

**ACE KS D Topeka, Philip Billard Municipal Airport, KS**

Topeka, Topeka, Philip Billard Municipal Airport, KS

(Lat. 39°04'07"N., long. 95°37'21"W.)

Topeka, Forbes Field, KS

(Lat. 38°57'03"N., long. 95°39'49"W.)

That airspace extending upward from the surface to and including 3,400 feet MSL within a 4-mile radius of Philip Billard Municipal Airport, excluding that airspace within the Topeka, Forbes Field, KS, Class D airspace area. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Director.

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**Paragraph 6002 Class E Airspace Designated as Surface Areas**

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**ACE KS E2 Topeka, Forbes Field, KS**

Topeka, Topeka, Philip Billard Municipal Airport, KS

(Lat. 39°04'07"N., long. 95°37'21"W.)

Topeka, Forbes Field, KS

(Lat. 38°57'03"N., long. 95°39'49"W.)

Within a 4-mile radius of Philip Billard Municipal Airport, excluding that airspace within the Topeka, Forbes Field, KS, Class D and E airspace areas. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Director.

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Issued in Kansas City, MO, on January 30, 2003.

**Herman J. Lyons, Jr.**

Manager, Air Traffic Division, Central Region.

[FR Doc. 03-3266 Filed 2-7-03; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA-2002-13946; Airspace Docket No. 02-ASO-29]

**Amendment of Class E5 Airspace; Memphis, TN**

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

**ACTION:** Final rule.

**SUMMARY:** This action amends Class E5 airspace at Memphis, TN. As a result of an evaluation, the Memphis, TN, Class E5 airspace area has been amended to contain the Nondirectional Radio Beacon (NDB) Runway (RWY) 9 Standard Instrument Approach Procedure (SIAP) to Memphis International Airport and the NDB RWY

17 and NDB—B SIAP's to West Memphis Municipal Airport. Additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to contain the SIAP's.

**DATES:** 0901 UTC, May 15, 2003.

**FOR FURTHER INFORMATION CONTACT:** Walter R. Cochran, Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5627.

**SUPPLEMENTARY INFORMATION:****History**

On December 24, 2002, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by amending Class E5 airspace at Memphis, TN, (67 FR 78397). This action provides adequate Class E airspace for IFR operations at Memphis International Airport and West Memphis Municipal Airport. Designations for Class E are published in FAA Order 7400.9K, dated August 30, 2002, and effective September 16, 2002, which is incorporated by reference in 14 CFR part 71.1. The Class E designations listed in this document will be published subsequently in the Order.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

**The Rule**

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) amends Class E5 airspace at Memphis, TN.

The FAA has determined that this proposed 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 "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, when promulgated, will not have a 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, Incorporation by reference, Navigation (Air).

**Adoption of the Amendment**

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 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 17.1 of 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 6005 Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface of the Earth.

\* \* \* \* \*

**ASO TN E5 Memphis, TN [REVISED]**

Memphis International Airport, TN

Lat. 35°02'33" N, long. 89°58'36" W

Olive Branch Airport

Lat. 34°58'44" N, long. 89°47'13" W

West Memphis Municipal Airport

Lat. 35°08'06" N, long. 90°14'04" W

General DeWitt Spain Airport

Lat. 35°12'02" N, long. 90°03'14" W

Elvis NDB

Lat. 35°03'41" N, long. 90°04'18" W

West Memphis NDB

Lat. 35°08'22" N, long. 90°13'57" W

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Memphis International Airport, and within 4 miles north and 8 miles south of the 271° bearing from the Elvis NDB extending from the 8-mile radius to 16 miles west of the Elvis NDB, and within a 7.5-mile radius of Olive Branch Airport, and within a 6.5-mile radius of West Memphis Municipal Airport, and within 4 miles east and 8 west of the 197° from the West Memphis NDB extending from the 6.5-mile radius to 16 miles south of the West Memphis NDB, and within 4 miles east and 8 miles west of the 353° bearing from the West Memphis NDB extending from the 6.5-mile radius to 16 miles north of the West Memphis NDB, and within a 6.4-mile radius of General DeWitt Spain Airport; excluding that airspace within the Millington, TN, Class E airspace area.

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Issued in College Park, Georgia, on January 31, 2003.

Walter R. Cochran,  
Acting Manager, Air Traffic Division,  
Southern Region.

