

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 Rule

This revision to 14 CFR part 71 revises Class E airspace at Platinum, Alaska. Additional Class E airspace is being created to accommodate aircraft executing a new SIAP and will be depicted on aeronautical charts for pilot reference. The intended effect of this rule is to provide adequate controlled airspace for IFR operations at Platinum Airport, Platinum, Alaska.

The FAA has determined that this 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 a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule 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 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 14 CFR 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 6005 Class E airspace extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

#### AAL AK E5 Platinum, AK [Revised]

Platinum Airport, AK  
(Lat. 59°00'41" N., long. 161°49'11" W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of the Platinum Airport.

\* \* \* \* \*

Issued in Anchorage, AK, on April 22, 2004.

**Anthony M. Wylie,**

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

[FR Doc. 04–9911 Filed 4–30–04; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2004–17019; Airspace Docket No. 04–AAL–02]

#### Establishment of Class E Airspace; Wales, AK

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

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E airspace at Wales, AK to provide adequate controlled airspace to contain aircraft executing two new Standard Instrument Approach Procedures (SIAP) and a new Textual Departure Procedure. This Rule results in new Class E airspace upward from 700 feet (ft.) and 1,200 feet above the surface at Wales, AK.

**DATES:** *Effective Date:* 0901 UTC, August 5, 2004.

**FOR FURTHER INFORMATION CONTACT:** Jesse Patterson, AAL–538G, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5898; fax: (907) 271–2850; email: [Jesse.ctr.Patterson@faa.gov](mailto:Jesse.ctr.Patterson@faa.gov). Internet address: <http://www.alaska.faa.gov/at>.

**SUPPLEMENTARY INFORMATION:**

#### History

On Wednesday, February 25, 2004, the FAA proposed to revise part 71 of the Federal Aviation Regulations (14 CFR part 71) to create new Class E airspace upward from 700 ft. and 1,200 ft. above the surface at Wales, AK (69 FR

8586). The action was proposed in order to add Class E airspace sufficient in size to contain aircraft while executing two new Standard Instrument Approach Procedures and a new Departure Procedure for the Wales Airport. The new approaches are (1) Area Navigation-Global Positioning System (RNAV GPS) RWY 18 original and RNAV GPS RWY 36, original. New Class E controlled airspace extending upward from 700 feet and 1,200 feet above the surface in the Wales Airport area is established by this action. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No public comments have been received, thus, the rule is adopted as proposed.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as 700/1200 foot transition areas 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 Rule

This revision to 14 CFR part 71 establishes Class E airspace at Wales, Alaska. This additional Class E airspace was created to accommodate aircraft executing new SIAPs and will be depicted on aeronautical charts for pilot reference. The intended effect of this rule is to provide adequate controlled airspace for IFR operations at Wales Airport, Wales, Alaska.

The FAA has determined that this 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 a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule 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 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 14 CFR 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 6005 Class E airspace extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

**AAL AK E5 Wales, AK [New]**

Wales Airport, AK

(Lat. 65°37'26" N., long. 168°05'57" W.)

That airspace extending upward from 700 feet above the surface within a 6.35-mile radius of the Wales Airport and that airspace extending upward from 1,200 feet above the surface within an area bounded by 65°24'00" N 168°30'00" W to 65°53'00" N 168°30'00" W to 66°00'00" N 167°50'00" W to 65°24'00" N 167°50'00" W to point of beginning excluding that airspace within Tin City Class E airspace area.

\* \* \* \* \*

Issued in Anchorage, AK, April 22, 2004.

**Anthony M. Wylie,**

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

[FR Doc. 04–9910 Filed 4–30–04; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 139**

[Docket No. FAA–2000–7479; Amendment Nos. 121–304, 135–94]

RIN 2120–AG96

**Certification of Airports**

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

**ACTION:** Final rule; technical correction.

**SUMMARY:** The Federal Aviation Administration (FAA) is making a minor technical change to a final rule published in the **Federal Register** on February 10, 2004 (69 FR 6380). That final rule revises the airport certification regulations and establishes certification requirements for certain airports. This technical change substitutes for the word “shall” the word “must” to reflect the current legal practice for mandatory language. It also provides consistent use of this word within the part. This correction is not a substantive change.

**EFFECTIVE DATES:** These technical changes are effective on June 9, 2004.

**FOR FURTHER INFORMATION CONTACT:**

Linda Bruce; Airport Safety and Operations Division; Office of Airport Safety and Standards; FAA; 800 Independence Avenue, SW.; Washington, DC 20591; telephone (202) 267–8553; or e-mail [Linda.Bruce@faa.gov](mailto:Linda.Bruce@faa.gov).

**SUPPLEMENTARY INFORMATION:** The FAA published in the **Federal Register** of February 10, 2004 (69 FR 6380), a final rule revising the airport certification regulations and establishing certification requirements for airports serving scheduled air carrier operations in aircraft designed for more than 9 passenger seats, but less than 31 passenger seats. The final rule also amends the air carrier operation regulations to conform with changes to airport certification requirements. The final rule is necessary to ensure safety in air transportation at all certificated airports and becomes effective June 9, 2004.

In 14 CFR part 139, the final rule establishes a large number of requirements applicable to both airport and aircraft operators. The final rule uses both the word “shall” and the word “must” to establish the requirements. For example, compare final § 139.907(a)(3) “The full-strength surfaces *shall* be adequately compacted \* \* \*.” with final § 139.907(a)(4) “The full-strength surfaces *must* have no holes \* \* \*.” The FAA is concerned

that two different ways of establishing requirements may suggest separate meanings. It is simpler and clearer to establish requirements in a consistent manner. For this reason, we are using this technical correction to change all requirements to a consistent format. We have chosen to replace “shall” with “must” to avoid possible confusion over the meaning of “shall.” This action is consistent with the advice of legal drafting authorities. See Bryan A. Garner, *A Dictionary of Modern Legal Usage*, 939–42 (2nd ed. 1995) and Richard C. Wydick, *Plain English for Lawyers*, 66–67 (4th ed. 1998). This change is editorial in nature. We intend no substantive changes to any of the requirements established by the final rule. This correction does not impose any additional requirements on operators affected by these regulations.

**Justification for Expedited Rulemaking**

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making today’s action final without prior proposal and opportunity for comment because the changes to the rule are minor technical corrections and do not change the requirements of the rule. Thus, notice and public procedure are unnecessary.

**List of Subjects in 14 CFR Part 139**

Air carriers, Airports, Aviation safety, Reporting and recordkeeping requirements.

**The Amendment**

■ Accordingly, the FAA amends Chapter 1 of Title 14 of the Code of Federal Regulations as follows:

**PART 139—CERTIFICATION OF AIRPORTS**

■ 1. The authority citation for part 139 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701–44706, 44709, 44719.

■ 2. Amend Part 139 by correcting all references to the word “shall” to read “must” in the following locations:

- a. Section 139.7;
- b. The introductory language of § 139.103;
- c. Section 139.105;
- d. The second and third sentences of § 139.113;