. Takings (E.O. 12630)
  - F. Federalism (E.O. 13132)
  - G. Civil Justice Reform (E.O. 12988)
  - H. Consultation with Indian Tribes (E.O. 13175)
  - I. Paperwork Reduction Act
  - J. National Environmental Policy Act
  - K. Effects on the Energy Supply (E.O. 13211)
  - L. Clarity of This Regulation
  - M. Administrative Procedure Act

#### I. Background

The Act, as amended (set out in a note following 28 U.S.C. 2461), requires Federal agencies to adjust their civil monetary penalty (CMP) rates through an interim final rulemaking to take effect no later than August 1, 2016, and to make annual inflation adjustments not later than January 15 of every year thereafter with the guidance that OMB provides us by December 15 of each calendar year, as required by section 7 of the Act, to calculate the maximum CMP rates for the following calendar year.

On February 24, 2016, OMB issued guidance on calculating the initial catch-up and subsequent annual CMP inflation adjustments. *See* February 24, 2016, Memorandum for the Heads of Executive Departments and Agencies from Shaun Donovan, Director, OMB, re: *Implementation of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (OMB Memorandum M-16-06). That memorandum included a table (Table A) showing CMP inflation-adjustment multipliers by calendar year of CMP establishment from 1914 to 2015. On June 9, 2016, ONRR published its interim final rule required by the Act, as amended, adjusting for inflation from 1983 to 2016.

On December 16, 2016, OMB issued additional guidance on the annual adjustment of CMPs for 2017. *See* December 16, 2016, Memorandum for the Heads of Executive Departments and Agencies from OMB Director Shaun Donovan re: *Implementation of the 2017 annual adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (OMB Memorandum M-17-11). That memorandum informed agencies that the inflation-adjustment multiplier for 2017 is 1.01636.

#### II. Calculation of Adjustments

ONRR assesses CMPs under section 109 of the Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA), codified as amended at 30 U.S.C. 1719. In accordance with FOGRMA, we calculate and assess CMPs per violation, at the applicable rate, for each day such violation continues.

Since we had not adjusted the maximum CMP rates for inflation since their establishment in 1983, we calculated the new maximum CMP rates for 2016 using the inflation-adjustment multiplier for CMPs established in 1983, as set out in Table A in OMB Memorandum M-16-06. That multiplier was 2.35483. On June 9, 2016, we published an interim final rule in the **Federal Register** (81 FR 37153) establishing the maximum CMP rates with the initial catch-up adjustments. Those maximum CMP rates were effective on July 11, 2016. However, the interim final rule requested public comments until August 8, 2016. ONRR received no comments and, therefore, is finalizing that rule. OMB Memorandum M-17-11 authorizes agencies to finalize their 2016 initial “catch-up” adjustment interim final rule in the same rulemaking that establishes their 2017 annual adjustments.

In accordance with sections 4 and 5 of the Act, as amended, the annual CMP Inflation Adjustment calculation for 2017 is based on the percent change in the Consumer Price Index for all Urban Consumers (CPI-U) between October 2015 and October 2016. To calculate the maximum CMP rates for 2017, we are using the inflation-adjustment multiplier that OMB provided in its Memorandum M-17-11. That multiplier is 1.01636. In accordance with section 5(a) of the Act, as amended, the new maximum CMP rates will be rounded to the nearest dollar. For example, the maximum CMP rate under 30 U.S.C. 1719(a) in 2016 is \$1,177 per violation for each day such violation continues; the 2017 CMP inflation-adjustment multiplier is 1.01636;  $\$1,177 \times 1.01636 = \$1,196.2557$ , which rounds down to \$1,196. Therefore, the new maximum CMP rate for this violation is \$1,196 for each day such violation continues. It is important to note that, by themselves, the increases in maximum CMP rates contained in this final rule do not determine the amount of the CMP that we will assess for a particular violation; as authorized by FOGRMA and the implementing regulations codified at 30 CFR part 1241, we calculate each CMP on a case-by-case basis.

In accordance with section 6 of the Act, as amended, the new maximum