

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 new comment period.

#### Comment 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-2005-21703/Airspace Docket No. 05-ACE-19." 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 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.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority since it contains aircraft executing instrument approach procedures to Forbes Field.

#### 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; 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 7400.9M, dated August 30, 2004, and effective September 16, 2004, is amended as follows:

##### *Paragraph 5000 Class D Airspace.*

\* \* \* \* \*

##### **ACE KS D Topeka, Forbes Field, KS**

Topeka, Forbes Field, KS  
(Lat. 38°57'03" N., long. 95°39'49" W.)

That airspace extending upward from the surface to and including 3,600 feet MSL within a 4.6-mile radius of Forbes Field.

\* \* \* \* \*

##### *Paragraph 6002 Class E Airspace Designated as Surface Areas.*

\* \* \* \* \*

##### **ACE KS E2 Topeka, Forbes Field, KS**

Topeka, Forbes Field, KS  
(Lat. 38°57'03" N., long. 95°39'49" W.)

Within a 4.6-mile radius of Forbes Field.

\* \* \* \* \*

##### *Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.*

\* \* \* \* \*

##### **ACE KS E4 Topeka, Forbes Field, KS**

Topeka, Forbes Field, KS

(Lat. 38°57'03" N., long. 95°39'49" W.)

RIPLY LOM

(Lat. 38°53'06" N., long. 95°34'53" W.)

That airspace extending upward from the surface within 2.2 miles each side of the RIPLY LOM 317° bearing extending from the 4.6-mile radius of Forbes Field to 5.3 miles northwest of the airport and within 1.8 miles each side of Forbes Field ILS localizer southeast course extending from the 4.6-mile radius of Forbes Field to 0.9 miles southeast of the LOM excluding that airspace in the Topeka, Philip Billard Airport, KS, Class D airspace area.

\* \* \* \* \*

Issued in Kansas City, MO, on June 28, 2005.

**Elizabeth S. Wallis,**

*Acting Area Director, Western Flight Services Operations.*

[FR Doc. 05–13645 Filed 7–11–05; 8:45 am]

**BILLING CODE 4910–13–M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket FAA 2004–19084; Airspace Docket 04–ANM–08]

#### Establishment of Class E Airspace, Mariposa, CA

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

**ACTION:** Final rule.

**SUMMARY:** This final rule will establish Class E airspace at Mariposa, CA. New Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures (SIAPs) have been developed at Mariposa-Yosemite Airport. Additional Class E airspace extending upward from 700 feet above the surface is necessary for the safety of instrument flight rules (IFR) aircraft executing these new SIAPs and transitioning between the terminal and en route environment. This action also corrects a small error in the airport latitude and longitude description.

**DATES:** 0901 UTC August 04, 2005.

**FOR FURTHER INFORMATION CONTACT:** Ed Haeseker, Federal Aviation Administration, Air Traffic Organization, Western En Route and Oceanic Area Office, Airspace Branch, 1601 Lind Avenue SW., Renton, WA. 98055–4056; telephone (425) 227–2527.

#### SUPPLEMENTARY INFORMATION:

##### History

On November 23, 2004, the FAA published in the **Federal Register** a

notice of proposed rule making to establish Class E airspace at Mariposa, CA (69 FR 68104). New RNAV GPS SIAPs at Mariposa-Yosemite Airport, Mariposa, CA, makes it necessary to increase the controlled airspace. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace designations are published in paragraph 6005 FAA Order 7400.9M dated August 30, 2004, and effective September 16, 2004, 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 establishes Class E airspace at Mariposa-Yosemite Airport, Mariposa, CA. New RNAV GPS SIAPs at Mariposa-Yosemite Airport make it necessary to establish the Class E Airspace. This controlled airspace extending upward from 700 feet or more above the surface is necessary for the containment and safety of IFR aircraft transitioning to/from the en route environment and executing these RNAV GPS SIAP procedures. The amendment also corrects an error in the airport latitude and longitude description.

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; 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 part 71.1 of the Federal Aviation Administration Order 7400.9M, Airspace Designations and Reporting Points, dated August 30, 2004, and effective September 16, 2004, is amended as follows.

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

\* \* \* \* \*

#### ANM CA E5 Mariposa, CA [NEW]

Mariposa-Yosemite Airport  
(Lat. 37°30'39.1" N, long. 120°02'22.3" W)

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the Mariposa-Yosemite Airport.

\* \* \* \* \*

Issued in Seattle, Washington on July 1, 2005.

**Danial T. Mawhorter,**

*Acting Area Director, Western En Route and Oceanic Operations.*

[FR Doc. 05–13660 Filed 7–11–05; 8:45 am]

**BILLING CODE 4910–13–M**

### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 71

[Docket FAA 2003–16460; Airspace Docket 02–ANM–16]

#### Establishment of Class E Airspace; Aspen, CO

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

**ACTION:** Final rule.

**SUMMARY:** This final rule will establish Class E airspace at Aspen, CO. A reduction in operating hours of Class D airspace service at Aspen-Pitkin County/Sardy Field makes this action necessary. This Class E airspace extending upward from the surface of the earth will provide a controlled environment for the safety of aircraft executing Instrument Flight Rules (IFR) operations outside the hours of Class D airspace service.

**DATES:** 0901 UTC July 07, 2005.

**FOR FURTHER INFORMATION CONTACT:** Ed Haeseker, Federal Aviation Administration, Western En Route and Oceanic Area Office, Airspace Branch, 1601 Lind Avenue, SW., Renton, WA 98055–4056; telephone (425) 227–2527.

#### SUPPLEMENTARY INFORMATION:

#### History

On March 19, 2004, the FAA proposed to amend Title 14 Code of Federal Regulations part 71 (14 CFR part 71) to establish Class E airspace at Aspen, CO, (69 FR 12993). The proposed action would provide Class E airspace during the hours Class D airspace service is not available at Aspen-Pitkin County/Sardy Field Aspen, CO. This Class E airspace extending upward from the surface of the earth will provide a controlled environment for the safety of aircraft executing IFR operations outside the hours of Class D airspace service.

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 designations are published in paragraph 6002 of FAA Order 7400.9M dated August 30, 2004, and effective September 16, 2004, 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 establishes Class E airspace at Aspen, CO, by providing additional controlled airspace for aircraft executing IFR procedures at Aspen-Pitkin County/Sardy Field during the hours Class D airspace service is not available. This Class E airspace extending upward from the surface of the earth will provide a controlled environment for the safety of aircraft executing IFR operations outside the hours of Class D airspace service.

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