

“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 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 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, effective September 15, 2016, is amended as follows:

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

* * * * *

AGL WI E5 Milwaukee, WI [Amended]

Milwaukee, General Mitchell International Airport, WI
(Lat. 42°56'49" N., long. 87°53'49" W.)
Racine, Batten International Airport, WI
(Lat. 42°45'40" N., long. 87°48'50" W.)
Waukesha, Waukesha County Airport, WI
(Lat. 43°02'28" N., long. 88°14'13" W.)

Milwaukee, Lawrence J. Timmerman Airport, WI
(Lat. 43°06'37" N., long. 88°02'04" W.)

That airspace extending upward from 700 feet above the surface within a 8.4-mile radius of the General Mitchell International Airport, and within an 8.1-mile radius of the Batten International Airport, and within a 7.5-mile radius of the Waukesha County Airport, and within 2 miles each side of the 282° bearing from the Waukesha County Airport extending from the 7.5-mile radius to 10.5 miles west of the Waukesha County Airport, and within an 8.9-mile radius of Lawrence J. Timmerman Airport.

Issued in Fort Worth, Texas, on February 8, 2017.

Walter Tweedy,

*Acting Manager, Operations Support Group,
ATO Central Service Center.*

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–0986; Airspace
Docket No. 15–AEA–7]

RIN 2120–AA66

Amendment of Air Traffic Service (ATS) Routes; Eastern United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies area navigation (RNAV) routes Q–39 and Q–67, in the eastern United States. The modifications provide a more efficient airway design within a portion of the airspace assigned to the Indianapolis Air Route Traffic Control Center (ARTCC).

DATES: Effective date 0901 UTC, April 27, 2017. 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 7400.11A, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at http://www.faa.gov/air_traffic/publications/. For further information, you can contact the Airspace Policy 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 7400.11A at NARA, call (202) 741–6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace Policy Group, Office of Airspace Services, 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 modifies air traffic service routes Q–39 and Q–67 in the eastern United States to maintain the efficient flow of air traffic.

History

On October 7, 2016, the FAA published a notice of proposed rulemaking (NPRM) (81 FR 69729), Docket No. FAA–2016–9086, to amend RNAV routes Q–39 and Q–67 to expand the availability of area navigation routes and provide a more efficient airway design within Indianapolis ARTCC’s airspace.

Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. One comment was received.

Discussion of Comment

The commenter asked how much air traffic is actually using routes Q–39 and Q–67. A review of six months Performance Data Analysis and Reporting System (PDARS) information for Q–39 and Q–67 revealed a total of 13,524 aircraft filed the RNAV routes.

Area navigation routes are published in paragraph 2006 of FAA Order 7400.11A dated August 3, 2016 and effective September 15, 2016, which is incorporated by reference in 14 CFR 71.1. The area navigation routes listed

in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016. FAA Order 7400.11A is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11A lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

The FAA is amending Title 14, Code of Federal Regulations (14 CFR) part 71 to modify RNAV routes Q–39 and Q–67 in the eastern United States. The modifications expand the availability of area navigation routes and provide a more efficient airway design within Indianapolis ARTCC's airspace. The route modifications are described below.

Q–39 RNAV route Q–39 extends between the CLAWD, NC waypoint (WP) and the WISTA, WV, WP. This action shifts the alignment of the route slightly to the east, bypassing the WISTA WP, to cross the TARCI, WV, WP (located at lat. 38°16'36.08" N., long. 081°18'34.08" W.); then the route continues northward to a new ASERY, WV, WP (located at lat. 38°28'35.97" N., long. 081°17'34.14" W.).

Q–67 RNAV route Q–67 extends between the SMTTH, TN, WP to the COLTZ, OH, fix. In its current alignment, the route proceeds from the JONEN, KY, WP northward to the COLTZ, OH, fix. The FAA is eliminating the segment between the JONEN WP and the CLOTZ fix and replacing it with

a segment from the JONEN WP to the DARYN, WV, WP (located at lat. 38°46'07.80" N., long. 082°00'57.92" W.). The DARYN WP is located near the Henderson, WV, VORTAC.

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 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 of modifying two RNAV Q-routes 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). This action is not expected to cause any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, this action has been reviewed for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis, and it is determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists 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 is amended 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 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016 and effective September 15, 2016, is amended as follows:

Paragraph 2006 United States Area Navigation Routes

* * * * *

Q–39 CLAWD, NC TO ASERY, WV [AMENDED]

CLAWD, NC	WP	(Lat. 36°25'08.98" N., long. 081°08'49.75" W.)
TARCI, WV	WP	(Lat. 38°16'36.08" N., long. 081°18'34.08" W.)
ASERY, WV	WP	(Lat. 38°28'35.97" N., long. 081°17'34.14" W.)

