

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Koyukuk Airport, AK; and that airspace extending upward from 1,200 feet above the surface within a 73-mile radius of the Koyukuk Airport, AK.

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Issued in Anchorage, AK, on February 19, 2010.

**Anthony M. Wylie,**

*Manager, Alaska Flight Services Information Area Group.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2009-0142; Airspace Docket No. 09-AAL-2]

#### Establishment of Class E Airspace; Shaktoolik, AK

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

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E airspace at Shaktoolik, AK, to accommodate new Area Navigation (RNAV) Standard Instrument Approach Procedures (SIAPs), and one Obstacle Departure Procedure (ODP) at Shaktoolik Airport. The FAA is taking this action to enhance safety and management of Instrument Flight Rules (IFR) operations at Shaktoolik Airport.

**DATES:** Effective 0901 UTC, June 3, 2010. 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 7400.9 and publication of conforming amendments.

**FOR FURTHER INFORMATION CONTACT:** Gary Rolf, AAL-538G, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513-7587; telephone number (907) 271-5898; fax: (907) 271-2850; e-mail:

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#### SUPPLEMENTARY INFORMATION:

##### History

On Wednesday, December 16, 2009, the FAA published a notice of proposed rulemaking in the **Federal Register** to establish Class E airspace at Shaktoolik, AK (74 FR 66593).

Interested parties were invited to participate in this rulemaking

proceeding by submitting written comments on the proposal to the FAA. No comments were received. The rule is adopted as proposed.

The Class E airspace areas designated as 700/1,200 ft. transition areas are published in paragraph 6005 of FAA Order 7400.9T, *Airspace Designations and Reporting Points*, signed August 27, 2009, and effective September 15, 2009, 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.

##### The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing Class E airspace at Shaktoolik Airport, AK, to accommodate new RNAV SIAPs, and an ODP at Shaktoolik Airport. This Class E airspace will provide adequate controlled airspace upward from 700 and 1,200 feet above the surface, for safety and management of IFR operations at Shaktoolik Airport.

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. Because this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle 1, 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 1, Section 40103, Sovereignty and use of airspace. Under that section, the FAA is charged with prescribing regulations to ensure the safe and efficient use of the navigable airspace. This regulation is within the scope of that authority because it creates Class E airspace sufficient in size to contain aircraft executing instrument procedures for the

Shaktoolik Airport and represents the FAA’s continuing effort to safely and efficiently use the navigable airspace.

#### 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, CLASS B, CLASS C, CLASS D, AND CLASS 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(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 Federal Aviation Administration Order 7400.9T, *Airspace Designations and Reporting Points*, signed August 27, 2009, and effective September 15, 2009, is amended as follows:

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

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#### AAL AK E5 Shaktoolik, AK [New]

Shaktoolik Airport, AK  
(Lat. 64°22'16" N., long. 161°13'26" W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Shaktoolik Airport, AK; and that airspace extending upward from 1,200 feet above the surface within a 73-mile radius of the Shaktoolik Airport, AK.

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