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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2022-0774; Airspace
Docket No. 22-AGL-26]

RIN 2120-AA66

Amendment of Class D and Class E Airspace and Revocation of Class E Airspace; La Crosse, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class D and Class E airspace and revokes Class E airspace at La Crosse, WI. This action due to an airspace review conducted as part of the decommissioning of the La Crosse very high frequency (VHF) omnidirectional range (VOR) as part of the VOR Minimal Operational Network (MON) Program.

DATES: Effective 0901 UTC, December 29, 2022. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at 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.

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222-5711.

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 amends the Class D airspace, Class E surface airspace, and Class E airspace extending upward from 700 feet above the surface and removes the Class E airspace designated as an extension to Class D and Class E surface airspace at La Crosse Regional Airport, La Crosse, WI, to support instrument flight rule operations at this airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (87 FR 36421; June 17, 2022) for Docket No. FAA-2022-0774 to amend the Class D and Class E airspace and revoke Class E airspace at La Crosse, WI. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class D and E airspace designations are published in paragraphs 5000, 6002, 6004, and 6005, respectively, of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document will be published subsequently in FAA Order JO 7400.11.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021. FAA Order JO 7400.11F is publicly available as listed in the **ADDRESSES** section of this document. FAA Order JO 7400.11F lists Class A, B, C, D, and E

airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to 14 CFR part 71: Amends the Class D airspace at La Crosse Regional Airport, La Crosse, WI, by adding an extension 1 mile each side of the 359° bearing from the La Crosse Regional: RWY 18-LOC extending from the 4.4-mile radius of the airport to 5.3 miles north of the airport; adds an extension 1 mile each side of the 359° bearing from the airport extending from the 4.4-mile radius to 5.3 miles north of the airport; adds an extension 1 mile each side of the 036° bearing from the airport extending from the 4.4-mile radius of the airport to 6.2 miles northeast of the airport; adds an extension 1 mile each side of the 119° bearing from the airport extending from the 4.4-mile radius of the airport to 5.7 miles southeast of the airport; adds an extension 1 mile each side of the 216° bearing from the airport extending from the 4.4-mile radius of the airport to 5.6 miles southwest of the airport; and replaces the outdated term "Notice to Airmen" with "Notice to Air Missions";

Amends the Class E surface airspace at La Crosse Regional Airport by adding an extension 1 mile each side of the 359° bearing from the La Crosse Regional: RWY 18-LOC extending from the 4.4-mile radius of the airport to 5.3 miles north of the airport; adds an extension 1 mile each side of the 359° bearing from the airport extending from the 4.4-mile radius to 5.3 miles north of the airport; adds an extension 1 mile each side of the 036° bearing from the airport extending from the 4.4-mile radius of the airport to 6.2 miles northeast of the airport; adds an extension 1 mile each side of the 119° bearing from the airport extending from the 4.4-mile radius of the airport to 5.7 miles southeast of the airport; adds an extension 1 mile each side of the 216° bearing from the airport extending from the 4.4-mile radius of the airport to 5.6 miles southwest of the airport; removes the 3,200 feet MSL restriction as it is not required; and replaces the outdated term "Notice to Airmen" with "Notice to Air Missions";

Removes the Class E airspace designated as an extension to Class D and Class E surface areas at La Crosse Regional Airport as these extensions have been incorporated into the Class D

airspace and Class E surface airspace and this airspace is no longer required;

And amends the Class E airspace extending upward from 700 feet above the surface at La Crosse Regional Airport by adding an extension 1 mile each side of the 359° bearing from the La Crosse Regional: RWY 18–LOC extending from the 6.9-mile radius of the airport to 7.2 miles north of the airport.

This action is due to an airspace review conducted as part of the decommissioning of the La Crosse VOR, which provided navigation information for the instrument procedures at these airports, as part of the VOR MON Program.

