

**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 6011 United States Area Navigation Routes.*

\* \* \* \* \*

#### **T-242 Barrow, AK (BRW) to Talkeetna, AK (TKA) [Amended]**

|                     |         |                                              |
|---------------------|---------|----------------------------------------------|
| Barrow, AK (BRW)    | VOR/DME | (Lat. 71°16'24.33" N, long. 156°47'17.22" W) |
| JOKAP, AK           | WP      | (Lat. 63°54'46.48" N, long. 150°58'29.25" W) |
| HUMUB, AK           | WP      | (Lat. 62°25'20.31" N, long. 150°13'49.23" W) |
| Talkeetna, AK (TKA) | VOR/DME | (Lat. 62°17'54.16" N, long. 150°06'18.90" W) |

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Issued in Washington, DC, on March 17, 2022.

**Scott M. Rosenbloom,**

*Manager, Airspace Rules and Regulations.*

[FR Doc. 2022–06064 Filed 3–23–22; 8:45 am]

**BILLING CODE 4910–13–P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 71**

[Docket No. FAA–2022–0221; Airspace Docket No. 19–AAL–77]

**RIN 2120–AA66**

#### **Proposed Amendment of United States Area Navigation (RNAV) Route T–282; Ruby, AK**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to amend United States Area Navigation (RNAV) route T–282 in the vicinity of Ruby, AK in support of a large and comprehensive T-route modernization project for the state of Alaska.

**DATES:** Comments must be received on or before May 9, 2022.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: (800) 647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2022–0221; Airspace Docket No. 19–AAL–77 at the beginning of your comments. You may also submit comments through the internet at <https://www.regulations.gov>. FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [https://www.faa.gov/air\\_traffic/publications/](https://www.faa.gov/air_traffic/publications/). For further information, you can contact the Rules and Regulations Group, Federal Aviation Administration, 800

Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

#### **FOR FURTHER INFORMATION CONTACT:**

Christopher McMullin, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

#### **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 the 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 expand the availability of RNAV in Alaska and improve the efficient flow of air traffic within the National Airspace System (NAS) by lessening the dependency on ground based navigation.

##### **Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2022–0221; Airspace Docket No. 19–AAL–77) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit

comments through the internet at <https://www.regulations.gov>.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: “Comments to FAA Docket No. FAA–2022–0221; Airspace Docket No. 19–AAL–77.” The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

##### **Availability of NPRM**

An electronic copy of this document may be downloaded through the internet at <https://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's web page at [https://www.faa.gov/air\\_traffic/publications/airspace\\_amendments/](https://www.faa.gov/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Western Service Center, Operations Support Group, Federal Aviation Administration, 2200 South 216th St., Des Moines, WA 98198.

##### **Availability and Summary of Documents for Incorporation by Reference**

This document proposes to amend 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.

### Background

In 2003, Congress enacted the Vision 100—Century of Aviation Reauthorization Act (Pub. L. 108–176), which established a joint planning and development office in the FAA to manage the work related to the Next Generation Air Transportation System (NextGen). Today, NextGen is an ongoing FAA-led modernization of the nation's air transportation system to make flying safer, more efficient, and more predictable.

In support of NextGen, this proposal is part of a larger and comprehensive T-route modernization project in the state of Alaska. The project mission statement states: “To modernize Alaska's Air Traffic Service route structure using satellite based navigation Development of new T-routes and optimization of existing T-routes will enhance safety, increase efficiency and access, and will provide enroute continuity that is not subject to the restrictions associated with ground based airway navigation.” As part of this project, the FAA evaluated the existing Colored airway structure for: (a) Direct replacement (*i.e.*, overlay) with a T-route that offers a similar or lower Minimum Enroute Altitude (MEA) or Global Navigation Satellite System Minimum Enroute Altitude (GNSS MEA); (b) the replacement of the Colored airway with a T-route in an optimized but similar geographic area, while retaining similar or lower MEA; or (c) removal with no route structure (T-route) restored in that area because the value was determined to be insignificant.

