

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; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9L, Airspace Designations and Reporting Points, dated September 2, 2003, and effective September 16, 2003, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700ft above the surface of the earth.

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AEA NY E5 New York, NY (Revised)

That airspace extending upward from 700 feet above the surface within an area bounded by a line beginning at lat. 40°49'00" N., long. 73°17'02" W., to lat. 40°36'00" N., long. 73°12'27" W., to lat. 40°29'42" N., long. 73°30'53" W., to lat. 40°29'43" N., long. 73°52'12" W., to lat. 40°15'00" N., long. 74°00'00" W., to lat. 40°14'32" N., long. 74°29'47" W., to lat. 40°24'45" N., long. 74°51'22" W., to lat. 41°08'17" N., long. 75°00'00" W., to lat. 41°23'15" N., long. 74°43'13" W., to lat. 41°26'08" N., long. 73°52'54" W., to lat. 41°16'48" N., long. 73°34'53" W., to the point of beginning excluding the airspace that coincides with the Wrightstown, NJ, Pittstown, NJ, Philadelphia, PA, Poughkeepsie, NY, Mewburgh, NY, and Danbury, CT Class E airspace areas.

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Issued in Jamaica, New York, on December 8, 2003.

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Eastern Region.*

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2003–16614; Airspace
Docket No. 03–AEA–17]

Amendment of Class E Airspace; New York, and New Jersey

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule; request for comments.

SUMMARY: This action removes the description of the Class E airspace designated for Republic Airport, Farmingdale, NY; Westchester County Airport, White Plains, NY; Ossining, NY; Linden Airport, NJ; Greenwood Lake Airport, West Milford, NJ; Somerset Airport, Somerville, NJ; Sussex Airport, NJ; Aeroflex-Andover Airport, Andover, NJ; Old Bridge Airport, NJ; Princeton Airport, NJ; Solberg-Hunterdon Airport, Readington, NJ; Central Jersey Regional Airport, Manville, NJ. The affected Class E–5 airspace for the airport included in these descriptions will be consolidated into the New York, NY airspace description contained in Docket No. FAA–2003–16180; Airspace Docket No. 03–AEA–14, effective June 10, 2004.

DATES: *Effective date:* April 15, 2004.

Comment Date: Comments must be received on or before February 19, 2004.

ADDRESSES: Send comments of the rule to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2003–16614/Airspace Docket No. 03–AEA–17 at the beginning of your comments. You may also submit comments on the Internet at <http://dms.dot.gov>. You may review the public docket containing the rule, any comments received, and any final disposition in person in the Docket Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527) is on the plaza level of the Department of Transportation NASSIF building at the above address.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division, Federal Aviation Administration, Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4890.

FOR FURTHER INFORMATION CONTACT: Mr. Francis Jordan, Airspace Specialist, Airspace Branch, AEA–520, Aviation Plaza, Jamaica, NY 11434–4809, telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION: Although this action is a final rule, which involves the amendment of Class E airspace within New York, and New Jersey, by consolidating that airspace into one description, and was not preceded by notice and public procedure, comments are invited on the rule. This rule will become effective on the date specified in the **DATES** section. However, after the review of any

comments and, if the FAA finds that further changes are appropriate, it will initiate rulemaking proceedings to extend the effective date or to amend the regulation.

Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule, and in determining whether additional rulemaking is required. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the rule which might suggest the need to modify the rule.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) amends the description of Class E airspace in the New York, NY area by removing the airspace designations for Babylon, NY; Ossining, NY; White Plains, NY; Andover, NJ; Linden, NJ; Manville, NJ; Old Bridge, NJ; Princeton, NJ; Readington, NJ; Somerville, NJ; Sussex, NJ; and West Milford, NJ. It consolidates those airspace areas into the New York, NY description. The proliferation of airports with Instrument Flight Rule (IFR) operations in the vicinity of New York, NY has resulted in the overlap of numerous Class E airspace areas that complicate the chart depictions. This action clarifies the airspace and diminishes the scope and complexity of charting. The IFR airports within those areas will be incorporated into the New York, NY Class E airspace area. Accordingly, since this action merely consolidates these airspace areas into one airspace designation and has inconsequential impact on aircraft operations in the area, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

Class E airspace designations for airspace extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9L, dated September 2, 2003, and effective September 16, 2003, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order. 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