

- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy 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 AD 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 Number 2003-NM-257-AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect 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, it is determined that this final rule does not have federalism implications under Executive Order 13132.

We have determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

- Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

- 2. Section 39.13 is amended by adding the following new airworthiness directive:

2004-03-02 Airbus: Amendment 39-13446. Docket 2003-NM-257-AD.

Applicability: All Model A321 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent roll oscillations during approach and landing in certain icing, crosswind, and turbulent conditions, which could result in reduced controllability of the airplane, accomplish the following:

Airplane Flight Manual Revision

(a) Within 10 days after the effective date of this AD, revise the Limitations Section of the airplane flight manual (AFM) to include the following statement. This may be done by inserting a copy of this AD in the AFM.

"A321 *Approach and Landing* (Roll Control)

When moderate to severe icing conditions, or significant cross wind (i.e., crosswinds greater than 20 knots, gust included), or moderate to severe turbulence are anticipated:

Use FLAP 3 for landing."

Note 1: When a statement identical to that in paragraph (a) of this AD has been included in the general revisions of the AFM, the general revisions may be inserted into the AFM, and the copy of this AD may be removed from the AFM.

Alternative Methods of Compliance

(b) In accordance with 14 CFR 39.19, the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, is authorized to approve alternative methods of compliance for this AD.

Note 2: The subject of this AD is addressed in French airworthiness directive 2003-388(B), dated October 15, 2003.

Effective Date

(c) This amendment becomes effective on February 18, 2004.

Issued in Renton, Washington, on January 28, 2004.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04-2107 Filed 2-2-04; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2003-16359; Airspace Docket No. 03-ASO-18]

Establishment of Class D Airspace; Hilton Head Island, SC; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correcting amendment.

SUMMARY: This document contains a correction to the final rule (FAA-2003-16359; 03-ASO-18), which was published in the **Federal Register** on December 24, 2003, (68 FR 74471), establishing Class D airspace at Hilton Head Island, SC. This action corrects an error in the description of the Class D airspace in the Summary paragraph.

EFFECTIVE DATE: February 3, 2004.

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:

Background

Federal Register Document 03-31743, Docket No. FAA-2003-16359; Airspace Docket 03-ASO-18, published on December 24, 2003 (68 FR 74471), establishes Class D airspace at Hilton Head Airport, Hilton Head Island, SC. An error was discovered in the Summary paragraph, describing the Class D airspace area. The description of the Class D airspace should be changed from airspace extending upward from the surface to and including 2,800 feet MSL within a 4.1-mile radius of the airport to airspace extending upward from the surface to and including 2,000 feet MSL within a 3.9-mile radius of the airport. This action corrects the error.

Designations for Class D airspace are published in Paragraph 5000 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 D airspace designation listed in this document will be published subsequently in the Order.

Need for Correction

As published, the final rule contains an error that incorrectly describes the size of the Class D airspace area. Accordingly, pursuant to the authority delegated to me, the Summary paragraph for the Class D airspace at Hilton Head Island, SC, incorporated by reference at § 71.1, 14 CFR 71.1, and

published in the **Federal Register** on December 24, 2003, (68 FR 74471), is corrected by correcting the **SUMMARY**.

* * * * *

SUMMARY: This action establishes Class D airspace at Hilton Head Island, SC. A federal contract tower with a weather reporting system has been constructed at the Hilton Head Airport. Therefore, the airport meets criteria for Class D airspace. Class D surface area airspace is required when the control tower is open to contain Standard Instrument Approach Procedures (SIAPs) and other Instrument Flight Rules (IFR) operations at the airport. This action establishes Class D airspace extending upward from the surface to and including 2,000 feet MSL within a 3.9-mile radius of the airport.

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Issued in College Park, Georgia January 9, 2004.

Jeffrey U. Vincent,

*Acting Manager, Air Traffic Division,
Southern Region.*

[FR Doc. 04-2188 Filed 2-2-04; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2003-16534; Airspace
Docket No. 03-ASO-19]

Establishment of Class D and E Airspace; Olive Branch, MS and Amendment of Class E Airspace; Memphis, TN

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class D and E4 airspace at Olive Branch, MS. A federal contract tower with a weather reporting system has been constructed at the Olive Branch Airport. Therefore, the airport meets criteria for Class D and E4 airspace. Class D surface area airspace and Class E4 airspace designated as an extension to Class D airspace is required when the control tower is open to contain Standard Instrument Approach Procedures (SIAPs) and other Instrument Flight Rules (IFR) operations at the airport. This action establishes Class D airspace extending upward from the surface to but not including 2,900 feet MSL, within a 4-mile radius of the Olive Branch Airport and Class E4 airspace extensions that are 5 miles wide and extend 7 miles northeast and south of

the airport. This action also amends the Class E5 airspace area for Memphis, TN, which includes the Olive Branch Airport, to contain the Nondirectional Radio Beacon (NDB) or Global Positioning System (GPS) Runway (RWY) 18 and RWY 36 SIAPs. Controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to contain the procedure turn airspace area.

EFFECTIVE DATE: 0901 UTC, April 15, 2004.

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) 305-5586.

SUPPLEMENTARY INFORMATION:

History

On December 9, 2003, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing Class D and E4 airspace at Olive Branch, MS, and amending Class E5 airspace at Memphis, TN (68 FR 68573). This action provides adequate Class D and E4 airspace for IFR operations at Olive Branch Airport and adequate Class E5 airspace at Memphis, TN to contain SIAPs. Class D airspace designations for airspace areas extending upward from the surface of the earth, Class E4 airspace areas designated as an extension to a Class D surface area, and Class E5 airspace designations for airspace extending upward from 700 feet or more above the surface of the earth are published in Paragraphs 5000, 6004, and 6005 respectively, 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 D, E4, and E5 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) establishes Class D and E4 airspace at Olive Branch, MS, and amends Class E5 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) 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 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 5000 Class D Airspace

* * * * *

ASO MS D Olive Branch, MS [NEW]

Olive Branch Airport, MS
(Lat. 34°58'44" N, long. 89°47'13" W)

That airspace extending upward from the surface to and including 2,900 feet MSL within a 4-mile radius of Olive Branch Airport; excluding that airspace within the Memphis Class B airspace area. This Class D airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

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Paragraph 6004 Class E4 Airspace Areas Designated as an Extension to a Class D Airspace Area

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ASO MS E4 Olive Branch, MS [NEW]

Olive Branch Airport, MS
(Lat. 34°58'44" N, long. 89°47'13" W)