VORTAC and the Samsville, IL, VOR/DME is removed. Additionally, the exclusions regarding the airspace within R–4001B, R–5002A, R–5002B, and R–5002E when active, and the airspace within the V–139 and V–308 airways are removed as well. The unaffected portions of the existing airway remain as charted.

V–446: V–446 extends between the Troy, IL, VORTAC and the Samsville, IL, VOR/DME. The airway is removed in its entirety.

All NAVAID radials listed in the VOR Federal airway description below are unchanged and stated in True degrees.

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 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 of amending VOR Federal airway V–44 and revoking VOR Federal airway V–446, due to the planned decommissioning of the VOR portion of the Samsville, IL, VOR/DME NAVAID, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points). As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List 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 FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V–44 [Amended]

From Columbia, MO; INT Columbia 131° and Foristell, MO, 262° radials; Foristell; to Centralia, IL. From Falmouth, KY; York, KY; Parkersburg, WV; Morgantown, WV; Martinsburg, WV; INT Martinsburg 094° and Baltimore, MD, 300° radials; Baltimore; INT Baltimore 122° and Sea Isle, NJ, 267° radials; Sea Isle; INT Sea Isle 040° and Deer Park, NY, 209° radials; Deer Park; INT Deer Park 041° and Bridgeport, CT, 133° radials; Bridgeport; INT Bridgeport 324° and Pawling, NY, 160° radials; Pawling; INT Pawling 342° and Albany, NY, 181° radials; to Albany. The airspace below 2,000 feet MSL outside the United States is excluded.

* * * * *

V–446 [Removed]

* * * * *

Issued in Washington, DC, on June 23, 2022.

Scott M. Rosenbloom,

Manager, Airspace Rules and Regulations.

[FR Doc. 2022–14199 Filed 7–1–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 77

[Docket No. FAA–2004–16982; Notice No. 07–16]

Colo Void Clause Coalition; Antenna Systems Co-Location; Voluntary Best Practices

AGENCY: Federal Aviation Administration (FAA); Department of Transportation (DOT):

ACTION: Notification of amended policy.

SUMMARY: The FAA announces an amendment to its Colo Void policy. The FAA last revised its policy regarding the notification requirements and processes for evaluation of potential electromagnetic interference (EMI) for co-location of antenna systems on existing structures previously studied by the FAA on November 21, 2007. Based on an August 4, 2020 request from the Colo Void Clause Coalition (CVCC), the FAA finds that further modifications to this policy are necessary and appropriate. The FAA will add additional frequencies to the list of those not requiring notice to the FAA when added to an existing structure with a current No Hazard Determination.

DATES: This policy is effective September 6, 2022.

FOR FURTHER INFORMATION CONTACT: For specific questions related to the Colo Void policy, please contact the Spectrum Engineering Group, 202–267–7365.

SUPPLEMENTARY INFORMATION:

Background

Prior to April 2004, when the FAA issued a Determination of No Hazard to Air Navigation for proposed construction or alteration of an antenna structure, the Determination included the following condition: ''This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, frequency(ies) or use of greater power will void this determination. Any future construction or alteration, including an increase in

heights, power, or the addition of other transmitters requires separate notice to the FAA.'' As a result of this condition, a proponent seeking only to add frequencies to a previously studied structure for which the FAA had issued a Determination of No Hazard was required to file notice with the FAA. They had to file the notice on FAA Form 7460–1 in accordance with the previously discussed condition.

On April 27, 2004, the FAA published a revised policy regarding the notification requirements for co-locating antenna systems on existing structures previously studied by the FAA (69 FR 22732). The revised policy was based on a Best Practices Agreement recommended by the Colo Void Clause Coalition (CVCC).[1] Under this revised policy, a proponent was not required to file notices with the FAA for an aeronautical study to add certain frequencies to an existing structure that FAA issued a current Determination of No Hazard to Air Navigation.

In February 2006, the CVCC asked the FAA to consider amending its policy to include additional frequency bands. The CVCC also sought clarification of the condition in the 2004 policy requiring proponents to provide the FAA with an electronic copy of its antenna system location databases. On November 21, 2007, the FAA further amended the policy to add the requested frequencies (72 FR 65449). FAA also withdrew the condition requiring proponents to provide electronic copies of antenna system location databases because any unintentional electromagnetic interference resulting under the policy can be mitigated by condition 2 of the policy.[2]

On August 4, 2020, the CVCC requested that the FAA consider amending the November 21, 2007 policy by including additional frequency bands not requiring notice to the FAA when co-located with previously studied structures with No Hazard determinations. The frequencies are those that the Federal Communications Commission (FCC) has authorized for use by wireless companies.[3] The FCC reviewed the bands and associated technical rules to ensure their use of the bands would not cause harmful effects to other users operating in the same bands. Furthermore, many of these commercial radio frequency systems use technology that are industry and federally approved. The FAA agrees with the FCC's evaluation, and after careful review and coordination, has determined that it can include most of the requested additional frequencies by amending the current Colo Void policy. These additional frequencies will promote telecommunication and wireless services, while not negatively impacting either the safety or efficiency of civil flight.

