

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, is amended as follows:

Paragraph 6002 Class E Airspace Areas Designated as Surface Areas.

* * * * *

ANM OR E2 Astoria, OR [Amended]

Astoria Regional Airport, Astoria, OR
(Lat. 46°09'29" N, long. 123°52'43" W)
Camp Rilea Army Heliport
(Lat. 46°06'59" N, long. 123°55'54" W)

That airspace extending upward from the surface within a 4-mile radius of the airport beginning at the 350° bearing from the airport, clockwise to the 239° bearing from the airport, thence along the 239° bearing to a 5-miles radius, clockwise to the 350° bearing from the airport, thence along the 350° bearing to the 4-miles radius of the Astoria Regional Airport, excluding that airspace within a 1-mile radius of the Camp Rilea Army Heliport.

Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.

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ANM OR E4 Astoria, OR [New]

Astoria Regional Airport, Astoria, OR
(Lat. 46°09'29" N, long. 123°52'43" W)

That airspace extending upward from the surface within 1.1 miles each side of the 095° bearing from the airport, extending from the 4-mile radius to 9.3 miles east of the airport, and within 2.4 miles each side of the 267° bearing from the airport, extending from the 5-mile radius to 7.1 miles west of the Astoria Regional Airport.

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

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ANM OR E5 Astoria, OR [Amended]

Astoria Regional Airport, Astoria, OR
(Lat. 46°09'29" N, long. 123°52'43" W)

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the airport, and within 4 miles each side of the 095° bearing from the airport, extending from the 8-mile radius to 18.8 miles east of the airport, and 4.3 miles north and 7.8 miles south of the 265° bearing from the airport, extending from the 8-mile radius to 16.1 miles west of the Astoria Regional Airport.

Issued in Seattle, Washington, on February 26, 2020.

Shawn M. Kozica,

Group Manager, Western Service Center, Operations Support Group.

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

[Docket No. FAA-2019-0341; Airspace
Docket No. 18-ANM-4]

RIN 2120-AA66

**Amendment of Class E Airspace;
Gunnison, CO**

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace at Gunnison-Crested Butte Regional Airport, Gunnison, CO. The action increases the circular radius of the Class E airspace designated as a surface area and adds an extension to the west of the airport. Also, this action amends the Class E airspace by adding an airspace area, designated as an extension to a Class D or Class E surface area, to the southwest of the airport. Additionally, this action amends the Class E airspace extending upward from 700 feet above the surface by significantly reducing the area around the airport, except to the west and southwest of the airport. Furthermore, this action amends the Class E airspace extending upward from 1,200 feet above the surface by removing this area. This area is wholly contained within the Denver Class E6 en route airspace area and duplication is not necessary. Lastly, this action makes several administrative corrections to the airspace legal descriptions for the airport.

DATES: Effective 0901 UTC, May 21, 2020. 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 7400.11D, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at https://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 7400.11D at NARA, email fedreg.legal@nara.gov or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

FOR FURTHER INFORMATION CONTACT: Matthew Van Der Wal, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231-3695.

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 would amend Class E airspace at Gunnison-Crested Butte Regional Airport, Gunnison, CO, to ensure the safety and management of Instrument Flight Rules (IFR) operations at the airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (84 FR 68381; December 16, 2019) for Docket No. FAA-2019-0341 to amend Class E airspace at Gunnison-Crested Butte Regional Airport, Gunnison, CO. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One comment was received.

The commenter stated "that the Final Rule should state that the Class E Surface Area hours of operation are continuous". This topic was addressed in the NPRM and the Final Rule removes the part time language from the legal description.

Class E2, E4 and E5 airspace designations are published in paragraph 6002, 6004 and 6005, respectively, of FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, 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 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as

listed in the **ADDRESSES** section of this document. FAA Order 7400.11D 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 amends Class E airspace at the Gunnison-Crested Butte Regional Airport, Gunnison, CO. The action amends the Class E airspace, designated as a surface area, by increasing the circular radius and adds an extension to the west of the airport. The airspace area is defined as follows: That airspace extending upward from the surface within a 4.8-mile radius of the airport and within 1 mile each side of the 256° bearing from the airport, extending from the 4.8-mile radius to 5.7 miles west of the Gunnison-Crested Butte Regional Airport.

Also, this action amends Class E airspace by adding an area designated an extension to Class D and Class E2 surface areas. This airspace area is defined as follows: That airspace extending upward from the surface within 1.4 miles each side of the 225° bearing, extending from the 4.8-mile radius to 14.1 miles southwest of the Gunnison-Crested Butte Regional Airport.

Additionally, this action amends the Class E airspace extending upward from 700 feet above the surface. The action removes most of the area extending upward from 700 feet above the surface, from the northwest of the airport clockwise to the south of the airport. A small area would remain east of the airport and two larger areas would remain to the southwest and west of the airport. This airspace area is defined as follows: That airspace extending upward from 700 feet above the surface, extending from the 4.8-mile radius to a 7-mile radius along the 052° bearing from the airport, clockwise to the 107° bearing from the airport, thence along the 107° bearing back to the 4.8-mile radius, and within 2.5 miles each side of the 254° bearing from the airport, extending from the 4.8-mile radius to 9.6 miles west of the airport, and within 8.1 miles north and 3.9 miles south of the 225° bearing from the airport, extending from 7.1 miles to 23.1 miles southwest of the Gunnison-Crested Butte Regional Airport.

