

RWY 5 ODP. The southwest extension to the surface area is no longer needed and is removed.

The Class E airspace extending upward from 700 feet above the surface is expanded 1.1 miles to the east to better contain arriving IFR operations below 1,500 feet above the surface on the Area Navigation (RNAV) Required Navigation Performance (RNP) Z RWY 23 approach. The Class E airspace extending upward from 700 feet above the surface is greatly reduced from the southeast clockwise through the northeast as the airspace is no longer needed. The Class E airspace extending upward from 1,200 feet above the surface is removed, as the area is already within the Spokane en route domestic airspace area.

Finally, the FAA is making administrative amendments to the airport's legal descriptions. The city name on line 1 of the text headers in both legal descriptions is updated from "Pullman" to "Pullman/Moscow" to match the FAA's database. The geographic coordinates located on line 3 of the text headers in both legal descriptions is updated to match the FAA's database. The Class E surface area legal description is updated to replace the outdated use of the phrases "Notice to Airmen" and "Airport/Facility Directory." These phrases now read "Notice to Air Missions" and "Chart Supplement," respectively, to align with the FAA's current nomenclature.

### 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 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 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 5–6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

### 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 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 WA E2 Pullman/Moscow, WA [Amended]

Pullman/Moscow Regional Airport, WA (Lat. 46°44'30" N, long. 117°06'42" W)

That airspace extending upward from the surface within a 4.5-mile radius of the airport and within 2.3 miles on each side of the 058° bearing extending from the 4.5-mile radius to 7 miles northeast of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective date and time will thereafter be continuously published in the Chart Supplement.

\* \* \* \* \*

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

\* \* \* \* \*

#### ANM WA E5 Pullman/Moscow, WA [Amended]

Pullman/Moscow Regional Airport, WA (Lat. 46°44'30" N, long. 117°06'42" W)

That airspace extending upward from 700 feet above the surface bounded by a line beginning at a point on the 055° bearing, 11.1 miles from the airport, then clockwise along the airport's 11.1-mile radius to the 122° bearing, then to the 212° bearing at 6.4 miles, then to the 243° bearing at 7.3 miles, then to

the 358° bearing at 6.6 miles, thence to the point of beginning.

\* \* \* \* \*

Issued in Des Moines, Washington, on June 12, 2023.

**B.G. Chew,**

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

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**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2023–0502; Airspace Docket No. 23–ASO–09]

RIN 2120–AA66

#### Amendment of Class E Airspace; Augusta, GA

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

**ACTION:** Final rule.

**SUMMARY:** This amends Class E airspace extending upward from 700 feet above the surface in Augusta, GA, as the result of new procedures developed for the Augusta University Medical Center and Children's Hospital of Georgia Heliport. This action establishes Class E airspace extending upward from 700 feet above the surface within a 6-mile radius of the Augusta University Medical Center and Children's Hospital of Georgia. The FAA will also update the geographical coordinates for the Emory non-directional beacon (NDB) in the Augusta Class E5 legal description to align with information located in the FAA's database.

**DATES:** Effective date 0901 UTC, October 5, 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:** A copy of the Notice of Proposed Rulemaking (NPRM), all comments received, this final rule, and all background material may be viewed online at [www.regulations.gov](http://www.regulations.gov) using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours a day, 365 days a year.

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/). You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation

Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783.

**FOR FURTHER INFORMATION CONTACT:**

Jennifer Ledford, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone: (404) 305-5946.

**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 amends airspace for Augusta University Medical Center and Children's Hospital of Georgia Heliport, Augusta, GA, to support IFR operations in the area.

**History**

The FAA published a notice of proposed rulemaking for Docket No. FAA 2023-0502 in the **Federal Register** (88 FR 18264; March 28, 2023), amending Class E airspace extending upward from 700 feet above the surface at the Augusta University Medical Center and Children's Hospital of Georgia Heliport. One comment was received concerning whether the airspace would be exclusive to medical aircraft or if it would be open to the public. The controlled airspace surrounding Augusta University Medical Center and Children's Hospital was established to provide for the safety and management of instrument flight rules operations in the area, as a new instrument approach procedure was recently developed for the heliport. All aircraft operating within the Class E airspace must adhere to the requirements set forth in 14 CFR 91.127.

