

where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on June 3, 2010. No adverse comments were received, and thus this notice confirms that effective date.

Issued in College Park, Georgia, on May 27, 2010.

Barry A. Knight,

*Acting Manager, Operations Support Group,
Eastern Service Center, Air Traffic
Organization.*

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BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2010-0080; **Airspace**
Docket No. 10-AAL-2]

Revision of Class E Airspace; Wainwright, AK

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises Class E airspace at Wainwright, AK, to accommodate amended Standard Instrument Approach Procedures (SIAPs), and one new Obstacle Departure Procedure (ODP) at Wainwright Airport. The FAA is taking this action to enhance safety and

management of Instrument Flight Rules (IFR) operations at Wainwright Airport.

DATES: Effective 0901 UTC, July 29, 2010. 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 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Gary Rolf, AAL-538G, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513-7587; telephone number (907) 271-5898; fax: (907) 271-2850; e-mail: gary.ctr.rolf@faa.gov. Internet address: http://www.faa.gov/about/office_org/headquarters_offices/ato/service_units/systemops/fs/alaskan/rulemaking/.

SUPPLEMENTARY INFORMATION:

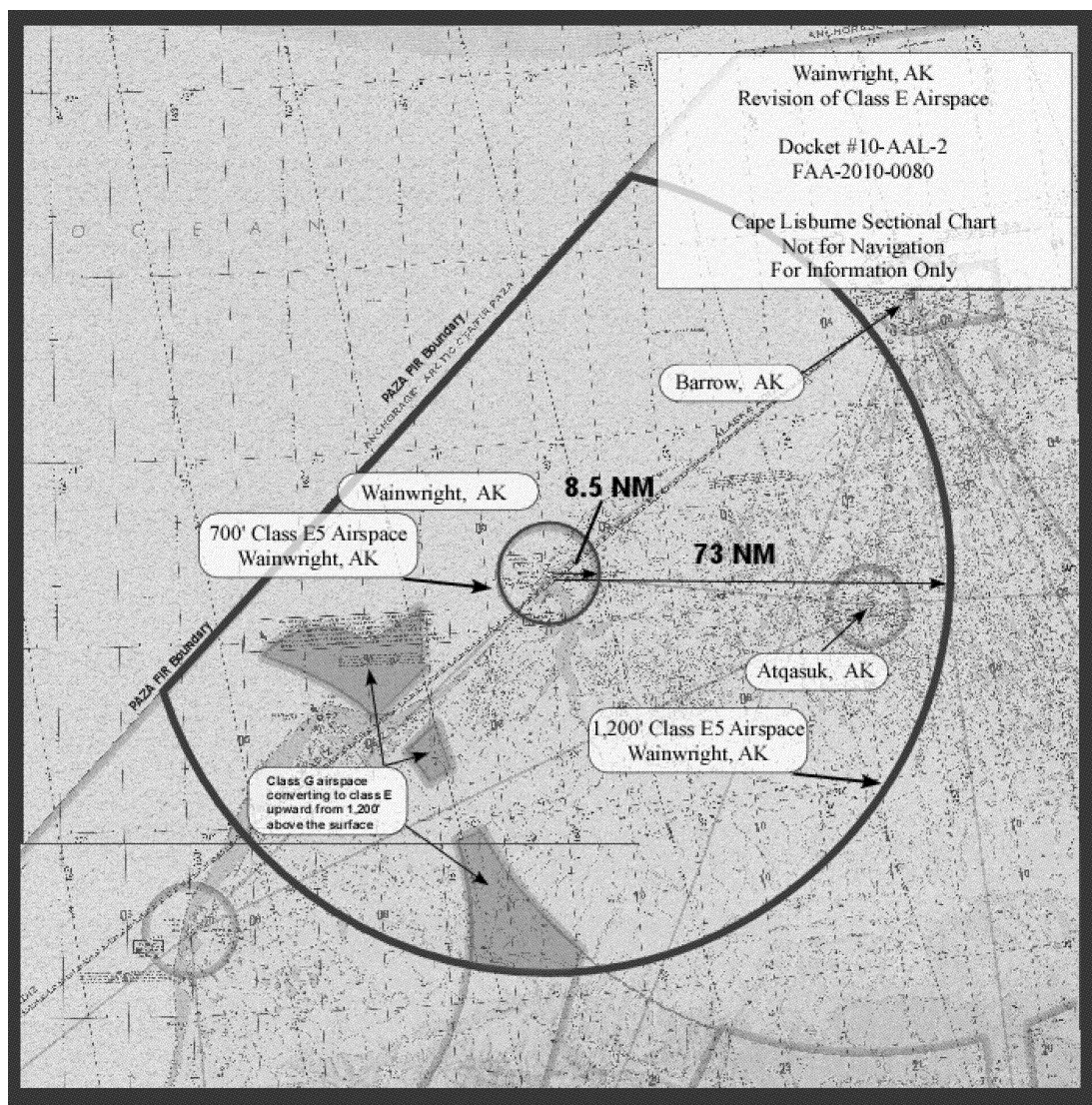
History

On Thursday, March 11, 2010, the FAA published a notice of proposed rulemaking in the **Federal Register** to revise Class E airspace at Wainwright, AK (75 FR 11480).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. One comment was received. Refer to Figure 1 below to see the affected airspace. The commenter agreed with the 700 foot requirement, but asked why the 1,200 foot controlled airspace had to extend 70 miles from the airport, and disagreed with the proposal by questioning the need to extend that distance. The commenter asserted that if he were not able to contact the clearance authority, it would be illegal and unsafe to fly in controlled airspace under IFR without a clearance. The 70-mile requirement is based on Area

