

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

This document amends 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.

### The Rule

The FAA is amending 14 CFR part 71 by modifying the Class E airspace designated as a surface area, modifying the Class E airspace extending upward from 700 feet above the surface, and removing the Class E airspace extending upward from 1,200 feet above the surface at Colorado Plains Regional Airport, CO.

The Class E airspace designated as a surface area is expanded to a 4.6-mile radius around the airport to more appropriately contain circling maneuvers.

Additionally, the Class E airspace extending upward from 700 feet above the surface is expanded to the southeast to contain aircraft conducting procedure turns for the VOR RWY 29 approach, as terrain exists within 1,500 feet of the minimum procedure turn altitude.

This action also removes the Class E airspace extending upward from 1,200 feet above the surface at the airport. This area is already contained within the Denver en route domestic airspace area and duplication is not necessary.

Finally, this action makes several administrative modifications to the airport's legal descriptions. The airport name in the text header was incorrect in the existing Class E2 and E5 legal descriptions. They now read “Colorado Plains Regional Airport, CO.” The geographic coordinates for the airport are updated to match the FAA's database. Lastly, the navigational aid (NAVAID) used in the existing Class E2 legal description is removed. The NAVAID has been reclassified and is not needed to describe the airspace. Its removal simplifies the airspace description.

Class E2 and E5 airspace designations are published in paragraphs 6002 and 6005, respectively, of FAA Order JO 7400.11G, dated August 19, 2022, and became effective September 15, 2022, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in FAA Order JO 7400.11.

FAA Order JO 7400.11 is published annually and becomes 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, is non-controversial, and unlikely to result in adverse or negative comments. 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 will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would 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.

### List 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 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 part 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 6002 Class E Airspace Areas Designated as a Surface Area.

\* \* \* \* \*

#### ANM CO E2 Akron, CO [Amended]

Colorado Plains Regional Airport, CO  
(Lat. 40°10'32" N, long. 103°13'19" W)

That airspace extending upward from the surface within a 4.6-mile radius of the airport.

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

\* \* \* \* \*

#### ANM CO E5 Akron, CO [Amended]

Colorado Plains Regional Airport, CO  
(Lat. 40°10'32" N, long. 103°13'19" W)

That airspace extending upward from 700 feet above the surface within 6.6 miles of the airport, and that airspace between 4 miles southwest and 8 miles northeast of the 123° bearing from the airport, extending from the 6.6-mile radius to 18.3 miles southeast of the airport.

Issued in Des Moines, Washington, on November 14, 2022.

**B.G. Chew,**

*Group Manager, Operations Support Group,  
Western Service Center.*

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## FEDERAL MEDIATION AND CONCILIATION SERVICE

### 29 CFR Part 1404

#### RIN 3076-AA23

### Rescission of the Arbitration Policy; Schedule of Fees

**AGENCY:** Federal Mediation and Conciliation Service.

**ACTION:** Final rule; rescission of regulation.

**SUMMARY:** On April 18, 2019, the Federal Mediation and Conciliation Service (FMCS) published a final rule amending the “Arbitration Policy; Schedule of Fees” to implement an increase in user fees. After careful review, FMCS finds that this rule is no longer suitable for publication. Therefore, this final rule rescinds the appendix regarding the Arbitration Policy; Schedule of Fees.

**DATES:** This final rule is effective November 18, 2022.

**FOR FURTHER INFORMATION CONTACT:** Anna Davis, Deputy General Counsel, Office of General Counsel, Federal Mediation and Conciliation Service, 250 E St. SW, Washington, DC 20427; Office/Fax/Mobile 202–606–3737; [adavis@fmcs.gov](mailto:adavis@fmcs.gov).

