

extending upward from 2,200 feet MSL to and including 5,000 feet MSL within a 10-mile radius of the Des Moines International Airport.

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Issued in Washington, DC, on April 12, 2004.

**Reginald C. Matthews,**

*Manager, Airspace and Rules.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2004-16919; Airspace Docket No. 04-ASO-3]

#### Establishment of Class D and E Airspace, Amendment of Class E Airspace; New Smyrna Beach, FL

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

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class D and Class E4 airspace and amends Class E5 airspace at New Smyrna Beach, FL. A federal contract tower with a weather reporting system is being constructed at the New Smyrna Beach Municipal Airport. Therefore, the airport will meet the criteria for establishment of Class D and Class 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 existing Standard Instrument Approach Procedures (SIAPs) and other Instrument Flight Rules (IFR) operations at the airport. This action will establish Class D airspace extending upward from the surface, to but not including 1,200 feet MSL, within a 3.2-mile radius of the New Smyrna Beach Municipal Airport and a Class E4 airspace extension that is 5 miles wide and extends 7 miles southeast of the airport. A regional evaluation has determined the existing Class E5 airspace area should be amended to contain the Nondirectional Radio Beacon (NDB) or Global Positioning System (GPS) Runway (RWY) 29 SIAP. As a result, controlled airspace extending upward from 700 feet Above Ground Level (AGL) needed to contain the SIAP will increase from a 6.5-mile radius of the airport to a 6.6-mile radius of the airport and provide for the procedure turn area.

**EFFECTIVE DATE:** 0901 UTC, August 5, 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:

##### History

On February 19, 2004, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing Class D airspace and Class E4 airspace and amending Class E5 airspace at New Smyrna Beach, FL (69 FR 7714). This action provides adequate Class D, Class E4 and Class E5 airspace for IFR operations at New Smyrna Beach Municipal Airport. Designations for Class D Airspace, Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area and Class E Airspace Areas 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 and E airspace 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 airspace and Class E4 airspace and amends Class E5 airspace at New Smyrna Beach, FL.

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 is 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; EO 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 14 CFR 11.69.

##### § 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*

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##### **ASO FL D New Smyrna Beach, FL [NEW]**

New Smyrna Beach Municipal Airport, FL (Lat. 29°03'21"N, long. 80°56'54"W)

That airspace extending upward from the surface, to but not including 1,200 feet MSL, within a 3.2-mile radius of New Smyrna Beach Municipal Airport. 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 or Class E Surface Area.*

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##### **ASO FL E4 New Smyrna Beach, FL [NEW]**

New Smyrna Beach Municipal Airport, FL (Lat. 29°03'21"N, Long. 80°56'54"W)

New Smyrna Beach NDB, FL (Lat. 29°03'16"N, Long. 80°56'28"W)

That airspace extending upward from the surface within 2.5 miles each side of the New Smyrna Beach NDB 124° bearing, extending from the 3.2-mile radius to 7 miles southeast of the NDB. This Class E4 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 6005 Class E Airspace Areas Extending Upward from 700 Feet or More Above the Surface of the Earth.*

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**ASO FL E5 New Smyrna Beach, FL  
[Revised]**

New Smyrna Beach Municipal Airport, FL  
(Lat. 29°03'21" N, Long. 80°56'54" W)  
Massey Ranch Airpark Airport  
(Lat. 28°58'44" N, Long. 80°55'30" W)  
New Smyrna Beach NDB, FL  
(Lat. 29°03'16" N, Long. 80°56'28" W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of New Smyrna Beach Municipal Airport and within 4 miles northeast and 8 miles southwest of the 124° bearing from the New Smyrna Beach NDB extending from the 6.6-mile radius to 16 miles southeast of the airport and within a 6.5-mile radius of Massey Ranch Airpark Airport.

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Issued in College Park, Georgia, on April 1, 2004.

**Jeffrey U. Vincent,**

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

[FR Doc. 04-8816 Filed 4-16-04; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA-2004-16985; Airspace  
Docket No. 04-ACE-3]

**Establishment of Class E2 Airspace;  
and Modification of Class E5 Airspace;  
Muscatine, IA**

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

**ACTION:** Final rule.

**SUMMARY:** This rule establishes a Class E surface area at Muscatine, IA. It also modifies the Class E airspace area extending upward from 700 feet above the surface at Muscatine, IA by correcting discrepancies in the Muscatine Municipal Airport airport reference point.

The effect of this rule is to provide appropriate controlled Class E airspace for aircraft executing instrument approach procedures to Muscatine Municipal Airport and to segregate aircraft using instrument approach procedures in instrument conditions from aircraft operating in visual conditions.

**DATES:** *Effective Date:* 0901 UTC, June 10, 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**

On Wednesday, February 25, 2004, the FAA proposed to amend 14 CFR part 71 to establish a Class E surface area and to modify other Class E airspace at Muscatine, IA (69 FR 8582). The proposal was to establish a Class E surface area at Muscatine, IA. It was also to modify the Muscatine, IA Class E5 airspace area and its legal description. 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 E airspace designated as a surface area for an airport at Muscatine, IA. Controlled airspace extending upward from the surface of the earth is needed to contain aircraft executing instrument approach procedures. Weather observations will be provided by an Automatic Weather Observing/Reporting System (AWOS) and communications would be direct with Quad City Approach Control for those times when the airspace area is in effect.

This rule also revises the Class E airspace area extending upward from 700 feet above the surface at Muscatine, IA. Airspace required for diverse departures is expanded from a 6.5 to a 6.6-mile radius of Muscatine Municipal Airport. An examination of this Class E airspace area for Muscatine, IA revealed discrepancies in the Port City Very High Frequency Omni-directional Range (VOR)/Distance Measuring Equipment (DME) radials used to define the airspace area extensions and in the descriptions of these extensions. This action corrects these discrepancies. The areas will be depicted on appropriate aeronautical charts.

Class E airspace areas designated as surface areas are published in Paragraph 6002 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. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of the same Order. The Class E airspace designations listed in this document will be published subsequently in the Order.

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. Therefore, this regulation—(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 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 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 6002 Class E Airspace  
Designated as Surface Areas.*

\* \* \* \* \*

**ACE IA E2 Muscatine, IA**

Muscatine Municipal Airport, IA  
(Lat. 41°22'04" N., long. 91°08'54" W.)

Within a 3.9-mile radius of Muscatine Municipal Airport. This Class E airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

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*Paragraph 6005 Class E airspace areas  
extending upward from 700 feet or more  
above the surface of the earth.*

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**ACE IA E5 Muscatine, IA**

Muscatine Municipal Airport, IA