TITLE 14-AERONAUTICS AND SPACE

CHAPTER I-FEDERAL AVIATION AGENCY

SUBCHAPTER E-AIRSPACE (NEW)

(Airspace Docket No. 63-WA-38)

PART 71-DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS (NEW)

PART 73-SPECIAL USE AIRSPACE (NEW)

Designation of Restricted Areas and Alteration of Controlled Airspace

On June 6, 1963, a Notice of Proposed Rule Making was published in the Federal Register (28 F. R. 5583) stating that the Federal Aviation Agency (FAA) was considering a proposal to designate three joint-use restricted areas and to include these restricted areas in the continental control area and alter certain Federal airways and the Albuquerque, New Mexico, and the Gallup, New Mexico, transition areas. These actions were proposed in order to protect non-participating aircraft from the hazards associated with an off-range missile firing project being conducted by the Department of Defense (DOD).

No adverse comments were received concerning the proposal.

Although not mentioned in the Notice, DOD has advised the FAA that contracts are being negotiated for the use of the privately owned lands necessary to contain the missile operations. Should use of these lands be denied for these purposes, action will be taken to modify or rescind these airspace actions as appropriate. The FAA will not authorize any missile firings in connection with this project until such time as these contracts

are consummated. It should be noted that because of the flight profile of the missile and its components, the lateral dimensions of the restricted areas are necessarily larger than that required on the surface. Further, no hazardous activities except those necessary for the firing of the missile shall be conducted in the proposed restricted areas, and except for the periods of time required to conduct these activities, these areas will be returned to the controlling agencies for air traffic purposes.

The actions taken herein, in no way, permit the using agency and/or his representatives to deviate from the provisions of Section 48.22(g) of the Civil Air Regulations.

In the Notice of Proposed Rule Making it was proposed to alter the descriptions of VOR Federal airways Nos. 19, 62, 192, 486, 1532, 1536, 1543, 1636, 1645, and 1756, and the Albuquerque, New Mexico, and the Gallup, New Mexico, transition areas. These alterations would not result in a physical change to the airspace boundaries, but would merely add that prior approval from appropriate authority would be required before using those portions of the airspace within the restricted areas. Civil Air Regulations 60.13(b) and Federal Air Regulations 73.13 (a) and (b) forbid the flight of any non-participating aircraft within a restricted area unless permission has been obtained from the appropriate authority; either the using agency or controlling agency. Accordingly, the FAA believes that, because of the short period of time these restricted areas would be designated, and in view of the regulations

quoted above that govern flight within restricted areas, no useful purpose would be served by altering the affected airways and transition areas to include the phrase "the airspace within (appropriate restricted area number) shall be used only after obtaining prior approval from appropriate authority." Therefore, no action regarding these airways or transition areas is taken herein.

In consideration of the foregoing, and for the reasons stated here and in the Notice, the following actions are taken:

1. In § 73.51 New Mexico, (28 F. R. 19-31, January 26, 1963), the following are added:

(a) R-5113 Socorro, New Mexico.

Boundaries. Beginning at Lat. 34° 20' 00" N, Long. 106° 37' 00" W;
to Lat. 34° 10' 00" N, Long. 106° 37' 00" W;
to Lat. 34° 10' 00" N, Long. 106° 47' 00" W;
to Lat. 34° 17' 00" N, Long. 106° 47' 00" W;
to Lat. 34° 20' 00" N, Long. 106° 43' 00" W;
to the point of beginning.

Designated altitudes. Surface to unlimited.

Time of designation. Continuous, September 15, 1963, to November 1, 1963, unless cancelled sooner by NOTAM.

Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.

Using agency. Commander, Air Force Missile Development Center, Holloman AFB, New Mexico.

(b) R-5114 Fort Wingate, New Mexico.

Boundaries. Beginning at Lat. 35° 27' 00" N, Long. 108° 35' 00" W;
to Lat. 35° 11' 00" N, Long. 108° 13' 00" W;
to Lat. 35° 04' 40" N, Long. 108° 24' 00" W;
to Lat. 35° 24' 00" N, Long. 108° 38' 00" W;
to the point of beginning.

Designated altitudes. Surface to unlimited.

Time of designation. Continuous, October 14, 1963, to December 10, 1963, unless cancelled sooner by NOTAM.

Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.

Using agency. Commander, Air Force Missile Development Center, Holloman AFB, New Mexico.

2. In § 73.64 Utah, (28 F. R. 19-42, January 26, 1963), the following is added:

R-6410 Blanding, Utah.

Boundaries. Beginning at Lat. 37° 33' 00" N, Long. 109° 33' 00" W;
to Lat. 37° 21' 00" N, Long. 109° 21' 00" W;
to Lat. 37° 17' 00" N, Long. 109° 29' 00" W;
to Lat. 37° 31' 00" N, Long. 109° 36' 00" W;
to the point of beginning.

Designated altitudes. Surface to unlimited.

Time of designation. Continuous, September 9, 1963, to November 1, 1963, unless cancelled sooner by NOTAM.

Controlling agency. Federal Aviation Agency, Denver ARTC Center.

Using agency. Commander, Air Force Missile Development Center, Holloman AFB, New Mexico.

3. In § 71.151 (27 F. R. 220-54, November 10, 1962), the following are added:

(Airspace Docket No. 63-WA-38)

R-5113 Socorro, N. Mex.

R-5114, Fort Wingate, N. Mex.

R-6410, Blanding, Utah.

These amendments shall become effective 0001 EST August 22, 1963.

(Sec. 307(a), 72 Stat. 749; 49 U. S. C. 1348).

s/ Lee E. Warren

Acting Director, Air Traffic Service

Issued in Washington, D. C. on July 11, 1963