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Acting Manager, Rules and Regulations Group.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2020-0654; Airspace Docket No. 20-ASO-17]

RIN 2120-AA66

Amendment of V-53, V-115, V-140, T-215, and T-323, and Revocation of V-339 in the Vicinity of Hazard, KY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends VHF Omnidirectional Range (VOR) Federal airways V-53, V-115, and V-140, and Area Navigation (RNAV) T-routes T-215 and T-323; and removes VOR Federal airway V-339 in the vicinity of Hazard, KY. The Air Traffic Service (ATS) route modifications are necessary due to the planned decommissioning of the VOR portion of the Hazard, KY, VOR/Distance Measuring Equipment (VOR/DME) navigation aid (NAVAID) which provides navigation guidance for portions of the affected ATS routes. The Hazard VOR is being decommissioned as part of the FAA's VOR Minimum Operational Network (MON) program.

DATES: Effective date 0901 UTC, February 25, 2021. 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 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at https://www.faa.gov/air_traffic/publications/. For further information, you can contact the Rules and Regulations 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 7400.11E at NARA, email: fedreg.legal@nara.gov or go to <https://>

www.archives.gov/federal-register/cfr/ibr-locations.html.

FOR FURTHER INFORMATION CONTACT: Colby Abbott, Rules and Regulations Group, Office of Policy, 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 the route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

History

The FAA published a notice of proposed rulemaking for Docket No. FAA-2020-0654 in the **Federal Register** (85 FR 44801; July 24, 2020), amending VOR Federal airways V-53, V-115, and V-140, and RNAV T-routes T-215 and T-323; and removing VOR Federal airway V-339 in the vicinity of Hazard, KY. The proposed amendment and revocation actions were due to the planned decommissioning of the VOR portion of the Hazard, KY, VOR/DME. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

VOR Federal airways are published in paragraph 6010(a) and RNAV T-routes are published in paragraph 6011 of FAA Order 7400.11E dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The VOR Federal airways listed in this document will be subsequently published in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E 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 by modifying VOR Federal airways V-53, V-115, and V-140, and RNAV routes T-215 and T-323; and removing VOR Federal airway V-339. The planned decommissioning of the VOR portion of the Hazard, KY, VOR/DME NAVAID has made this action necessary. The VOR Federal airway changes are outlined below.

V-53: V-53 extends between the Charleston, SC, VOR/Tactical Air Navigation (VORTAC) and the Brickyard, IN, VOR/DME. The airspace within R-3401B is excluded. The airway segment overlying the Hazard, KY, VOR/DME between the Holston Mountain, TN, VORTAC and the Lexington, KY, VOR/DME is removed. The unaffected portions of the existing airway remain as charted.

V-115: V-115 extends between the Crestview, FL, VORTAC and the Parkersburg, WV, VORTAC. The airway segment overlying the Hazard, KY, VOR/DME between the Volunteer, TN, VORTAC and the Charleston, WV, VORTAC is removed. The unaffected portions of the existing airway remain as charted.

V-140: V-140 extends between the Panhandle, TX, VORTAC and the Casanova, VA, VORTAC. The airway segment overlying the Hazard, KY, VOR/DME between the London, KY, VOR/DME and the Bluefield, WV, VOR/DME is removed. The unaffected portions of the existing airway remain as charted.

V-339: V-339 extends between the Hazard, KY, VOR/DME and the Falmouth, KY, VOR/DME. The airway is removed in its entirety.

The RNAV T-route changes are outlined below.

T-215: T-215 extends between the Lexington, KY, VOR/DME and the GAMKE, IN, waypoint (WP). The route is extended southeastward from the Lexington, KY, VOR/DME to the Holston Mountain, TN, VORTAC. Additionally, the type of facility for Lexington, KY, is corrected from "VORTAC" to "VOR/DME" and the geographic coordinates of each route point are updated to be expressed in degrees, minutes, seconds, and hundredths of a second.

T-323: T-323 extends between the CROCS, GA, WP and the HIGGI, NC, WP. The route is extended northward from the HIGGI, NC, WP to the Hazard, KY, DME. Additionally, the geographic

coordinates of each route point are updated to be expressed in degrees, minutes, seconds, and hundredths of a second.

All NAVAID radials in the VOR Federal airway descriptions below are unchanged and stated in True degrees.

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. 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 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.

Environmental Review

The FAA has determined that this action of amending VOR Federal airways V-53, V-115, and V-140, and RNAV routes T-215 and T-323; and removing VOR Federal airway V-339, due to the planned decommissioning of the VOR portion of the Hazard, KY, VOR/DME NAVAID, 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 that 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).