Policy

The FAA recognizes the telecommunications industry's need and commitment to provide wireless services to the public. Also, the FAA recognizes that it is essential for these companies to speed up the time frame for build-out and deployment of their networks. However, the FAA's first commitment is to aviation safety. For that reason, the FAA finds that it can amend its policy to add most, but not all, of the frequencies requested by the CVCC. As has been the case with previous policy updates, the express notice requirements under part 77 of Title 14 Code of Federal Regulations (CFR) are not altered or modified. If the addition of frequencies is accompanied by an increase in the height of a previously studied structure, notice must be filed with the FAA as required by 14 CFR 77.9.[4] Physical structures located on or near public use and other types of landing facilities defined in 14 CFR 77.9(d) raise concerns about possible obstruction to air navigation, and the FAA will handle these issues pursuant to current regulations and procedures.

Under this policy, a proponent is not required to file notice with the FAA to add frequencies to an existing structure that either has a current FAA issued Determination of No Hazard to Air Navigation or otherwise does not meet notice criteria if the frequency is listed in this policy. If an additional antenna system must be used to add frequencies, the antenna system must not be located on Federal or public use landing facilities property.

Furthermore, the antenna system must not be co-located or mounted on an FAA antenna structure without prior coordination with the FAA's Spectrum Engineering Group. This policy to not require notice only applies to antenna systems operating on the following frequencies and service types, as dictated by various parts of 47 CFR. FAA is updating the policy to include additional frequencies. In some instances, the frequencies added by this notice are subject to designated power and bandwidth limitations. These limitations are specified where applicable. The new frequencies are designated with an asterisk.

- 698–806 MHz (Advanced Wireless Service—Part 27).
- 806–821 MHz and 851–866 MHz (Industrial/Business/Specialized Mobile Radio Pool—Part 90).
- 816–820 MHz and 861–865 MHz (Basic Exchange Telephone Radio—Parts 1 and 22).
- 821–824 MHz and 866–869 MHz (Public Safety Mobile Radio Pool—Part 90).
- 824–849 MHz and 869–894 MHz (Cellular Radiotelephone—Parts 1 and 22).
- 849–851 MHz and 894–896 MHz (Air-Ground Radiotelephone—Parts 1).
- 896–901 MHz and 935–940 MHz (900 MHz SMR—Part 90).
- 901–902 MHz and 930–931 MHz (Narrowband PCS—Part 24).
- 929–930 MHz, 931–932 MHz, and 940–941 MHz (Paging—Parts 1, 22, and 90).
- 1670–1675 MHz (Wireless Communications Service—Part 27).
- * 1695–1710 MHz, 1755–1780 MHz, and 2155–2180 MHz (Advanced Wireless Service—Part 27; 3280 Watts effective isotropic radiated power (EIRP), No bandwidth limitations; largest spectrum block is 20 MHz).
- 1710–1755 MHz, 2020–2025 MHz, and 2110–2180 MHz (Advanced Wireless Service—Part 27).
- 1850–1990 MHz (Broadband PCS—Part 24, Point-to-Point Microwave—Part 101).
- 1990–2000 MHz (Broadband PCS—Part 24).
- 2000–2020 MHz and 2180–2200 MHz (Mobile Satellite Service—Part 25).
- 2305–2320 MHz and 2345–2360 MHz (Wireless Communications Service (WCS)—Part 27).
- 2320–2345 MHz (Satellite Digital Audio Radio Service—Part 27).
- 2496–2690 MHz (Broadband Radio Service—Part 27).
- * 3.45 GHz (3450–3550 MHz Miscellaneous Wireless Communications Services—Part 27, 3280 watts/MHz EIRP, 20 MHz).

[1] The CVCC represents wireless service providers and tower companies that together currently own or manage the majority of the radio towers throughout the United States.

[2] Condition 2—If an antenna system, operating in the designated frequency bands, causes EMI to one or more FAA facilities, the FAA will contact the proponent. The proponent must mitigate the EMI in a timely manner, as recommended by the FAA in each particular case. Depending upon the severity of the interference, the proponent must eliminate harmful EMI either by adjusting operating parameters, (for example, employing extra filtering or reducing effective radiated power), or by ceasing transmissions, as may be required by the FCC and the FAA. Failure to provide successful EMI mitigation techniques will result in referral to the FCC's Enforcement Bureau for possible enforcement action. (69 FR 22732; April 27, 2004).

[3] AT&T, a member of the CVCC, separately requested the addition of the 3.45 GHz band.

[4] This citation changed when the FAA amended part 77 in 2010 from § 77.13 to § 77.9.

