

**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 7400.9F, *Airspace Designations and Reporting Points*, dated September 10, 1998, and effective September 16, 1998, is to be amended as follows:

\* \* \* \* \*

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

\* \* \* \* \*

**AAL AK E5 Mountain Village, AK [New]**

Mountain Village Airport

(Lat. 62°05'43" N., long. 163°40'55" W.)

That airspace extending upward from 700 feet above the surface within 6.3-mile radius of the Mountain Village Airport and that airspace extending upward from 1,200 feet above the surface within 35 miles southeast of the airport extending clockwise from the 139° radial to the 310° radial, excluding that airspace within the St. Marys, AK, Class E airspace area.

\* \* \* \* \*

Issued in Anchorage, AK, on July 23, 1999.

**Trent S. Cummings,**

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

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Airspace Docket No. 99–AAL–7]

**Proposed Establishment of Class E Airspace; Aniak, AK; Proposed Establishment of Class E Airspace; St. Mary's, AK**

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This action proposes to establish Class E (surface area) airspace at Aniak, AK, and St. Mary's, AK. This action is at the request of air taxi operators with flight operations at these airports. Adoption of this proposal would result in additional Class E

airspace for aircraft flying Instrument Flight Rules (IFR) procedures at Aniak, AK, and St. Mary's, AK.

**DATES:** Comments must be received on or before September 13, 1999.

**ADDRESSES:** Send comments on the proposal in triplicate to:

Manager, Operations Branch, AAL–530, Docket No. 99–AAL–7, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587.

The official docket may be examined in the Office of the Regional Counsel for the Alaskan Region at the same address.

An informal docket may also be examined during normal business hours in the Office of the Manager, Operations Branch, Air Traffic Division, at the address shown above and on the Internet at Alaskan Region's homepage at <http://www.alaska.faa.gov/at> or at address <http://162.58.28.41/at>.

**FOR FURTHER INFORMATION CONTACT:**

Robert van Haastert, Operations Branch, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5863; fax: (907) 271–2850; email: [Robert.van-Haastert@faa.gov](mailto:Robert.van-Haastert@faa.gov). Internet address: <http://www.alaska.faa.gov/at> or at address <http://162.58.28.41/at>.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

Interested parties are invited to participate in this proposed 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 the airspace docket number 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 Airspace Docket No. 99–AAL–7." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments

submitted will be available for examination in the Operations Branch, Air Traffic Division, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

**Availability of NPRM's**

An electronic copy of this document may be downloaded, using a modem and suitable communications software, from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: 703–321–3339) or the **Federal Register's** electronic bulletin board service (telephone: 202–512–1661).

Internet users may reach the **Federal Register's** web page for access to recently published rulemaking documents at [http://www.access.gpo.gov/su\\_docs/aces/aces140.html](http://www.access.gpo.gov/su_docs/aces/aces140.html).

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Operations Branch, AAL–530, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the individual(s) identified in the **FOR FURTHER INFORMATION CONTACT** section.

**Background**

On March 16, 1999, the FAA initiated Airspace Study 99–AAL–022–NR, Proposal to Establish Surface Areas at Aniak and St. Mary's Airports, at the request of Pen Air, Northern Air Cargo, and Arctic Transportation Services to consider the establishment of additional controlled Class E Airspace. This additional controlled Class E airspace would provide surface areas for aircraft flying IFR at the Aniak and St. Mary's airports.

Concerns expressed included: (1) it is disconcerting to be on an IFR approach knowing that Visual Flight Rule (VFR) aircraft may be in close proximity when the transition is made from IFR to VFR for landing; (2) aircraft are not required to talk on the Common Traffic Advisory Frequency (CTAF); (3) aircraft on instrument approach must mix with VFR aircraft in weather conditions as low as 'clear of clouds' and 'one-mile flight visibility'; and (4) an aircraft on an IFR approach could descend through the clouds and find themselves on a

collision course with uncontrolled VFR traffic.

