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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2023-2360; Airspace Docket No. 23-AEA-24]

RIN 2120-AA66

Amendment of Class D and Class E Airspace; Huntington, WV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class D airspace and Class E airspace extending upward from 700 feet above the surface for Tri-State/Milton J. Ferguson Field, Huntington, WV, and removes unnecessary verbiage from the descriptor header.

DATES: Effective 0901 UTC, September 5, 2024. 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 helps, and guidelines are available on the website. It is available 24 hours a day, 365 days a year.

FAA Order JO 7400.11H 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: Justin T. Rhodes,
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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 D and Class E airspace in Huntington, WV. An airspace evaluation determined that this update is necessary to support IFR operations in the area.

History

The FAA published a notice of proposed rulemaking for Docket No. FAA-2023-2360 in the *Federal Register* (88 FR 88854; December 26, 2023), to amend Class D airspace and E airspace extending upward from 700 feet above the surface for Tri-State/Milton J. Ferguson Field, Huntington, WV. 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 Class E airspace designations are published in Paragraphs 5000 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 7400.11H, dated August 11, 2023, and effective September 15, 2023. FAA Order JO 7400.11H 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 7400.11H 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 D airspace by adding that airspace extending upward from the surface within 1 mile on each side of the Tri-State/Milton J. Ferguson Field 112° bearing extending from the 4-mile radius to 5.7 miles southeast of the airport and 292° bearing from the airport extending from the 4-mile radius to 5.8 miles northwest of the airport.

This action amends Class E airspace extending from 700 feet above the surface by increasing the radius to 8.3 miles (previously 8.2 miles) and adding that airspace within 2 miles on each side of the Tri-State/Milton J. Ferguson Field 112° bearing extending from the 8.3-mile radius to 10.2 miles southeast of the airport.

The Tri-State/Milton J. Ferguson Field Class D and Class E airspace is amended, in accordance with the 7400.2, by removing the city name from the descriptor header.

Subsequent to publication, the FAA found an error in the NPRM. The geographic coordinates of the airport were listed incorrectly, and the correct coordinates are (Lat 38°22'07" N, long 82°33'37" W). This action corrects this error.

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 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 5-6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant the 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 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 7400.11H, Airspace Designations and Reporting Points, dated August 11, 2023, and effective September 15, 2023, is amended as follows:

Paragraph 5000. Class D Airspace.

* * * *

AEA WV D Huntington, WV [Amended]
Tri-State/Milton J. Ferguson Field, WV
(lat 38°22'07"N, long 82°33'37"W)

That airspace extending upward from the surface to and including 3,400 feet MSL within a 4-mile radius of Tri-State/Milton J. Ferguson Field and 1 mile each side of the airport's 292° bearing extending from the 4-mile radius to 5.8 miles northwest of the airport and 1 mile each side of the airport's 112° bearing extending from the 4-mile radius to 5.7 miles southeast of the airport.

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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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AEA WV E5 Huntington, WV [Amended]
Tri-State/Milton J. Ferguson Field, WV
(lat 38°22'07"N, long 82°33'37"W)

That airspace extending upward from 700 feet above the surface within an 8.3-mile radius of the Tri-State/Milton J Ferguson Field Airport and 2 miles on each side of the airport's 112° bearing extending from the 8.3-mile radius to 10.2 miles southeast of the airport.

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Issued in College Park, Georgia, on April 30, 2024

**PATRICK YOUNG,
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