

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. 27342; Amdt. 71-20]

Airspace Designations; Incorporation By Reference

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Federal Aviation Regulations relating to airspace designations to reflect the approval by the Director of the Federal Register of the incorporation by reference of FAA Order 7400.9A, Airspace Designations and Reporting Points. This action also explains how the FAA will amend the listings of Class A, Class B, Class C, Class D, and Class E airspace areas and reporting points incorporated by reference.

EFFECTIVE DATE: These regulations are effective September 16, 1993. The incorporation by reference of FAA Order 7400.9A is approved by the Director of the Federal Register as of September 16, 1993, through September 15, 1994.

FOR FURTHER INFORMATION CONTACT: Mary Ann Webb, Airspace and Obstruction Evaluation Branch, (ATP-240), Airspace Rules and Aeronautical Information Division, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-9232.

SUPPLEMENTARY INFORMATION:

Background

FAA Order 7400.7A, Compilation of Regulations, dated November 2, 1992, and effective November 27, 1992, listed the airspace descriptions for all jet routes, area high routes, Federal airways, control areas, control area extensions, area low routes, control zones, transition areas, terminal control areas, airport radar service areas, positive control areas, and reporting points. FAA Order 7400.9, Airspace Reclassification, dated November 1, 1991, and effective September 16, 1993, listed Class A, Class B, Class C, Class D, and Class E airspace areas. Due to the large number and frequent revision of these descriptions, the FAA requested approval from the Office of the Federal Register to incorporate the material by reference in Federal Aviation Regulations (FAR) § 71.1 (14 CFR 71.1). The Director of the Federal Register approved the incorporation by reference in § 71.1 of FAA Order 7400.7A as of

November 27, 1992, through September 15, 1993, and Order 7400.9 effective as of September 16, 1993, through September 15, 1994. During the incorporation by reference period, the FAA processed all proposed changes of the airspace listings in FAA Order 7400.7A and Order 7400.9 in full text as proposed rule documents in the Federal Register. Likewise, all amendments of these listings were published in full text as final rules in the Federal Register. This rule reflects the periodic integration of these final rule amendments into a revised edition of both orders 7400.7A and 7400.9 into a new order, Airspace Designations and Reporting Points, FAA Order 7400.9A. The Director of the Federal Register has approved the incorporation by reference of FAA Order 7400.9A in § 71.1 as of September 16, 1993, through September 15, 1994. This rule also explains how the FAA will amend the airspace designations incorporated by reference in part 71. Sections 71.5, 71.31, 71.41, 71.51, 71.61, 71.71, 71.79, and 71.901 are also changed to update the incorporation by reference of FAA Order 7400.9A in place of FAA Order 7400.9.

The Rule

This action amends part 71 of the Federal Aviation Regulations to reflect the approval by the Director of the Federal Register of the incorporation by reference of FAA Order 7400.9A effective September 16, 1993, through September 15, 1994. During the incorporation by reference period, the FAA will continue to process all proposed changes of the airspace listings in FAA Order 7400.9A in full text as proposed rule documents in the Federal Register. Likewise, all amendments of these listings will be published in full text as final rules in the Federal Register. The FAA will periodically integrate all final rule amendments into a revised edition of the Order, and submit the revised edition to the Director of the Federal Register for approval for incorporation by reference in § 71.1.

The FAA has determined that this action: (1) is not a "major rule" under Executive Order 12291; (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. This action neither places any new restrictions or requirements on the public, nor changes the dimensions or operating requirements of the airspace listings incorporated by reference in part 71.

Consequently, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

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, effective September 16, 1993, as follows:

PART 71—[AMENDED]

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

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

2. Section 71.1 is revised to read as follows:

§ 71.1 Applicability.

The complete listing for all Class A, Class B, Class C, Class D, and Class E airspace areas and for all reporting points can be found in FAA Order 7400.9A, Airspace Designations and Reporting Points, dated June 17, 1993. This incorporation by reference was approved by the Director the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR-part 51. The approval to incorporate by reference FAA Order 7400.9A is effective September 16, 1993, through September 15, 1994. During the incorporation by reference period, proposed changes to the listings of Class A, Class B, Class C, Class D, and Class E airspace areas and to reporting points will be published in full text as proposed rule documents in the Federal Register. Amendments to the listings of Class A, Class B, Class C, Class D, and Class E airspace areas and to reporting points will be published in full text as final rules in the Federal Register. Periodically, the final rule amendments will be integrated into a revised edition of the order and submitted to the Director of the Federal Register for approval for incorporation by reference in this section. Copies of FAA Order 7400.9A may be obtained from the Document Inspection Facility, APA-220, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, (202) 267-3485. Copies of FAA Order 7400.9A may be inspected in Docket No. 27342 at the Federal Aviation Administration, Office of the Chief Counsel, AGC-200, room 915G, 800 Independence Avenue, SW., Washington, DC weekdays between 8:30 a.m. and 5 p.m., or at the Office of the Federal Register, 800 North Capitol

Street, NW., suite 700, Washington, DC.
This section is effective September 16,
1993, through September 15, 1994.

§ 71.5 [Amended]

3. Section 71.5 is amended by removing the words "FAA Order 7400.9" and inserting, in their place, the words "FAA Order 7400.9A."

§ 71.31 [Amended]

4. Section 71.31 is amended by removing the words "FAA Order 7400.9" and inserting, in their place, the words "FAA Order 7400.9A."

§ 71.41 [Amended]

5. Section 71.41 is amended by removing the words "FAA Order 7400.9" and inserting, in their place, the words "FAA Order 7400.9A."

§ 71.51 [Amended]

6. Section 71.51 is amended by removing the words "FAA Order 7400.9" and inserting, in their place, the words "FAA Order 7400.9A."

§ 71.61 [Amended]

7. Section 71.61 is amended by removing the words "FAA Order 7400.9" and inserting, in their place, the words "FAA Order 7400.9A."

§ 71.71 [Amended]

8. Paragraphs (b), (c), (d), (e), and (f) of § 71.71 are amended by removing the words "FAA Order 7400.9" and inserting, in their place, the words "FAA Order 7400.9A" in each paragraph.

§ 71.79 [Amended]

9. Section 71.79 is amended by removing the words "FAA Order 7400.9" and inserting, in their place, the words "FAA Order 7400.9A."

§ 71.901 [Amended]

10. Paragraph (a) of § 71.901 is amended by removing the words "FAA Order 7400.9" and inserting, in their place, the words "FAA Order 7400.9A."

Issued in Washington, DC, on June 25, 1993.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

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