Changes that would result for VFR pilots with the proposed establishment of these surface areas include: (1) a requirement to maintain basic VFR weather minimums as detailed in 14 CFR part 91 section 155 (§ 91.155) established for Class E airspace to the surface, consisting of three (3) statute miles visibility and cloud clearance of 500 feet below, 1,000 feet above, and 2,000 feet horizontal distance from clouds; (2) if the basic VFR weather minimums (§ 91.155) can not be maintained, then a pilot would be required to fly in accordance with the Special VFR weather minimums contained in § 91.157, i.e., have an Air Traffic Control (ATC) clearance.

Comments were received from Tatonduk Outfitters Limited, Tanana Air Service, and one pilot. Based on the comments received during the airspace study, the FAA decided to proceed with the rulemaking process to establish surface areas at Aniak, AK, and St. Mary's, AK.

#### The Proposal

The FAA proposes to amend 14 CFR part 71 by establishing Class E airspace at Aniak, AK, and St. Mary's, AK, at the request of air taxi operators with flight operations at these airports. The intended effect of this proposal is to provide additional controlled airspace for IFR operations.

The area would 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 surface areas are published in paragraph 6002 in FAA Order 7400.9F, *Airspace Designations and Reporting Points*, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1 (63 FR 50139; September 21, 1998). The Class E airspace designations listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed 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, 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).

#### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 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 7400.9F, *Airspace Designations and Reporting Points*, dated September 10, 1998, and effective September 16, 1998, is to be amended as follows:

\* \* \* \* \*

*Paragraph 6002 Class E airspace designated as surface areas*

\* \* \* \* \*

##### AAL AK E2 Aniak, AK [New]

Aniak Airport

(Lat. 61°34'54" N., long. 159°32'35" W.)

Aniak NDB

(Lat. 61°35'25" N., long. 159°35'53" W.)

Within a 4-mile radius of the Aniak Airport and within 1.5 miles each side of the 300° bearing and the 112° bearing from the Aniak NDB, extending from the 4-mile radius to 6.5 miles and within 2.8 miles each side of the Aniak NDB 229° bearing, extending from the 4-mile radius to 6.5 miles southwest of the airport. This Class E airspace area is effective during the 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.

\* \* \* \* \*

##### AAL E2 St. Mary's, AK [New]

St. Mary's Airport, AK

(Lat. 62°03'38" N., long. 163°18'08" W.)

St. Mary's NDB

(Lat. 62°03'30" N., long. 163°17'30" W.)

Within a 4.1-mile radius of the St. Mary's Airport and within 1.5 miles either side of the 339° bearing and 1.5 miles either side of the 001° bearing from the St. Mary's NDB,

extending from the 4.1 mile radius to 6.7 miles north of the airport and within 1.5 miles either side of the 197° bearing and 1.5 miles either side of the 185° bearing from the St. Mary's NDB, extending from the 4.1-mile radius to 6.7 miles south of the airport. This Class E airspace area is effective during the 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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Issued in Anchorage, AK, on July 23, 1999.

**Trent S. Cummings,**

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

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#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 62

[Docket No. #WA–1–0001; FRL–6408–7]

#### Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Washington

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The EPA proposes to approve the section 111(d)/129 State Plan submitted by the State of Washington on January 4, 1999. The State Plan was submitted by Washington to satisfy certain Federal Clean Air Act requirements. In the Final Rules section of this **Federal Register**, the EPA is approving the State's Plan submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates that it will not receive any significant, material, and adverse comments. A detailed rationale for the approval is set forth in the direct final rule and incorporated by reference herein. If no significant, material, and adverse comments are received in response to this rule, no further activity is contemplated in relation to this proposed rule. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action.

**DATES:** Comments on this proposed rule must be received in writing by August 30, 1999.

**ADDRESSES:** Written comments should be addressed to Catherine Woo, Environmental Protection Specialist, at