

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 7400.9L, dated September 2, 2003, and effective September 16, 2003, 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 Parsons, KS

Parsons, Tri-City Airport, KS

(Lat. 37°19'48" N., long. 95°30'22" W.)

Parsons NDB

(Lat. 37°20'17" N., long. 95°30'31" W.)

Oswego VORTAC

(Lat. 37°09'27" N., long. 95°12'13" W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Tri-City Airport and within 2.6 miles each side of the 009° bearing from the Parsons NDB extending from the 6.5-mile radius of the airport to 7 miles north of the NDB and within 2.6 miles each side of the 172° bearing from the NDB extending from the 6.5-mile radius of the airport to 7 miles south of the NDB and within 4 miles each side of the Oswego VORTAC 306° radial extending from the 6.5-mile radius of the airport to 10.9 miles northwest of the airport.

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Issued in Kansas City, MO, on February 10, 2004.

Paul J. Sheridan,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 04–4188 Filed 2–24–04; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2004–16990; Airspace Docket No. 04–ACE–8]

Modification of Class E Airspace; Larned, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action modifies the Class E airspace area at Larned, KS. A review of controlled airspace for Larned-Pawnee County Airport indicates it does not comply with the criteria for 700 feet Above Ground Level (AGL) airspace required for diverse departures. The area is modified and enlarged to conform to the criteria in FAA Orders.

DATES: This direct final rule is effective on 0901 UTC, June 10, 2004. Comments for inclusion in the Rules Docket must be received on or before April 13, 2004.

ADDRESSES: Send comments on this proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2004–16990/ Airspace Docket No. 04–ACE–8, at the beginning of your comments. You may also submit comments on the Internet at <http://dms.dot.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527) is on the plaza level of the Department of Transportation NASSIF Building at the above address.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, DOT Municipal Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2525.

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR 71 modifies the Class E airspace area extending upward from 700 feet above the surface at Larned, KS. An examination of controlled airspace for Larned-Pawnee County Airport reveals it does not meet the criteria for 700 feet AGL airspace required for diverse departures as specified in FAA Order 7400.2E, Procedures for Handling Airspace Matters. The criteria in FAA Order

7400.2E for an aircraft to reach 1,200 feet AGL is based on a standard climb gradient of 200 feet per mile plus the distance from the airport reference point (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 controlled airspace examination also revealed non-compliance with FAA Order 8260.19C, Flight Procedures and Airspace. The Larned, KS Class E airspace area extension should be defined in relation to the Larned NDB versus the airport. This amendment expands the airspace area from a 6-mile radius to a 6.4-mile radius of Larned-Pawnee County Airport, defines the airspace extension in terms of the NDB and brings the legal description of the Larned, KS Class E airspace area into compliance with FAA Orders 7400.2E and 8260.19C. This 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 7400.9L, Airspace Designations and Reporting Points, dated September 2, 2003, and effective September 16, 2003, 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. 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

Interested parties are invited to participate in this rulemaking by submitting such written data, views, or

arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2004-16990/Airspace Docket No. 04-ACE-8." The postcard will be date/time stamped and returned to the commenter.

Agency Findings

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.

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

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Adoption of the Amendment

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

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§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9L, dated September 2, 2003, and effective September 16, 2003, 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 Larned, KS

Larned-Pawnee County Airport, KS
(Lat. 38°12'31" N., long. 99°05'10" W.)

Larned NDB

(Lat. 38°12'16" N., long. 99°05'15" W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Larned-Pawnee County Airport and within 2.6 miles each side of the 003° bearing from the Larned NDB extending from the 6.4-mile radius of the airport to 7 miles north of the NDB.

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Issued in Kansas City, MO, on February 13, 2004.

Paul J. Sheridan,

Acting Manager, Air Traffic Division, Central Region.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2003-16342; Airspace Docket No. 03-AAL-15]

Establishment of Class E Airspace; Southeast, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace over Southeast Alaska. Creation of Class E controlled airspace is needed to contain aircraft that will be flying new Area Navigation (RNAV) Routes created in support of the Capstone Initiative. The RNAV Routes

established throughout Southeast Alaska will require the use of Global Positioning System (GPS) Wide Area Augmentation System (WAAS) avionics. Anchorage Air Route Traffic Control Center (ANC ARTCC) will utilize this controlled airspace to provide Air Traffic Control (ATC) services to aircraft that will be flying Southeast Alaska RNAV Routes under Instrument Flight Rules (IFR). The RNAV Routes will permit flight at significantly lower altitudes than those available on airways constructed from land based Navigational Aids (NAVAIDS).

EFFECTIVE DATE: 0901 UTC, June 10, 2004.

FOR FURTHER INFORMATION CONTACT:

Derril Bergt, AAL-531, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513-7587; telephone number (907) 271-2796; fax: (907) 271-2850; email: Derril.Bergt@faa.gov. Internet address: <http://www.alaska.faa.gov/at>.

SUPPLEMENTARY INFORMATION:

History

On Wednesday, November 19, 2003, the FAA proposed to revise part 71 of the Code of Federal Regulations (14 CFR part 71) to create new Class E airspace extending upward from 1,200 ft. above the surface over Southeast AK (68 FR 65225). The action was necessary because Class E airspace is needed that is sufficient in size to contain aircraft while flying new RNAV Routes (GPS-WAAS Required) that will be established in support of the Capstone program. The Class E airspace created by this action will enable ATC to provide IFR service to aircraft flying enroute and connecting to Standard Instrument Approach Procedures (SIAP) to and from various airports throughout Southeast Alaska. The effect of this proposal is to: (1) Provide adequate controlled airspace for commercial air carriers and others conducting IFR operations in Southeast Alaska, (2) validate new operational procedures and equipment in the IFR environment, (3) provide an enroute IFR structure for operations that can be flown safely at significantly lower altitudes than those permitted on airways defined on land based NAVAIDS, and (4) provide IFR access via Public and Special approach and departure procedures to airports not otherwise able to connect to the IFR infrastructure. ATC will provide IFR services within the new Class E airspace. The establishment of Class E airspace in this rule will have an impact on pilot's flight visibility and cloud avoidance requirements while flying under VFR, during the day above 1,200