

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2003-16029; Airspace
Docket No. 03-ANM-08]

Amendment to Class E Airspace; La
Junta, CO

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This final rule modifies Class E airspace at La Junta, CO. Additional controlled airspace is required for the new Area Navigation (RNAV) Global Position System (GPS) Standard Instrument Approach Procedures (SIAPs) recently developed. This additional Class E airspace will promote the safety of instrument flight rules (IFR) aircraft executing these new procedures when transitioning to/from the en route environment.

EFFECTIVE DATE: 0901 UTC, October 28, 2004.

FOR FURTHER INFORMATION CONTACT: Ed Hawseker; Air Traffic Division, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (425) 227-2527

SUPPLEMENTARY INFORMATION:**History**

On November 6, 2003, the FAA issued a notice of proposed rule making (NPRM) in which it proposed to amend Federal Aviation Regulation 14 CFR Part 71 by modifying Class E airspace extending upward from 700 feet or more above the surface of the earth at La Junta, CO (68 FR page 62760). The NPRM proposed to increase the Class E airspace to accommodate IFR aircraft executing the new RNAV GPS SIAPs and IFR aircraft transitioning to/from the en route environment.

Interested parties were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. No comments were received. 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 dated September 02, 2003, and effective September 16, 2003, which is incorporated by reference in 14 CFR Part 71.1. The Class E airspace designations listed in this document will be published subsequently in that Order.

The Rule

This amendment to 14 CFR Part 71 will modify Class E airspace at La Junta,

CO to accommodate IFR aircraft executing newly developed RNAV GPS SIAPs at La Junta Municipal Airport. Additional Class E airspace is necessary to provide adequate controlled airspace for the safety of IFR aircraft executing these new RNAV GPS SIAPs during the transition to/from the en route environment.

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 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

■ Accordingly, pursuant to the authority delegated to me, 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 areas 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 Part 71.1 of the 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.

* * * * *

ANM CO E5 La Junta, CO (Revised)

La Junta Municipal Airport, La Junta, CO
[Lat. 37°15'36" N., Long 104°20'24" W.]

That airspace extending upward from 700 feet above the surface of the earth bound by a line beginning at lat. 38°12'36" N., long. 103°58'00" W.; to lat. 38°10'24" N., long. 103°22'24" W.; to lat. 37°54'12" N., long. 103°22'42" W.; to lat. 37°54'05" N., long. 103°58'25" W.; thence to the point of origin; excluding that airspace within federal airways.

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Issued in Seattle, Washington, on July 21, 2004.

Danial T. Mawhorter,

Acting Area Director, Western En Route and Oceanic Operations.

[FR Doc. 04-17829 Filed 8-4-04; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2004-18013; Airspace
Docket No. 04-ACE-42]

Modification of Class E Airspace;
Columbus, NE

AGENCY: Federal Aviation
Administration (FAA), DOT.

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

SUMMARY: This action corrects a direct final rule; request for comments that was published in the **Federal Register** on Friday, July 2, 2004, (69 FR 40310) [FR Doc. 04-15115]. It corrects an error in the legal description of the Class E airspace area extending upward from 700 feet above the surface at Columbus, NE.

DATES: This direct final rule is effective on 0901 UTC, September 30, 2004.

FOR FURTHER INFORMATION CONTACT: Brenda Mumper, Air Traffic Division, Airspace Branch, ACE-520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329-2524.

SUPPLEMENTARY INFORMATION:**History**

Federal Register Document 04-15115, published on Friday, July 2, 2004, (69 FR 40310) modified the Class E surface area and the Class E airspace area extending upward from 700 feet above the surface at Columbus, NE. The modification corrected discrepancies in the dimensions of controlled airspace for diverse departures from Columbus Municipal Airport by expanding the areas. The modification also corrected discrepancies in the Columbus Municipal Airport airport reference

point used in the legal descriptions, redefined extensions to the airspace areas and brought the legal descriptions of the Columbus, NE Class E airspace area into compliance with FAA Orders 7400.2E, Procedures for Handling Airspace Matters, and 8260.19C, Flight Procedures and Airspace. However, that portion of the legal description for the Class E airspace area extending upward from 700 feet above the surface defining the northwest extension was incorrect.

■ Accordingly, pursuant to the authority delegated to me, the legal description of Columbus, NE Class E airspace, as published in the **Federal Register** on Friday, July 2, 2004, (69 FR 40310) [FR Doc. 04-15115] is corrected as follows:

§ 71.1 [Corrected]

■ On page 40312, Column 1, first paragraph, third line from the bottom, change “4.7-mile” to read “7.7-mile.”

