



4910-13

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2020-0007; Airspace Docket No. 19-ASO-11]

RIN 2120-AA66

Revocation and Amendment of Multiple Air Traffic Service (ATS) Routes in the Vicinity of Newcombe, KY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends VHF Omnidirectional Range (VOR) Federal airways V-4 and V-119, and removes VOR Federal airways V-331 and V-478 in the vicinity of Newcombe, KY.

The Air Traffic Service (ATS) route modifications are necessary due to the planned decommissioning of the VOR portion of the Newcombe, KY, VOR/Tactical Air Navigation (VORTAC) navigation aid (NAVAID) which provides navigation guidance for portions of the affected ATS routes. The Newcombe VOR is being decommissioned as part of the FAA's VOR Minimum Operational Network (MON) program.

The VOR Federal airway V-53, V-115, V-140, and V-339, and Area Navigation (RNAV) route T-215 and T-323 modifications proposed in the notice of proposed rulemaking (NPRM) require additional coordination and flight inspection activities. As such, those ATS route modifications are removed from this rule.

DATES: Effective date 0901 UTC, September 10, 2020. 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 7400.11D, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at https://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. 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 or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

FOR FURTHER INFORMATION CONTACT: Colby Abbott, 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.

History

The FAA published a NPRM for Docket No. FAA-2020-0007 in the FEDERAL REGISTER (85 FR 3292; January 21, 2020), amending VOR Federal airways V-4, V-53, V-115, V-119, and V-140; amending low altitude RNAV routes T-215 and T-323; and removing VOR Federal airways V-331, V-339, and V-478 due to the planned decommissioning of the VOR portions of the Newcombe, KY, VORTAC and the Hazard, KY, VOR/Distance Measuring Equipment (VOR/DME) NAVAIDs. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

Subsequent to the NPRM, the FAA determined VOR Federal airway V-53, V-115, V-140, and V-339, and RNAV route T-215 and T-323 modifications proposed in the NPRM, due to the planned decommissioning of the VOR portion of the Hazard, KY, VOR/DME, require additional coordination and flight inspection activities. As a result, those ATS route modifications are removed from this rule and will be reworked in a separate rulemaking action.

VOR Federal airways are published in paragraph 6010(a) 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 VOR Federal airways listed in this document will be subsequently published in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends 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.

Differences from the NPRM

In the NPRM, the FAA proposed to amend VOR Federal airways V-53, V-115, V-140; amend RNAV routes T-215 and T-323; and remove VOR Federal airway V-339 due to the planned decommissioning of the VOR portion of the Hazard, KY, VOR/DME NAVAID. However, additional coordination and flight inspection activity are required to modify these ATS routes at this time. Therefore, the ATS route amendments and removal noted above are not included in this final rule and will be reworked in a separate rulemaking action.

The Rule

The FAA is amending Title 14 Code of Federal Regulations (14 CFR) part 71 by modifying VOR Federal airways V-4 and V-119, and removing VOR Federal airways V-331 and V-478. The planned decommissioning of the VOR portion of the Newcombe, KY, VORTAC NAVAID has made this action necessary. The airway changes are outlined below.

V-4: V-4 extends between the Tatoosh, WA, VORTAC and the Armel, VA, VOR/DME. The airway segment overlying the Newcombe, KY, VORTAC between the Lexington, KY, VOR/DME and the Charleston, WV, VORTAC is removed. The unaffected portions of the existing airway remain as charted.

V-119: V-119 extends between the Newcombe, KY, VORTAC and the Rochester, NY, VOR/DME. The airway segment overlying the Newcombe, KY, VORTAC between the Newcombe, KY, VORTAC and the Henderson, WV, VORTAC is removed. The unaffected portions of the existing airway remain as charted.

V-331: V-331 currently extends between the Newcombe, KY, VORTAC and the Hazard, KY, VOR/DME. The airway is removed in its entirety.

V-478: V-478 currently extends between the Falmouth, KY, VOR/DME and the Beckley, WV, VOR/DME. The airway is removed in its entirety.

The NAVAID radials in the VOR Federal airway descriptions below are unchanged and stated in True degrees.

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 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 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 of modifying VOR Federal airways V-4 and V-119, and removing VOR Federal airways V-331 and V-478, due to the planned decommissioning of the VOR portion of the Newcombe, KY, VORTAC NAVAID, qualifies for categorical exclusion under the National Environmental Policy Act and its implementing regulations at 40

CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5-6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points). As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5-2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

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 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 6010(a) Domestic VOR Federal Airways.

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V-4 [Amended]

From Tatoosh, WA; INT of Tatoosh 102° and Seattle, WA, 329° radials; Seattle; Yakima, WA; Pendleton, OR; Baker, OR; Boise, ID; INT Boise 130° and Burley, ID, 292° radials; Burley; Malad City, ID; Rock Springs, WY; Cherokee, WY; Laramie, WY; Gill, CO; Thurman, CO; Goodland, KS; Hill City, KS; Salina, KS; Topeka, KS; Kansas City, MO; Hallsville, MO; St. Louis, MO; Troy, IL; Centralia, IL; Pocket City, IN; Louisville, KY; to Lexington, KY. From Charleston, WV; Elkins, WV; Kessel, WV; INT Kessel 097° and Armel, VA, 292° radials; to Armel.

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V-119 [Amended]

From Henderson, WV; Parkersburg, WV; INT Parkersburg 067° and Indian Head, PA, 254° radials; Indian Head; Clarion, PA; Bradford, PA; Wellsville, NY; Geneseo, NY; to Rochester, NY.

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V-331 [Removed]

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V-478 [Removed]

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Issued in Washington, DC, on June 22, 2020.

Scott M. Rosenbloom,
Acting Manager, Rules and Regulations Group.
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