

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Airspace Docket No. 98-ASO-13]

RIN 2120-AA66

Amendment of Restricted Area R-5313C, Long Shoal Point, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action corrects an error in the legal description of Restricted Area R-5313C. A database review by the National Imagery and Mapping Agency identified one point in the description for R-5313C that did not reflect the required conversion to North American Datum of 1983 (NAD 83).

EFFECTIVE DATE: 0901 UTC, December 3, 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 May 5, 1990, the FAA designated four restricted areas (R-5313A, R-5313B, R-5313C, and R-5313D) to provide special use airspace over a sunken ship used for target practice in the Pamlico Sound, North Carolina, area (55 FR 11897). Several of the boundaries used to describe R-5313C and R-5313D were based on an arc that extended from the center point of Restricted Area R-5313A. This center point (lat. 35°32'48" N., long. 75°41'26" W) was published in the legal description of all three restricted areas. At the time these areas were established, the coordinates used for airspace descriptions were calculated in reference to the North American Datum of 1927 (NAD 27). Subsequently, in accordance with Public Law 101-508, the FAA was required, by Congress, to convert all geodetic coordinate information used in the National Airspace System to the NAD 83. The NAD has been adopted as the official horizontal coordinate system of the United States. The conversion to the more precise NAD 83 caused the coordinates used for the restricted areas to change by one second. The NAD 83

correction was applied to all points in the descriptions for R-5313A and R-5313D. However, the correction was inadvertently not applied to the description for R-5313C when the revision to FAA Order 7400.8 (a compilation of special use airspace legal descriptions) was published. The current legal description for R-5313C therefore contains one coordinate based on NAD 27. This action corrects that error. The position of the restricted areas on aeronautical charts did not change by the conversion to NAD 83. The NAD 83 conversion caused a slight shift of the grid used to measure latitude and longitude on aeronautical charts. However, the actual position of the restricted areas themselves, did not change.

The Rule

This amendment to 14 CFR part 73 (part 73) corrects the legal description for Restricted Area R-5313C by changing the coordinates from "lat. 35°32'48" N., long. 75°41'26" W." to "lat. 35°32'49" N., long. 75°41'25" W." This change converts the point to the required NAD 83 reference, and brings it into agreement with the published legal descriptions of R-5313A and R-5313D in FAA Order 7400.8. This administrative correction will not alter usage or charted location of Restricted Area R-5313C; therefore, I find that notice and public procedures under 5 U.S.C. 553(b) are unnecessary.

Section 73.53 of part 73 was republished in FAA Order 7400.8E, dated November 7, 1997.

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.

Environmental Review

This action is a minor administrative change to correct an error in one

coordinate used to describe the boundaries of R-5313C. There are no changes to air traffic control procedures or routes as a result of this action. Therefore, this action is not subject to environmental assessments and procedures in accordance with 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.

§ 73.53 [Amended]

2. § 73.53 is amended as follows:

* * * * *

R-5313C Long Shoal Point, NC [Amended]

By removing from the Boundaries the point "lat. 35°32'48" N., long. 75°41'26" W." and adding the point "lat. 35°32'49" N., long. 75°41'25" W."

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Issued in Washington, DC, on September 30, 1998.

Reginald C. Matthews,

Acting Program Director for Air Traffic Airspace Management.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 135

Operating Requirements: Commuter and On-Demand Operations*CFR Correction*

In Title 14 of the Code of Federal Regulations, parts 60 to 139, revised as of Jan. 1, 1998, page 716, § 135.243 is corrected in paragraph (b)(2) by inserting the words "of flight" between the words "hours" and "time".

BILLING CODE 1505-01-D