**SUPPLEMENTARY INFORMATION:**

## I. Discussion

On April 18, 2019, at 84 FR 16205, the Federal Mediation and Conciliation Service (FMCS) published a final rule amending the “Appendix to Part 1404—Arbitration Policy; Schedule of Fees,” which implemented a modest increase in user fees that had remained unchanged for more than eight years. FMCS increased fees to more accurately reflect FMCS’ costs of maintaining the Arbitration Roster and the technology to support it, as well as responding to requests for arbitrator panels and biographical data.

After consideration and review, FMCS has concluded that the rule addressing fees is duplicative and currently incorporated in subparts of the rule. Therefore, FMCS is issuing this final rule, which rescinds the rule on the Appendix to Part 1404—Arbitration Policy; Schedule of Fees.

## II. Final Rule

FMCS has determined that this rule is suitable for final rulemaking. The revisions to FMCS’ policies and requirements surrounding arbitrators are purely internal matters of agency management, as well as the agency’s procedure, and practice. Accordingly, FMCS is not required to engage in a notice and comment process to issue this rule under the Administrative Procedures Act, See U.S.C. 553(a)(2), 553(b)(A). Furthermore, because this rule is procedural rather than substantive, the normal requirement of 5 U.S.C. 553(d) that a rule not be effective until at least 30 days after publication in the **Federal Register** is inapplicable. FMCS also finds good cause to provide an immediate effective date for this rule because it imposes no obligations on parties outside the federal government and therefore no advance notice is required to enable employers or other private parties to come into compliance.

### List of Subjects in 29 CFR Part 1404

Administrative practice and procedure, Labor management relations.

For the reasons discussed in the preamble, and under the authority of 29 U.S.C. 172 and the Taft-Hartley Act of 1947, FMCS amends 29 CFR part 1404 as follows:

### PART 1404—ARBITRATION SERVICES

- 1. The authority citation for part 1404 continues to read as follows:

**Authority:** 29 U.S.C. 172 and 29 U.S.C. 173 *et seq.*

#### Appendix to Part 1404 [Removed]

- 2. Remove the appendix to part 1404.

Dated: November 15, 2022.

**Anna Davis,**

*Deputy General Counsel.*

[FR Doc. 2022–25141 Filed 11–17–22; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG–2022–0930]

**RIN 1625–AA00**

#### Safety Zone; Brakes Bayou, Beaumont, TX

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for navigable waters within 200-feet of an unnamed railroad bridge that crosses Brakes Bayou in approximate position 30°05′22.3″ N 094°05′53.5″ W. The safety zone is needed to protect personnel, vessels and the marine environment from potential hazards created by demolition of the bridge. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Port Arthur.

**DATES:** This rule is effective without actual notice from November 18, 2022 through December 9, 2022. For the purposes of enforcement, actual notice will be used from November 9, 2022 until November 18, 2022.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2022–0930 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 Mr. Scott Whalen, Marine Safety Unit Port Arthur, TX, U.S. Coast Guard; telephone 409–719–5086, email [scott.k.whelen@uscg.mil](mailto:scott.k.whelen@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

CFR Code of Federal Regulations  
COTP Captain of the Port, Marine Safety Unit Port Arthur  
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 because it is impracticable to publish a Notice of Proposed Rulemaking because the Coast Guard must establish this safety zone by November 9, 2022, and lacks sufficient time to provide a reasonable comment period and to consider those comments before issuing the rule.

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 impracticable because immediate action is needed to protect personnel, vessels, and the marine environment from the potential safety hazards created by the demolition of the railroad bridge.

## III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Port Arthur (COTP) has determined that potential hazards associated with demolition of the railroad bridge that crosses Brakes Bayou will be a safety concern for anyone within 200-feet of bridge located in approximate position 30°05′22.3″ N 094°05′53.5″ W (NAD83). For this reason, this rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the bridge is being demolished.

## IV. Discussion of the Rule

This rule establishes a safety zone from November 9, 2022 through December 9, 2022. The safety zone will cover all navigable waters within 200-feet of vessels and machinery being used by personnel to demolish the railroad bridge that crossed Brakes Bayou in Beaumont, TX. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while the bridge is being demolished.