Navigation (RNAV) instrument approach requirements based on what are called Terminal Arrival Areas (TAAs). A typical approach is designed to begin at the Initial Approach Fix (IAF) approximately 30 miles from the airport. The air traffic control's controlled airspace requirement begins another 30 miles outside the IAF. In this case, the extension requires a 70-mile radius. Additionally, the commenter asserted that flights out to 70 miles in this area are in Class G airspace. In fact, only a small portion of Class G would be converted to Class E (approximately 5-10% of the area). The remainder is already 1,200 foot Class E airspace associated with airport IFR service at Barrow, Point Lay, and Atkasuk. TAA's in Alaska are good for pilots where non-radar operations are common. They essentially allow the arrival to be reduced to no more than two 90 degree turns to final, without extended non-radar clearances for excessive distances. The trade off in this case is less Class G airspace. However, even in Alaska, the Class G airspace is being converted to Class E where other TAAs have been published, and is quickly becoming unusable for any great distance. Regarding safety, the commenter is correct. Should he encounter inadvertent Instrument Meteorological Conditions (IMC) and have to climb to remain clear of clouds, he would have to either turn to remain VMC or declare an emergency, as he would anywhere else in the country. His comments are reasonable and thoughtful, and we appreciate his participation in this process. However, after consideration of the comment, the rule is adopted as proposed.

Figure 1



The Class E airspace areas designated as 700/1,200 ft. transition areas are published in paragraph 6005 of FAA Order 7400.9T, *Airspace Designations and Reporting Points*, signed August 27, 2009, and effective September 15, 2009, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by revising Class E airspace at Wainwright Airport, AK, to accommodate amended RNAV SIAPs, and a new ODP at Wainwright Airport. This Class E airspace will provide adequate controlled airspace upward from 700 and 1,200 feet above the surface for safety and management of IFR operations at Wainwright Airport.

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 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. Because this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle 1, 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 1, section 40103, Sovereignty and use of airspace. Under that section, the FAA is charged with prescribing regulations to ensure the safe and efficient use of the navigable airspace. This regulation is within the scope of that authority because it creates Class E airspace sufficient in size to contain aircraft executing instrument procedures for the Wainwright Airport and represents the FAA’s continuing effort to safely and efficiently use the navigable airspace.

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, CLASS B, CLASS C, CLASS D, AND CLASS 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(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 Federal Aviation Administration Order 7400.9T, *Airspace Designations and Reporting Points*, signed August 27, 2009, and effective September 15, 2009, is amended as follows:

Paragraph 6005 Class E Airspace Extending Upward from 700 feet or More Above the Surface of the Earth.

* * * * *

AAL AK E5 Wainwright, AK [Revised]

Wainwright Airport, AK

(Lat. 70°38'17" N., long. 159°59'41" W.)

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Wainwright Airport, AK; and that airspace extending upward from 1,200 feet above the surface within a 73-mile radius of the Wainwright Airport, AK, excluding that portion extending outside the Anchorage Arctic CTA/FIR (PAZA) boundary.

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Issued in Anchorage, AK, on May 26, 2010.

Michael A. Tarr,

Acting Manager, Alaska Flight Services Information Area Group.

[FR Doc. 2010–13624 Filed 6–7–10; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2010–0081; Airspace Docket No. 10–AAL–3]

Revision of Class E Airspace; Nenana, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises Class E airspace at Nenana, AK, to accommodate amended Area Navigation (RNAV) Standard Instrument Approach

Procedures (SIAPs), and one Obstacle Departure Procedure (ODP) at Nenana Municipal Airport. The FAA is taking this action to enhance safety and management of Instrument Flight Rules (IFR) operations at Nenana Municipal Airport.

DATES: Effective 0901 UTC, July 29, 2010. 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 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Gary Rolf, AAL–538G, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5898; fax: (907) 271–2850; e-mail: gary.ctr.rolf@faa.gov. Internet address: http://www.faa.gov/about/office_org/headquarters_offices/ato/service_units/systemops/fs/alaskan/rulemaking/.

SUPPLEMENTARY INFORMATION:

History

On Thursday, March 11, 2010, the FAA published a notice of proposed rulemaking in the **Federal Register** to revise Class E airspace at Nenana, AK (75 FR 11481).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received. The rule is adopted as proposed.

The Class E airspace areas designated as 700/1,200 ft. transition areas are published in paragraph 6005 of FAA Order 7400.9T, *Airspace Designations and Reporting Points*, signed August 27, 2009, and effective September 15, 2009, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by revising Class E airspace at Nenana Municipal Airport, AK, to accommodate amended RNAV SIAPs, and an ODP at Nenana Municipal Airport. This Class E airspace will provide adequate controlled airspace upward from 700 and 1,200 feet above the surface for safety and management of IFR operations at Nenana Municipal Airport.

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 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. Because this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle 1, 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 1, section 40103, Sovereignty and use of airspace. Under that section, the FAA is charged with prescribing regulations to ensure the safe and efficient use of the navigable airspace. This regulation is within the scope of that authority because it creates Class E airspace sufficient in size to contain aircraft executing instrument procedures for the Nenana Municipal Airport and represents the FAA’s continuing effort to safely and efficiently use the navigable airspace.

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, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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