**Differences From the NPRM**

Subsequent to the publication of the Notice of Proposed Rulemaking, the FAA found that the geographical coordinates for the Emory NDB did not align with the information found in FAA's database. This action updates the Emory NDB geographical coordinates.

**Incorporation by Reference**

Class E airspace designations are published in paragraph 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is 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. 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 FAA Order JO 7400.11 update.

FAA Order JO 7400.11G lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

**The Rule**

This action amends 14 CFR part 71 by amending Class E airspace extending upward from 700 feet above the surface in Augusta, GA, by establishing Class E airspace extending upward from the surface within a 6-mile radius of the Augusta University Medical Center and Children's Hospital of Georgia. This airspace will allow medical transport helicopters to fly during inclement weather and will be included in the Augusta, GA, Class E5 legal description. In addition, this action will update the Emory NDB geographical coordinates in the Augusta, GA, Class E5 legal description to align with the information found in the FAA's database.

**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 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 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 5-6.5. a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant 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 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 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

**ASO GA E5 Augusta, GA [Amended]**

Augusta Regional Airport at Bush Field, GA  
(Lat 33°22'12" N, long 81°57'52" W)

Daniel Field  
(Lat 33°28'00" N, long 82°02'22" W)

Augusta University Medical Center and  
Children's Hospital of Georgia  
(Lat 33°28'17" N, long 81°59'17" W)

Emory NDB  
(Lat 33°27'46" N, long 81°59'49" W)

That airspace extending upward from 700 feet above the surface within an 8.6-mile radius of Augusta Regional Airport at Bush Field and within 3.2 miles on either side of the 168° bearing from the airport extending from the 8.6-mile radius to 12.5 miles south of the airport, and within a 7-mile radius of Daniel Field, and a 6-mile radius of Augusta University Medical Center and Children's Hospital of Georgia, and within 8 miles west and 4 miles east of the 349° bearing from the Emory NDB extending from the 7-mile radius of Daniel Field and the 6-mile radius of Augusta University Medical Center and Children's Hospital of Georgia to 16 miles north of the Emory NDB.

\* \* \* \* \*

Issued in College Park, GA, on June 12, 2023.

**Andrese C. Davis,**

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

[FR Doc. 2023–12956 Filed 6–15–23; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### 14 CFR Part 399

[Docket No. DOT–OST–2021–0142]

RIN 2105–AF18

#### Clarification of Formal Enforcement Procedures for Unfair and Deceptive Practices

**AGENCY:** Office of the Secretary (OST), U.S. Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** The U.S. Department of Transportation (Department or DOT) is amending its regulations regarding the formal enforcement procedures that are available if the DOT’s Office of Aviation Consumer Protection (OACP) takes enforcement action against an airline or ticket agent, and efforts to settle the matter through a consent order are unsuccessful. Consistent with existing law, this final rule clarifies that DOT may bring a civil action in a United States District Court.

**DATES:** Effective July 17, 2023.

**FOR FURTHER INFORMATION CONTACT:** Robert Gorman, Kimberly Graber, or Blane Workie, Office of Aviation Consumer Protection, U.S. Department of Transportation, 1200 New Jersey Ave. SE, Washington, DC 20590, 202–366–9342, 202–366–7152 (fax); [robert.gorman@dot.gov](mailto:robert.gorman@dot.gov); [kimberly.graber@dot.gov](mailto:kimberly.graber@dot.gov); [blane.workie@dot.gov](mailto:blane.workie@dot.gov) (email).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

##### A. The Unfair and Deceptive Practices Statute and the Department’s Related Rulemakings

The Department’s authority to regulate unfair and deceptive practices in air transportation or the sale of air transportation is found at 49 U.S.C. 41712 (section 41712) in conjunction with its rulemaking authority under 49 U.S.C. 40113, which states that the Department may take action that it considers necessary to carry out this part, including prescribing regulations. Section 41712 gives the Department the

authority to investigate and decide whether an air carrier, foreign air carrier, or ticket agent is engaged in an unfair or deceptive practice in air transportation or the sale of air transportation. Under section 41712, after notice and an opportunity for a hearing, the Department has the authority to issue orders to stop an unfair or deceptive practice.

