

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**[Docket No. FAA-2019-0222; Airspace
Docket No. 19-ASW-5]

RIN 2120-AA66

**Establishment of Class E Airspace;
Beeville-Chase Field, TX****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 Chase Field Industrial Airport, Beeville-Chase Field, TX. Controlled airspace is necessary to accommodate new standard instrument approach procedures developed at Chase Field Industrial Airport, for the safety and management of instrument flight rules (IFR) operations.

DATES: Effective 0901 UTC, October 10, 2019. 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 7400.11C, 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 FAA Order 7400.11C 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: Rebecca Shelby, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222-5857.

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 extending upward from 700 feet above the surface at Chase Field Industrial Airport, Beeville-Chase Field, TX, to support IFR operations at the airport.

History

On April 5, 2019, the FAA published a notice of proposed rulemaking in the **Federal Register** (84 FR 13574) for Docket No. FAA-2019-0222, to establish Class E airspace extending upward from 700 feet above the surface at Chase Field Industrial Airport, Beeville-Chase Field, TX. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. Three comments were received all in favor of the new Class E airspace.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018. FAA Order 7400.11C is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11C lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 establishes Class E airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Chase Field Industrial Airport, Beeville-Chase Field, TX, to accommodate new standard instrument approach procedures developed for the airport, for the safety and management of instrument flight rules (IFR) operations.

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 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, 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 Beeville-Chase Field, TX [New]

Chase Field Industrial Airport, TX
(Lat. 28°21'45" N, long. 097°39'43" W)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of the Chase Field Industrial Airport.

Issued in Fort Worth, Texas, on July 18, 2019.

John Witucki,

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

[FR Doc. 2019-15758 Filed 7-24-19; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 135

[Docket No.: FAA-2019-0564; Amendment No. 135-141]

RIN 2120-AK94

IFR Operations at Locations Without Weather Reporting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is amending a regulation to allow helicopter air ambulance (HAA) operators to conduct instrument flight rules departure and approach procedures at airports and heliports that do not have an approved weather reporting source. This rule applies to HAA aircraft without functioning severe weather detection equipment (airborne radar or lightning strike detection equipment), to permit instrument flight rules departure and approach procedures when the pilot in command reasonably determines that the operation will not encounter severe weather at the destination, the alternate destination, or along the route of flight. This amended rule also updates requirements to address the discontinuance of area forecasts and certain requirements concerning HAA departure procedures.

DATES: This final rule is effective August 26, 2019.

ADDRESSES: For information on where to obtain copies of rulemaking documents and other information related to this final rule, see “How To Obtain Additional Information” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this action, contact Tom Luipersbeck, Air Transportation Division, 135 Air Carrier Operations Branch, AFS-250, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone 202-267-8166; email: Thomas.A.Luipersbeck@faa.gov.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

This rule finalizes the notice of proposed rulemaking entitled *IFR Operations at Locations Without Weather Reporting* (the NPRM).¹ The NPRM proposed permitting HAA departure and approach procedures conducted under instrument flight rules (IFR) when helicopters do not have functional severe weather detection equipment and when the airport or heliport at which the departure or approach will occur does not have an approved weather reporting source. The proposed regulatory text specified that such procedures could only occur when the pilot in command does not expect to encounter severe weather at the destination, the alternate destination, or along the route of flight. The NPRM further proposed updates to address the transition from Area Forecasts that the National Weather Service (NWS) currently provides to equivalent information from weather reports, forecasts, or any combination thereof. In addition, the NPRM proposed amending the term “the published Obstacle Departure Procedure” to “a published departure procedure.” This rule finalizes all amendments the NPRM included, with no modifications.

II. Background

A. Authority for This Rulemaking

The FAA’s authority to issue rules on aviation safety is codified in Title 49 of the United States Code. The FAA promulgates this rule under the general authority described in 49 U.S.C. 106, which includes a detailed description of the agency’s authority. Section 106(f) establishes that the Administrator may promulgate and revise regulations as are necessary to carry out the FAA’s functions. Furthermore, § 44701(a) requires the Administrator to promote safe flight of civil aircraft in air commerce by prescribing regulations and setting minimum standards for other practices, methods and procedures necessary for safety in air commerce and national security. Moreover, § 44730 addresses HAA operations and authorizes the Administrator to engage in rulemaking to ensure safety of part 135 certificate holders that engage in such operations.

B. Comments in Response to Proposed Rule

The FAA received five comments in response to the NPRM, all of which support the proposed amendment to remove the requirement for severe weather detection equipment in 14 CFR

135.611(b). The commenters generally agreed with the FAA that the amendment will encourage pilots to fly under IFR, which is safer than flights operated under visual flight rules (VFR), for flights conducted under marginal VFR conditions. One comment from an individual suggested the FAA consider further changes, such as requiring utilization of “lower altitude airway structures” and modifications to rules concerning operations in icing conditions. The FAA appreciates the suggestions, but finds that such amendments to the final rule would be outside the scope of the proposal.

The Air Medical Operators Association (AMOA) requested the FAA clarify in the final rule that the use of the term “airport” in § 135.611 includes heliports. The FAA agrees that the term “airport,” as defined in 14 CFR 1.1 and as used throughout the FAA’s regulations, means an area of land or water that is used or intended to be used for the landing and takeoff of aircraft. This definition is broad, and includes heliports.

Additionally, AMOA supported the proposed amendment to remove the word “obstacle” from the term “obstacle departure procedure” in § 135.611(a)(3). The FAA agrees with AMOA that updating the term to “departure procedure” is necessary in order to permit the use of other departure procedures. For example, operators may conduct a diverse departure procedure or standard instrument departure procedure that the FAA has deemed safe and appropriate based on ensured obstacle clearance and flyability.

No commenters addressed the FAA’s proposal to update the text of § 135.611(a)(1) to address the transition from Area Forecasts that the NWS currently provides to equivalent information from weather reports, forecasts, or any combination of such sources.

C. Exemption History

Since the FAA established the requirement for HAA operators to use helicopters equipped with functioning severe weather detection equipment, the FAA has received ten petitions for exemption from the requirement.² These HAA operators established in their petitions that an exemption would not adversely affect safety because they would not conduct operations in accordance with the exemption if they expected to encounter severe weather

² The FAA issued the final rule that set forth the requirement of § 135.611(b) on July 28, 2014. 79 FR 43622. Any certificate holder that seeks exemption from such a requirement may submit a petition for exemption pursuant to 14 CFR 11.81.

¹ 83 FR 15332 (Apr. 10, 2018).