

The Rule

This rule adopts the following amendments proposed in Notice No. 02-20:

Part 1—Definitions and Abbreviations

In § 1.1 General definitions, this action adds the terms *Air Traffic Service (ATS) route* and *Area navigation (RNAV) route*, and amends the terms *Area navigation (RNAV)* and *Route segment*. These changes adopt the ICAO term “Air Traffic Service (ATS) route” as a general term that includes Federal airways, jet routes, and RNAV routes, and to facilitate the use of RNAV that is not dependent on ground-based navigation systems.

Part 71—Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points

The FAA is adopting, in full, the part 71 amendments, with minor edits to the title of this part, as proposed in Notice No. 02-20. These changes incorporate the term “Air Traffic Service (ATS) route;” facilitate the development of ATS routes that are not dependent upon ground-based navigation systems; remove extraneous information from part 71; and restructure the sections in part 71 to more clearly organize the information and improve readability.

Part 95—IFR Altitudes

The FAA is adopting, in full, the part 95 amendments. These changes increase the flexibility of the rule to accommodate the use of other-than-ground-based navigation systems. However, these amendments do not preclude the continued use of ground-based navigation systems.

Part 97—Standard Instrument Approach Procedures

In Notice No. 02-20, the FAA proposed various amendments to the heading of part 97, and to §§ 97.1, 97.3, 97.5, 97.10, and 97.20. This rule, however, adopts only the amendment to § 97.20 General. Section 97.20 is amended to incorporate FAA Order 8260.3, “U.S. Standard for Terminal Instrument Procedures (TERPS),” and FAA Order 8260.19, “Flight Procedures and Airspace,” into the Code of Federal Regulations.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. We have determined that there are no new information collection requirements associated with this final rule.

International Compatibility

In keeping with United States obligations under the Convention on International Civil Aviation, it is the FAA’s policy to comply with International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has reviewed the corresponding ICAO Standards and Recommended Practices and has identified no differences with these regulations.

Executive Order 12866 and DOT Regulatory Policies and Procedures

Executive Order 12866, Regulatory Planning and Review, directs the FAA to assess both the costs and the benefits of a regulatory change. We are not allowed to propose or adopt a regulation unless we make a reasoned determination that the benefits of the intended regulation justify its costs. Our assessment of this rulemaking indicates that its cost impact is minimal because the rule merely revises or adds definitions, incorporates by reference two orders concerning TERPS and Flight Procedures and Airspace, and enables the use of advanced RNAV navigation routes that the FAA has been developing. These routes are typically more direct, and therefore, shorter than the current Federal Airways and jet routes and in following these advanced RNAV routes aircraft may require less fuel and time to reach their destinations. Because the costs and benefits of this action do not make it a “significant regulatory action” as defined in the Order, we have not prepared a “regulatory impact analysis.” Similarly, we have not prepared a full “regulatory evaluation,” which is the written cost/benefit analysis ordinarily required for all rulemaking under the DOT Regulatory and Policies and Procedures. We do not need to do a full evaluation where the cost impact of a rule is minimal. We will prepare a full regulatory evaluation for the separate final rule concerning RNAV operations and equipment requirements.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) directs the FAA to fit regulatory requirements to the scale of the business, organizations, and governmental jurisdictions subject to the regulation. We are required to determine whether a proposed or final action will have a “significant economic impact on a substantial number of small entities” as they are defined in the Act. If we find that the action will have a

significant impact, we must do a “regulatory flexibility analysis.”

This final rule merely revises or adds definitions, incorporates by reference two orders concerning TERPS and Flight Procedures and Airspace, and enables the use of advanced RNAV navigation routes that the FAA has been developing. Therefore, we certify that this action will not have a significant economic impact on a substantial number of small entities.

International Trade Impact Analysis

The Trade Agreement Act of 1979 prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. The FAA has assessed the potential effect of this rulemaking and has determined that it will impose the same minimal costs on domestic and international entities and thus have a neutral trade impact.

Unfunded Mandate Assessment

The Unfunded Mandates Reform Act of 1995 (the Act) is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and tribal governments. Title II of the Act requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of \$100 million or more (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a “significant regulatory action.”

This final rule does not contain such a mandate. The requirements of title II of the Act, therefore, do not apply.

Executive Order 13132, Federalism

The FAA has analyzed this final rule under the principles and criteria of Executive Order 13132, Federalism. We determined that this action will not have a substantial direct effect on the States, or the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, we determined that this final rule does not have federalism implications.