FAA Order JO 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 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 JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

AGL WI D La Crosse, WI [Amended]

La Crosse Regional Airport, WI
(Lat. 43°52’45” N, long. 91°15’24” W)
La Crosse Regional: RWY 18–LOC
(Lat. 43°52’01” N, long. 91°15’31” W)

That airspace extending upward from the surface to and including 3,200 feet MSL within a 4.4-mile radius of La Crosse Regional Airport; and within 1 mile each side of the 359° bearing from the La Crosse Regional: RWY 18–LOC extending from the 4.4-mile radius of the La Crosse Regional Airport to 5.3 miles north of the airport; and within 1 mile each side of the 359° bearing from the La Crosse Regional Airport extending from the 4.4-mile radius of the airport to 5.3 miles north of the airport; and within 1 mile each side of the 036° bearing from the La Crosse Regional Airport extending from the 4.4-mile radius of the airport to 6.2 miles northeast of the airport; and within 1 mile each side of the 119° bearing from the La Crosse Regional Airport extending from the 4.4-mile radius of the airport to 5.7 miles southeast of the airport; and within 1 mile each side of the 216° bearing from the La Crosse Regional Airport extending from the 4.4-mile radius of the airport to 5.6 miles southwest of the airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective dates and times will thereafter be continuously published in the Chart Supplement.

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

* * * * *

AGL WI E2 La Crosse, WI [Amended]

La Crosse Regional Airport, WI
(Lat. 43°52’45” N, long. 91°15’24” W)
La Crosse Regional: RWY 18–LOC
(Lat. 43°52’01” N, long. 91°15’31” W)

That airspace extending upward from the surface within a 4.4-mile radius of La Crosse

Regional Airport; and within 1 mile each side of the 359° bearing from the La Crosse Regional: RWY 18–LOC extending from the 4.4-mile radius of the La Crosse Regional Airport to 5.3 miles north of the airport; and within 1 mile each side of the 359° bearing from the La Crosse Regional Airport extending from the 4.4-mile radius of the airport to 5.3 miles north of the airport; and within 1 mile each side of the 036° bearing from the La Crosse Regional Airport extending from the 4.4-mile radius of the airport to 6.2 miles northeast of the airport; and within 1 mile each side of the 119° bearing from the La Crosse Regional Airport extending from the 4.4-mile radius of the airport to 5.7 miles southeast of the airport; and within 1 mile each side of the 216° bearing from the La Crosse Regional Airport extending from the 4.4-mile radius of the airport to 5.6 miles southwest of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective dates and times will thereafter be continuously published in the Chart Supplement.

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

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AGL WI E4 La Crosse, WI [Remove]

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

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AGL WI E5 La Crosse, WI [Amended]

La Crosse Regional Airport, WI
(Lat. 43°52’45” N, long. 91°15’24” W)
La Crosse Regional: RWY 18–LOC
(Lat. 43°52’01” N, long. 91°15’31” W)
Mayo Clinic Health System-Franciscan
Healthcare, WI, Point In Space
Coordinates
(Lat. 43°47’39” N, long. 91°14’00” W)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of La Crosse Regional Airport; and within 1 mile each side of the 359° bearing from the La Crosse Regional: RWY 18–LOC extending from the 6.9-mile radius of the La Crosse Regional Airport to 7.2 miles north of the airport; and within 1 mile each side of the 359° bearing from the La Crosse Regional Airport extending from the 6.9-mile radius of the airport to 7.1 miles north of the airport; and within 2.9 miles each side of the 036° bearing from the La Crosse Regional Airport extending from the 6.9-mile radius of the airport to 9.6 mile northeast of the airport; and within 1 mile each side of the 119° bearing from the La Crosse Regional Airport extending from the 6.9-mile radius of the airport to 7.4 mile southeast of the airport; and within 2 miles each side of the 216° bearing from the La Crosse Regional Airport extending from the 6.9-mile radius of the airport to 11.3 miles southwest of the airport; and within a 6-mile radius of the point in space serving Mayo Clinic Health System-Franciscan Healthcare.

Issued in Fort Worth, Texas, on September 6, 2022.

Martin A. Skinner,

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

[FR Doc. 2022–19467 Filed 9–9–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 89

[Docket No. FAA–2019–1100]

Enforcement Policy Regarding Production Requirements for Standard Remote Identification Unmanned Aircraft

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

ACTION: Notification of enforcement policy.

