

incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**FOR FURTHER INFORMATION CONTACT:** Jeanette Roller, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203-4541.

**SUPPLEMENTARY INFORMATION:**

**History**

On August 31, 2011, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to amend controlled airspace at Emmonak, AK (76 FR 54148). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9V dated August 9, 2011, and effective September 15, 2011, which is incorporated by reference in 14 CFR Part 71.1. The Class E airspace designations listed in this document will be published subsequently in that Order. Except for editorial changes, this rule is the same as published in the NPRM.

**The Rule**

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by modifying Class E airspace extending upward from 700 feet above the surface, at Emmonak, Airport, to accommodate IFR aircraft executing the two revised standard instrument approach procedures at the airport. This action is necessary for the safety and management of IFR operations. The portion of the airspace that lies further than 12 miles offshore and overlaps Norton Sound Low will be amended in a future rulemaking.

The FAA has determined this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (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 will only affect air traffic procedures and air navigation, it is certified 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. The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106 discusses 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 modifies controlled airspace at Emmonak, Airport, Emmonak, AK.

**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 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 the Federal Aviation Administration Order 7400.9V, Airspace Designations and Reporting Points, dated August 9, 2011, and effective September 15, 2011 is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

**AAL AK E5 Emmonak, AK [Modified]**

Emmonak Airport, AK  
(Lat. 62°47'10" N., long. 164°29'27" W.)  
Emmonak VOR/DME  
(Lat. 62°47'05" N., long. 164°29'15" W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Emmonak Airport, and within 4 miles east and 8 miles west of the Emmonak VOR/DME 353° radial extending from the VOR/DME to 16 miles north, and within 4 miles east and 8 miles west of the Emmonak VOR/DME 182° radial extending from the VOR/DME to 16 miles south, and that airspace extending upward from 1,200 feet above the surface within a 73-mile radius

of the Emmonak Airport, excluding that area outside 12 miles from the shoreline that overlies Norton Sound Low.

Issued in Seattle, Washington, on November 22, 2011.

**Robert Henry,**

*Acting Manager, Operations Support Group, Western Service Center.*

[FR Doc. 2011-30893 Filed 12-1-11; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA-2011-0455; Airspace Docket No. 11-AEA-4]

**Establishment of Class D and E Airspace; Frederick, MD**

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

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class D and E airspace at Frederick, MD, to accommodate new Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures (SIAPs) at Frederick Municipal Airport. This action enhances the safety and management of Instrument Flight Rules (IFR) operations for SIAPs at the airport.

**DATES:** Effective 0901 UTC, February 9, 2012. 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:** Rich Horrocks, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5588.

**SUPPLEMENTARY INFORMATION:**

**History**

On August 12, 2011, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish Class D and E airspace for the new Frederick Municipal Airport, Frederick, MD (76 FR 50156) Docket No. FAA-2011-0455. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class D and E airspace designations are published in Paragraphs 5000, 6002 and 6004, respectively, of FAA Order

7400.9V dated August 9, 2011, and effective September 15, 2011, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document will be published subsequently in the Order.

### The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 establishes Class D airspace extending upward from the surface to 2,800 feet MSL within a 5-mile radius of Frederick Municipal Airport. Class E surface area airspace, within a 5-mile radius of the airport and Class E airspace designated as an extension to Class D surface area. Controlled airspace is necessary for the new RNAV GPS standard instrument approach procedures developed for the airport and for continued safety and management of IFR operations at Frederick Municipal Airport, Frederick, MD.

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, 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. 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.

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 establishes controlled airspace at Frederick Municipal Airport, Frederick, MD.

### 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(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 7400.9V, Airspace Designations and Reporting Points, dated August 9, 2011, and effective September 15, 2011, is amended as follows:

*Paragraph 5000 Class D airspace.*

\* \* \* \* \*

#### AEA MD D Frederick, MD [NEW]

Frederick Municipal Airport, MD  
(Lat. 39°25'03" N., long. 77°22'28" W.)

That airspace extending from the surface up to and including 2,800 feet MSL within a 5-mile radius of Frederick Municipal Airport. This Class D airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

*Paragraph 6002 Class E airspace designated as surface areas.*

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#### AEA MD E2 Frederick, MD [NEW]

Frederick Municipal Airport, MD  
(Lat. 39°25'03" N., long. 77°22'28" W.)

That airspace extending from the surface up to and including 2,800 feet MSL within a 5-mile radius of the Frederick Municipal Airport. This Class E airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

*Paragraph 6004 Class E airspace designated as an extension to a Class D surface area.*

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#### AEA MD E4 Frederick, MD [NEW]

Frederick Municipal Airport, MD  
(Lat. 39°25'03" N., long. 77°22'28" W.)

That airspace extending from the surface within 3.2 miles either side of the 036° bearing from the airport extending from the 5-mile radius to 7.6 miles northeast of the airport. This Class E airspace area is effective

during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Issued in College Park, Georgia, on November 21, 2011.

**Mark D. Ward,**

*Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.*

[FR Doc. 2011–30940 Filed 12–1–11; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2011–0831; Airspace Docket No. 11–ACE–17]

#### Establishment of Class E Airspace; Stuart, IA

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

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E airspace for Stuart, IA, to accommodate new COPTER area navigation (RNAV) Standard Instrument Approach Procedures at the City of Stuart Heliport. The FAA is taking this action to enhance the safety and management of Instrument Flight Rule (IFR) operations at the heliport.

**DATES:** *Effective date:* 0901 UTC, February 9, 2012. 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 7400.9 and publication of conforming amendments.

**FOR FURTHER INFORMATION CONTACT:** Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone (817) 321–7716.

#### SUPPLEMENTARY INFORMATION:

##### History

On August 26, 2011, the FAA published in the **Federal Register** a notice of proposed rulemaking to establish Class E airspace for Stuart, IA, creating controlled airspace at the City of Stuart Heliport (76 FR 53360) Docket No. FAA–2011–0831. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9V dated August 9, 2011, and effective September 15, 2011, which is