

airspace extending upward from the surface”.

Issued in Seattle, Washington, on January 2, 2018.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0615; Airspace Docket No. 17–ANM–25]

Establishment of Class E Airspace; Madras, OR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace extending upward from 700 feet above the surface at Madras Municipal Airport, Madras, OR, amending the airspace for the safety and management of instrument flight rules (IFR) operations within the National Airspace System. The airspace designation was inadvertently removed from FAA Order 7400.9X on June 20, 2014.

DATES: Effective 0901 UTC, March 29, 2018. 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 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11B, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at http://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. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Tom Clark, Federal Aviation Administration,

Operations Support Group, Western Service Center, 1601 Lind Avenue SW, Renton, WA 98057; telephone (425) 203–4511.

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 establishes Class E airspace at Madras Municipal Airport, Madras, OR, to support instrument flight rules (IFR) operations at the airport.

History

The FAA published a notice of proposed rulemaking (NPRM) in the **Federal Register** for Docket No. FAA–2017–0615 (82 FR 40739; August 28, 2017). The NPRM proposed to establish Class E airspace extending upward from 700 feet above the surface at Madras Municipal Airport, Madras, OR. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One comment was received.

Discussion of Comment

The commenter objected to the proposal based on a belief that proposed Class E airspace “is targeted at citizen operated camera drones” and is intended to limit their use in the vicinity of the airport.

The FAA does not establish airspace to regulate the use of drones (also known as unmanned aerial systems (UAS)). The use of UAS is regulated under title 14 Code of Federal Regulations (14 CFR) parts 91 and 107, and is not relevant to this proposal.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017. FAA Order 7400.11B is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11B lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

The FAA is amending title 14 Code of Federal Regulations (14 CFR part 71) by establishing Class E airspace extending upward from 700 feet above the surface at Madras Municipal Airport, Madras, OR, within 4 miles northwest and 3.5 miles southeast of the airport 028° and 208° bearings, respectively, extending to 6.5 miles northeast and 7.5 miles southwest of the airport, and within 1 mile west and 1.1 miles east of the airport 180° bearing extending to 10.6 miles south of the airport.

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, 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 action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures,” paragraph 5–6.5a. 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 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, is amended as follows:

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

* * * * *

ANM OR E5 Madras, OR [New]

Madras Municipal Airport, OR
(Lat. 44°40'13" N, long. 121°09'19" W)

That airspace extending upward from 700 feet above the surface within 4 miles northwest and 3.5 miles southeast of the 028° bearing from Madras Municipal Airport extending to 6.5 miles northeast of the airport, and within 4 miles northwest and 3.5 miles southeast of the 208° bearing from the airport extending to 7.5 miles southwest of the airport, and within 1.0 mile west and 1.1 miles east of the 180° bearing from the airport extending to 10.6 miles south of the airport.

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DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 121**

[Docket No.: FAA–2013–0485; Amdt. No. 121–376B]

RIN 2120–AJ94

Revisions to Operational Requirements for the Use of Enhanced Flight Vision Systems (EFVS) and to Pilot Compartment View Requirements for Vision Systems; Correcting Amendment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correcting amendment.

SUMMARY: The FAA is correcting a final rule published on December 13, 2016. In that rule, the FAA amended its regulations to allow operators to use an enhanced flight vision system (EFVS) in lieu of natural vision to continue descending from 100 feet above the touchdown zone elevation (TDZE) to the runway and to land on certain straight-in instrument approach procedures (IAPs) under instrument flight rules (IFR). As part of the final rule, the FAA revised appendix F to part 121 to provide greater clarity on the checking requirements for EFVS. In amending appendix F to part 121, the FAA used amendatory instructions that inadvertently misplaced new paragraph III(c)(5). This document amends appendix F to part 121 to correct that error.

DATES: Effective January 10, 2018.

FOR FURTHER INFORMATION CONTACT: Terry King, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267–8790; email Terry.King@faa.gov.

SUPPLEMENTARY INFORMATION:**Background**

On December 13, 2016, the FAA published a final rule entitled, “Revisions to Operational Requirements for the Use of Enhanced Flight Vision Systems (EFVS) and to Pilot Compartment View Requirements for Vision Systems.”¹ In that final rule, which became effective, in part, on March 13, 2017, the FAA created new 14 CFR 91.176 to contain the operating rules for EFVS operations to touchdown

and rollout and for EFVS operations to 100 feet above the TDZE. The FAA also established training and recent flight experience requirements for persons conducting EFVS operations.²

Because part 121 operators authorized to conduct EFVS operations were already required to train, check, and qualify their pilots on EFVS in accordance with their Operation Specifications, the FAA excepted part 121 pilots from the new EFVS recent flight experience requirements.³ The FAA recognized, however, that the requirement to be qualified for EFVS operations by one of the certificate holder’s check airmen was not as transparent as the requirements to train crewmembers on EFVS, which are found within the relevant operating rules of 14 CFR. Therefore, the FAA revised appendix F to part 121 to provide greater clarity on the checking requirements for EFVS operations.

In amending appendix F to part 121, the FAA included amendatory instructions to amend the Table by adding new entry III.(c)(5). However, because of the undesignated paragraph following paragraph III.(c)(4) in appendix F, it was unclear whether new paragraph III(c)(5) should be published before or after the undesignated paragraph. When the final rule became effective, paragraph III.(c)(5) was inadvertently placed after the undesignated paragraph.

Correction

The FAA did not intend to add paragraph III.(c)(5) after the undesignated paragraph preceding paragraph III.(d). Instead, paragraph III(c)(5) should immediately follow paragraph III.(c)(4). The FAA is therefore revising appendix F to part 121 to relocate paragraph III.(c)(5) accordingly.

Because this amendment results in no substantive change, the FAA finds that the notice and public procedures under 5 U.S.C. 553(b) are unnecessary. For the same reason, the FAA finds good cause exists under 5 U.S.C. 553(d)(3) to make the amendments effective in less than 30 days.

² The FAA notes that the training and recent flight experience requirements of § 61.66 will become effective on March 13, 2018.

³ The EFVS recent flight experience and EFVS refresher training requirements are contained in § 61.66(d) and (e). Section 61.66(h)(3) states that the requirements of paragraph (d) and (e) do not apply to a pilot who is employed by a part 119 certificate holder authorized to conduct operations under part 121, 125, or 135 when the pilot is conducting an EFVS operation for that certificate holder under part 91, 121, 125, or 135, as applicable, provided the pilot conducts the operation in accordance with the certificate holder’s operations specifications for EFVS operations.

¹ 81 FR 90126; corrected at 82 FR 2193, January 9, 2017; corrected at 82 FR 9677, February 8, 2017.