

not inconsistent with chapters 1, 2, and 3 of the Truth in Lending Act.

## VII. Virginia

### A. Discussion

Chapter 22.1 of title 6.2 of the Code of Virginia requires disclosures in connection with sales-based financing to a recipient.<sup>60</sup> Based on the definition of “sales-based financing,” which is tied to sales or revenue of the recipient, and the definition of “recipient,” which must be “a person whose principal place of business is in the Commonwealth,” it appears that the Virginia law would not apply to a consumer credit transaction as defined in TILA and Regulation Z.<sup>61</sup> To the extent it could apply to a consumer credit transaction, there would still be no basis to find an inconsistency with TILA. That is because the only TILA-related disclosure term used in the Virginia law is the finance charge, which the Virginia law’s implementing regulation defines in precisely the same manner as Regulation Z.<sup>62</sup> Because there is no difference in the amount that would be included in the Virginia disclosure compared to TILA and Regulation Z disclosures, there is no occasion to consider whether a difference in amount would be inconsistent with TILA and Regulation Z.

The requesting party has made an argument that the Virginia law’s finance charge disclosure is nevertheless preempted. However, this argument appears to rely on a misunderstanding of an aspect of TILA that is distinct from the Act’s preemption standard. TILA section 111(a)(2), which neighbors the preemption provision in section 111(a)(1), authorizes the CFPB to determine that a State disclosure “is substantially the same in meaning as” a TILA disclosure.<sup>63</sup> After the CFPB makes such a substantially-the-same-in-meaning determination, TILA creditors can provide the CFPB-endorsed State disclosure “in lieu of” the TILA disclosure, except that the finance charge and APR must still be disclosed

as provided by TILA.<sup>64</sup> However, the present proceeding involves a preemption determination, not a substantially-the-same-in-meaning determination.

The requesting party’s comment appears to conflate section 111(a)(2) (or more specifically the Regulation Z provision and commentary implementing section 111(a)(2)<sup>65</sup>) with the distinct question under section 111(a)(1) of whether State disclosures are preempted as inconsistent with TILA. The commenter appears to read section 111(a)(2) to mean that any State disclosure with a finance charge or APR is preempted. In fact, all that it does is guarantee that, when CFPB-endorsed State disclosures are provided “in lieu of” the normal TILA disclosures in consumer credit transactions, those State disclosure forms will still include the TILA finance charge and APR, so that consumers can use them to shop among consumer credit options.<sup>66</sup>

### B. Determination

For these reasons, the Consumer Financial Protection Bureau determines that chapter 22.1 of title 6.2 of the Code of Virginia is not inconsistent with chapters 1, 2, and 3 of the Truth in Lending Act.

#### Rohit Chopra,

Director, Consumer Financial Protection Bureau.

[FR Doc. 2023–06719 Filed 3–30–23; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2022–1613; Airspace Docket No. 22–ASO–27]

RIN 2120-AA66

#### Amendment of Class D and Class E Airspace, Key West, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This action amends Class D airspace, Class E airspace designated as an extension to a Class D surface area, and Class E airspace extending upward from 700 feet above the surface at Key

West International Airport and Key West Naval Air Station (NAS), FL, as a result of biennial airspace evaluations. This action also updates the geographic coordinates for the airport and the Key West VORTAC.

**DATES:** Effective 0901 UTC, June 15, 2023. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

**ADDRESSES:** A copy of the notice of proposed rulemaking (NPRM), all comments received, this final rule, and all background material may be viewed online at [www.regulations.gov](http://www.regulations.gov) using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from the Office of the Federal Register’s website at [www.federalregister.gov](http://www.federalregister.gov).

FAA Order JO 7400.11G, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [www.faa.gov/air\\_traffic/publications/](http://www.faa.gov/air_traffic/publications/). You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267–8783.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Ledford, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone: (404) 305–5946.

#### 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 would amend airspace for Key West International Airport and Key West Naval Air Station (NAS), FL, to support IFR operations in the area.

<sup>60</sup> Va. Code tit. 6.2, ch. 22.1; *see also* 10 Va. Admin. Code secs. 5–240–10 to 5–240–40.

<sup>61</sup> “Sales-based financing” is defined as a transaction that is repaid by the recipient to the provider, over time, as a percentage of sales or revenue, in which the payment amount may increase or decrease according to the volume of sales made or revenue received by the recipient. Va. Code sec. 6.2–2228. Sales-based financing also includes a true-up mechanism where the financing is repaid as a fixed payment but provides for a reconciliation process that adjusts the payment to an amount that is a percentage of sales or revenue. *Id.*

<sup>62</sup> 10 Va. Admin. Code sec. 5–240–10.

<sup>63</sup> 15 U.S.C. 1610(a)(2).

<sup>64</sup> *Id.*

<sup>65</sup> 12 CFR 1026.28(b); 12 CFR part 1026, supplement I, comment 28(b)–1.

<sup>66</sup> The comment may also intend for this argument to extend to California and New York; if so, it would not succeed with respect to those States for the same reasons.

## History

The FAA published a notice of proposed rulemaking for Docket No. FAA–2022–1613 in the **Federal Register** (87 FR 78883, December 23, 2022) amending Class D airspace, Class E airspace designated as an extension to a Class D surface area, and Class E airspace extending upward from 700 feet above the surface at Key West International Airport and Key West Naval Air Station (NAS), FL, as a result of biennial airspace evaluations. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

## Differences From the NPRM

Subsequent to the publication of the Notice of Proposed Rulemaking, the FAA found the Key West International Airport geographic coordinates to be incorrect, as well as the geographic coordinates describing the Key West International Airport Class D airspace and Key West Naval Air Station Class D airspace points of intersection. This action corrects the errors. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

## Incorporation by Reference

Class D and E airspace designations are published in Paragraphs 5000, 6002, 6004, and 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11G, dated August 19, 2022, and effective September 15, 2022. These updates will be published subsequently in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11G is publicly available as listed in the **ADDRESSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11.

FAA Order JO 7400.11G lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

## The Rule

This action amends 14 CFR part 71 by amending Class E airspace extending upward from 700 feet above the surface for Key West International Airport and Key West Naval Air Station (NAS) by extending the airspace for each airport from within a 6.4-mile radius to a 6.5-mile radius, and by updating the airport's geographic coordinates and the geographic coordinates describing the

intersections of Class D airspace, to coincide with the FAA's database.

In addition, this action replaces the outdated terms Airport/Facility Directory with the term Chart Supplement and Notice to Airmen with the term Notice to Air Missions, in the Class D and Class E airspace descriptions.

## 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 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.

## 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 the preparation of an environmental assessment.

## Lists 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 Federal Aviation Administration Order JO 7400.11G, Airspace Designations and Reporting Points, dated August 19, 2022, and effective September 15, 2022, is amended as follows:

*Paragraph 5000 Class D Airspace.*

\* \* \* \* \*

### **ASO FL D Key West, FL [Amended]**

Key West International Airport, FL  
(Lat. 24°33'22" N, long. 81°45'36" W)  
Key West NAS  
(Lat. 24°34'29" N, long. 81°41'12" W)

That airspace extending upward from the surface to and including 2,500 feet MSL beginning at Lat. 24°37'11" N, long. 81°44'41" W; to Lat. 24°33'04" N, long. 81°43'48" W; to Lat. 24°31'15" N, long. 81°45'22" W; to Lat. 24°30'40" N, long. 81°45'15" W; thence counterclockwise via the 5.3-mile radius of Key West NAS to the intersection of the 3.9-mile radius of the Key West International Airport, thence clockwise via the 3.9-mile radius of the Key West International Airport to the point of beginning. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective date and time will thereafter be continuously published in the Chart Supplement.

### **ASO FL D Key West NAS, FL [Amended]**

Key West NAS, FL  
(Lat. 24°34'29" N, long. 81°41'12" W)  
Key West International Airport  
(Lat. 24°33'22" N, long. 81°45'36" W)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 5.3-mile radius of Key West NAS, excluding that airspace within the Key West International Airport Class D airspace area. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

\* \* \* \* \*

### **ASO FL E4 Key West, FL [Amended]**

Key West International Airport, FL  
(Lat. 24°33'22" N, long. 81°45'36" W)  
Key West NAS  
(Lat. 24°34'29" N, long. 81°41'12" W)  
Key West VORTAC  
(Lat. 24°35'09" N, long. 81°48'02" W)

That airspace extending upward from the surface within 3.1 miles each side of the Key West VORTAC 309° radial extending from the 3.9-mile radius of the Key West International Airport and the 5.3-mile radius of Key West NAS to 7 miles northwest of the Key West VORTAC. This Class E airspace area is effective during the specific dates and time established in advance by a Notice to Air Missions. The effective date and time

will thereafter be continuously published in the Chart Supplement.

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

\* \* \* \* \*

#### ASO FL E5 Key West, FL [Amended]

Key West International Airport, FL  
(Lat 24°33'22" N, long. 81°45'36" W)  
Key West VORTAC  
(Lat 24°35'09" N, long. 81°48'02" W)  
Key West NAS  
(Lat 24°34'29" N, long. 81°41'12" W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Key West International Airport and within 3.1 miles each side of the Key West VORTAC 309° radial, extending from the 6.5-mile radius to 7 miles northwest of the Key West VORTAC; within a 6.8-mile radius of Key West NAS (Boca Chica).

Issued in College Park, Georgia, on March 20, 2023.

**Andree C. Davis,**

*Manager, Airspace & Procedures Team South, Eastern Service Center, Air Traffic Organization.*

[FR Doc. 2023-06618 Filed 3-30-23; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[Docket No. USCG-2023-0142]

#### Special Local Regulations; California Half Ironman Triathlon, San Diego, CA

**AGENCY:** Coast Guard, Department of Homeland Security (DHS).

**ACTION:** Notification of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce the California Half Ironman Triathlon special local regulations on the waters of Oceanside, California on April 1, 2023. These special local regulations are necessary to provide for the safety of the participants, crew, spectators, sponsor vessels, and general users of the waterway. During the enforcement period, persons and vessels are prohibited from anchoring, blocking, loitering, or impeding within this regulated area unless authorized by the Captain of the Port, or his designated representative.

**DATES:** The regulations in 33 CFR 100.1101 will be enforced from 6 a.m. through 10 a.m. on April 1, 2023, for the locations described in item 2 in Table 1 of § 100.1101.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this

publication of enforcement, call or email Lieutenant Junior Grade Shera Kim, Waterways Management, U.S. Coast Guard Sector San Diego, CA; telephone (619) 278-7656, email [D11MarineEventsSD@uscg.mil](mailto:D11MarineEventsSD@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the special local regulations in 33 CFR 100.1101 for the California Half Ironman Triathlon in Oceanside, CA, in 33 CFR 100.1101, for the locations described in Table 1, Item 2 of that section from 6 a.m. until 10 a.m. on April 1, 2023. The location includes the waters of Oceanside Harbor, CA, including the entrance channel. This enforcement action is being taken to provide for the safety of life on navigable waterways during the event. The Coast Guard's regulation for recurring marine events in the San Diego Captain of the Port Zone identifies the regulated entities and area for this event. Under the provisions of 33 CFR 100.1101, persons and vessels are prohibited from anchoring, blocking, loitering, or impeding within this regulated area, unless authorized by the Captain of the Port, or his designated representative. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

In addition to this document in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via the Local Notice to Mariners, marine information broadcasts, and local advertising by the event sponsor.

If the Captain of the Port Sector San Diego or his designated representative determines that the regulated area need not be enforced for the full duration stated on this document, he or she may use a Broadcast Notice to Mariners or other communications coordinated with the event sponsor to grant general permission to enter the regulated area.

Dated: March 29, 2023.

**J.W. Spitler,**

*Captain, U.S. Coast Guard, Captain of the Port San Diego.*

[FR Doc. 2023-06862 Filed 3-30-23; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2023-0233]

#### Safety Zones; Annual Events in the Captain of the Port Buffalo Zone

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notification of enforcement of regulations.

**SUMMARY:** The Coast Guard will enforce multiple safety zones located in federal regulations for recurring marine events taking place in July 2023. This action is necessary and intended for the safety of life and property on navigable waters during these events. During the enforcement periods, no person or vessel may enter the respective safety zone without the permission of the Captain of the Port Buffalo or a designated representative.

**DATES:** The Coast Guard will enforce regulations listed in 33 CFR 165.939 Table 165.939, under (b) July Safety Zones, according to the schedule listed in the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notice of enforcement, call or email LT. Jared Stevens, Waterways Management Division, U.S. Coast Guard Marine Safety Unit Cleveland; telephone 216-937-0124, email [D09-SMB-MSUCLEVELAND-WWM@uscg.mil](mailto:D09-SMB-MSUCLEVELAND-WWM@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce multiple safety zones for annual events in the Captain of the Port Buffalo Zone listed in 33 CFR 165.939, Table 165.939, (b) July Safety Zones, for events occurring in the month of July as listed in the **DATES** section above. Pursuant to 33 CFR 165.23, entry into, transiting, or anchoring within these safety zones during an enforcement period is prohibited unless authorized by the Captain of the Port Buffalo or his designated representative. Those seeking permission to enter the safety zone may request permission from the Captain of Port Buffalo via channel 16, VHF-FM. Vessels and persons granted permission to enter the safety zone shall obey the directions of the Captain of the Port Buffalo or his designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

The safety zones the Coast Guard will enforce are listed in 33 CFR 165.939