



DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2023-1007; Airspace Docket No. 23-AGL-13]

RIN 2120-AA66

Amendment of Class D and E Airspace and Revocation of Class E Airspace; Kalamazoo,

MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class D and Class E airspace and removes Class E airspace at Kalamazoo, MI. This action is the result of an airspace review caused by the decommissioning of the Kalamazoo very high frequency omnidirectional range (VOR) as part of the VOR Minimum Operating Network (MON) Program. The geographic coordinates of Kalamazoo/Battle Creek International Airport and the name of the Borgess Medical Center Helipad are also being updated to coincide with the FAA's aeronautical database.

DATES: Effective 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 using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each 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/. 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: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222-5711.

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 the Class D airspace and the Class E airspace extending upward from 700 feet above the surface, and removes the Class E airspace designated as an extension to Class D airspace at Kalamazoo/Battle Creek International Airport, Kalamazoo, MI, to support instrument flight rule operations at this airport.

History

The FAA published an NPRM for Docket No. FAA-2023-1007 in the *Federal Register* (88 FR 29575; May 8, 2023) proposing to amend the Class D and Class E airspace and remove Class E airspace at Kalamazoo, MI. 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 D and E airspace designations are published in paragraphs 5000, 6004, and 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. 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 update to FAA Order JO 7400.11.

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 amendment to 14 CFR part 71:

Modifies the Class D airspace to within a 4.2-mile (increased from a 4.1-mile) radius of Kalamazoo/Battle Creek International Airport, Kalamazoo, MI; replaces the outdated terms “Notice to Airmen” with “Notice to Air Missions” and “Airport/Facility Directory” with “Chart Supplement”; and updates the geographic coordinates of Kalamazoo/Battle Creek International Airport to coincide with the FAA’s aeronautical database;

Removes the Class E airspace designated as an extension to Class D airspace at Kalamazoo/Battle Creek International Airport as it is no longer required;

And modifies the Class E airspace extending upward from 700 feet above the surface to within a 6.7-mile (increased from a 6.6-mile) radius of Kalamazoo/Battle Creek International Airport; updates geographic coordinates of Kalamazoo/Battle Creek International Airport and the name of Borgess Medical Center Helipad (previously Burgess Hospital), Kalamazoo, MI, to coincide with the FAA’s aeronautical database; and removes the cities associated with the airports in the header of the airspace legal description to comply with changes to FAA Order JO 7400.2P, Procedures for Handling Airspace Matters.

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 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 5000. Class D Airspace.

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AGL MI D Kalamazoo, MI [Amended]

Kalamazoo/Battle Creek International Airport, MI

(Lat 42°14'04"N, long 85°33'06"W)

That airspace extending upward from the surface to and including 3,400 feet MSL within a 4.2-mile radius of the Kalamazoo/Battle Creek International Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective dates and times will thereafter be continuously published in the Chart Supplement.

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

Surface Area.

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AGL MI E4 Kalamazoo, MI [Remove]

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

Surface of the Earth.

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AGL MI E5 Kalamazoo, MI [Amended]

Kalamazoo/Battle Creek International Airport, MI

(Lat 42°14'04"N, long 85°33'06"W)

Borgess Medical Center Helipad, MI, Point in Space Coordinates

(Lat 42°19'44"N, long 85°34'47"W)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of the Kalamazoo/Battle Creek International Airport; and within a 6-mile radius of the Borgess Medical Center Helipad point in space coordinates.

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Issued in Fort Worth, Texas, on July 5, 2023.

Martin A. Skinner,
Acting Manager, Operations Support Group,
ATO Central Service Center.

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