

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 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; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

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

* * * * *

AGL WI E5 Shell Lake, WI [New]

Shell Lake Municipal Airport, WI
(Lat. 45°43'53" N, long. 91°55'14" W)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of the Shell Lake Municipal Airport and within 2.7 miles either side of the 143-degree bearing from the airport extending from the 6.3-mile radius to 7.4 miles southeast of the airport.

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Issued in Des Plaines, Illinois on December 6, 1995.

Jeffrey L. Griffith

Acting Manager, Air Traffic Division.

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14 CFR Part 73

[Airspace Docket No. 93–ASO–8]

Expansion of Restricted Area R–2917, De Funiak Springs, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action expands the lateral and vertical dimensions of Restricted Area R–2917, De Funiak Springs, FL, to increase the size of the special use airspace around an existing Space Detection and Tracking Radar (FPS–85) system located at that site. A revision to U.S. Air Force safety regulations increased the size of special use airspace required around such installations to lessen any potential hazard to aircraft which are carrying electroexplosive devices.

EFFECTIVE DATE: 0901 UTC, February 29, 1996.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Military Operations Program Office, Office of Air Traffic System Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9361.

SUPPLEMENTARY INFORMATION:

History

On December 3, 1993, the FAA proposed to increase the lateral and vertical dimensions of R–2917 from a circular area with a 1.25-statute-mile radius, extending from the surface to 5,000 feet mean sea level, to a 2.5-nautical-mile radius circle, extending to, but not including Flight Level 230 (58 FR 63908).

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. Except for editorial changes, this amendment is the same as that proposed in the notice. The coordinates for this airspace docket are based on North American Datum 83. Section 73.29 of part 73 of the Federal Aviation Regulations was republished in FAA Order 7400.8C dated June 29, 1995.

The Rule

This amendment to part 73 of the Federal Aviation Regulations (14 CFR part 73) increases the lateral and vertical dimensions of Restricted Area R–2917, De Funiak Springs, FL, in order to expand the special use airspace around an FPS–85 radar facility. The amendment increases the size of R–2917 to a 2.5-nautical-mile radius circle, and raises the designated altitude to, but not including, Flight Level 230. The Radio Frequency (RF) energy transmitted by the FPS–85 radar potentially could ignite electroexplosive devices that may be carried on board certain aircraft. There has been no increase in the power output or change to the emission pattern of the radar. This expansion is necessary because the U.S. Air Force has adopted revised safety criteria which better define the limits of the RF emission pattern of the FPS–85 radar. The expanded R–2917 remains totally within the confines of another existing restricted area, R–2914A, which extends from the surface to unlimited altitude, with a “continuous” time of designation. Consequently, since the affected area remains continuously designated restricted airspace, there will be no impact on nonparticipating aircraft operations as a result of this expansion. This amendment replaces a

temporary flight restriction which was implemented as an interim safety measure at the site. This amendment also changes the title of the using agency to “U.S. Air Force, Commander, U.S. Space Command, Peterson AFB, CO,” and adds a controlling agency for R–2917, with the title “U.S. Air Force, Eglin Approach Control.”

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.

Environmental Review

The U.S. Air Force completed an Environmental Impact Analysis of the proposed expansion action in accordance with Air Force Regulations, and applicable Federal Laws, regulations, and Executive Orders. The Air Force has determined that the action qualified for categorical exclusion 2R under Air Force Regulations: “Continuation of actions, if there is not substantial, adverse change from previously existing conditions.”

Because the expansion action is a minor adjustment to the internal boundaries of overlapping restricted areas, which does not change the outer limits of the restricted airspace as a whole, and the changes in the title of the using agency and addition of a controlling agency do not have potential environmental consequences, the FAA has determined that this action qualifies for categorical exclusion as a minor adjustment to a special-use airspace action under Paragraph 3(c) of Appendix 3 of FAA Order 1050.1D, “Policies and Procedures for Considering Environmental Impacts” and the regulations implementing the National Environmental Policy Act of 1969, 40 CFR part 1500. A documented categorical exclusion has been prepared by the FAA and placed in the Docket for the Final Rule.

List of Subjects in 14 CFR Part 73

Airspace, Navigation (air).