

**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, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS.**

1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; EO 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 Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

**ASO KY E5 Covington, KY [Revised]**

Covington, Cincinnati/Northern Kentucky International Airport, KY

(Lat. 39°02'46" N, long. 84°39'44" W)

Cincinnati Municipal Airport-Lunken Field

(Lat. 39°06'12" N, long. 84°25'07" W)

Cincinnati NDB

(Lat. 39°09'33" N, long. 84°20'32" W)

Clermont County Airport, Batavia, OH

(Lat. 39°04'42" N, long. 84°12'37" W)

Cincinnati-Blue Ash Airport, OH

(Lat. 39°14'48" N, long. 84°23'20" W)

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Cincinnati/Northern Kentucky International Airport, and within a 10.5-mile radius of Cincinnati Airport-Lunken Field and within 2.6 miles each side of the 044° bearing from Cincinnati NDB and extending from the 105-mile radius to 7.4 miles northeast of the NDB, and within a 6.8-mile radius of Clermont County Airport, Batavia, OH, and within a 6.3-mile radius of Cincinnati-Blue Ash Airport, OH.

\* \* \* \* \*

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

**Nancy B. Shelton,**

*Acting Manager, Air Traffic Division, Southern Region.*

[FR Doc. 97–33618 Filed 12–23–97; 8:45 am]

BILLING CODE 4910–13–M

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

[Airspace Docket No. 97–ASO–15]

**Amendment of Class E Airspace; Birmingham, AL**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment modifies the Class E airspace area at Birmingham, AL. A Global Positioning System (GPS) Runway (RWY) 23 Standard Instrument Approach Procedure (SIAP) has been developed for Birmingham International Airport. As a result, additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAP and for Instrument Flight Rules (IFR) operations at Birmingham International Airport.

**EFFECTIVE DATE:** 0901 UTC, February 26, 1998.

**FOR FURTHER INFORMATION CONTACT:**

Nancy B. Shelton, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5586.

**SUPPLEMENTARY INFORMATION:****History**

On October 17, 1997, the FAA proposed to amend 14 CFR part 71 by amending the Class E airspace at Birmingham, AL (62 FR 53984). This action would provide adequate Class E airspace for IFR operations at Birmingham International Airport. Designations for Class E airspace extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

**The Rule**

This amendment to 14 CFR part 71 modifies Class E airspace at Birmingham, AL. A GPS RWY 23 SIAP has been developed for Birmingham International Airport. Additional

controlled airspace extending upward from 700 feet AGL is needed to accommodate this SIAP and for IFR operations at Birmingham International Airport.

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. 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 will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**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, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS**

1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; EO 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 Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

*Paragraph 6005 Class E Airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

**ASO FL E5 Birmingham, AL [Revised]**

Birmingham International Airport, AL

Lat. 33°33'47" N, long. 86°45'24" W)

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Birmingham International Airport.

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

**Nancy B. Shelton,**

*Acting Manager, Air Traffic Division,  
Southern Region.*

[FR Doc. 97-33620 Filed 12-23-97; 8:45 am]

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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:

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