



[4910-13]

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

**[Docket No. FAA-2019-0887; Airspace Docket No. 19-ANM-32]**

**RIN 2120-AA66**

**Proposed Amendment of Class E Airspace; Bend, OR**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to amend the Class E airspace by establishing a designated surface area at the Bend Municipal Airport, Bend, OR. This airspace area is designed to enhance safety at the airport by providing controlled airspace to the surface.

This action also proposes to establish an airspace area designated as an extension to a Class D or Class E surface area. This area is designed to contain aircraft on instrument approaches when they descend below 1,000 feet above the surface.

Additionally, this action proposes to amend the airspace area extending upward from 700 feet or more above the surface. Amendments to this airspace area are designed to properly contain arriving and departing IFR aircraft. This action would ensure the safety and management of IFR operations at the airport.

**DATES:** Comments must be received on or before **[INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

**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 20590-0001; telephone: 1(800) 647-5527, or (202) 366-9826. You must identify FAA Docket No. FAA-2019-0887 and Airspace Docket No. 19-ANM-32, at the beginning of your comments. You may also submit comments through the Internet at <https://www.regulations.gov>.

FAA Order 7400.11D, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [https://www.faa.gov/air\\_traffic/publications/](https://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 FAA Order 7400.11D at NARA, email [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov) or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

**FOR FURTHER INFORMATION CONTACT:** Matthew Van Der Wal, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S. 216<sup>th</sup> Street, Des Moines, WA 98198; telephone (206) 231-3695.

**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 would establish Class E airspace at Bend Municipal Airport, Bend, OR to support instrument flight rules (IFR) operations at the airport.

### **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-2019-0887 and Airspace Docket No. 19-ANM-32) and be submitted in triplicate to DOT Docket Operations (see “ADDRESSES” section for address and phone number). You may also submit comments through the Internet at <https://www.regulations.gov>. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: “Comments to Docket No. FAA-2019-0887; Airspace Docket No. 19-ANM-32.” The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

### **Availability of NPRMs**

An electronic copy of this document may be downloaded through the Internet at <https://www.regulations.gov>. Recently published rulemaking documents can also be accessed

through the FAA's web page at

[https://www.faa.gov//air\\_traffic/publications/airspace\\_amendments/](https://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 the "ADDRESSES" section for the 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, except federal holidays, at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S. 216<sup>th</sup> Street, Des Moines, WA 98198.

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

This document proposes to amend FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the "ADDRESSES" section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

### **The Proposal**

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by amending Class E airspace at Bend Municipal Airport, Bend, OR. The proposal adds a designated surface airspace area, which is designed to protect IFR arrivals descending below 1,000 feet above the surface and IFR departures until reaching 700 feet above the surface. The airspace area is defined as that airspace extending upward from the surface within a 3.9-mile radius of the Bend Municipal Airport, excluding that airspace within 1 mile of a point in space

located at latitude 44°02'51" N. longitude 121°16'301" W. The exclusion allows the Pilot Butte airport to remain outside of the controlled airspace extending upward from the surface.

This action also proposes to add a Class E airspace area designated as an extension to a Class D or Class E surface area. This area is defined as that airspace extending upward from the surface within 1 mile each side of the 167° bearing, extending from the 3.9-mile radius to 6.8 miles south of the Bend Municipal Airport.

Additionally, the action proposes to amend the Class E airspace extending upward from 700 feet above the surface to properly contain IFR aircraft on instrument approach when descending below 1,500 feet above the surface. The area is also designed to contain IFR departures until reaching 1,200 feet above the surface. The proposal would amend the Class E airspace area extending upward from 700 feet above the surface to within a 6.4-mile radius of the airport and within 1.1 miles each side of the 167° bearing, extending from the 6.4-mile radius to 8.8 miles south of the airport. This area also includes that airspace within 3.8 miles each side of the 338° bearing, extending from the 6.8-mile radius to 8.4 miles north of the Bend Municipal Airport.

Class E2, E4 and E5 airspace designations are published in paragraph 6002, 6002 and 6005, respectively, of FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

FAA Order 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, 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. Given 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**

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**

Accordingly, pursuant to the authority delegated to me, 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 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, is amended as follows:

Paragraph 6002. Class E Airspace Areas Designated as a Surface Area.

\* \* \* \* \*

**ANM OR E2 Bend, OR (NEW)**

Bend Municipal Airport, OR

(lat. 44°05'40" N., long. 121°12'01" W.)

That airspace extending upward from the surface within a 3.9-mile radius of the Bend Municipal Airport, excluding that airspace within 1 mile of a point in space at lat. 44°02'51" N., Long. 121°16'30" W.

Paragraph 6004. Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.

\* \* \* \* \*

**ANM OR E4 Bend, OR (NEW)**

Bend Municipal Airport, OR

(lat. 44°05'40" N., long. 121°12'01" W.)

That airspace extending upward from the surface within 1 mile each side of the 167° bearing, extending from the 3.9-mile radius to 6.8 miles south of the Bend Municipal Airport.

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

\* \* \* \* \*

**ANM OR E5 Bend, OR (AMENDED)**

Bend Municipal Airport, OR

(lat. 44°05'40" N., long. 121°12'01" W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the airport, and within 1.1 miles each side of the 167° bearing, extending from 6.4-mile radius to 8.8 miles south of the airport, and within 3.8 miles each side of the 338° bearing extending from the 6.4-mile radius to 8.4 miles north of the Bend Municipal Airport.

Issued in Seattle, Washington, on January 8, 2020.

Byron Chew,  
Group Manager,  
Operations Support Group,  
Western Service Center

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