On December 20, 2020, the Department published in the **Federal Register** a final rule titled “Defining Unfair or Deceptive Practices” (UDP Final Rule).<sup>1</sup> The UDP Final Rule was intended to provide regulated entities and other stakeholders with greater clarity about the Department’s enforcement and regulatory processes with respect to aviation consumer protection actions under section 41712.<sup>2</sup> It sets forth procedures that the Department uses when conducting enforcement actions and rulemakings under the authority of section 41712.<sup>3</sup>

On February 2, 2022, the Department amended its regulations regarding the hearing procedures that are available when DOT proposes a discretionary aviation consumer protection rulemaking declaring a practice to be unfair or deceptive.<sup>4</sup> On August 29, 2022, the Department issued an interpretive rulemaking (guidance) to inform the public and regulated entities about DOT’s interpretation of the terms unfair, deceptive, and practices as it relates to its statutory authority to prohibit unfair or deceptive practices.<sup>5</sup>

##### II. Need for Clarification of Formal Enforcement Procedures

In the UDP Final Rule, the Department stated that when there are reasonable grounds to believe that an airline or ticket agent has violated Section 41712, and efforts to settle the matter have failed, then OACP may issue a notice instituting an enforcement proceeding before a DOT administrative law judge (ALJ).<sup>6</sup> However, the ALJ complaint process is not the only avenue available for taking formal enforcement action. Pursuant to existing law, DOT also has the option of filing a complaint in a United States District Court to enforce Section 41712, or any regulation, requirement, or order issued under the authority of Section 41712.<sup>7</sup>

<sup>1</sup> 85 FR 78707 (December 7, 2020); RIN 2105–AE72; Docket DOT–OST–2019–0182.

<sup>2</sup> 85 FR 78707.

<sup>3</sup> 14 CFR 399.79.

<sup>4</sup> 87 FR 5655 (February 2, 2022); RIN 2105–AF03; Docket DOT–OST–2021–0142.

<sup>5</sup> 87 FR 52677 (August 29, 2022); RIN 2105–ZA18; Docket DOT–OST–2019–0182.

<sup>6</sup> 14 CFR 399.79(f).

<sup>7</sup> 49 U.S.C. 46106; 49 U.S.C. 46107.

In the UDP Final Rule codifying the Department’s formal enforcement procedures, the option to file a complaint in United States District Court was not listed. This final rule is intended to clarify and provide a more complete statement of formal enforcement procedures available under existing DOT authority.

##### III. Administrative Procedure Act

Section 553 of the Administrative Procedure Act (5 U.S.C. 553) provides that when an agency, for good cause, finds that notice and public comment are impractical, unnecessary, or contrary to the public interest, the agency may issue a final rule without providing notice and an opportunity for public comment (5 U.S.C. 553(b)(B)). The Department has determined that there is good cause to issue this final rule without notice and an opportunity for public comment because such notice and comment would be unnecessary. Since this final rule only restates and clarifies existing legal authorities without imposing any new requirements, public comment is unnecessary.

##### Rulemaking Analyses and Notices

##### A. E.O. 12866 and DOT Regulatory Policies and Procedures

The Office of Management and Budget (OMB) has not designated this rule a significant regulatory action under section 3(f) of Executive Order 12866 (“Regulatory Planning and Review”). Accordingly, OMB has not reviewed it. The Department does not anticipate that this rulemaking, which amends the Department’s internal procedures, will have an economic impact on regulated entities. E.O. 12866, as amended by E.O. 14094 (“Modernizing Regulatory Review”), requires that agencies “should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” The Department does not anticipate that this action will result in any costs because it is simply a clarification of existing legal authorities and, therefore, is not expected to change the behavior of regulated parties or how they interact with the Department. The primary benefit of this rulemaking is providing clarification regarding the legal authorities applicable to the Department’s enforcement practices.

##### B. Regulatory Flexibility Act

Since notice and comment rulemaking is not necessary for this rule, the analytical provisions of the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601–612) do not apply.