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 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 6010(a) Domestic VOR Federal Airways.

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V-53 [Amended]

From Charleston, SC; Columbia, SC; Spartanburg, SC; Sugarloaf Mountain, NC; to Holston Mountain, TN. From Lexington, KY; Louisville, KY; INT Louisville 333° and Brickyard, IN, 170° radials; to Brickyard. The airspace within R-3401B is excluded.

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V-115 [Amended]

From Crestview, FL; INT Crestview 001° and Montgomery, AL, 204° radials; Montgomery; INT Montgomery 323° and Vulcan, AL, 177° radials; Vulcan; Choo Choo, TN; to Volunteer, TN. From Charleston, WV; to Parkersburg, WV.

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V-140 [Amended]

From Panhandle, TX; Burns Flat, OK; Kingfisher, OK; INT Kingfisher 072° and Tulsa, OK, 261° radials; Tulsa; Razorback, AR; Harrison, AR; Walnut Ridge, AR; Dyersburg, TN; Nashville, TN; Livingston, TN; to London, KY. From Bluefield, WV; INT Bluefield 071° and Montebello, VA, 250° radials; Montebello; to Casanova, VA.

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V-339 [Removed]

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6011. United States Area Navigation Routes.

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T-215 Holston Mountain, TN (HNV) to GAMKE, IN [Amended]

Holston Mountain, TN (HNV)	VORTAC	(Lat. 36°26'13.40" N, long. 082°07'46.56" W)
HILTO, VA	WP	(Lat. 36°41'48.46" N, long. 082°26'07.44" W)
FLENR, VA	WP	(Lat. 36°56'44.27" N, long. 082°43'42.75" W)
RISTE, KY	WP	(Lat. 37°09'02.92" N, long. 082°58'24.38" W)
Hazard, KY (AZQ)	DME	(Lat. 37°23'28.52" N, long. 083°15'46.83" W)
HUGEN, KY	FIX	(Lat. 37°31'46.14" N, long. 083°32'58.54" W)
Lexington, KY (HYK)	VOR/DME	(Lat. 37°57'58.86" N, long. 084°28'21.06" W)
GAMKE, IN	WP	(Lat. 38°46'12.99" N, long. 085°14'35.37" W)

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T-323 CROCS, GA to Hazard, KY (AZQ) [Amended]

CROCS, GA	WP	(Lat. 32°27'17.69" N, long. 082°46'29.06" W)
BOBBR, GA	WP	(Lat. 33°19'57.07" N, long. 083°08'19.47" W)
BIGNN, GA	WP	(Lat. 34°20'34.38" N, long. 083°33'06.80" W)
ZPPLN, NC	WP	(Lat. 34°59'47.42" N, long. 083°49'37.73" W)
HIGGI, NC	WP	(Lat. 35°26'46.57" N, long. 083°46'41.05" W)
KIDBE, TN	WP	(Lat. 35°51'16.23" N, long. 083°40'19.66" W)
ZADOT, TN	WP	(Lat. 36°35'32.17" N, long. 083°28'40.09" W)
WELLA, KY	WP	(Lat. 37°02'15.68" N, long. 083°21'31.07" W)
Hazard, KY (AZQ)	DME	(Lat. 37°23'28.52" N, long. 083°15'46.83" W)

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UNITED STATES AGENCY FOR GLOBAL MEDIA

22 CFR Chapter V

RIN 3112-AA03

Repeal of Regulation Entitled *Firewall and Highest Standards of Professional Journalism*

AGENCY: United States Agency for Global Media (formerly Broadcasting Board of Governors).

ACTION: Final rule.

SUMMARY: The United States Agency for Global Media (formerly known as the Broadcasting Board of Governors) is repealing the regulation entitled “Firewall and Highest Standards of Professional Journalism” published on June 15, 2020.

DATES: This rule is effective without actual notice as of December 10, 2020. For the purposes of enforcement, actual notice will be used as of October 26, 2020.

FOR FURTHER INFORMATION CONTACT: Daniel Rosenholtz at Rule_Comments@usagm.gov or (202) 920-2342.

SUPPLEMENTARY INFORMATION:

Background

The United States Agency for Global Media (“USAGM”) is an agency of the Federal Government that exercises authority over non-military United States government broadcasting. USAGM, which was created by the International Broadcasting Act of 1994 under a different name, currently operates five networks—Voice of America (“VOA”), the Office of Cuba Broadcasting (“OCB”), Radio Free Europe/Radio Liberty (“RFE/RL”), Radio Free Asia (“RFA”) and the Middle East Broadcasting Networks (“MBN”) (collectively the “USAGM Networks” or “Networks”).

