



**[4910-13]**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

**[Docket No. FAA-2017-0350; Airspace Docket No. 17-AAL-6]**

**RIN 2120-AA66**

**Amendment of Class E Airspace for the following Alaska Towns; Toksook Bay, AK; Unalakleet, AK; Wainwright, AK; and Yakutat, AK**

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

**ACTION:** Final Rule.

**SUMMARY:** This action modifies Class E airspace extending upward from 1,200 feet above the surface at Toksook Bay Airport, Toksook Bay, AK; Unalakleet Airport, Unalakleet, AK; Wainwright Airport, Wainwright, AK; and Yakutat Airport, Yakutat, AK.

This action adds exclusionary language to the legal descriptions of these airports for Class E airspace extending beyond 12 miles from the shoreline, and ensures the safety and management of aircraft within the National Airspace System.

**DATES:** Effective 0901 UTC, April 25, 2019. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

**ADDRESSES:** FAA Order 7400.11C, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at

[http://www.faa.gov/air\\_traffic/publications/](http://www.faa.gov/air_traffic/publications/). For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC, 20591; telephone: (202) 267-8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

**FOR FURTHER INFORMATION CONTACT:** Bonnie Malgarini, Federal Aviation Administration, Operations Support Group, Western Service Center, 2200 S 216th St., Des Moines, WA 98198-6547; telephone (206) 231-2329.

**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 amends Class E airspace extending upward from 1,200 feet above the surface at Toksook

Bay Airport, AK; Unalakleet Airport, AK; Wainwright Airport, AK; and Yakutat Airport, AK, to support IFR operations in standard instrument approach and departure procedures at these airports and to limit Class E airspace to within 12 miles of the shoreline.

## **History**

The FAA published a notice of proposed rulemaking in the Federal Register (83 FR 37778; August 2, 2018) for Docket No. FAA-2017-0350 to modify Class E airspace for Toksook Bay Airport, AK; Unalakleet Airport, AK; Wainwright Airport, AK; and Yakutat Airport, AK. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

A legal description of Wales, AK, was accidentally included in the NPRM. It does not belong with this amendment and has been removed.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

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

This document amends FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018. FAA Order 7400.11C is publicly available as listed in the ADDRESSES section of this document. FAA Order 7400.11C lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

## **The Rule**

The FAA is amending Title 14 Code of Federal Regulations (14 CFR) part 71 by modifying Class E airspace extending upward from 1,200 feet above the surface at Toksook Bay Airport, Toksook, AK; Unalakleet Airport, Unalakleet, AK; Wainwright Airport, Wainwright, AK; and Yakutat Airport, Yakutat, AK. This action adds language to the legal descriptions of these airports that reads “excluding that airspace extending beyond 12 miles of the shoreline”, and supports IFR operations in standard instrument approach and departure procedures at these airports. A legal description was accidentally included in the NPRM for Wales, AK, and it has been removed from this amendment.

### **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, and 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, 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 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 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 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 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, is amended as follows:

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

\* \* \* \* \*

#### **AAL AK E5 Toksook Bay, AK [Amended]**

Toksook Bay Airport, AK  
(lat. 60°32'29"N., long. 165°05'14"W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Toksook Bay Airport; and that airspace extending upward from 1,200 feet above the surface within a 73-mile radius of the Toksook Bay Airport, excluding that airspace that extends beyond 12 miles of the shoreline.

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**AAL AK E5 Unalakleet, AK [Amended]**

Unalakleet Airport, AK

(lat. 63°53'19"N., long. 160°47'57"W.)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Unalakleet Airport beginning at the 360° bearing of the airport clockwise to the 260° bearing of the airport, and within a 13.5-mile radius of the airport beginning at the 260° bearing of the airport clockwise to the 360° bearing of the airport, and within 6 miles each side of the Unalakleet Airport 185° bearing of the airport extending from the 7-mile radius to 10 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within a 74-mile radius of Unalakleet Airport, excluding that airspace that extends beyond 12 miles of the shoreline.

\* \* \* \* \*

**AAL AK E5 Wainwright, AK [Amended]**

Wainwright Airport, AK

(lat. 70°38'17"N., long. 159°59'41"W.)

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Wainwright Airport; and that airspace extending upward from 1,200 feet above the surface within a 73-mile radius of the Wainwright Airport, AK, excluding that portion extending outside the Anchorage Arctic CTA/FIR (PAZA) boundary, and excluding that airspace that extends beyond 12 miles of the shoreline.

\* \* \* \* \*

**AAL AK E5 Yakutat, AK [Amended]**

Yakutat Airport, AK

(lat. 59°30'12" N., long. 139°39'37"W.)

Yakutat VOR/DME

(lat. 59°30'39"N., long. 139°38'53" W.)

That airspace extending upward from 700 feet above the surface within the area bounded by lat. 59° 47'42" N., 139° 58'48"W., to lat. 59°37'33"N., long. 139°40'54"W., then along the 7 mile radius of the Yakutat VOR/DME clockwise to lat. 59°28'54"N., long. 139°25'36"W., to lat. 59°20'16"N., long. 139°10'20"W., to lat. 59°02'49"N. long. 139°47'45"W., to lat. 59°30'15"N. long. 140°36'43"W., to the point of beginning, excluding that area beyond 12 miles from the shoreline within Gulf of Alaska Low Control Area; and that airspace

extending upward from 1,200 feet above the surface within a 75-mile radius of the Yakutat VOR/DME, excluding that area extending over Canada, and that airspace that extends beyond 12 miles of the shoreline within Control 1487L.

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Issued in Seattle, Washington, on January 31, 2019.

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