

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

[Docket No. FAA–2023–0138; Airspace Docket No. 22–ASO–20]

RIN 2120–AA66

**Establishment of Class E Airspace; Calvert, KY**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E airspace extending upward from 700 feet above the surface for Kentucky Dam State Park Airport, Calvert City, KY, to accommodate area navigation (RNAV) global positioning system (GPS) standard instrument approach procedures (SIAPs) serving this airport.

**DATES:** Effective 0901 UTC, August 10, 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 JO 7400.11 and publication of conforming amendments.

**ADDRESSES:** 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, contact the Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; Telephone: (202) 267–8783.

**FOR FURTHER INFORMATION CONTACT:** John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone: (404) 305–6364.

**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 establishes

airspace in Culvert, KY, to support IFR operations in the area.

**History**

The FAA published a notice of proposed rulemaking for Docket No. FAA–2023–0138 in the **Federal Register** (88 FR 13740, March 6, 2023), to establish Class E airspace extending upward from 700 feet above the surface at Kentucky Dam State Park Airport, Calvert City, KY, to accommodate RNAV GPS standard instrument approach procedures (SIAPs) serving this airport.

Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

**Incorporation by Reference**

Class E airspace designations are published in Paragraph 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, incorporated by reference in 14 CFR 71.1 annually. 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 subsequently be published 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 routes, and reporting points.

**The Rule**

The FAA is amending 14 CFR part 71 by establishing Class E airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Kentucky Dam State Park Airport, Calvert City, KY, and creating an extension to the east to accommodate RNAV GPS standard instrument approach procedures (SIAPs) serving this airport. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

**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 minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does 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 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 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 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

**ASO KY E5 Calvert, KY [Established]**

Kentucky Dam State Park Airport, KY  
(Lat 37°00'35" N, long 88°17'58" W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Kentucky Dam State Park Airport and 4 miles on each side of the 098° bearing from the airport extending from the 6.5-mile radius to 9.2 miles east of the airport.

Issued in College Park, Georgia, on May 3, 2023.

**Lisa E. Burrows,**

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

[FR Doc. 2023-09800 Filed 5-8-23; 8:45 am]

**BILLING CODE 4910-13-P**

## CONSUMER PRODUCT SAFETY COMMISSION

### 16 CFR Part 1222

[Docket No. CPSC-2012-0067]

#### Safety Standard for Bedside Sleepers

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Direct final rule.

**SUMMARY:** In January 2014, the U.S. Consumer Product Safety Commission (CPSC or Commission) published a consumer product safety standard for bedside sleepers pursuant to section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA). The Commission's mandatory standard incorporated by reference the ASTM voluntary standard that was in effect for bedside sleepers at the time, with modifications to further reduce the risk of injury associated with bedside sleepers. The CPSIA sets forth a process for updating mandatory standards for durable infant or toddler products that are based on a voluntary standard, when a voluntary standards organization revises the standard. On February 6, 2023, ASTM notified CPSC that it had published a revised voluntary standard for bedside sleepers. This direct final rule updates the mandatory standard for bedside sleepers to incorporate by reference ASTM's 2023 version of the voluntary standard for bedside sleepers.

**DATES:** The rule is effective on August 5, 2023, unless the Commission receives a significant adverse comment by June 8, 2023. If the Commission receives such a comment, it will publish a document in the **Federal Register**, withdrawing this direct final rule before its effective date. The incorporation by reference of the publication listed in this rule is approved by the Director of the Federal Register as of August 5, 2023.

**ADDRESSES:** You can submit comments, identified by Docket No. CPSC-2012-0067, by any of the following methods:

*Electronic Submissions:* Submit electronic comments to the Federal eRulemaking Portal at: <https://www.regulations.gov>. Follow the instructions for submitting comments.

CPSC typically does not accept comments submitted by electronic mail (email), except as described below.

CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal.

