

## The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by modifying Jet Route J-37 to remove the route segment between the Montgomery, AL, VORTAC and the Lynchburg, VA, VOR/DME. This action corrects the inadvertent inclusion of the route segment published in the Docket No. FAA-2018-0817 final rule, after the route segment was removed in the Docket No. FAA-2019-0638 final rule. Because the error described above requires prompt resolution, notice and public procedures under 5 U.S.C. 553(b) are unnecessary.

The Jet Route modification accomplished by this action is outlined below.

*J-37:* J-37 extends between the Harvey, LA, VORTAC and the Coyle, NJ, VORTAC; and between the Kennedy, NY, VOR/DME, and the Massena, NY, VORTAC. The route segment between the Montgomery, AL, VORTAC and the Lynchburg, VA, VOR/DME is removed. The unaffected portions of the existing route remain as charted.

The radials listed in the route description below are stated in True degrees.

## 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 Jet Route J-37 near Atlanta, GA, 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). As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5-2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

## List 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(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 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, is amended as follows:

*Paragraph 2004 Jet Routes.*

\* \* \* \* \*

#### J-37 [Amended]

From Harvey, LA; Semmes, AL; to Montgomery, AL. From Lynchburg, VA; Gordonsville, VA; Brooke, VA; INT Brooke 067° and Coyle, NJ, 226° radials; to Coyle, NY; to Kingston, NY; Albany, NY; to Massena, NY.

\* \* \* \* \*

Issued in Washington, DC, on March 30, 2020.

**Scott M. Rosenbloom,**

*Acting Manager, Rules and Regulations Group.*

[FR Doc. 2020-06909 Filed 4-2-20; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2019-0786; Airspace Docket No. 18-AWP-1]

RIN 2120-AA66

### Amendment of Class E Airspace and Establishment of Class E Airspace Extension; Battle Mountain, NV

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

**ACTION:** Final rule.

**SUMMARY:** This action amends the Class E surface area, Class E airspace extending upward from 700 feet above the surface and creates Class E airspace as an extension to the Class E surface area at Battle Mountain Airport, Battle Mountain, NV. After establishment of a new area navigation (RNAV) procedure and review of the airspace, the FAA found it necessary to amend the existing airspace and establish new controlled airspace for the safety and management of Instrument Flight Rules (IFR) operations at this airport. This action also removes a reference to the Battle Mountain VORTAC from the legal description for the Class E airspace extending upward from 700 feet.

**DATES:** Effective 0901 UTC, July 16, 2020. 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 7400.11D, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [https://www.faa.gov/air\\_traffic/publications/](https://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 7400.11D at NARA, email [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov) or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

**FOR FURTHER INFORMATION CONTACT:** Richard Roberts, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S. 216th Street, Des Moines, WA 98198; telephone (206) 231-2245.

**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 will amend the existing Class E airspace and establish new Class E airspace as an extension to the Class E surface area at Battle Mountain Airport, Battle Mountain, NV, in support of IFR operations at the airport.

### History

The FAA published a notice of proposed rulemaking in the **Federal Register** (84 FR 65714; November 29, 2019) for Docket No. FAA-2019-0786 to amend and establish Class E airspace at Battle Mountain Airport, Battle Mountain, NV. 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 6002, 6004 and 6005 of FAA Order 7400.11D, dated August 8, 2019 and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation 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 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

### The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 modifies Class E airspace at Battle Mountain Airport, Battle Mountain, NV. The Class E surface area will be adjusted to that area within 4.2 miles of the airport. The surface area that extends 1

mile both sides of the 218° bearing from the 4.2 mile radius to 7.4 miles southwest of the airport will be eliminated.

A Class E extension to the surface area will be established within 1.3 miles each side of the 228° bearing, which will provide the required airspace to protect aircraft descending through 1000 feet AGL, while using the VOR approach to runway 4.

The Class E airspace extending upward from 700 feet AGL will be modified by establishing airspace 2 miles on each side of the 48° bearing from the airport to 11 miles northeast, to contain a new RNAV approach to runway 22. To the west, the airspace extending upward from 700 feet AGL is expanded from the current 4.2 mile radius to 7 miles from the airport, between the 265° bearing clockwise to the 32° bearing, to protect departures until they reach 1200 feet AGL. This action also modifies the lateral boundaries of the Class E airspace extending upward from 700 feet AGL to the southwest from 25 miles of the Battle Mountain VORTAC to within a 16.5 mile radius of the airport from the 204° bearing clockwise to the 266° bearing. This will protect the VOR Approach to runway 4, as aircraft descend through 1500 feet.

This action eliminates the Battle Mountain VORTAC as a reference point in the legal description, as it is no longer required.

This airspace supports IFR operations at Battle Mountain Airport, Battle Mountain, NV.

Class E airspace designations are published in paragraph 6002, 6004 and 6005 of FAA Order 7400.11D, dated August 8, 2019 and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order. FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

### 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, 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, would 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 preparation of an environmental assessment.