Furthermore, this action removes the Class E airspace extending upward from 1,200 feet above the surface. This airspace area is wholly contained within the Denver Class E6 en route airspace area and duplication is not necessary.

Lastly, the action makes several administrative corrections to the airspaces legal descriptions. The geographic coordinates need to be updated to (lat. 38°32'04" N, long. 106°55'54" W) to match the FAA's aeronautical database. The Class E surface airspace is full time; the following two sentences do not accurately represent the time of use for this airspace area are removed from the legal description: "This Class E airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory."

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 will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would 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.

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, 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 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, is amended as follows:

Paragraph 6002 Class E Airspace Areas Designated as a Surface Area.

* * * * *

ANM CO E2 Gunnison, CO [AMENDED]

Gunnison-Crested Butte Regional Airport, CO
(Lat. 38°32'04" N, long. 106°55'54" W)

That airspace extending upward from the surface within a 4.8-mile radius of the airport, and within 1 mile each side of the 256° bearing from the airport, extending from the 4.8-mile radius to 5.7 miles west of the Gunnison-Crested Butte Regional Airport.

Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.

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ANM CO E4 Gunnison, CO [NEW]

Gunnison-Crested Butte Regional Airport, CO
(Lat. 38°32'04" N, long. 106°55'54" W)

That airspace extending upward from the surface within 1.4 miles each side of the 225° bearing from the airport, extending from the 4.8-mile radius to 14.1 miles southwest of the Gunnison-Crested Butte Regional Airport.

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

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ANM CO E5 Gunnison, CO [AMENDED]

Gunnison-Crested Butte Regional Airport, CO
(Lat. 38°32'04" N, long. 106°55'54" W)

That airspace extending upward from 700 feet above the surface extending from the 4.8-mile radius to a 7-mile radius along the 052° bearing from the airport, clockwise to the 107° bearing from the airport, thence along the 107° bearing back to the 4.8-mile radius, and within 2.5 each side of the 254° bearing from the airport, extending from the 4.8-mile radius to 9.6 miles west of the airport, and within 8.1 miles north and 3.9 miles south of the 225° bearing from the airport, extending from 7.1 miles to 23.1 miles southwest of the Gunnison-Crested Butte Regional Airport.

Issued in Seattle, Washington, on February 26, 2020.

Shawn M. Kozica,

Group Manager, Western Service Center, Operations Support Group.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2020-0057]

RIN 1625-AA00

Safety Zone; Monongahela River Mile 28.0 to Mile 30.0, Pittsburgh, PA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for mile 28.0 to mile 30.0 of the Monongahela River. This action is necessary to provide for the safety of life on these navigable waters near Mitchell Power Plant, Pittsburgh, PA, during an electrical conductor pull from March 2, 2020 through March 20, 2020. This rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port Pittsburgh or a designated representative.

DATES: This rule is effective without actual notice from March 3, 2020 through March 20, 2020. For the purposes of enforcement, actual notice will be used from March 2, 2020 until March 3, 2020.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2020-0057 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, call or email MST2 Trevor Vannatta, Waterways Management U.S. Coast Guard; telephone 412-221-0807, email Trevor.J.Vannata@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

On November 12, 2019, the Duquesne Light Company notified the Coast Guard that it will be conducting an electrical conductor pull on March 2, 2020, in order to replace an existing electrical conductor with a new higher ampacity electrical conductor. In response, on February 3, 2020, the Coast Guard published a notice of proposed rulemaking (NPRM) titled "Safety Zone; Monongahela River Mile 28.0 to Mile 30.0, Pittsburgh, PA", (85 FR 5911, Feb. 3, 2020). That NPRM comment period does not close until March 4, 2020. The Coast Guard is unable to delay implementing this final rule to await the close of the comment period because the start date of the electrical conductor pull is March 2, 2020.

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 notice of proposed rulemaking (NPRM) with respect to this rule because immediate action is needed to mitigate potential safety hazards associated with the process of pulling the new cables across the Monongahela River. It is impracticable to publish an NPRM and consider the comments before issuing this final rule because we must establish this safety zone by March 2, 2020, when the electrical pulling is scheduled to start.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because immediate action is needed to protect vessels and persons during the replacement of old powerlines crossing the Monongahela River beginning on March 2, 2020.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port Pittsburgh (COTP) has determined that potential hazards associated with the replacement of powerlines between March 2, 2020 through March 20, 2020 will be a safety concern for anyone between Mile 28.0-

30.0 on the Monongahela River. The purpose of this rule is to ensure safety of vessels and the navigable waters in the safety zone before, during, and after the scheduled work.

IV. Discussion of Comments, Changes, and the Rule

This rule establishes a safety zone from March 2, 2020 through March 20, 2020. The safety zone will cover all navigable waters from mile 28.0 to mile 30.0 on the Monongahela River near Pittsburgh, PA. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after a scheduled maintenance activity. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a "significant regulatory action," under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the size, location, and duration of the safety zone. The safety zone will impact a 2-mile stretch of the Monongahela River for 19 days, and vessel traffic would be able to safely transit around this safety zone. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF-FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601-612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The