

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA–2022–0026; Airspace
Docket No. 21–AAL–68]

RIN 2120–AA66

**Amendment of United States Area
Navigation (RNAV) Route T–232;
Fairbanks, AK**

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends United States Area Navigation (RNAV) route T–232 in the vicinity of Fairbanks, AK, in support of a large and comprehensive T-route modernization project for the state of Alaska.

DATES: Effective date 0901 UTC, November 3, 2022. 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 JO 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at 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.

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 expands the

availability of RNAV in Alaska and improves the efficient flow of air traffic within the National Airspace System by lessening the dependency on ground based navigation.

History

The FAA published a notice of proposed rulemaking (NPRM) for Docket No. FAA–2022–0026 in the **Federal Register** (87 FR 2569; January 18, 2022), amending RNAV route T–232 the vicinity of Fairbanks, AK, in support of a large and comprehensive T-route modernization project for the state of Alaska. Interested parties were invited to participate in this rulemaking effort by submitting comments on the proposal. No comments were received.

United States Area Navigation Routes are published in paragraph 6011 of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The RNAV route listed in this document will be published subsequently in FAA Order JO 7400.11.

Differences From the NPRM

In the proposal section in the NPRM, the RIVOR, AK, route point was incorrectly listed as a waypoint (WP) instead of correctly identifying it as a Fix; however, the RIVOR, AK, route point was correctly listed in the T–232 description as a Fix. This action keeps the RIVOR, AK, route point as a Fix.

Additionally, in the proposal section and the T–232 description in the proposed amendment section of the NPRM, the OCOCU, AK, route point was incorrectly listed as a WP. This action corrects that error and lists the OCOCU, AK, route point as a Fix. This correction is editorial only and does not change the alignment of T–232.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021. FAA Order JO 7400.11F is publicly available as listed in the **ADDRESSES** section of this document. FAA Order JO 7400.11F lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This action amends 14 CFR part 71 by amending RNAV route T–232 in the vicinity of Fairbanks, AK, in support of a large and comprehensive T-route modernization project for the state of

Alaska. The route amendment is described below.

T–232: T–232 extends between the Barrow, AK (BRW), VHF Omni-Directional Range/Distance Measuring Equipment (VOR/DME) and the Northway, AK (ORT), VHF Omni-Directional Range/Tactical Air Navigation (VORTAC) navigational aids. The route is amended between the Fairbanks, AK (FAI), VORTAC and the Big Delta, AK (BIG), VORTAC by adding the RIVOR, AK, Fix and the CUTUB, AK, WP to facilitate a lower Minimum Enroute Altitude on the route and ensure lateral separation from active special use airspace. This action also corrects the legal description by including the turn points at the OCOCU, AK, Fix and the IMARE, AK, WP and by removing the BRONX, AK, Fix since it does not reflect a turn point.

FAA Order JO 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 airspace action of amending RNAV route T–232 in the vicinity of Fairbanks, AK, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) 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), and paragraph 5–6.5i, which categorically excludes from further environmental review the establishment of new or revised air traffic control procedures conducted at 3,000 feet or more above ground level (AGL); procedures conducted below 3,000 feet AGL that do not cause traffic to be routinely routed over noise sensitive areas; modifications to currently approved procedures conducted below 3,000 feet AGL that do not significantly increase noise over noise sensitive areas; and increases in minimum altitudes and landing minima. 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. Accordingly, 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).

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

	*	*	*	*
T-232 Barrow, AK (BRW) to Northway, AK (ORT) [Amended]				
Barrow, AK (BRW)	VOR/DME	(Lat. 71°16'24.33" N, long. 156°47'17.22" W)		
OCOCU, AK	FIX	(Lat. 67°05'08.90" N, long. 151°45'00.43" W)		
Bettles, AK (BTT)	VOR/DME	(Lat. 66°54'18.03" N, long. 151°32'09.18" W)		
Fairbanks, AK (FAI)	VORTAC	(Lat. 64°48'00.25" N, long. 148°00'43.11" W)		
IMARE, AK	WP	(Lat. 64°33'29.60" N, long. 147°17'20.31" W)		
CUTUB, AK	WP	(Lat. 64°17'49.15" N, long. 146°37'11.65" W)		
RIVOR, AK	FIX	(Lat. 64°09'46.97" N, long. 146°09'22.50" W)		
Big Delta, AK (BIG)	VORTAC	(Lat. 64°00'16.06" N, long. 145°43'02.09" W)		
Northway, AK (ORT)	VORTAC	(Lat. 62°56'49.92" N, long. 141°54'45.39" W)		
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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 JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

Paragraph 6011 United States Area Navigation Routes.

Issued in Washington, DC, on August 23, 2022.

Scott M. Rosenbloom,

Manager, Airspace Rules and Regulations.

[FR Doc. 2022–18426 Filed 8–26–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 399

[Docket No. DOT–OST–2019–0182]

RIN 2105–ZA18

Guidance Regarding Interpretation of Unfair and Deceptive Practices

AGENCY: Office of the Secretary (OST), U.S. Department of Transportation (DOT).

ACTION: Guidance regarding interpretation of unfair and deceptive practices.

SUMMARY: The U.S. Department of Transportation (DOT or the Department) is issuing a guidance document to inform the public and regulated entities

about DOT's interpretation of the terms unfair, deceptive, and practices as it relates to its statutory authority to prohibit unfair or deceptive practices. The Department is taking this action to better define the terms unfair and deceptive in response to an Executive order issued by President Biden on July 9, 2021, on promoting competition in the American economy.

DATES: This final guidance document is effective August 29, 2022.

ADDRESSES: This guidance will appear on the Department's aviation consumer protection website at <https://www.transportation.gov/airconsumer/guidance-aviation-rules-and-statutes>. The Department's final rule regarding unfair and deceptive practices and related documents are available on the docket at <https://www.regulations.gov>; follow the online instructions for accessing DOT–OST–2019–0182.

FOR FURTHER INFORMATION CONTACT: Robert Gorman, Kimberly Graber, or Blane Workie, Office of Aviation Consumer Protection, U.S. Department of Transportation, 1200 New Jersey Ave. SE, Washington, DC 20590, 202–366–9342, 202–366–7152 (fax);

robert.gorman@dot.gov;
kimberly.graber@dot.gov; or
blane.workie@dot.gov (email).

SUPPLEMENTARY INFORMATION:

Background

The Department's authority to regulate unfair and deceptive practices in air transportation or the sale of air transportation is found at 49 U.S.C. 41712 ("section 41712").¹ Section 41712(a) gives the Department the authority to investigate and decide whether an air carrier, foreign air carrier, or ticket agent is engaged in an unfair or deceptive practice in air transportation or the sale of air transportation. In addition to this general provision, Congress has also defined two specific practices as being unfair or deceptive.²

¹ In addition to section 41712, the Department's authority to regulate unfair and deceptive practices is based in the Department's rulemaking authority under 49 U.S.C. 40113, which states that the Department may take action that it considers necessary to carry out this part, including prescribing regulations.

² See 49 U.S.C. 41712(b) (failing to notify the purchaser of such an electronic ticket of its