SUMMARY: For noncompliance with the remote identification production requirements applicable to unmanned aircraft, which occurs on or before December 16, 2022, the FAA will consider all circumstances, in particular, the delay in the FAA’s acceptance of a means of compliance, when exercising its discretion whether to take enforcement action.

DATES: This policy is effective September 8, 2022.

FOR FURTHER INFORMATION CONTACT:

James D. Foltz, Strategic Policy Emerging Aircraft Section, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 901 Locust Street, Room 301, Kansas City, MO 64106; telephone 1–844–FLY–MY–UA (1–844–359–6981); email: UAShelp@faa.gov.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

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Background

On January 15, 2021, the Remote Identification of Unmanned Aircraft final rule (RIN 2120–AL31) published in the **Federal Register** at 86 FR 4390. In accordance with the final rule, standard remote identification unmanned aircraft and remote identification broadcast modules must be designed and produced to meet the requirements of title 14 of the Code of Federal Regulations part 89 (14 CFR part 89). A person designing or producing a standard remote identification unmanned aircraft or remote identification broadcast module for operation in the United States must show that the unmanned aircraft or broadcast module meets the requirements of an FAA-accepted means of compliance. A means of compliance describes the methods by which the person complies with the performance-based requirements for remote identification.

Under part 89, a person seeking acceptance by the FAA of a means of compliance for standard remote identification unmanned aircraft or remote identification broadcast modules must submit the means of compliance to the FAA. The FAA reviews the means of compliance to determine if it meets the minimum performance requirements and includes appropriate testing and validation procedures in accordance with 14 CFR part 89. Specifically, the person must submit a detailed description of the means of compliance, an explanation for how the means of compliance meets the minimum performance requirements of 14 CFR part 89, and any substantiating material the person wishes the FAA to consider as part of the application.¹ Part 89 prohibits production of unmanned aircraft for operation in the United States unless the manufacturer meets the performance requirements of part 89 by following an FAA-accepted means of compliance for producing standard remote identification unmanned aircraft by the compliance date of September 16, 2022.² A means of compliance is not considered to be “FAA-accepted” until the means of compliance has been evaluated by the Administrator, the Administrator determines the person has demonstrated that the means of compliance meets the requirements of subparts D and E of part 89, and the FAA has notified the person who submitted the means of compliance that the Administrator has accepted it.³

¹ 14 CFR 89.405.

² 14 CFR 89.510 and 89.515.

³ 14 CFR 89.410.

On May 13, 2022, the American Society for Testing and Materials (ASTM) submitted “Standard Practice for Remote ID Means of Compliance to Federal Aviation Administration Regulation 14 CFR part 89,” ASTM Reference Number F3586–22, to the FAA for acceptance. On August 11, 2022, the FAA published a notice of availability announcing the acceptance of a means of compliance consisting of both ASTM Standard F3586–22 and the additions specified in that notice of availability.⁴

Accordingly, while the FAA expects that those involved in the development of ASTM F3586–22 require less time to design and develop standard remote identification unmanned aircraft using the FAA-accepted means of compliance (ASTM F3586–22 and additions provided in the notice of availability) than they would if the entire means of compliance had been unfamiliar, until a means of compliance was accepted by the FAA, persons producing unmanned aircraft were unable to meet the standard remote identification unmanned aircraft production requirements in part 89.

Statement of Policy

The FAA recognizes that it accepted the ASTM F3586–22 means of compliance slightly more than a month before the September 16, 2022, compliance date. The FAA has already received some declarations of compliance from manufacturers who are likely to meet the September 16, 2022, compliance date. However, the FAA acknowledges that other manufacturers may not have sufficient time to adequately design, develop, and test unmanned aircraft and file a declaration of compliance with the FAA on or before September 16, 2022, because of the delayed acceptance of the means of compliance. Accordingly, the FAA will exercise its discretion in determining how to handle any apparent noncompliance, including exercising discretion to not take enforcement action, if appropriate, for any noncompliance that occurs on or before December 16, 2022. The exercise of enforcement discretion herein creates no individual right of action and establishes no precedent for future determinations.

⁴ *Accepted Means of Compliance; Remote Identification of Unmanned Aircraft* notice of availability, 87 FR 49520, August 11, 2022. Docket no. FAA–2022–0859.