The aviation industry/users have indicated a desire for the FAA to transition the Alaskan en route navigation structure away from dependency on Non-Directional Beacons (NDB), and move to develop and improve the RNAV route structure.

During an evaluation of RNAV route T–282, the FAA determined that a slight deviation north would allow for a lower GNSS MEA between the Fix AKTIE and waypoint (WP) ROSII. This proposal would include two newly established WPs the FUZES, AK, WP and the ENVOI, AK, WP to the legal description. Additionally, the proposal would remove the HORSI, AK, Fix from the legal description, since it would no longer be a point along the route.

### The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to amend RNAV route T–282 in the vicinity of Ruby, AK in support of a large and comprehensive T-route modernization project in the state of Alaska. The proposed amendment is described below.

**T–282:** T–282 currently navigates between the VENCE, AK, Fix south of the Nulato Airport, Alaska, to the Fairbanks, AK, (FAI) VHF Omnidirectional Radar and Tactical Air Navigational System (VORTAC). The FAA proposes to amend the segment of the route between the AKTIE, AK, Fix and the ROSII, AK, WP by adding two newly established WPs the FUZES, AK, WP and the ENVOI, AK, WP and removing the HORSI, AK, Fix. These amendments would allow for a lower GNSS MEA on this segment of the route. The rest of the route would remain unchanged.

United States Area Navigation Routes are published in paragraph 6011 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 RNAV route listed in this document would be published subsequently in FAA Order JO 7400.11.

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 proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a “significant

regulatory action” under Executive Order 12866; (2) is not a “significant rule” under Department of Transportation (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 proposed 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

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures” prior to any FAA final regulatory action.

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 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 JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

*Paragraph 6011 United States Area Navigation Routes.*

\* \* \* \* \*

#### T–282 VENCE, AK to Fairbanks, AK (FAI) [Amended]

|                     |        |                                              |
|---------------------|--------|----------------------------------------------|
| VENCE, AK           | WP     | (Lat. 64°29'22.65" N, long. 158°00'06.11" W) |
| AKTIE, AK           | WP     | (Lat. 64°40'00.00" N, long. 155°30'00.00" W) |
| FUZES, AK           | WP     | (Lat. 64°45'46.09" N, long. 154°43'56.31" W) |
| ENVOI, AK           | WP     | (Lat. 64°53'20.45" N, long. 153°45'51.62" W) |
| ROSII, AK           | WP     | (Lat. 64°57'45.74" N, long. 153°14'36.51" W) |
| PERZO, AK           | WP     | (Lat. 64°40'22.99" N, long. 148°07'20.15" W) |
| Fairbanks, AK (FAI) | VORTAC | (Lat. 64°48'00.25" N, long. 148°00'43.11" W) |

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Issued in Washington, DC, on March 17, 2022.

**Scott M. Rosenbloom,**

*Manager, Airspace Rules and Regulations.*

[FR Doc. 2022-06065 Filed 3-23-22; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 15 CFR Part 904

[Docket No. 220114-0015]

RIN 0648-B172

#### Civil Procedures in Civil Administrative Enforcement Proceedings

**AGENCY:** Office of General Counsel (OGC), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NOAA proposes to amend procedures governing its civil administrative enforcement proceedings. The principal changes would include updates to statutory references, clarifications regarding the Administrator's discretionary review, revised directions for appealing a written warning, revised requirements for denying a request for admission, and revised directions for electronic service related to certain appeals and petitions. Other changes would remove the requirement for NOAA to challenge late hearing requests, simplify the use of electronic signatures, rename discovery filings, allow depositions by videoconference, require discovery filings to state when a witness is expected to speak in a language other than the English language in order to arrange interpretation, clarify when failing to pay can be a basis for permit sanctions, incorporate Civil Asset Forfeiture Reform Act deadlines into administrative forfeiture proceedings, and allow NOAA to publish a Notice of Proposed Forfeiture on an official government website. In addition, minor changes would update titles and addresses and correct clerical errors.

