

air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 amends the Class E airspace extending upward from 700 feet above the surface to within a 6.5-mile (reduced from a 7-mile) radius of Charlevoix Municipal Airport, Charlevoix, MI; and updates the geographic coordinates of the airport to coincide with the FAA's aeronautical database.

This action is the result of an airspace review caused by the decommissioning of the Charlevoix NDB.

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

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

* * * * *

AGL MI E5 Charlevoix, MI [Amended]

Charlevoix Municipal Airport, MI
(Lat. 45°18'18" N, long. 85°16'31" W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Charlevoix Municipal Airport.

Issued in Fort Worth, Texas, on November 16, 2020.

Martin A. Skinner,

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

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No.: FAA–2019–0200]

Operators of Boeing Company Model 737–8 and Boeing Company Model 737–9 Airplanes: Rescission of Emergency Order of Prohibition

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notification of Rescission of Emergency Order of Prohibition.

SUMMARY: The Emergency Order of Prohibition issued March 13, 2019, which restricted the operation of Boeing Company Model 737–8 and Boeing Company Model 737–9 airplanes, is rescinded, with effect as described in the rescission.

DATES: The Rescission of the Emergency Order of Prohibition is effective November 18, 2020 as to any Boeing Company Model 737–8 and 737–9 airplanes that hereafter receive FAA airworthiness certificates and export

certificates of airworthiness, and any foreign-registered Boeing Company Model 737–8 and 737–9 airplanes operating in U.S. airspace. The Rescission of the Emergency Order of Prohibition is effective upon publication in the **Federal Register** of Airworthiness Directive 2020–24–02 as to all U.S.-registered Boeing Company Model 737–8 and 737–9 airplanes.

FOR FURTHER INFORMATION CONTACT: Ian Won, Federal Aviation Administration, Aircraft Certification Service, Seattle ACO Branch, 2200 South 216th Street, Des Moines, WA 98198 (Email: 9-FAA-SACO-AD-Inquiry@faa.gov; Tel: 206–231–3500).

SUPPLEMENTARY INFORMATION: The full text of the Rescission of the Emergency Order of Prohibition issued November 18, 2020 is set forth below:

Rescission of Emergency Order of Prohibition

The Federal Aviation Administration (FAA) Emergency Order of Prohibition issued March 13, 2019, applicable to Boeing Company Model 737–8 and Boeing Company Model 737–9 airplanes, is rescinded with effect as described below. This rescission enables operation of Boeing Company Model 737–8 and Boeing Company Model 737–9 airplanes only upon satisfaction of applicable requirements for return to service.

Background

When the Administrator determines that an emergency exists related to safety in air commerce and requires immediate action, the Administrator may issue immediately effective orders to meet the emergency. *See* 49 U.S.C. 46105(c). On March 13, 2019, upon receiving information indicating the possibility of a shared cause for accidents involving Boeing Model 737–8 airplanes operated by Lion Air (Flight 610) on October 29, 2018 and Ethiopian Airlines (Flight 302) on March 10, 2019, the FAA determined that an emergency existed and issued an Emergency Order of Prohibition that restricted the operation of Boeing Company Model 737–8 and Boeing Company Model 737–9 airplanes. *See* 84 FR 9705. Following issuance of such an order, the FAA is to begin a proceeding immediately about the emergency and give preference, when practicable, to the proceeding. *See* 49 U.S.C. 46105(c).

Basis for Rescission

The FAA determined that the Lion Air and Ethiopian Airlines accidents involved a common cause, identified an unsafe condition that existed in the product and was likely to exist or

develop in other products of the same type design, and began proceedings to address the unsafe condition. On August 6, 2020, the FAA issued a notice of proposed rulemaking (NPRM) proposing an Airworthiness Directive that would apply to U.S.-registered Boeing Company Model 737-8 and Boeing Company Model 737-9 airplanes and would require owners and operators to complete certain corrective action necessary to address the unsafe condition. See 85 FR 47698. On November 18, 2020, after considering public comments on the NPRM, the FAA issued Airworthiness Directive 2020-24-02 as a final rule that requires certain corrective action to address the unsafe condition before further flight and conforms the aircraft to the amended Model 737-8 and 737-9 type designs that FAA approved on November 17, 2020. The Airworthiness Directive will become effective upon its publication in the **Federal Register**.