*Mail/Hand Delivery/Courier/Confidential Written Submissions:* Submit comments by mail, hand delivery, or courier to: Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone: (301) 504-7479. If you wish to submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public, you may submit such comments by mail, hand delivery, or courier, or you may email them to: [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov).

*Instructions:* All submissions must include the agency name and docket number. CPSC may post all comments without change, including any personal identifiers, contact information, or other personal information provided, to: <https://www.regulations.gov>. Do not submit through this website: confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If you wish to submit such information, please submit it according to the instructions for mail/hand delivery/courier/confidential written submissions.

*Docket:* For access to the docket to read background documents or comments received, go to: <https://www.regulations.gov>, and insert the docket number, CPSC-2012-0067, into the "Search" box, and follow the prompts.

**FOR FURTHER INFORMATION CONTACT:** Will Cusey, Small Business Ombudsman, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504-7945 or (888) 531-9070; email: [sbo@cpsc.gov](mailto:sbo@cpsc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Statutory Authority and Background

###### A. Statutory Authority<sup>1</sup>

Section 104(b)(1) of the CPSIA requires the Commission to assess the effectiveness of voluntary standards for durable infant or toddler products and

to adopt mandatory standards for those products. 15 U.S.C. 2056a(b)(1). The mandatory standard must be "substantially the same as" the voluntary standard, or it may be "more stringent than" the voluntary standard, if the Commission determines that more stringent requirements would further reduce the risk of injury associated with the product. *Id.*

Section 104(b)(4)(B) of the CPSIA also specifies the process for when a voluntary standards organization revises a standard that the Commission has incorporated by reference under section 104(b)(1). 15 U.S.C. 2056a(b)(4)(B). First, the voluntary standards organization must notify the Commission of its revised voluntary standard. Once the Commission receives that notification, the Commission may reject or accept the revised voluntary standard. The Commission may reject the revised standard by responding to the voluntary standards organization, within 90 days of receiving notification, that it has determined that the revised voluntary standard does not improve the safety of the consumer product covered by the standard, and that the Commission is retaining the existing mandatory standard. If the Commission does not take this action to reject the revised voluntary standard, then the revised voluntary standard will be considered a consumer product safety standard issued under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), effective 180 days after the Commission received notification of the revision (or a later date specified by the Commission in the **Federal Register**). 15 U.S.C. 2056a(b)(4)(B).

###### B. Bedside Sleepers

A bedside sleeper is a durable infant or toddler product as defined in section 104(f), and is a type of bassinet. 84 FR 49948-49. Section 5.1 of ASTM F2906 states that bedside sleepers are subject to the requirements in ASTM F2194, *Consumer Safety Specification for Bassinets and Cradles*. Section 3.1.2 of ASTM F2906 defines a bedside sleeper as "a rigid frame assembly that may be combined with a fabric or mesh assembly, or both, used to function as sides, ends, or floor or a combination thereof, and that is intended to provide a sleeping environment for infants and is secured to an adult bed."

On January 15, 2014, under section 104 of the CPSIA, the Commission published the bedside sleeper rule codified in 16 CFR part 1222, which incorporates by reference ASTM F2906-13, *Standard Consumer Safety Specification for Bedside Sleepers*, as the mandatory standard, with

<sup>1</sup> On April 28, 2023, the Commission voted (4-0) to publish this direct final rule. This direct final rule is based on information and analysis contained in the April 19, 2023, Staff Briefing Package: ASTM's Notice of a Revised Voluntary Standard for Bedside Sleepers (16 CFR part 1222) (Staff Briefing Package), available at: [https://www.cpsc.gov/s3fs-public/ASTMs-Notice-of-a-Revised-Voluntary-Standard-for-Bedside-Sleepers.pdf?VersionId=s1WQp6PbnV.7600oDX63S\\_oMPxKX7IGD](https://www.cpsc.gov/s3fs-public/ASTMs-Notice-of-a-Revised-Voluntary-Standard-for-Bedside-Sleepers.pdf?VersionId=s1WQp6PbnV.7600oDX63S_oMPxKX7IGD).