[FR Doc. 03-3270 Filed 2-7-03; 8:45 am]

BILLING CODE 4910-13-M

**DEPARTMENT OF TRANSPORTATION**  
**Federal Aviation Administration**

**14 CFR Part 150**

**Airport Noise Compatibility Planning**

*CFR Correction*

In Title 14 of the Code of Federal Regulations, Parts 140 to 199, revised as

of January 1, 2002, on page 99, in Appendix A to Part 150, equation (3) is revised to read as follows:

**Appendix A to Part 150—Noise Exposure Maps**

\* \* \* \* \*

$$L_{dn} = 10 \log_{10} \left[ \frac{1}{86400} \left( \int_{0000}^{0700} 10^{[L_A(t)+10]/10} dt + \int_{0700}^{2200} 10^{L_A(t)/10} dt + \int_{2200}^{2400} 10^{[L_A(t)+10]/10} dt \right) \right] \quad (3)$$

\* \* \* \* \*

[FR Doc. 03-55506 Filed 2-7-03; 8:45 am]

BILLING CODE 1505-01-D

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

**18 CFR Part 375**

[Docket No. RM03-5-000; Order No. 629]

**Before Commissioners: Pat Wood, III, Chairman; William L. Massey, and Nora Mead Brownell; Amendment to Delegations of Authority to the Chief Administrative Law Judge**

Issued January 29, 2003.

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** This Final Rule clarifies the authority of the Chief Administrative Law Judge (Chief ALJ) to establish procedural timelines in matters set for hearing. The change is necessary to avoid any confusion over the Chief ALJ's authority to set and extend time frames. It will benefit parties and the public by helping to ensure that matters set for hearing are processed efficiently.

**EFFECTIVE DATE:** The rule will become effective January 29, 2003.

**FOR FURTHER INFORMATION CONTACT:** Wilbur Miller, Office of General Counsel, 888 First Street, NE., Washington, DC 20426, (202) 502-8953, [Wilbur.Miller@FERC.gov](mailto:Wilbur.Miller@FERC.gov).

**SUPPLEMENTARY INFORMATION:** 1. This final rule clarifies the authority of the Chief Administrative Law Judge (Chief ALJ) to set and extend procedural time standards in matters set for hearing. Currently, the Chief ALJ designates each matter for one of several specified

timetables depending on the complexity of the case. The timetables contain deadlines for such matters as hearings, briefing, and the initial decision. The Commission regards these time standards as critical to the efficient processing of matters assigned for hearing. More detailed information about the time standards is available on the Commission's Web site at [www.ferc.gov/legal/oalj/standards.htm](http://www.ferc.gov/legal/oalj/standards.htm).

2. Some confusion may have arisen over the Chief ALJ's authority to establish time standards for individual cases.<sup>1</sup> This final rule is intended to eliminate any such confusion. Accordingly, it amends the Commission's delegations of authority to the Chief ALJ with respect to matters pending under 18 CFR part 385, subpart E. Specifically, this rule amends Part 375 of the Commission's regulations, which contains the Commission's delegations of authority to its staff, by adding to the Chief ALJ's delegations the authority to set and extend procedural time standards in matters in litigation unless the Commission states otherwise in its order setting a hearing.<sup>2</sup> The times set by the Chief ALJ are mandatory, not advisory, and need not be specifically authorized by the Commission in individual cases.

3. The Commission is issuing this order as a final rule without a period for public comment. Under 5 U.S.C. 553(b), notice and comment procedures are unnecessary where a rulemaking concerns only agency procedure and practice, or where the agency finds that notice and comment is unnecessary. This rule concerns only matters of agency procedure and, in fact, makes no change to existing procedures. It thus will not significantly affect regulated

entities or the general public. Therefore, the Commission finds notice and comment procedures to be unnecessary.

4. In addition, in accordance with 5 U.S.C. 553(d)(3), the Commission finds that good cause exists to make this Final Rule effective immediately upon issuance. As stated above, the rule clarifies rather than changes existing procedures. Therefore, no point would be served in making it effective at a later date.

**Information Collection Statement**

5. The Office of Management and Budget's ("OMB's") regulations require that OMB approve certain information collection requirements imposed by agency rule.<sup>3</sup> This Final Rule contains no information reporting requirements, and is not subject to OMB approval.

**Environmental Analysis**

6. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.<sup>4</sup> Issuance of this Final Rule does not represent a major federal action having a significant adverse effect on the human environment under the Commission's regulations implementing the National Environmental Policy Act.<sup>5</sup> Part 380 of the Commission's regulations lists exemptions to the requirement that an Environmental Analysis or Environmental Impact Statement be done. Included is an exemption for procedural, ministerial or

<sup>3</sup> 5 CFR part 1320.

<sup>4</sup> Order No. 486, Regulations Implementing the National Environmental Policy Act, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs. Preambles 1986-1990 ¶ 30,783 (1987).

<sup>5</sup> Order No. 486, 52 FR 47897 (Dec. 17, 1987); FERC Stats. & Regs. [Regulations Preambles 1986-1990] ¶ 30,783 (Dec. 10, 1984) (*codified at* 18 CFR part 380).

<sup>1</sup> See Midwest Independent System Operator, *et al.*, Docket No. EL02-111-000, (Jan. 14, 2003) (Order Extending Briefing Schedule).

<sup>2</sup> See new 18 CFR 375.304(b)(1)(v) (2002).