### 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(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 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, is amended as follows:

*Paragraph 6002 Class E Airspace Designated as Surface Areas.*

\* \* \* \* \*

#### AWP NV E2 Battle Mountain, NV [Amended]

Battle Mountain Airport, NV  
(Lat. 40°35'57" N, long. 116°52'28" W)

That airspace extending upward from the surface to and including 2500 feet MSL within a 4.2-mile radius of Battle Mountain Airport, Battle Mountain, NV. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Chart Supplement.

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

\* \* \* \* \*

**AWP NV E4 Battle Mountain, NV [NEW]**

Battle Mountain Airport, NV  
(Lat. 40°35'57" N, long. 116°52'28" W)

That airspace extending upward from the surface within 1.3 miles each side of the 228° bearing from the Battle Mountain Airport extending from the 4.2 mile radius to 7 miles southwest of Battle Mountain Airport, Battle Mountain NV.

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

\* \* \* \* \*

**AWP NV E5 Battle Mountain, NV [Amended]**

Battle Mountain Airport, NV  
(Lat. 40°35'57" N, long. 116°52'28" W)

That airspace extending upward from 700 feet above the surface within 16.5-mile radius of the Battle Mountain Airport beginning at the point where the 205° bearing intersects the 16.5-mile radius thence clockwise to the point where the 266° bearing intersects the 16.5-mile radius thence northeast along the 266° bearing to within 7 miles of the airport, thence clockwise along the 7-mile radius to the point where the 65° bearing intersects the 7-mile radius thence to the point where the 77° bearing intersects the 4.2-mile radius thence clockwise to the point where the 158° bearing intersects the 4.2 mile radius, thence to the point of beginning; and that airspace within 2 miles each side of the 49° bearing extending from the 4.2 mile radius to 10.5 miles from the airport.

Issued in Seattle, Washington, on March 26, 2020.

**Shawn M. Kozica,**

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

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

**[EPA-R09-OAR-2019-0528; FRL-10007-00-Region 9]**

**Air Plan Approval; California; Northern Sierra Air Quality Management District; Reasonably Available Control Technology; Correcting Amendment**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Correcting amendment.

**SUMMARY:** On January 15, 2020, the Environmental Protection Agency (EPA) published in the **Federal Register** a final rule entitled "Air Plan Approval; California; Northern Sierra Air Quality

Management District; Reasonably Available Control Technology." That publication inadvertently listed in the regulatory text the wrong document number for a document entitled "Control Techniques Guidelines for the Oil and Natural Gas Industry." This document corrects this error in the regulatory text.

**DATES:** This document is effective on April 3, 2020.

**FOR FURTHER INFORMATION CONTACT:** Stanley Tong, Rules Office (Air 3-2), EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 947-4122 or by email at [tong.stanley@epa.gov](mailto:tong.stanley@epa.gov).

**SUPPLEMENTARY INFORMATION:** On January 15, 2020 (85 FR 2313), the EPA published a final rule entitled "Air Plan Approval; California; Northern Sierra Air Quality Management District; Reasonably Available Control Technology". This rule approved a revision to the California State Implementation Plan under the Clean Air Act consisting of the Northern Sierra Air Quality Management District's demonstration that its rules satisfied applicable requirements regarding reasonably available control technology. Due to a typographical error, the EPA's final rule published on January 15, 2020, inadvertently listed the wrong document number for a document entitled "Control Techniques Guidelines for the Oil and Natural Gas Industry," which could make it difficult for members of the public to locate the document. The correct document number and title are: EPA-453/B-16-001 Oil and Natural Gas Industry. This action corrects the erroneous document number in Table 1 of 40 CFR 52.222(a)(9)(iv).

The EPA has determined that this action falls under the "good cause" exemption in section 553(b)(3)(B) of the Administrative Procedure Act (APA) which, upon finding "good cause," authorizes agencies to dispense with public participation where public notice and comment procedures are impracticable, unnecessary, or contrary to the public interest. Public notice and comment for this action is unnecessary because the underlying rule for which this correcting amendment has been prepared was already subject to a 30-day comment period, and this action is merely correcting a minor typographical error in the rule text. Further, this action is consistent with the purpose and rationale of the final rule, which is corrected herein. Because this action does not change the EPA's analyses or overall actions, no purpose would be served by additional public notice and

comment. Consequently, additional public notice and comment are unnecessary.

The EPA also finds that there is good cause under APA section 553(d)(3) for this correction to become effective on the date of publication of this action. Section 553(d)(3) of the APA allows an effective date of less than 30 days after publication "as otherwise provided by the agency for good cause found and published with the rule." 5 U.S.C. 553(d)(3). The purpose of the 30-day waiting period prescribed in APA section 553(d)(3) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. This rule does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. This action merely corrects a typographical error in a previous rulemaking. For these reasons, the EPA finds good cause under APA section 553(d)(3) for this correction to become effective on the date of publication of this action.

**Statutory and Executive Order Reviews**

Under Executive Order (E.O.) 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to E.O. 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action is not an E.O. 13771 (82 FR 9339, February 2, 2017) regulatory action because this action is not significant under E.O. 12866. Because the agency has made a "good cause" finding that this action is not subject to notice-and-comment requirements under the Administrative Procedures Act or any other statute as indicated in the **SUPPLEMENTARY INFORMATION** section above, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose