

Issued in College Park, Georgia, on December 2, 1997.

Nancy B. Shelton,

*Acting Manager, Air Traffic Division,
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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Airspace Docket No. 96-ASO-5]

RIN 2120-AA66

Amendment to Time of Designation for Restricted Areas; GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the time of designation for Restricted Areas R-3008A, R-3008B, R-3008C, and R-3008D, Grand Bay Weapons Range, GA, by expanding the time frame during which the areas may be activated without prior issuance of a Notice to Airmen (NOTAM). The United States Air Force (USAF) requested this amendment to reflect its actual night flying requirements.

EFFECTIVE DATE: 0901 UTC, February 26, 1998.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace and Rules Division, ATA-400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8783.

SUPPLEMENTARY INFORMATION:

Background

On August 30, 1996, the FAA proposed to amend 14 CFR part 73 (part 73) to change the core hours of designation for Restricted Areas R-3008A, R-3008B, R-3008C, and R-3008D, Grand Bay Weapons Range, GA, from 0700-1900 local time, Monday-Friday to 0700-2200 local time, Monday-Friday (61 FR 45920).

Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. Two comments were received by the FAA, both objecting to the proposal on the grounds that the change would constitute an expansion of military operations and a reduction of access for civil airspace users. Currently, the using agency has the option of activating the restricted areas at any time outside the existing "core

hours" of 0700-1900 local time, provided a NOTAM is issued the required 6 hours in advance. The current published times, however, do not adequately reflect the actual night flying mission of the USAF 347th Wing. This change is intended to better accommodate the Wing's actual night flying requirements. No increase in the use of the range is anticipated. Therefore, the purpose of this rule is to amend the time of designation to more accurately indicate to the flying public the actual use of the restricted areas. A NOTAM will still be required in order to activate the restricted areas between the hours of 2200 and 0700 local time.

Despite this change, the restricted areas will continue to be operated on a real-time, joint-use basis with the airspace being returned to the controlling agency (Valdosta Approach Control) and available for access by nonparticipating aircraft during periods when the restricted areas are not needed by the using agency.

The Rule

This amendment to part 73 changes the core hours of designation for Restricted Areas R-3008A, R-3008B, R-3008C, and R-3008D from 0700-1900 local time, Monday-Friday to 0700-2200 local time, Monday-Friday. The action expands, by three hours daily, the "core hours" during which the restricted areas may be activated without prior issuance of a NOTAM. As amended, a NOTAM will no longer be required for activation of the restricted areas between 1900 and 2200 local time. The using agency currently has the option of activating the restricted areas between 1900 and 0700 local time provided a NOTAM is issued the required 6 hours in advance. However, the 347th Wing's night flying missions using R-3008 routinely extend past 1900 local time, but are normally terminated by 2200 local time. This requires the daily issuance of NOTAM's to permit activation of the areas between 1900 and 2200. This amendment of the time of designation will provide better notice to the flying public of the routine times of use of the restricted areas. A NOTAM will still be required prior to any usage between 2200 and 0700 local time.

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. Therefore, this regulation: (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 will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Section 73.30 of 14 CFR part 73 was republished in FAA Order 7400.8E, dated November 7, 1997.

Environmental Review

The USAF prepared an Environmental Assessment (EA) and an Environmental Impact Statement (EIS) of the composite wing beddown at Moody AFB, Georgia. The EA and EIS studied the impact of aircraft operations during both day (0700-2200) and night (2200-0700) time frames, including the use of R-3008A, R-3008B, R-3008C, and R-3008D. The USAF's record of decision to base the composite wing at Moody AFB took into account the use of R-3008 between 1900 and 2200, and concluded that use of the restricted areas during this time frame did not constitute a significant impact. The utilization figures for this amendment are the same as those used in the EIS for the beddown. Based on the results of the EA and EIS accomplished for the composite wing beddown, the USAF determined that this amendment to the restricted area time of designation qualifies for a categorical exclusion. The FAA has reviewed the USAF's environmental documentation and concludes that this action is categorically excluded in accordance with FAA Order 1050.1D and the FAA/DOD Memorandum of Understanding of 1989 regarding Special Use Airspace actions.

List of Subjects in 14 CFR Part 73

Airspace, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73, as follows:

PART 73—SPECIAL USE AIRSPACE

1. The authority citation for part 73 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

§ 73.30 [Amended]

2. § 73.30 is amended as follows:

* * * * *

R-3008A Grand Bay Weapons Range, GA [Amended]

By removing "Time of designation. 0700–1900 local time, Monday–Friday; other times by NOTAM 6 hours in advance," and inserting "Time of designation. 0700–2200 local time, Monday–Friday; other times by NOTAM 6 hours in advance."

R-3008B Grand Bay Weapons Range, GA [Amended]

By removing "Time of designation. 0700–1900 local time, Monday–Friday; other times by NOTAM 6 hours in advance," and inserting "Time of designation. 0700–2200 local time, Monday–Friday; other times by NOTAM 6 hours in advance."

R-3008C Grand Bay Weapons Range, GA [Amended]

By removing "Time of designation. 0700–1900 local time, Monday–Friday; other times by NOTAM 6 hours in advance," and inserting "Time of designation. 0700–2200 local time, Monday–Friday; other times by NOTAM 6 hours in advance."

R-3008D Grand Bay Weapons Range, GA [Amended]

By removing "Time of designation. 0700–1900 local time, Monday–Friday; other times by NOTAM 6 hours in advance," and inserting "Time of designation. 0700–2200 local time, Monday–Friday; other times by NOTAM 6 hours in advance."

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Issued in Washington, DC, on December 4, 1997.

Reginald C. Matthews,

Acting Program Director for Air Traffic Airspace Management.

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DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 73**

[Airspace Docket No. 97–ASO–8]

RIN 2120–AA66

Revocation and Modification of Restricted Areas; FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revokes Restricted Area R–2931, Cape Canaveral, FL, and modifies Restricted Areas R–2932 and R–2933 to absorb R–2931. The FAA is taking this action in response to a written notification from the U.S. Air Force that R–2931 is no longer necessary to support an Air Force mission requirement.

EFFECTIVE DATE: 0901 UTC, February 26, 1998.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace and Rules Division, ATA–400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–8783.

SUPPLEMENTARY INFORMATION:**Background**

Restricted Area R–2931 was established on January 19, 1984, to contain a tethered aerostat balloon which was installed to enhance air defense surveillance and warning. In order to lessen the burden to the flying public, R–2931 was established entirely within two existing restricted areas, R–2924 and R–2925. Effective May 5, 1988, Restricted Areas R–2924 and R–2925 were redesignated as R–2932 and R–2933 as part of an effort to reconfigure and simplify the Cape Canaveral restricted airspace complex (53 FR 6796; March 3, 1988). The U.S. Air Force has notified the FAA that the aerostat operation has now been terminated at this location and that, consequently, R–2931 is no longer required for that purpose. The airspace of R–2931 will be reincorporated into the existing Restricted Areas R–2932 and R–2933.

The Rule

This amendment to 14 CFR part 73 (part 73) revokes Restricted Area R–2931, and modifies R–2932 and R–2933 to absorb R–2931. In addition, this amendment corrects a minor error in one of the R–2932 boundary coordinates. Although R–2932 and R–2933 were established with coincident boundaries, one coordinate in the R–2932 description differs by one second of longitude from the same coordinate in R–2933. This error occurred when the FAA converted all positional data used in the National Airspace System from North American Datum (NAD) 27 to NAD 83 (57 FR 201). During the conversion process, the required correction factor was inadvertently not applied to that one position.

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. Therefore, this regulation: (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 action simply redefines existing restricted area airspace, and does not involve a change in the overall dimensions or operating requirements of that airspace, the FAA finds that notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

Section 73.29 of 14 CFR part 73 was republished in FAA Order 7400.8E, dated November 7, 1997.

Environmental Review

This action is a minor administrative change that redefines existing restricted airspace. Since R–2931 is totally imbedded within airspace already designated as restricted, there is no change to either the amount of restricted airspace or to any air traffic control procedures or routes as a result of this action.

Therefore, this action is not subject to environmental assessments and procedures under FAA Order 1050.1D, "Policies and Procedures for Considering Environmental Impacts," and the National Environmental Policy Act of 1969.

List of Subjects in 14 CFR Part 73

Airspace, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73, as follows:

PART 73—SPECIAL USE AIRSPACE

1. The authority citation for part 73 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 73.29 [Amended]

2. § 73.29 is amended as follows:

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R-2931 Cape Canaveral, FL [Removed]**R-2932 Cape Canaveral, FL [Amended]**

By removing "long. 80°35'00"W.;" and adding "long. 80°34'59"W.;" in its place; and by removing the words, "excluding the area within a 2-statute-mile radius circle centered at lat. 28°27'55"N., long. 80°32'06"W."

R-2933 Cape Canaveral, FL [Amended]

By removing the words, "excluding the area within a 2-statute-mile radius circle centered at lat. 28°27'55"N., long. 80°32'06"W."

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Issued in Washington, DC, on December 9, 1997.

Reginald C. Matthews,

Acting Program Director for Air Traffic Airspace Management.

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