Issued in Kansas City, MO, on July 13, 2004.

Paul J. Sheridan,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 04-17828 Filed 8-4-04; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA-2003-13850; Airspace Docket No. 02-AEA-19]

RIN 2120-AA66

Establishment of Restricted Areas 5802C, D, and E; Fort Indiantown Gap, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Restricted Areas 5802C, D, and E (R-5802C, D, and E), at Fort Indiantown Gap, PA. The FAA is taking this action to provide additional restricted airspace needed by the Department of Defense (DOD) to conduct realistic aircrew training and to maintain proficiency in modern tactics that are required for combat readiness.

DATES: Effective: 0901 UTC, September 30, 2004.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace and Rules, Office of System Operations and Safety, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION:

History

On August 14, 2003, the FAA published a notice in the **Federal Register** proposing to amend the time of designation and the using agency for R-5802A and B; and to establish R-5802C, D, and E, at Fort Indiantown Gap, PA (68 FR 48579). This restricted airspace is also known as the Bollen Range.

The notice proposed to establish R-5802C, extending from 500 feet above ground level (AGL) up to but not including 17,000 feet above mean sea level (MSL). R-5802C would consist primarily of that airspace currently designated as the Kiowa military operations area (MOA). Concurrent with the designation of R-5802C, the Kiowa MOA would be revoked through a separate non-rulemaking action. The FAA also proposed to establish R-5802D extending from 17,000 feet MSL to but not including flight level (FL) 220; and R-5802E extending from FL 220 to FL 250.

The notice further proposed to change the time of designation for the existing restricted areas, R-5802A and B, from the current “February 15 through May 10 and September 1 through December 15, 0800–2300 local time on Saturdays and 0800–1200 local time on Sundays; May 11 through August 31, 0800–2400 local time on Saturdays and 0800–2000 local time on all other days; other times by NOTAM issued at least 48 hours in advance,” to “daily, sunrise to 2200;” and to change the using agency from “Commander, Fort Indiantown Gap, Annville, PA,” to “ANG, 193rd SOW, Det 1, Fort Indiantown Gap Military Reservation, PA.” In addition, the FAA proposed to apply the revised time of designation and using agency to the proposed restricted areas R-5802C, D, and E. On August 22, 2003, the FAA published a correction in the **Federal Register** to correct a typographical error in one boundary coordinate of the proposed R-5803E (68 FR 50838).

Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. Comments were received from the Experimental Aircraft Association (EAA), the Aircraft Owners and Pilots Association (AOPA), and two individuals.

Analysis of Comments

In response to the notice, the EAA did not oppose the proposed modifications, but commented that the FAA should make a graphic depiction of the proposed airspace available in an electronic format to make it easier for interested parties to review. The FAA

currently provides “hard copy” graphics of special use airspace (SUA) proposals upon request and will explore options for making proposed SUA graphic depictions available via electronic means.

AOPA objected to the proposed increase in the restricted areas’ time of designation stating that restricted area usage data do not indicate a need to increase the times of use. AOPA recommended that the currently published time of designation for R-5802A and B be retained for the Bollen Range airspace. In response to this comment, the Air National Guard (ANG) reevaluated its requirements and requested that the FAA not amend the time of designation for the restricted areas. Based on this request, the proposed change to the time of designation is hereby withdrawn. The time of designation currently published for R-5802A and B will remain unchanged and the same time period will be applied to R-5802C, D, and E.

The ANG also requested that the FAA not amend the name of the using agency for the Bollen Range restricted areas as proposed in the notice. Based on this request, the proposed change to the name of the using agency for the Bollen Range restricted areas is hereby withdrawn. The using agency for all Bollen Range restricted areas will remain “Commander, Fort Indiantown Gap, Annville, PA.” Consequently, R-5802A and B will not be modified by this action.

One commenter wrote that the notice did not provide a rationale for converting the Kiowa MOA to a restricted area. The FAA does not agree. As discussed in the notice, the FAA proposed these changes because the existing Bollen Range restricted areas are too small to permit essential aircrew training. For example, High Altitude Release Bomb (HARB) deliveries cannot be accomplished at the range because the existing restricted area ceiling (13,000 feet MSL) is too low to contain the required high altitude release bombing patterns. Further, the current restricted area lateral dimensions are too small to provide realistic training in other tactics such as covert lighting, night vision devices, and targeting laser systems. Since an MOA cannot be used for hazardous training activities, such as weapons delivery, use of target designation lasers, etc., these types of activities must be conducted in a restricted area. Therefore, the conversion of the Kiowa MOA to restricted airspace is necessary to provide sufficient SUA for realistic aircrew training at the Bollen Range.