

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

[Docket No. FAA–2022–1796; Airspace
Docket No. 22–AAL–30]

RIN 2120–AA66

**Proposed Revocation of Colored
Federal Airway Red 39 (R–39); Bethel,
AK**

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking
(NPRM).

SUMMARY: This action proposes to
revoke Colored Federal airway Red 39
(R–39) in the vicinity of Bethel, AK, due
to the pending decommissioning of the
Oscarville (OSE) Non-directional
Beacon (NDB), Takotna River NDB
(VTR), and Ice Pool NDB (ICW) in
Alaska.

DATES: Comments must be received on
or before March 16, 2023.

ADDRESSES: Send comments on this
proposal to the U.S. Department of
Transportation, Docket Operations, 1200
New Jersey Avenue SE, West Building
Ground Floor, Room W12–140,
Washington, DC 20590; telephone: (800)
647–5527, or (202) 366–9826. You must
identify FAA Docket No. FAA–2022–
1796; Airspace Docket No. 22–AAL–30
at the beginning of your comments. You
may also submit comments through the
internet at www.regulations.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/). For further information,
you can contact the Rules and
Regulations Group, Federal Aviation
Administration, 800 Independence
Avenue SW, Washington, DC 20591;
telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT:
Steven Roff, Rules and Regulations
Group, Office of Policy, Federal
Aviation Administration, 800
Independence Avenue SW, Washington,
DC 20591; telephone: (202) 267–8783.

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 the 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
modify the route structure as necessary
to preserve the safe and efficient flow of
air traffic within the National Airspace
System (NAS).

Comments Invited

Interested parties are invited to
participate in this proposed rulemaking
by submitting such written data, views,
or arguments as they may desire.
Comments that provide the factual basis
supporting the views and suggestions
presented are particularly helpful in
developing reasoned regulatory
decisions on the proposal. Comments
are specifically invited on the overall
regulatory, aeronautical, economic,
environmental, and energy-related
aspects of the proposal.

Communications should identify both
docket numbers (FAA Docket No. FAA–
2022–1796; Airspace Docket No. 22–
AAL–30) and be submitted in triplicate
to the Docket Management Facility (see
ADDRESSES section for address and
phone number). You may also submit
comments through the internet at
www.regulations.gov.

Commenters wishing the FAA to
acknowledge receipt of their comments
on this action must submit with those
comments a self-addressed, stamped
postcard on which the following
statement is made: “Comments to FAA
Docket No. FAA–2022–1796; Airspace
Docket No. 22–AAL–30.” The postcard
will be date/time stamped and returned
to the commenter.

All communications received on or
before the specified comment closing
date will be considered before taking
action on the proposed rule. The
proposal contained in this action may
be changed in light of comments
received. All comments submitted will
be available for examination in the
public docket both before and after the
comment closing date. A report
summarizing each substantive public
contact with FAA personnel concerned
with this rulemaking will be filed in the
docket.

Availability of NPRM

An electronic copy of this document
may be downloaded through the
internet at www.regulations.gov.
Recently published rulemaking
documents can also be accessed through
the FAA's web page at www.faa.gov/air_

[traffic/publications/airspace_
amendments/](http://www.faa.gov/air_traffic/publications/airspace_amendments/).

You may review the public docket
containing the proposal, any comments
received, and any final disposition in
person in the Dockets Office (see
ADDRESSES section for address and
phone number) between 9:00 a.m. and
5:00 p.m., Monday through Friday,
except Federal holidays. An informal
docket may also be examined during
normal business hours at the office of
the Operations Support Group, Western
Service Center, Federal Aviation
Administration, 2200 South 216th St.,
Des Moines, WA 98198.

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

This document proposes to amend
FAA Order JO 7400.11G, Airspace
Designations and Reporting Points,
dated August 19, 2022, and effective
September 15, 2022. FAA Order JO
7400.11G is publicly available as listed
in the **ADDRESSES** section of this
document. FAA Order JO 7400.11G lists
Class A, B, C, D, and E airspace areas,
air traffic service routes, and reporting
points.