• * 3.5 GHz (3550–3700 MHz Citizens Broadband Radio Service—Part 96; 47 dBm/10 MHz EIRP, 10 MHz).
• * 5.9 GHz (5850–5925 MHz Dedicated Short-Range Communications Service—Part 90; 33 Watts EIRP and higher power level limited to state and local governmental entities).
• 6.0–7.0 GHz, 10.0–11.7 GHz, 17.7–19.7 GHz, and 21.2–23.6 GHz (Fixed Microwave Service—Part 101).
• * 12 GHz (12200–12700 MHz Multichannel Video Distribution & Data Service—Part 101; +50 dBW EIRP, 500 MHz).
• * 24 GHz (24250–24450 MHz and 24750–25250 MHz Upper Microwave Flexible Use Service—Part 30; +75 dBm/100 MHz EIRP, 200 MHz/500 MHz).
• * 28 GHz (27500–28350 MHz Upper Microwave Flexible Use Service—Part 30; +75 dBm/100 MHz EIRP (mobile base stations), +85 dBm/100 MHz EIRP (fixed directional antenna stations), 850 MHz).
• * 29 GHz and 31 GHz (29100–29250 MHz and 31000–31300 MHz, 23 dBW/MHz EIRP (Point-to-Point Operations), 150 MHz).
• * 37 GHz (37000–38600 MHz Upper Microwave Flexible Use Service—Part 30; +75 dBm/100 MHz EIRP (mobile base stations), +85 dBm/100 MHz EIRP (fixed directional antenna stations), 200 MHz).
• * 39 GHz (38600–40000 MHz Upper Microwave Flexible Use Service—Part 30; +75 dBm/100 MHz EIRP (mobile base stations), +85 dBm/100 MHz EIRP (fixed directional antenna stations), 200 MHz).
• * 47 GHz (47200–48200 MHz, Upper Microwave Flexible Use Service—Part 30; +75 dBm/100 MHz EIRP, 100 MHz).
• * 70 GHz (71000–76000 MHz Millimeter Wave Service—Part 101; +55 dBW EIRP, 5,000 MHz).
• * 80 GHz (81000–86000 MHz Millimeter Wave Service—Part 101; +55 dBW EIRP, 5,000 MHz).
• * 90 GHz (92000–94000 MHz and 94100–95000 MHz Millimeter Wave Service—Part 101; +55 dBW EIRP, 2,900 MHz).

In addition, the following conditions also apply to this Colo Void policy. First, if an antenna system, operating in the designated frequency bands, causes EMI to air navigation, including communication facilities and aviation radio frequency services, the FAA will contact the proponent. The proponents must mitigate the EMI in a timely manner, as recommended by the FAA in each particular case. Depending on the severity of the interference, the proponent must eliminate harmful EMI either by adjusting operating parameters (for example, employing extra filtering or reducing effective radiated power), or by ceasing transmissions, as may be required by the FCC and the FAA. Failure to provide successful EMI mitigation techniques will result in referral to the FCC's Enforcement Bureau for possible enforcement action. Second, this policy only applies to current technologies and modulation techniques (for example, analog, time division multiple access, and Global System Mobile Communications) existing in the wireless radiotelephone environment on the date of issuance of this policy. Any future technologies placed into commercial service by wireless service providers, although operating on the frequencies mentioned above, must provide notification to the FAA under 14 CFR part 77 procedures.

As has been the case with previous policy updates, the FAA will continue to revise the conditional language in future cases involving Determination of No Hazard to Air Navigation to reflect this policy. Furthermore, this policy applies retroactively to any structure for which the FAA has issued a Determination of No Hazard to Air Navigation.

Issued in Washington, DC, on June 29, 2022.

Jeffrey Planty,

Vice President, Technical Operations Services, Air Traffic Organization.

[FR Doc. 2022–14306 Filed 6–30–22; 11:15 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2022–0551]

RIN 1625–AA08

Special Local Regulation; Ohio River, Marietta, OH

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a special local regulation for all navigable waters of the Ohio River between mile markers 171 and 173. The special local regulation is needed to protect regatta participants, the public, and the marine environment from potential hazard created by powerboat races. This special local regulation establishes a Patrol Commander and restricts movement and anchoring of spectator and non-participant vessels during the time of the event.

DATES: This rule is effective from 9:30 a.m. on July 9, 2022 through 4 p.m. on July 10, 2022.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2022–0551 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email MST2 Justin Selan, Marine Safety Unit Huntington, U.S. Coast Guard; (304) 733–0198, *Justin.K.Selan@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 Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because we must establish the special local regulation by July 9, 2022 and lack sufficient time to request public comments and respond to these comments before the special local regulation must be established.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to the public interest because immediate action is needed to respond to the potential safety hazards associated with the Marietta River Front Roar taking place on the Ohio River between mile marker 171 and mile marker 173.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70041; 33