

**Conclusion**

This action affects only certain novel or unusual design features on one model of airplane. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

The substance of these special conditions has been subjected to the notice and comment period in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. For this reason, and because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

**List of Subjects in 14 CFR Part 23**

Aircraft, Aviation safety, Signs and symbols.

**Citation**

■ The authority citation for these special conditions is as follows:

**Authority:** 49 U.S.C. 106(g), 40113 and 44701; 14 CFR 21.16 and § 21.17; and 14 CFR 11.38 and 11.19.

**The Special Conditions**

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Aero Vodochody Ae-270 Projekt airplane with the Chelton Flight Systems SVS PFD.

1. *Protection of Electrical and Electronic Systems from High Intensity Radiated Fields (HIRF).* Each system that performs critical functions must be designed and installed to ensure that the operations, and operational capabilities of these systems to perform critical functions, are not adversely affected when the airplane is exposed to high intensity radiated electromagnetic fields external to the airplane.

2. For the purpose of these special conditions, the following definition applies:

*Critical Functions:* Functions whose failure would contribute to, or cause, a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Kansas City, Missouri on September 16, 2003.

**Michael Gallagher,**

*Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 03-25425 Filed 10-7-03; 8:45 am]

**BILLING CODE 4910-13-P**

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

**[Airspace Docket No. FAA-02-ANM-07]**

**Establishment of Class E Airspace at Afton Municipal Airport, Afton, WY**

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

**ACTION:** Final rule; correction.

**SUMMARY:** This action deletes reference to the magnetic headings in the airspace description of the Class E airspace at Afton Municipal Airport, Afton, WY, that was published on July 31, 2003 (68 FR 44874), Airspace Docket 02-ANM-07.

**EFFECTIVE DATE:** 0901 UTC, October 30, 2003.

**FOR FURTHER INFORMATION CONTACT:** Ed Haeseker, ANM-520.7; telephone (425) 227-2527; Federal Aviation Administration, Docket No. 02-ANM-07, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

**SUPPLEMENTARY INFORMATION:**

*History:* Airspace Docket 02-ANM-07 published on July 31, 2003 (68 FR 44874), established Class E Airspace at Afton Municipal Airport, Afton, WY, effective date of October 30, 2003. Magnetic as well as true heading were used to describe parameters of the Class E Airspace for Afton Municipal Airport, Afton, WY. This action only deletes references to the magnetic headings.

**E Airspace; Airways; Routes; and Reporting Points [Amended]**

**Authority:** 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565.

**Correction to Final Rule****§ 71.1 [Amended]**

■ The references to magnetic headings in the description of the Class E Airspace for Afton Municipal Airport, Afton, WY. Accordingly, pursuant to the authority delegated to me, as published in the **Federal Register** on July 31, 2003 (68 FR 44874) (Airspace Docket 02-ANM-07); page 44874, column 2, are corrected as follows:

\* \* \* \* \*

**ANM UT E5 Afton, WY (Corrected)**

Afton Municipal Airport, WY  
(Lat 42°42'41" N, long. 110°56'32" W)

That airspace extending upward from 700 feet above the surface of the earth within 6.5 mile radius of the Afton Municipal Airport, and within 2 miles either side of the 355° bearing from the airport extending from the 6.5 miles radius to 7.5 miles north of the airport, and within 2 miles either side of the 185° bearing from the airport extending from the 6.5 mile radius to 19.3 miles south of the airport.

\* \* \* \* \*

Issued in Seattle, Washington, on September 22, 2003.

**ViAnne Fowler,**

*Acting Manager, Air Traffic Division, Northwest Mountain Region.*

[FR Doc. 03-25427 Filed 10-7-03; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 100**

**[CGD05-03-062]**

**RIN 1625-AA08**

**Special Local Regulations for Marine Events; Isle of Wight Bay, Ocean City, MD.**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is establishing permanent special local regulations for fireworks displays over the waters of Isle of Wight Bay, Ocean City, Maryland. These special local regulations are necessary to provide for the safety of life on navigable waters during the fireworks displays. This action is intended to restrict vessel traffic in portions of Isle of Wight Bay during the events.

**DATES:** This rule is effective November 7, 2003.

**ADDRESSES:** Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket CGD05-03-062 and are available for inspection or copying at Commander (oax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004, between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** S. L. Phillips, Project Manager, Auxiliary and Recreational Boating Safety Branch, at (757) 398-6204.

**SUPPLEMENTARY INFORMATION:**

### Regulatory Information

On July 8, 2003 we published a notice of proposed rulemaking (NPRM) entitled "Special Local Regulations for Marine Events; Isle of Wight Bay, Ocean City, MD" in the **Federal Register** (68 FR 40615). We received no letters commenting on the proposed rule. No public hearing was requested, and none was held.

### Background and Purpose

Several times each year, O.C. Seacrets, Inc. sponsors fireworks displays over the waters of Isle of Wight Bay, Ocean City, Maryland. The fireworks are launched from two pontoon boats anchored near the O.C. Seacrets Dock in the vicinity of 117 W. 49th Street, Ocean City, Maryland. A small fleet of spectator vessels normally gathers nearby to view the event. Due to the need for vessel control during the fireworks, vessel traffic will be temporarily restricted to provide for the safety of spectators and transiting vessels.

### Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

Although this regulation will prevent traffic from transiting a portion of Isle of Wight Bay during the event, the effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly. Additionally, the proposed regulated area has been narrowly tailored to impose the least impact on general navigation yet provide the level of safety deemed necessary. Vessel traffic will be able to transit Isle of Wight Bay by navigating around the regulated area.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered

whether this rule will have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in a portion of Isle of Wight Bay during the event.

This rule will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will be in effect for only 4 days each year. Vessel traffic will be able to pass safely around the regulated area. Before the enforcement period, we will issue maritime advisories so mariners can adjust their plans accordingly.

### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we offered to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking. We received no requests for assistance, and none was provided.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

### Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

### Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed

this rule under that Order and have determined that it does not have implications for federalism.

### Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

### Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

### Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

### Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

### Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

### Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of

energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

### Environment

We have analyzed this proposed rule under Commandant Instruction M16475.ID, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(h), of the Instruction, from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine parade permit are specifically excluded from further analysis and documentation under that section. Under figure 2–1, paragraph (34)(h), of the Instruction, an “Environmental Analysis Check List” and a “Categorical Exclusion Determination” are not required for this rule.

### List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 100 as follows:

### PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 100.531 to read as follows:

#### § 100.531 Isle of Wight Bay, Ocean City, MD.

(a) *Definitions.*

*Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Eastern Shore.

*Official Patrol.* The Official Patrol is any vessel assigned or approved by Commander, Coast Guard Group Eastern Shore with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

*Regulated Area.* The regulated area includes all waters of Isle of Wight Bay enclosed by the arc of a circle 300 feet in diameter with the center located at

position 38°22′30.0″ N latitude, 075°04′18.0″ W longitude. All coordinates reference Datum NAD 1983.

(b) *Special local regulations.*

(1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any official patrol, including any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any official patrol, including any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(c) *Enforcement period.* This section will be enforced annually from 9:15 p.m. to 10:15 p.m. on Memorial Day, July 4th, August 6th, and Labor Day. If the fireworks are delayed by inclement weather, the special local regulations will be enforced from 9:15 p.m. to 10:15 p.m. the next day.

Dated: September 17, 2003.

**Sally Brice-O’Hara,**

*Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.*

[FR Doc. 03–25414 Filed 10–7–03; 8:45 am]

BILLING CODE 4910–15-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[CGD08–03–036]

RIN 1625–AA08

#### Special Local Regulations for Marine Events; Ohio River, Miles 467.0 to 475.0 and Licking River, Miles 0.0 to 0.5; Cincinnati, OH

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing temporary special local regulations during the “2003 Tall Stacks Heritage Festival”, a marine event to be held from October 14, 2003 until October 20, 2003, on the waters of the Ohio River beginning at mile marker 467.0 and ending at mile marker 475.0, and on the waters of the Licking River beginning at mile marker 0.0 and ending at mile marker 0.5. These temporary special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to control vessel traffic along portions of the Ohio and Licking Rivers during the event.

**DATES:** This rule is effective from 8 a.m. on October 14, 2003 until 1 p.m. on October 20, 2003.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket [CGD08–03–036] and are available for inspection or copying at Commander, Eighth Coast Guard District (m), Hale Boggs Federal Bldg., 501 Magazine Street, Room 1341, New Orleans, LA 70130 between 8 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant (LT) Kevin Lynn, Project Manager for the Eighth Coast Guard District Commander, Hale Boggs Federal Bldg., 501 Magazine Street, New Orleans LA 70130, telephone (504) 589–6271.

### SUPPLEMENTARY INFORMATION:

#### Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553 (b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM, and under 5 U.S.C. 553 (d)(3), good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Publishing an NPRM and delaying its effective date would be contrary to public interest since immediate action is needed to protect vessels and mariners from the hazards associated with the “2003 Tall Stacks Heritage Festival”. This festival is expected to attract over 25,000 waterborne spectators, 17 paddle wheel vessels, hereafter referred to as participant vessels, and daily shoreside spectators in excess of 200,000. The potential for vessel collisions and damage to moored vessels is high. These temporary special local regulations will reduce the potential for collisions and damage by limiting the speed that vessels may transit through the regulated area.

#### Background and Purpose

Commencing on October 14, 2003 and lasting until October 20, 2003, the Greater Cincinnati Tall Stacks Commission will sponsor the “2003 Tall Stacks Heritage Festival”, on the waters of the Ohio River beginning at mile marker 467.0 and ending at mile marker 475.0 and on the waters of the Licking River beginning at mile marker 0.0 and ending at mile marker 0.5. The event will involve 17 participant vessels which will conduct excursions, races, parades and moored tours. Over 25,000 waterborne spectators are anticipated. Over 200,000 daily shoreside spectators are anticipated. In order to preserve the