

Issued in Seattle, Washington, on February 20, 2004.

Suzanne Alexander,
Acting Manager, Air Traffic Division,
Northwest Mountain Region.

[FR Doc. 04-5174 Filed 3-5-04; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2003-16746; Airspace
Docket No. 03-ACE-90]

Modification of Class E Airspace; Independence, IA

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of
effective date.

SUMMARY: This document confirms the
effective date of the direct final rule
which revises Class E airspace at
Independence, IA.

EFFECTIVE DATE: 0901 UTC, April 15,
2004.

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

SUPPLEMENTARY INFORMATION: The FAA
published this direct final rule with a
request for comments in the **Federal
Register** on January 12, 2004 (69 FR
1668). The FAA uses the direct final
rulemaking procedure for a non-
controversial rule where the FAA
believes that there will be no adverse
public comment. This direct final rule
advised the public that no adverse
comments were anticipated, and that
unless a written adverse comment, or a
written notice of intent to submit such
an adverse comment, were received
within the comment period, the
regulation would become effective on
April 15, 2004. No adverse comments
were received, and thus this notice
confirms that this direct final rule will
become effective on that date.

Issued in Kansas City, MO on February 23,
2004.

Paul J. Sheridan,
Acting Manager, Air Traffic Division, Central
Region.

[FR Doc. 04-5173 Filed 3-5-04; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2003-16760; Airspace
Docket No. 03-ACE-97]

Modification of Class E Airspace; Colby, KS

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Direct final rule; correction; and
confirmation of effective date.

SUMMARY: This document contains a
correction to a direct final rule and
confirms the effective date of the direct
final rule which revises Class E airspace
at Colby, KS.

DATES: 0901 UTC, April 15, 2004.

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

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 04-492,
published on Monday, January 12, 2004,
(69 FR 1670) modified Class E airspace
at Colby, KS. The modification enlarged
the controlled airspace area around
Shalz Field to provide proper protection
of diverse departures, deleted the
extension of controlled airspace and
brought the Colby, KS Class E airspace
area legal description into compliance
with FAA Order 7400.2E, Procedures for
Handling Airspace Matters. However,
Shalz Field was incorrectly spelled as
Shaltz Field in the Colby, KS Class E
airspace area legal description as
published.

■ Accordingly, pursuant to the authority
delegated to me, the Colby, KS Class E
airspace, as published in the **Federal
Register** on Monday, January 12, 2004,
(69 FR 1670) [FR Doc. 04-492] is
corrected as follows:

§ 71.1 [Corrected]

On page 1670, Column 2, fourth line
from the bottom; Column 3, fourth,
ninth and twenty-fifth lines from the
bottom; and on page 1671, Column 2,
second line from bottom, change
“Shaltz Field” to read “Shalz Field.”

The FAA uses the direct final
rulemaking procedure for a non-
controversial rule where the FAA
believes that there will be no adverse
public comment. This direct final rule
advised the public that no adverse

comments were anticipated, and that
unless a written adverse comment, or a
written notice of intent to submit such
an adverse comment, were received
within the comment period, the
regulation would become effective on
April 15, 2004. No adverse comments
were received, and thus this notice
confirms that this direct final rule will
become effective on that date.

Issued in Kansas City, MO, on February 26,
2004.

Paul J. Sheridan,
Acting Manager, Air Traffic Division, Central
Region.

[FR Doc. 04-5172 Filed 3-5-04; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2004-17148; Airspace
Docket No. 04-ACE-14]

Modification of Class E Airspace; Festus, MO

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Direct final rule; request for
comments.

SUMMARY: This action amends title 14
Code of Federal Regulations, part 71 (14
CFR 71) by revising Class E airspace at
Festus, MO. A review of controlled
airspace for Festus Memorial Airport
revealed it does not comply with the
criteria for 700 feet above ground level
(AGL) airspace required for diverse
departures. The review also identified
discrepancies in the legal description
for the Festus, MO Class E airspace area.
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 16, 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-2004-17148/
Airspace Docket No. 04-ACE-14, 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:

Brenda Mumper, Air Traffic Division, Airspace Branch, ACE-520A, DOT Municipal Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64016; telephone: (816) 329-2524.

SUPPLEMENTARY INFORMATION:

This amendment to 14 CFR 71 modifies the Class E airspace area extending upward from 700 feet above the surface at Festus, MO. An examination of controlled airspace for Festus Memorial Airport revealed 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 1200 feet AGL is based on a standard climb gradient of 200 feet per mile plus the distance from the airport reference point to the end of the outermost runway. Any fractional part of a mile is converted to the next higher tenth of a mile. The review also identified that the Festus, MO Class E airspace area legal description was not in compliance with FAA Order 8260.19C, Flight Procedures and Airspace. The Class E airspace area extension should be defined in relation to the Festus nondirectional radio beacon (NDB). This amendment expands the airspace area from a 6-mile radius to a 6.2-mile radius of Festus Memorial Airport, adds the Festus NDB to the legal description, defines the Class E airspace area extension as it relates to the NDB and brings the legal description of the Festus, MO 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. This 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-2004-17148/Airspace Docket No. 04-ACE-14." 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

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 MO E5 Festus, MO

Festus Memorial Airport, MO
(Lat. 38°11'42" N., long. 90°23'08" W.)
Festus NDB
(Lat. 38°11'45" N., long. 90°23'15" W.)

That airspace extending upward from 700 feet above the surface within a 6.2-mile radius of Festus Memorial Airport and within 2.6 miles each side of the 178° bearing from the Festus NDB extending from the 6.2 mile radius of the airport to 7 miles south of the NDB.

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Issued in Kansas City, MO, on February 26, 2004.

Paul J. Sheridan,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 04-5171 Filed 3-5-04; 8:45 am]

BILLING CODE 4910-13-M