

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 171**

[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](http://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](http://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](http://www.regulations.gov). Recently published rulemaking documents can also be accessed through the FAA's web page at [www.faa.gov/air\\_](http://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.*

\* \* \* \* \*

### 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](mailto: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.<sup>1</sup>” 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

<sup>1</sup> 80 FR 36716.