Background

The aviation industry/users have
indicated a desire for the FAA to
transition the Alaskan en route
navigation structure away from the
dependency on NDBs. Advances in
technology have allowed for alternate
navigation methods to support
decommissioning of high-cost ground-
based navigation equipment. The FAA
conducted a non-rulemaking study in
accordance with FAA Order JO 7400.2,
Procedures for Handling Airspace
Matters in 2020 and 2021 on OSE, VTR,
and ICW due to the ongoing high cost
of maintenance and repairs. Interested
parties were invited to participate in
this effort by submitting comments on
the proposal. As a result of the study,
there were no objections received. The
FAA added OSE, VTR, and ICW to the
schedule to be decommissioned.

Colored Federal airway R–39 extends
between OSE and ICW. The
decommissioning of OSE and ICW
would render this route unusable. This
proposal would revoke R–39 in its
entirety. The mitigation to the loss of R–
39 is currently in place with Very High
Frequency (VHF) Omnidirectional
Range (VOR) Federal airway V–480 and
United States Navigational (RNAV)
route T–222 overlying or paralleling the
entire route.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to revoke Colored Federal airway R-39 in the vicinity of Bethel, AK due to the decommissioning of the OSE, VTR, ICW NDBs. R-39 currently navigates between OSE and ICW. The FAA proposes to revoke R-39 in its entirety.

Colored Federal airways are published in paragraph 6009(d) of FAA Order JO 7400.11G dated August 19, 2022 and effective September 15, 2022, which is incorporated by reference in 14 CFR 71.1. The Colored Federal airway listed in this document would be removed subsequently in FAA Order JO 7400.11.

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

Regulatory Notices and Analyses

The FAA has determined that this proposed 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 proposed 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

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures” prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 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, and effective September 15, 2022, is amended as follows:

Paragraph 6009(b) Colored Federal Airways.

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R-39 [Remove]

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Issued in Washington, DC, on January 24, 2023.

Brian Konie,

Acting Manager, Airspace Rules and Regulations.

[FR Doc. 2023–01791 Filed 1–27–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2022–0978]

RIN 1625–AA00

Safety Zone; Restricted Visibility in Tampa Bay; Tampa Bay, Tampa, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to revise an existing safety zone regulation in Tampa Bay within the geographic boundaries of the Captain of the Port (COTP) St. Petersburg Zone. The proposed change is designed to align the coordinates in the regulation with the coordinates needed to properly control traffic in cases of restricted visibility in Tampa Bay. The current coordinates do not reflect the safety zones that the Coast Guard intended to put in place. The Coast Guard invites your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before March 1, 2023.

ADDRESSES: You may submit comments identified by docket number USCG–

2022–0978 using the Federal Decision Making Portal at <https://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Marine Science Technician First Class Regina L. Cuevas, Sector St. Petersburg Prevention Department, Coast Guard; telephone (813) 228–2191, email Regina.L.Cuevas@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

On June 26, 2015, the Coast Guard published a final rule entitled, “Safety Zones, St. Petersburg Captain of the Port Zone.”¹ This action was taken to establish safety zones that restrict port operations in the event of reduced or restricted visibility, or during natural disasters, e.g. hurricanes, and establish safety zones around firework platforms, structures or barges during the storage, preparation, and launching of fireworks. This final rule established seven zones that could be used to direct vessel movement in times of restricted visibility. In 2022, it was brought to the attention of the Seventh Coast Guard District that the safety zones listed in 33 CFR 165.782(a)(4) and (a)(5) did not reflect the zones that were needed for the Captain of the Port (COTP) to properly control vessel movement in times of reduced visibility. More specifically, the errors were discovered in the first coordinate of zone 4 in § 165.782(a)(4) and the second coordinate of zone 5 in § 165.782(a)(5). With this proposed rule, the Coast Guard is correcting the points needed by the COTP to ensure safety amongst all port users, particularly in time of reduced visibility. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034.

III. Discussion of Proposed Rule

This rule is proposing to modify zones 4 and 5 listed in § 165.782(a)(4) and (a)(5) to align with the zones that were intended by the COTP, and are

¹ 80 FR 36716.