

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

[Docket No. FAA-2022-1769; Airspace
Docket No. 22-AAL-8]

RIN 2120-AA66

**Revocation of Colored Federal Airway
Blue 38 (B-38) and Blue 40 (B-40);
Haines, AK**

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking
(NPRM).

SUMMARY: This action proposes to
revoke Colored Federal airway Blue 38
(B-38) and Blue 40 (B-40) in the
vicinity of Haines, AK due to the
pending decommissioning of the Haines
(HNS) Non-directional Beacon (NDB).

DATES: Comments must be received on
or before March 13, 2023.

ADDRESSES: Send comments on this
proposal to the U.S. Department of
Transportation, Docket Operations, 1200
New Jersey Avenue SE, West Building
Ground Floor, Room W12-140,
Washington, DC 20590; telephone: (800)
647-5527, or (202) 366-9826. You must
identify FAA Docket No. FAA-2022-
1769; Airspace Docket No. 22-AAL-8 at
the beginning of your comments. You
may also submit comments through the
internet at www.regulations.gov.

FAA Order JO 7400.11G, Airspace
Designations and Reporting Points, and
subsequent amendments can be viewed
online at [www.faa.gov/air_traffic/
publications/](http://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:
Steven Roff, 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 would
modify the route structure as necessary
to preserve the safe and efficient flow of
air traffic within the National Airspace
System (NAS).

Comments Invited

Interested parties are invited to
participate in this proposed rulemaking
by submitting such written data, views,
or arguments as they may desire.
Comments that provide the factual basis
supporting the views and suggestions
presented are particularly helpful in
developing reasoned regulatory
decisions on the proposal. Comments
are specifically invited on the overall
regulatory, aeronautical, economic,
environmental, and energy-related
aspects of the proposal.

Communications should identify both
docket numbers (FAA Docket No. FAA-
2022-1769; Airspace Docket No. 22-
AAL-8) and be submitted in triplicate to
the Docket Management Facility (see
ADDRESSES section for address and
phone number). You may also submit
comments through the internet at
www.regulations.gov.

Commenters wishing the FAA to
acknowledge receipt of their comments
on this action must submit with those
comments a self-addressed, stamped
postcard on which the following
statement is made: "Comments to FAA
Docket No. FAA-2022-1769; Airspace
Docket No. 22-AAL-8." The postcard
will be date/time stamped and returned
to the commenter.

All communications received on or
before the specified comment closing
date will be considered before taking
action on the proposed rule. The
proposal contained in this action may
be changed in light of comments
received. All comments submitted will
be available for examination in the
public docket both before and after the
comment closing date. A report
summarizing each substantive public
contact with FAA personnel concerned
with this rulemaking will be filed in the
docket.

Availability of NPRM

An electronic copy of this document
may be downloaded through the
internet at www.regulations.gov.
Recently published rulemaking
documents can also be accessed through
the FAA's web page at [www.faa.gov/air_
traffic/publications/airspace_
amendments/](http://www.faa.gov/air_traffic/publications/airspace_amendments/).

You may review the public docket
containing the proposal, any comments
received and any final disposition in
person in the Dockets Office (see
ADDRESSES section for address and
phone number) between 9:00 a.m. and
5:00 p.m., Monday through Friday,
except Federal holidays. An informal
docket may also be examined during
normal business hours at the office of
the Operations Support Group, Western
Service Center, Federal Aviation
Administration, 2200 South 216th St.,
Des Moines, WA 98198.

**Availability and Summary of
Documents for Incorporation by
Reference**

This document proposes to amend
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.

Background

The aviation industry has indicated a
desire for the FAA to transition Alaskan
en route navigation structures away
from NDB dependency. Advances in
technology have allowed for alternate
navigation methods to support
decommissioning of high-cost ground
navigation equipment, such as NDBs.
The FAA conducted a non-rulemaking
study in accordance with FAA Order JO
7400.2, Procedures for Handling
Airspace Matters, in 2022 on the HNS
NDB due to the ongoing high cost of
maintenance and repairs. Interested
parties were invited to participate in
this effort by submitting comments on
the proposal. The FAA received no
comments or objections to the study,
and as a result of the study, added the
HNS NDB to the schedule to be
decommissioned.

Colored Federal airway B-38 extends
between the HNS NDB and the Elephant
(EEF) NDB. The decommissioning of the
HNS NDB would render B-38 unusable.
This proposal would revoke B-38 in its
entirety. The mitigation to the loss of B-
38 is in place with United States Area
Navigation (RNAV) Route T-266
overlying or paralleling the entire route.

Colored Federal airway B-40 extends
between the HNS NDB and Robinson
Radio Beacon, YT, Canada, excluding
the portion within Canada. The
decommissioning of the HNS NDB
would render B-40 unusable. This
proposal would revoke B-40 in its
entirety. The FAA is establishing United

States Area Navigation (RNAV) Route T-481 (published as T-383 in Docket No. FAA-2022-0249 in the **Federal Register** (87 FR 16681; March 24, 2022) overlying or paralleling the entire route to mitigate the loss of B-40.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to revoke Colored Federal airway B-38 and B-40 in the vicinity of Haines, AK due to the decommissioning of the HNS NDB. B-38 currently extends between the HNS NDB and the EEF NDB. B-40 extends between the HNS NDB and Robinson Radio Beacon, YT, Canada, excluding the portion within Canada.

Colored Federal airways are published in paragraph 6009(d) 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 Colored Federal airways listed in this document would be removed subsequently in FAA Order JO 7400.11.

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 proposed 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 proposed 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

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures” prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 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 JO 7400.11G, Airspace Designations and Reporting Points, dated August 19, 2022, and effective September 15, 2022, is amended as follows:

Paragraph 6009(d) Colored Federal Airways.

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B-38 [Remove]

B-40 [Remove]

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Issued in Washington, DC, on January 23, 2023.

Brian Konie,

Acting Manager, Airspace Rules and Regulations.

[FR Doc. 2023-01605 Filed 1-26-23; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2022-1678; Airspace Docket No. 22-AWA-4]

Amendment of the Nashville International Airport Class C Airspace; Nashville, TN; and the John C. Tune Airport Class D Airspace; Nashville, TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to reconfigure the Nashville International Airport (BNA) Class C airspace area, and amend the ceiling of the John C. Tune Airport (JWN) Class D airspace area. The FAA is proposing this action to reduce the risk of midair collisions, and enhance the efficient management of air traffic operations in the Nashville, TN, terminal area.

DATES: Comments must be received on or before March 28, 2023.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590; telephone: (800) 647-5527, or (202) 366-9826. You must identify FAA Docket No. FAA-2022-1678; Airspace Docket No. 22-AWA-4, at the beginning of your comments. You may also submit comments through the internet at www.regulations.gov.

FAA Order 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 Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, 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 would modify the airspace structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System (NAS).

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic,