

actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

#### Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

Comments wishing the FAA to acknowledge receipt of their comments

submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 99-ACE-5." The postcard will be date stamped and returned to the commenter.

#### Agency Findings

The regulations adopted herein will not have substantial direct effects on the States on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

#### **PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS**

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. 389.

##### **§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective

September 16, 1998, is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

#### **ACE KS E5 El Dorado, KS [Revised]**

Captain Jack Thomas/El Dorado Airport, KS (Lat. 37°46'27"N., long. 96°49'03"W.)

El Dorado NDB (Lat. 37°46'46"N., long. 96°48'59"W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Captain Jack Thomas/El Dorado Airport and within 2.5 miles each side of the 218° bearing from the El Dorado NDB extending from the 64.-mile radius to 7 miles south of the airport.

\* \* \* \* \*

Issued in Kansas City, MO, on February 4, 1999.

**Herman J. Lyons, Jr.,**

*Manager, Air Traffic Division, Central Region.*

[FR Doc. 99-4176 Filed 2-19-99; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 99-ACE-6]

#### **Amendment to Class E Airspace; Boonville, MO**

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

**ACTION:** Direct final rule; request for comments.

**SUMMARY:** This action amends Class E airspace area at Jesse Viertel Memorial Airport, Boonville, MO. A review of the Class E airspace area for Jesse Viertel Memorial Airport indicates it does not comply with the criteria for 700 feet Above Ground Level (AGL) airspace required for diverse departures as specified in FAA Order 7400.2D. The Class E airspace has been enlarged to conform to the criteria of FAA Order 7400.2D. The intended effect of this rule is to provide additional controlled Class E airspace for aircraft operating under Instrument Flight Rules (IFR), and comply with the criteria of FAA Order 7400.2D.

**DATES:** Effective date: 0901 UTC, May 20, 1999.

Comments for inclusion in the Rules Docket must be received on or before April 1, 1999.

**ADDRESSES:** Send comments regarding the rule in triplicate to: Manager, Airspace Branch, Air Traffic Division, ACE-520, Federal Aviation Administration, Docket Number 99-

ACE-6, 601 East 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9:00 a.m., and 3:00 p.m., Monday through Friday, except Federal holidays.

An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

**FOR FURTHER INFORMATION CONTACT:**

Kathy Randolph, Air Traffic Division, Airspace Branch, ACE-520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106; telephone: (816) 426-3408.

**SUPPLEMENTARY INFORMATION:** This amendment to 14 CFR 71 revises the Class E airspace at Boonville, MO. A review of the Class E airspace for Jesse Viertel Memorial Airport indicates it does not meet the criteria for 700 feet AGL airspace required for diverse departures as specified in FAA Order 7400.2D. The criteria in FAA Order 7400.2D for an aircraft to reach 1200 feet AGL is based on a standard climb gradient of 200 feet per mile plus the distance from the ARP to the end of the outermost runway. Any fractional part of a mile is converted to the next higher tenth of a mile. The amendment at Jesse Viertel Memorial Airport, MO, will provide additional controlled airspace for aircraft operating under IFR, and comply with the criteria of FAA Order 7400.2D. The area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, 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 Direct Final Rule Procedure**

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a

written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

**Comments Invited**

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 99-ACE-6." The postcard will be date stamped and returned to the commenter.

**Agency Findings**

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the

national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**Adoption of the Amendment**

Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

**PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS**

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. 389.

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

**ACE MO E5 Boonville, MO [Revised]**

Jesse Viertel Memorial Airport, MO  
(Lat. 38°56'45"N., long. 92°40'58"W.)  
Viertel NDB  
(Lat. 38°57'03"N., long. 92°41'22"W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Jesse Viertel Memorial Airport and within 2.6 miles each side of the 012° bearing from the Viertel NDB extending from the 6.3-

mile radius to 7 miles north of the airport and within 3.5 miles each side of the 069° bearing from the Viertel NDB extending from the 6.3-mile radius to 9 miles northeast of the airport.

Issued in Kansas City, MO, on February 4, 1999.

**Herman J. Lyons, Jr.,**

*Manager, Air Traffic Division, Central Region.*

[FR Doc. 99-4175 Filed 2-19-99; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 902

[AK-007-FOR, Amendment No. VII]

#### Alaska Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Final rule; approval of amendment.

**SUMMARY:** The Office of Surface Mining Reclamation and Enforcement (OSM) is approving a proposed amendment to the Alaska regulatory program (hereinafter, the "Alaska program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Alaska proposed revisions to its regulations pertaining to general permitting requirements, general permit application information requirements, environmental resource information requirements, reclamation and operation plan requirements, permitting for special categories of mining, coal exploration, self-bonding requirements, performance standards, and general provisions, and included numerous editorial and recodification changes. The amendment was intended to revise the Alaska program to provide additional safeguarded, to clarify ambiguities, and to improve operational efficiency.

**EFFECTIVE DATE:** February 22, 1999.

**FOR FURTHER INFORMATION CONTACT:** James F. Fulton, Telephone: (303) 844-1424, Internet address: JFULTON@OSMRE.GOV.

#### SUPPLEMENTARY INFORMATION:

##### I. Background on the Alaska Program

On March 23, 1983, the Secretary of the Interior conditionally approved the Alaska program. General background information on the Alaska program, including the Secretary's findings, the disposition of comments, and conditions of approval of the Alaska program can be found in the March 23,

1983, **Federal Register** (48 FR 12274). Subsequent actions concerning Alaska's program and program amendments can be found at 30 CFR 902.15 and 902.16.

##### II. Proposed Amendment

By letter dated July 30, 1998, Alaska submitted a proposed amendment to its program (amendment No. VII, administrative record No. AK-07-01) pursuant to SMCRA (30 U.S.C. 1201 *et seq.*). Alaska submitted the proposed amendment at its own initiative. The provisions of the Alaska Surface Coal Mining Program Regulations that Alaska proposed to revise were: 11 Alaska Administrative Code (AAC) 90.002(a), (b), and (c), responsibilities, and 11 AAC 90.011(a)(1) and (2), permit fees, as provided in Article 2, General Permitting Requirements; 11 AAC 90.025(a)(2), (b), and (c), authority to enter and ownership information, as provided in Article 3, General permit Application Information Requirements; 11 AAC 90.045(a)(1) and (2), geology description, and 11 AAC 90.049(a), (a)(1), (2), and (a)(2)(C) through (H), surface water information, as provided in Article 4, Environmental Resource Information Requirements; 11 AAC 90.083(b)(9) and (11), reclamation plan general requirements, and 11 AAC 90.097, transportation facilities, as provided in Article 5, Reclamation and Operation Plan; 11 AAC 90.149(d) and (d)(1), operations near alluvial valley floors, as provided in Article 7, Permitting for Special Categories of Mining; 11 AAC 90.163(a) and (d), exploration that substantially disturbs the natural land surface or occurs in an area designated unsuitable for surface coal mining, as provided in Article 8, Exploration; 11 AAC 90.207(f), self-bonding requirements, as provided in Article 10, Bonding; 11 AAC 90.337(f), impoundment inspection, 11 AAC 90.375(f), public notice of blasting, 11 AAC 90.391(h)(1) and (2) and (s), disposal of excess spoil and coal mine waste, 11 AAC 90.401(e), coal mine waste, refuse piles, 11 AAC 90.407(e), coal mine waste, dams and embankments, 11 AAC 90.423(b) and (h), protection of fish and wildlife, 11 AAC 90.443(d)(1), (k), and (k)(1) and (2), backfilling and grading, and 11 AAC 90.491(e), (f), and (f)(1) and (2), construction and maintenance of roads, transportation and support facilities, and utility installations, as provided in Article 11, Performance Standards; and 11 AAC 90.901(e), applicability, 11 AAC 90.907(c) and (j), public participation, and 11 AAC 90.911(92), definition of "road," as provided in Article 17, General Provisions.

Specifically, Alaska proposed numerous editorial and recodification changes for the purpose of clarity and in order to be consistent with the requirements of the State's "Drafting Manual for Administrative Regulations" (1995 edition). Alaska also proposed at 11 AAC 90.049(a)(2)(G) to require that water quality data show acidity information if there is potential for acid drainage from the proposed mining operation, and at 11 AAC 90.207(f)(2) to apply certain provisions for self-bonding, including criteria that must be met by the self-bond guarantor.

OSM announced receipt of the proposed amendment in the August 11, 1998, **Federal Register** (63 FR 42774), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (administrative record No. AK-07-02). Because no one requested a public hearing or meeting, none was held. The public comment period ended on September 10, 1998.

##### III. Director's Findings

As discussed below, the Director, in accordance with SMCRA and 30 CFR 732.15 and 732.17, finds that the proposed program amendment submitted by Alaska on July 30, 1998, is no less effective than the corresponding Federal regulations. Accordingly, the Director approves the proposed amendment.

##### 1. Nonsubstantive Revisions to Alaska's Surface Coal Mining Program Regulations

Alaska proposed revisions to the following previously-approved provisions of the Alaska surface coal mining program regulations that are nonsubstantive in nature. These proposed revisions consist of recodification and/or wording changes made to reflect contemporary writing style and/or make the State's provisions clearer or more specific. The corresponding Federal regulation provisions are listed in parentheses.

11 Alaska Administrative Code (AAC) 90.002(a), (b), and (c), responsibilities under general permitting requirements (30 CFR Part 772 and 773.11);

11 AAC 90.011 (1) and (2), permit fees (30 CFR 777.17);

11 AAC 90.025(a)(2), (b), and (c), authority to enter and ownership information (30 CFR 778.13(h) and 778.15(a) and (b));

11 AAC 90.045(a)(1) and (2), geology description (30 CFR 780.22(b)(1));

11 AAC 90.049(a)(1), (2), (2)(C), (D), (F), and (H), surface water information (30 CFR 780.21(b)(2) and 784.14(b)(2));