Together, the Airworthiness Directive and the design approval address the unsafe condition as to the existing U.S.-registered fleet of Boeing Company Model 737-8 and 737-9 airplanes and as to any Model 737-8 and 737-9 airplanes for which The Boeing Company hereafter seeks airworthiness certificates and export certificates of airworthiness. It is now practicable for the FAA to give preference to the proceedings that the FAA began in response to the emergency.

First, the Emergency Order of Prohibition is no longer necessary as to any Boeing Company Model 737-8 and 737-9 airplanes that hereafter receive original FAA airworthiness certificates and export certificates of airworthiness based on the amended type designs.

Second, for any Boeing Company Model 737-8 and 737-9 airplanes not falling into that first category, the Emergency Order of Prohibition is unnecessary as to foreign-registered airplanes operating in U.S. airspace. With respect to foreign-registered Boeing Company Model 737-8 and 737-9 airplanes, the FAA will apply Article 33 and Annex 8 of the Convention on International Civil Aviation (the Chicago Convention) to take appropriate action to restrict access to U.S. airspace and address any non-compliance with U.S. laws where the foreign civil aviation authority of the state of registry does not require conformance with the newly amended type design or an alternative that achieves at least an equivalent level of safety.

Finally, upon the publication of Airworthiness Directive 2020-24-02 in the **Federal Register**, the legal force of that Airworthiness Directive will

supersede any need to apply the Emergency Order of Prohibition as to the existing U.S.-registered fleet of Boeing Company Model 737-8 and 737-9 airplanes that the FAA previously certificated. With respect to those airplanes, Airworthiness Directive 2020-24-02 requires corrective action before further flight.

Importantly, in the scenarios identified above, before returning Boeing Company Model 737-8 and 737-9 airplanes to service, operators must also meet all other applicable requirements, such as completing new training for pilots and conducting maintenance activity.

Rescission

For the foregoing reasons, the March 13, 2019 Emergency Order of Prohibition is rescinded as follows:

- (1) Effective immediately as to any Boeing Company Model 737-8 and 737-9 airplanes that hereafter receive FAA airworthiness certificates and export certificates of airworthiness;
- (2) Effective immediately as to any foreign-registered Boeing Company Model 737-8 and 737-9 airplanes operating in U.S. airspace; and
- (3) Effective upon publication in the **Federal Register** of Airworthiness Directive 2020-24-02 as to all U.S.-registered Boeing Company Model 737-8 and 737-9 airplanes.

Rescission Contact Official

Direct any questions concerning this rescission, to Ian Won, Federal Aviation Administration, Aircraft Certification Service, Seattle ACO Branch, 2200 South 216th Street, Des Moines, WA 98198 (Email: 9/FAA/SACO/AD-Inquiry@faa.gov; Tel: 206-231-3500).

Issued in Washington, DC, on November 18, 2020.

Steve Dickson,
Administrator.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG-2020-0128]

RIN 1625-AA08

Special Local Regulation: Fort Lauderdale Air Show; Atlantic Ocean, Fort Lauderdale, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation (SLR) in the Atlantic Ocean east of Fort Lauderdale, Florida in connection with the Ft Lauderdale Air Show. The Ft Lauderdale Air Show is listed as typically occurring annually over one weekend in May. This year, however, the sponsor changed the event's date to the weekend of November 20, 2020. The SLR extends north of the Port Everglades Inlet approximately six miles and is necessary to ensure the safety of the public, spectators, participating vessels, and marine environment during aerobatic maneuvers by low-flying airplanes and high-speed surface demonstrations during the Fort Lauderdale Air Show. This SLR prohibits persons and non-participant vessels from entering, transiting, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port (COTP) Miami or a designated representative.

DATES: This rule is effective from 10 a.m. to 5 p.m. daily from November 20, 2020, through November 22, 2020.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2020-0128 in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, contact Omar Beceiro, Sector Miami Waterways Management Division, U.S. Coast Guard by telephone at 305-535-4317 or by email at Omar.Beceiro@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a