

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

[Docket No. FAA–2022–0924; Airspace
Docket No. 22–ASW–17]

RIN 2120–AA66

Amendment of Class E Airspace; Eagle Lake, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E airspace at Eagle Lake, TX. This action is due to an airspace review conducted as part of the decommissioning of the Eagle Lake very high frequency (VHF) omnidirectional range (VOR) as part of the VOR Minimal Operational Network (MON) Program. The geographic coordinates of the airport are also being updated to coincide with the FAA’s aeronautical database.

DATES: Effective 0901 UTC, February 23, 2023. 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 7400.11G, 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 Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

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 amends the Class E airspace extending upward from 700 feet above the surface at Eagle Lake Airport, Eagle Lake, TX, to support instrument flight rule operations at this airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (87 FR 50592; August 17, 2022) for Docket No. FAA–2022–0924 to amend the Class E airspace at Eagle Lake, TX. 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 JO 7400.11G, dated August 19, 2022, and effective September 15, 2022, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in FAA Order JO 7400.11.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order JO 7400.11G, Airspace Designations and Reporting Points, dated August 19, 2022, and effective September 15, 2022. FAA Order JO 7400.11G is publicly available as listed in the **ADDRESSES** section of this document. FAA Order JO 7400.11G lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to 14 CFR 71 amends the Class E airspace extending upward from 700 feet above the surface at Eagle Lake Airport, Eagle Lake, TX, by removing the Eagle Lake VOR/DME and associated extension from the airspace legal description; and updates the geographic coordinates of the airport to coincide with the FAA’s aeronautical database.

This action is due to an airspace review conducted as part of the decommissioning of the Eagle Lake VOR, which provided navigation information for the instrument procedures at these airports, as part of the VOR MON Program.

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, 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 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 JO 7400.11G, Airspace Designations and Reporting Points, dated August 19, 2022, and effective September 15, 2022, is amended as follows:

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

* * * * *

ASW TX E5 Eagle Lake, TX [Amended]

Eagle Lake Airport, TX

(Lat. 29°36'00" N, long. 96°19'19" W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Eagle Lake Airport.

Issued in Fort Worth, Texas, on October 31, 2022.

Martin A. Skinner,

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

[FR Doc. 2022-23995 Filed 11-4-22; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 73**

[Docket No. FAA-2020-0755-; Airspace
Docket No. 19-AAL-83]

RIN 2120-AA66

**Amendment of R-2206 and
Establishment of Restricted Areas R-
2206B, R-2206C, R-2206D, R-2206E,
R-2206F, and R-2206G; Clear, AK**

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends restricted area R-2206 by renaming it R-2206A and establishes six new restricted areas R-2206B, R-2206C, R-2206D, R-2206E, R-2206F, and R-2206G, over Clear, AK. The FAA has determined that these actions are necessary to protect aircraft from the hazardous High-Intensity Radiated Field (HIRF) produced by the Long Range Discrimination Radar (LRDR) and segregate non-participating aircraft.

DATES: Effective date 0901 UTC,
December 29, 2022.

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 amends an existing restricted area and establishes restricted areas over Clear, AK, to protect operators from activities deemed hazardous to nonparticipating aircraft.

History*Notice of Proposed Rulemaking*

The FAA published a notice of proposed rulemaking (NPRM) in the **Federal Register** (86 FR 11194; February 24, 2021), amending R-2206 by renaming it and establishing restricted areas R-2206B, R-2206C, R-2206D, R-2206E, R-2206F, and R-2206G over Clear, AK. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal.

History of R-2206 and Clear Airport

R-2206 was initially established as R-20 on January 1, 1961 (25 FR 12174), over the Clear Air Force Station (AFS)¹ at Clear, AK, to protect the National Airspace System (NAS) while a potential radiation hazard caused by the Ballistic Missile Early Warning System (BMEWS) was assessed by the United States Air Force (USAF). On May 12, 1962, the designation of R-2206 was amended to extend the duration for an indefinite period (27 FR 4553) due to ongoing concern regarding the radiation hazard associated with the BMEWS.

Initially established for private use by the military in support of the BMEWS mission, Clear Airport (PACL) is located less than a 1/2 Nautical Mile (NM) from the eastern boundary of R-2206. The airport was leased by the Secretary of the Air Force to the State of Alaska on December 20, 1974. The FAA performed an airspace review and issued a letter of "no objection" to convert the airport from private to public use on January 20, 1976.² Subsequently, the land (1,814 acres) on which PACL is located was declared surplus by the USAF and conveyed to the State of Alaska in the late 1980s. PACL has remained in its original location since its conversion to a public use airport.

The FAA did not object to the proximity of R-2206 to the airport when it was converted to a public use airport because, at the time of conversion, there

¹ On June 15, 2021, Clear AFS was renamed Clear Space Force Station. The renaming was part of ongoing efforts to develop the United States Space Force (USSF). Throughout this document, for continuity with the proposal and clarity, the FAA will use term Clear AFS.

² A copy of this letter is in the docket for this rulemaking.

was no established standard to separate restricted areas and public use airports. The FAA later established that a restricted area must exclude airspace 1,500 feet above ground level (AGL) and below that is within a 3 NM radius of airports available for public use ("1,500AGL/3NM") in the September 16, 1993, edition of FAA Order JO 7400.2, *Procedures for Handling Airspace Matters*.³ The FAA therefore considers the original R-2206 as excepted from the subsequently established "1,500AGL/3NM" restricted area exclusion in FAA Order JO 7400.2.

Drivers for Missile Defense Agency's (MDA) LRDR

Section 235(a)(1) of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2014 required Missile Defense Agency to deploy a LRDR to protect the United States against long-range ballistic missile threats from the Democratic People's Republic of Korea (North Korea) and to locate the LRDR "at a location optimized to support the defense of the homeland of the United States." Public Law 113-66; 10 U.S.C. 2431 (Dec. 26, 2013). Section 235(b)(1) of the NDAA for FY 2014 also required the Secretary of Defense to ensure the capability "to deploy additional tracking and discrimination sensor capabilities to support the defense of the homeland of the United States from future long-range ballistic missile threats that emerge from Iran."

Section 1684 of the NDAA for FY 2016 expressed "the sense of Congress that additional missile defense sensor discrimination capabilities are needed to enhance the protection of the United States homeland against potential long-range ballistic missiles from Iran that, according to the Department of Defense, could soon be obtained by Iran as a result of its active space launch program." Public Law 114-92; 10 U.S.C. 2431 (Jan. 6, 2015). Moreover, Section 1684(d)(1) of the NDAA for FY 2016 established a December 31, 2020, deadline for the deployment of a defensive system.

After a detailed evaluation of cost, schedule, and performance as well as other mission related factors, the Department of Defense (DoD) determined that Clear AFS was the preferred site for the LRDR and designated the USAF as the lead service for LRDR.

³ The current version of this Order is accessible at: https://www.faa.gov/documentLibrary/media/Order/7400.2M_Bsc_w_Chg_1_2_dtd_7_16_20.pdf. See sub-section 23-1-4, Restricted Area Floor.