On June 4, 2020, the Broadcasting Board of Governors (“BBG”), USAGM’s leadership at the time, promulgated a regulation governing internal agency operations, *Firewall and Highest Standards of Professional Journalism*, 85 FR 36150 (June 15, 2020) (codified at 22 CFR part 531) (the “Regulation”) that purported to implement section 305(b)

of International Broadcasting Act (“IBA”) (22 U.S.C. 6204(b)).

The Regulation was promulgated only when it became apparent that the leadership of USAGM was about to change via Senate confirmation of a USAGM Chief Executive Officer (“CEO”). See *Firewall and Highest Standards of Professional Journalism*, 85 FR at 36150 (expressly identifying the pending end of the Board’s tenure as the motivating factor for the timing and issuance of the Regulation). Senate confirmation of a CEO caused the BBG to dissolve, and transferred all of its powers to the CEO. See 22 U.S.C. 6203(b)(1).

At its core, the Regulation asserts that “a firewall exists between anybody involved with any aspect of journalism (e.g., the creation, editing, reporting, distributing, etc., of content) and everyone else in the organization,” and that this former Board-preferred policy is violated when anyone outside of the “newsroom” “attempts to direct, pressure, coerce, threaten, interfere with, or otherwise impermissibly influence any of the USAGM Networks, including their leadership, officers, employees, or staff, in the performance of their journalistic and broadcasting duties and activities.” 22 CFR 531.3(b), (c). This regulatory instruction by its terms suggests USAGM is a typical broadcasting organization, which squarely contradicts USAGM’s statutory mandate to promote particular United States values and interests. See, e.g., 22 U.S.C. 6202(a)(1)–(2) (mandating that United States international broadcasting be consistent with United States foreign policy objectives, international telecommunications policies, and United States treaty obligations); *id.* Section 6202(a)(8) (mandating the promotion of “respect for human rights, including freedom of religion”). Unlike private broadcasting organizations, the mission of USAGM from its statutory origins has been to support United States foreign policy goals by furthering American values and facilitating the dissemination of objectively accurate factual news and information overseas. See United States Information and Educational Exchange Act of 1948, Public Law 80-402, section 2, 62 Stat. 6, 6 (1948); see also, e.g., *id.* section 6201(2) (noting that the values furthered by the agency such as the “[o]pen communication of information and ideas among the peoples of the world,” further international peace and stability, and serve “the interests of the United States”); *id.* section 6202(a)(1), (3) (requiring United States broadcasting to “be consistent with the broad foreign policy objectives of the United States”

and with United States treaty obligations); *id.* section 6202(b)(1), (3) (mandating that United States international broadcasting include “news which is consistently reliable and authoritative, accurate, objective, and comprehensive” and constitutes a “clear and effective presentation of the policies of the United States Government and responsible discussion and opinion on those policies”); *id.* section 6202(b)(4) (requiring United States international broadcasting to include “the capability to provide a surge capacity to support United States foreign policy objectives during crises abroad”).

Upon taking office, the CEO directed a review of the Regulation and sought external legal counsel.

The Regulation is hereby repealed.

I. There Is Tension Between the Regulation on the One Hand, and USAGM’s Statutory Mission and Article II of the Constitution on the Other

A. USAGM’s Statutory Mission

Since United States international broadcasting was first codified in 1948, the statutory objective was—and still is—“to enable the Government of the United States to promote a better understanding of the United States in other countries . . . [including by] an information service to disseminate abroad information about the United States, its people, and policies” United States Information and Educational Exchange Act of 1948, Public Law 80-402, section 2, 62 Stat. 6, 6 (1948) (codified at 22 U.S.C. 1431).

When VOA was codified in statute in 1976, Congress made clear that VOA’s purpose was to serve American interests abroad. VOA was to “communicat[e] directly with the peoples of the world by radio” to serve the “long-range interests of the United States” as governed by enumerated principles which have been codified in the VOA Charter. “VOA will serve as a consistently reliable and authoritative source of news [that is] accurate, objective, and comprehensive”; “represent America . . . and . . . present a balanced and comprehensive projection of significant American thought”; and “present the policies of the United States clearly and effectively, and . . . present responsible discussion and opinion on these policies.” Foreign Relations Authorization Act, FY 1977, Public Law 94-350, section 206, 90 Stat. 823, 831-32 (1976).

The current statutory mission of USAGM is to serve United States interests through Government