

14002; 67 FR 77326). In that notice, the FAA proposed to amend its regulations (14 CFR parts, 1, 71, 91, 95, 97, 121, 125, 129, and 135) to reflect technological advances that support RNAV operations; make certain terms consistent with those of the ICAO; remove the middle marker as a required component of instrument landing systems; and clarify airspace terminology. The changes in Notice No. 02-20 were proposed to facilitate the transition from reliance on ground-based navigation to new reference sources, enable advancements in technology, and increase efficiency of the National Airspace System. These amendments do not preclude the continued use of ground-based navigation systems. The comment period for Notice No. 02-20 closed on January 31, 2003. In response to the notice, the FAA received 21 comments.

A number of commenters requested that the FAA extend the comment period for up to 90 days to permit more in depth analyses of the proposal. Other comments received on this effort concerned the proposed amendments to communications and navigation equipment requirements, and instrument approach procedure terminology. These particular comments were substantive and reflected a significant interest in many areas of the proposed amendments. Also, several comments were received regarding the proposed amendments to air traffic service (ATS) routes terminology and criteria in part 1 and part 71. The FAA believes that many of these comments indicate that the commenters misunderstood the scope and intent of the proposed changes to part 1 and part 71.

For the reasons discussed below, the FAA is taking two separate actions: (1) Issuing a final rule, request for comments, on those matters dealing with the revision or adoption of several definitions in 14 CFR part 1, the reorganization of 14 CFR part 71, and the incorporation of FAA Order 8260.3 and FAA Order 8260.19 into the Code of Federal Regulations by reference; and (2) reopening the comment period for the proposed RNAV operations and equipment requirements. The reopening of the comment period for the proposed RNAV operations and equipment requirements is published separately in today's **Federal Register**.

Rationale for Separate Rule Action

This separate rulemaking effort will enable the FAA to proceed with the design and development phase of a high altitude RNAV route structure while providing an additional opportunity for

public input. Operators of suitably-equipped aircraft will be able to realize some of the benefits of this High Altitude Redesign (HAR) project potentially as early as the summer of 2003. The HAR seeks to maximize the efficiency of the National Airspace System through the use of new technology and airspace concepts in the high altitude structure. The HAR will enable improved system efficiency by establishing high altitude RNAV routes for use by operators of suitably equipped aircraft. For example, establishing multiple routes in high density corridors where air traffic flows are currently served by a single jet route will lead to a reduction in "miles-in-trail" restrictions and alleviate "choke points" that lead to air traffic delays. In consideration of the increased traffic volume expected during the upcoming summer air travel season, the potential for increased air traffic delays, and the time required to promulgate airspace rulemaking actions to establish RNAV routes, the FAA believes that it is in the public interest to adopt these amendments in a separate final rule.

Many of the aircraft in the U.S. commercial fleet operating in the high altitude structure are already capable of utilizing the RNAV routes being implemented under the HAR. Experience from the implementation of RNAV procedures and routes in the terminal environment indicates significant time and fuel savings for participating carriers and demonstrates the potential of the HAR project.

The new RNAV routes will supplement, but not replace, the existing National Airspace System (NAS) route structure (*i.e.*, Federal airways and jet routes). The adoption of these amendments will facilitate the expanded use of RNAV systems for operators of suitably equipped aircraft. However, the adoption will not impose any new obligation on users to change from current ground-based navigation systems.

The FAA has determined that these amendments can be adopted separately without adverse impact on the continuing rulemaking process for the remaining proposed amendments in Notice No. 02-20. We have also determined that failure to proceed with a final rule now would further delay the savings that would be realized by a significant number of system users. The FAA recognizes that some members of the public may not have submitted comments on the relevant proposals because they requested an extension of the comment period. Therefore, the FAA is opening a 30-day comment period with this final rule.

In response to these particular proposals, the FAA received four comments regarding the amendments to parts 1 and 71 being adopted in this final rule. No comments were received regarding the amendments to §§ 95.1 and 97.20. These comments are further discussed below.

Analysis of Comments

Section 1.1 General Definitions

Comments were received regarding the definitions "Air Traffic Service (ATS) route" and "Area navigation (RNAV)." The Airline Dispatchers Federation wrote expressing general approval of the NPRM, but was concerned that the definition of an *Air Traffic Service route* does not "concur" with other regulatory requirements.

The FAA does not agree with this comment. This ICAO definition of Air Traffic Service route is being adopted simply as a general term to include all Federal airways, jet routes, and RNAV routes in the NAS. The definition states that an ATS route would be defined by route specifications that may include a route designator, the path to or from fixes, distance between fixes, reporting requirements, and the lowest safe altitude for the route. This is general information that is consistent with the information currently contained in various directives regarding the development and establishment of Federal airways and jet routes in the NAS.

Alaska Airlines questioned how ATS routes would be referred to in day-to-day communications and operations. The Aircraft Owners and Pilots Association (AOPA) expressed similar concerns, and stated that the FAA should use the term "ATS route" only in internal orders and procedures design guidance, citing the potential for confusion.

The FAA disagrees with these comments. As stated above, the term "ATS route" is a general term used to describe all types of routes designated in the NAS. The FAA does not foresee changing the identification of existing routes. The current prefixes "J" and "V" will continue to be used to describe jet routes and VOR Federal airways, respectively, in flight plans, ATC communications, and regulations. In addition, colored Federal airways will also continue to be described by the appropriate colors and prefixes (*e.g.*, Red Federal airways: R-1; Green Federal airways: G-1; etc.). Also, the FAA will add a new prefix, "Q," to identify domestic RNAV routes that will be established as one outcome of this rule. The new routes will be established by