Q–67 SMTTH, TN TO DARYN, WV [AMENDED]

SMTTH, TN	WP	(Lat. 35°54'41.57" N., long. 084°00'19.74" W.)
CEMEX, KY	WP	(Lat. 36°45'44.94" N., long. 083°23'33.58" W.)
IBATE, KY	WP	(Lat. 36°59'12.36" N., long. 083°13'40.36" W.)
TONIO, KY	FIX	(Lat. 37°15'15.20" N., long. 083°01'47.53" W.)
JONEN, KY	WP	(Lat. 37°59'08.91" N., long. 082°32'46.19" W.)
DARYN, WV	WP	(Lat. 38°46'07.80" N., long. 082°00'57.92" W.)

Issued in Washington, DC, on February 6, 2017.

Leslie M. Swann,

Acting Manager, Airspace Policy Group.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2016-6986; Airspace
Docket No. 16-ACE-6]

Revocation of Class E Airspace; Farmington, MO; and Amendment of Class E Airspace for the following Missouri Towns; Ava, MO; Cameron, MO; Chillicothe, MO; Farmington, MO; and Festus, MO

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action removes Class E surface area airspace at Farmington Regional Airport, Farmington, MO; and modifies Class E airspace extending upward from 700 feet above the surface at Ava Bill Martin Memorial Airport, Ava, MO; Cameron Memorial Airport, Cameron, MO; Chillicothe Municipal Airport, Chillicothe, MO; Farmington Regional Airport, Farmington, MO; and Festus Memorial Airport, Festus, MO. Decommissioning of non-directional radio beacons (NDB), cancellation of NDB approaches, and implementation of area navigation (RNAV) procedures have made this action necessary for the safety and management of Instrument Flight Rules (IFR) operations at these airports.

DATES: Effective 0901 UTC, April 27, 2017. 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 7400.11, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at http://www.faa.gov/air_traffic/publications/. For further information, you can contact the Airspace Policy 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 7400.11A at NARA, call 202-741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

FAA Order 7400.11A, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

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 removes Class E surface area airspace at Farmington Regional Airport, Farmington, MO; and modifies Class E airspace extending upward from 700 feet above the surface at Ava Bill Martin Memorial Airport, Ava, MO; Cameron Memorial Airport, Cameron, MO; Chillicothe Municipal Airport, Chillicothe, MO; Farmington Regional Airport; and Festus Memorial Airport, Festus, MO.

History

On June 28, 2016, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM), (81 FR 41900) Docket No. FAA-2016-6986, to remove Class E surface area airspace at Farmington Regional Airport, Farmington, MO; and modify Class E airspace extending upward from 700 feet above the surface at Ava Bill Martin Memorial Airport, Ava, MO; Cameron Memorial Airport, Cameron, MO; Chillicothe Municipal Airport, Chillicothe, MO; Farmington Regional Airport; and Festus Memorial Airport, Festus, MO. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One comment was received from Mr. Wally Roberts stating that the NPRM did not adequately substantiate the reason for

removing the Class E surface area airspace at Farmington Regional Airport. The FAA agrees and offers the following in response to Mr. Roberts' comment.

Federal Aviation Administration Order JO 7400.2K, Procedures for Handling Airspace Matters, provides the criteria for determining airspace requirements. Chapter 18 of the FAA Order JO 7400.2K outlines the requirements for Class E airspace. For an airport to have Class E surface area airspace designated, it must meet the requirements outlined in paragraph 18-1-3, which states, "If the communication and weather requirements described in paragraphs 17-2-9 and 17-2-10 are met, Class E surface airspace may be designated. . . ." The Farmington Regional Airport meets the weather requirements outlined in paragraph 17-2-10; however, it does not meet the communications requirements in 17-2-9, specifically communication capabilities with aircraft to the runway surface of the airport. This was verified with Kansas City Air Route Traffic Control Center, which has jurisdiction over Farmington Regional Airport. As the Farmington Regional Airport does not meet the requirements for Class E surface area airspace contained in paragraph 18-1-3, it is not in compliance with FAA Order JO 7400.2K, and the airspace is being removed. The Class E airspace extending upward from 700 feet above the surface at Farmington Regional Airport provides for the transition to/ from the airport and provides the airspace required by FAA Order JO 7400.2K to protect the current standard instrument approach procedures at the airport and for the safety and management of IFR operations at the airport.

Class E airspace designations are published in paragraph 6002 and 6005, respectively, of FAA Order 7400.11A, dated August 3, 2016, and effective September 15, 2016, 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.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016. FAA Order 7400.11A is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11A lists Class A, B, C, D, and E airspace areas,