**DATES:** Comments and information must be received no later than 5 p.m. Eastern Time on April 25, 2022.

**ADDRESSES:** You may submit comments on this document, identified by NOAA-HQ-2022-0016, by any of the following methods:

- *Electronic submission:* Submit electronic public comments via the

Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter [NOAA-HQ-2022-0016] in the Search box. Click on the "Comment" icon, complete the required fields, and enter or attach your comments.

- *Mail:* Submit written comments to: Office of General Counsel Enforcement Section (GCES), 1315 East-West Highway, SSMC-3—Room 15862, Silver Spring, MD 20910, Attn: Patrick Carroll.

*Instructions:* Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NOAA. Comments submitted in response to this notice are a matter of public record. Before including an address, phone number, email address, or other personal identifying information in a comment, please be aware that comments—including any personal identifying information—can and will be made publicly available. While a request can be made to withhold personal identifying information from public review, NOAA cannot ensure that it will be able to do so.

Comments received electronically will generally be posted to [www.regulations.gov](https://www.regulations.gov) without change. For posted comments, all personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NOAA will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

**FOR FURTHER INFORMATION CONTACT:** Patrick Carroll or Meggan Engelke-Ros, GCES, (301) 427-2202.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

NOAA is proposing to amend the civil procedure regulations that apply to its administrative proceedings (15 CFR part 904), as described below. This includes proposed changes to update the statutory references subject to the application of this chapter of the Code of Federal Regulations, the titles and addresses for various offices of NOAA, the procedures for collection of civil monetary payments, the process for appealing written warnings issued by an authorized officer, and references to the office of Administrative Law Judges. This action would also provide clarifications to NOAA's filing requirements, requirements for an answering party to deny a request for admissions, deadlines in an administrative forfeiture proceeding, the

availability of a NOAA email address to electronically submit appeals of written warnings, petitions to the Administrator, petitions for relief from forfeiture, the process to identify witnesses that are expected to testify in a foreign language, and the criteria the Administrator may rely on to determine whether or not to grant discretionary review. Furthermore, this action would add provisions to the forfeiture section to authorize the posting of notices online, and would correct erroneous cross-references, grammatical issues, internal inconsistencies, typos, and other clerical errors that have resulted from the passage of time or were inadvertently left unaddressed in the last major revision to the regulations and have since been identified.

## II. Proposed Revisions

### Subpart A—General

#### Purpose and Scope

*Section 904.1:* Paragraph (c) would be amended to update the list of statutes enforced by NOAA pursuant to the procedures set forth in 15 CFR part 904. Specifically, the proposed amendments would remove references to statutes that have been repealed and statutes that are not enforced by NOAA. References to statutes enacted, or amended to include civil administrative enforcement provisions, since 15 CFR part 904 was last amended, would be added.

#### Definitions and Acronyms

*Section 904.2:* This section would be amended to reflect that the Administrative Law Judges currently hearing NOAA enforcement cases do not have a docketing center; to clarify that when U.S. Coast Guard (USCG) personnel are accompanying or acting under the direction of any authorized officer, those USCG personnel are authorized officers; to clarify that it is the Secretary of Commerce that may enter into agreements with Federal and state agencies to enforce statutes administered by NOAA; to clarify that a written warning may be a final administrative decision; and to rename initial discovery filings.

#### Filing and Service

*Section 904.3:* The heading of this section would be simplified to reflect that its provisions pertain to the service of any documents rather than specific filings, such as filings with the Office of Administrative Law Judges. Paragraph (a) would be amended to clarify that the requirements related to service apply to Initial Decisions as well as to notices and Written Warnings, and conforming amendments would be made to