

## 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-2004-17146/Airspace Docket No. 04-ACE-12." 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 Charleston, MO

Charleston, Mississippi County Airport, MO (Lat. 36°50'32" N., long. 89°21'35" W.)

Charleston NDB

(Lat. 36°50'42" N., long. 89°21'24" W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Mississippi County Airport and within 2.6 miles each side of the 190° bearing from the Charleston NDB extending from the 6.3 mile radius of the airport to 7 miles south of the NDB.

\* \* \* \* \*

Issued in Kansas City, MO, on February 24, 2004.

**Paul J. Sheridan,**

*Acting Manager, Air Traffic Division, Central Region*

[FR Doc. 04-5037 Filed 3-4-04; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 71

**[Docket No. FAA-2003-15246; Airspace Docket No. 2003-ASW-1]**

### Amendment to Class E Airspace; Angel Fire, NM

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

**ACTION:** Direct final rule; request for comments.

**SUMMARY:** This action revises the Class E airspace area at Angel Fire Airport, Angel Fire, NM (AXX) to provide adequate controlled airspace for the area navigation (RNAV) global positioning system (GPS) standard instrument approach procedure (SIAP).

**DATES:** Effective 0901 UTC April 15, 2004.

Comments for inclusion in the Rules Docket must be received on or before April 5, 2004.

**ADDRESSES:** Send comments on the rule 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-2003-15246/Airspace Docket No. 2003-ASW-1, 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 any comments received, and this direct final rule in person at 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 located on the plaza level of the Department of Transportation NASSIF Building at the street address stated previously.

An informal docket may also be examined during normal business hours at the office of the Air Traffic Division, Airspace Branch, Federal Aviation Administration, Southwest Region, 2601 Meacham Boulevard, Fort Worth, TX. Call the manager, Airspace Branch, ASW-520, telephone (817) 222-5520; fax (817) 222-5981, to make arrangements for your visit.

**FOR FURTHER INFORMATION CONTACT:** Joseph R. Yadouga, Air Traffic Division, Airspace Branch, Federal Aviation Administration, Southwest Region, Fort Worth, TX 76193-0520; telephone: (817) 222-5597.

**SUPPLEMENTARY INFORMATION:** This amendment to 14 CFR part 71 modifies Class E airspace area extending upward from 700 feet above the surface of Angel Fire, NM and are published in paragraph 6005 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 E airspace designation listed in this document will be published subsequently in this Order.

### The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment, and, therefore, issues it as a direct final rule. 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. 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. 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 receives, 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

Although this action is in the form of a direct final rule, and was not preceded by a notice of proposed rulemaking, interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications must identify both docket numbers. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

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 action will be filed in the Rules Docket.

#### Agency Findings

This rule does not have federalism implications, as defined in Executive order No. 13132, because it does 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. Accordingly, the FAA has not consulted with state authorities prior to publication of this rule.

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) does not warrant preparation of a Regulatory Evaluation as these routine matters will only affect air traffic procedures and air navigation. It is certified that these proposed rules will not have 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

■ Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends part 71 of the Federal Aviation Regulations (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 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

#### ASW NM E5 Angel Fire, NM Revised

Angel Fire Airport, NM  
(Lat 36°25'19" N., Long. 105°27'24" W.)

That airspace extending up from 700 feet above the surface within a 6 mile radius of the Angel Fire Airport, and within 2-miles either side of the 005° bearing from the airport extending from the 6-mile radius to 9-miles north of the airport; that airspace extending upward from 1200 feet above the surface bounded by a line beginning at lat. 36°38'58" N., long. 105°17'23" W., to lat. 36°39'10" N., long. 105°10'40" W., to lat. 36°22'25" N., long. 105°12'30" W., to lat. 36°11'50" N., long. 105°10'00" W., to lat. 36°12'20" N., long. 105°24'00" W., to lat. 36°36'00" N., long. 105°21'10" W., to lat. 36°38'10" N., long. 105°22'30" W., to the point of beginning; and that airspace extending upward from 12,000 ft MSL

bounded by a line beginning at lat. 36°38'58" N., long. 105°17'23" W., to lat. 36°32'15" N., long. 105°57'20" W., to lat. 36°39'10" N., long. 106°00'40" W., to lat. 36°51'10" N., long. 105°19'30" W., to lat. 36°46'20" N., long. 104°43'00" W., to lat. 36°25'00" N., long. 104°48'30" W., to lat. 36°26'30" N., long. 104°58'30" W., to lat. 36°38'50" N., long. 104°55'00" W., to the point of beginning; and that airspace extending upward from 12,000 feet MSL bounded by a line beginning at lat. 36°12'07" N., long. 105°18'13" W., to lat. 36°11'50" N., long. 105°10'00" W., to lat. 36°08'00" N., long. 104°54'00" W., to lat. 35°39'50" N., long. 105°02'30" W., to lat. 35°39'50" N., long. 105°13'30" W., to lat. 36°02'00" N., long. 105°18'10" W., to lat. 36°06'25" N., long. 106°03'40" W., to lat. 36°13'50" N., long. 106°02'40" W., to point of beginning; excluding that airspace within Federal Airways, the Taos, NM, the Raton, NM, the Las Vegas, NM, Class E airspace areas.

\* \* \* \* \*

Dated: Issued in Fort Worth, TX, on February 25, 2004.

**Donald R. Smith,**

*Acting Director of En Route and Oceanic Central Area Operations.*

[FR Doc. 04–5032 Filed 3–4–04; 8:45 am]

BILLING CODE 4910–13–M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2003–16757; Airspace Docket No. 03–ACE–95]

#### Modification of Class E Airspace; Chanute, KS

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

**ACTION:** Direct final rule; confirms the effective date.

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

**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 1672). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse