

## History

**Federal Register** document 02–29902, Airspace Docket No. 02–AEA–13, published in the **Federal Register** on November 25, 2002 (67 FR 70533–70534) established the description of the Class D airspace area at Rome, NY. **Federal Register** document 03–6333, Airspace Docket No. 02–AEA–13, published in the **Federal Register** on March 17, 2003 (68 FR 12582–12583) delayed the effective date of the establishment of the Class D airspace at Rome, NY. Subsequently, the commissioning date for the ATCT has been delayed indefinitely and the need for Class D airspace cannot be supported.

## The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) removes the description of the Class D airspace at Rome, NY, by removing that airspace designated for Griffiss Airpark. The commissioning of the ATCT has been delayed indefinitely. As a result the Rome, NY, Class D airspace is no longer required for air safety. Class D airspace designations for airspace extending upward from the surface of the earth are published in paragraph 5000 of FAA Order 7400.9K, dated August 30, 2002, and effective September 16, 2002, which is incorporated by reference in 14 CFR 71.1.

Under the circumstances presented, the FAA concludes that the more restrictive Class D airspace at Rome, NY is no longer supported and the flight rules pertinent to Class E airspace should apply. Accordingly, since this action merely reverts the Rome, NY, Class D airspace to Class E, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

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 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, Incorporated 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—[AMENDED]

- 1. The authority citation for 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. 289.

### § 71.1 [Amended]

- 2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9K, Airspace Designations and Reporting Points, dated August 30, 2002 and effective September 16, 2002, is amended as follows:

*Paragraph 5000 Class D airspace areas extending upward from the surface of the earth.*

\* \* \* \* \*

**AEA NY D Rome, NY [Removed]**

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Dated: Issued in Jamaica, New York on April 17, 2003.

**Loretta Martin,**

*Acting Assistant Manager, Air Traffic Division, Eastern Region.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

**[Airspace Docket No. FAA–01–ANM–16]**

#### Establishment of Class E Airspace at Richfield Municipal Airport, Richfield, UT

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

**ACTION:** Final rule.

**SUMMARY:** This action will establish Class E5 airspace at Richfield Municipal Airport, Richfield, UT. Recently developed Area Navigation (RNAV)/Global Positioning (GPS) Standard Terminal Arrival Routes (STARs) and Departure Procedures (DPs) have made this action necessary for the containment of aircraft executing Instrument Flight Rule (IFR) operations at Richfield Municipal Airport within controlled airspace. The intended effect

of this action is to provide an increased level of safety for aircraft executing IFR operations between the terminal and en route phase of flight at Richfield Municipal Airport, Richfield, UT.

**EFFECTIVE DATE:** May 7, 2003.

**FOR FURTHER INFORMATION CONTACT:** Ed Haeseker, ANM–520.7; telephone (425) 227–2527; Federal Aviation Administration, Docket No. 01–ANM–16, 1601 Lind Avenue SW, Renton, Washington 98055–4056.

#### SUPPLEMENTARY INFORMATION:

#### History

On December 2, 2002, the FAA issued a Notice of Proposed Rulemaking to amend Title 14 Code of Federal Regulations, Part 71 (14 CFR part 71) by establishing Class E5 airspace at Richfield Municipal Airport, Richfield, UT. [67 FR 71058]. The proposal would provide an increased level of safety for aircraft executing IFR operations between terminal and en route phases of flight at Richfield Municipal Airport, Richfield, UT. Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. No comments were received. Class E5 airspace extending upward from 700 feet above the surface, is published in Paragraph 6005, of FAA Order 7400.9K, dated August 30, 2002, and effective September 16, 2002, which is incorporated by reference in 14 CFR Part 71. The Class E5 airspace designation listed in this document will subsequently be published in the Order.

#### The Rule

This amendment to 14 CFR part 71 establishes Class E5 airspace at Richfield Municipal Airport, Richfield, UT. Class E5 controlled airspace is necessary to contain aircraft executing IFR operations at Richfield Municipal Airport. The FAA establishes Class E5 airspace, where necessary, to contain aircraft transitioning between terminal and en route environments. This rule is designed to provide for the safe and efficient use of navigable airspace and to promote safe flight operations under IFR at Richfield Municipal Airport and between terminal and en route transition phases. The new Class E5 airspace will be depicted on aeronautical charts for pilot reference. The Coordinates for this airspace docket are based on North American Datum 83. 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