

I find that good cause exists, under 5 U.S.C. 553(d), for making this amendment effective in less than 30 days.

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.

2. Section 71.1 is added to read as follows:

§ 71.1 Applicability.

The complete listing for all Class A, Class B, Class C, Class D, and Class E airspace areas and for all reporting points can be found in FAA Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The approval to incorporate by reference FAA Order 7400.9F is effective September 16, 1998, through September 15, 1999. During the incorporation by reference period, proposed changes to the listings of Class A, Class B, Class C, Class D, and Class E airspace areas and to reporting points will be published in full text as proposed rule documents in the **Federal Register**. Amendments to the listings of Class A, Class B, Class C, Class D, and Class E airspace areas and to reporting points will be published in full text as final rules in the **Federal Register**. Periodically, the final rule amendments will be integrated into a revised edition of the Order and submitted to the Director of the Federal Register for approval for incorporation by reference in this section. Copies of FAA Order 7400.9F may be obtained from the Airspace and Rules Division, ATA-400, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, (202) 267-8783. Copies of FAA Order 7400.9F may be inspected in Docket No. 29334 at the Federal Aviation Administration, Office of the Chief Counsel, AGC-200, Room 915G, 800

Independence Avenue, SW., Washington, D.C., weekdays between 8:30 a.m. and 5:00 p.m., or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. This section is effective September 16, 1998, through September 15, 1999.

§ 71.5 [Amended]

3. Section 71.5 is amended by removing the words “FAA Order 7400.9E” and adding, in their place, the words “FAA Order 7400.9F.”

§ 71.31 [Amended]

4. Section 71.31 is amended by removing the words “FAA Order 7400.9E” and adding, in their place, the words “FAA Order 7400.9F.”

§ 71.33 [Amended]

5. Paragraph (c) of § 71.33 is amended by removing the words “FAA Order 7400.9E” and adding, in their place, the words “FAA Order 7400.9F.”

§ 71.41 [Amended]

6. Section 71.41 is amended by removing the words “FAA Order 7400.9E” and “FAA Order 7400.9B” and adding, in their place, the words “FAA Order 7400.9F.”

§ 71.51 [Amended]

7. Section 71.51 is amended by removing the words “FAA Order 7400.9E” and “FAA Order 7400.9B” and adding, in their place, the words “FAA Order 7400.9F.”

§ 71.61 [Amended]

8. Section 71.61 is amended by removing the words “FAA Order 7400.9E” and “FAA Order 7400.9B” and adding, in their place, the words “FAA Order 7400.9F.”

§ 71.71 [Amended]

9. Paragraphs (b), (c), (d), (e), and (f) of § 71.71 are amended by removing the words “FAA Order 7400.9E” and adding, in their place, the words “FAA Order 7400.9F.”

§ 71.79 [Amended]

10. Section 71.79 is amended by removing the words “FAA Order 7400.9E” and adding, in their place, the words “FAA Order 7400.9F.”

§ 71.901 [Amended]

11. Paragraph (a) of § 71.901 is amended by removing the words “FAA Order 7400.9E” and adding, in their place, the words “FAA Order 7400.9F.”

Issued in Washington, DC, September 10, 1998.

Reginald C. Matthews,

Acting Program Director for Air Traffic Airspace Management.

[FR Doc. 98-25071 Filed 9-18-98; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98-AWP-21]

Revision of Class D Airspace; San Diego-Gillespie Field, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action will revise the Class D airspace at San Diego-Gillespie Field, CA by lowering the ceiling of the Class D airspace area from 2,900 feet Mean Sea Level (MSL) to 2,400 feet MSL. The proposed modification of the San Diego, CA, Class B airspace area would create a narrow 300 foot corridor northeast of Gillespie Field. This corridor would reduce the available airspace for aircraft that are approaching or overflying Gillespie Field from the northeast. Lowering the Gillespie Field Class D airspace ceiling will create an 800 foot corridor along this same route, thereby increasing navigable airspace for aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: 0901 UTC December 31, 1998. *Comment date:* Comments for inclusion in the Rules Docket must be received on or before October 21, 1998.

ADDRESSES: Send comments on the direct final rule in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace Branch, AWP-520, Docket No. 98-AWP-21, Air Traffic Division, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

The official docket may be examined in the Office of the Assistant Chief Counsel, Western-Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, California 90261.

An informal docket may also be examined during normal business hours at the Office of the Manager, Airspace Branch, Air Traffic Division at the above address.

FOR FURTHER INFORMATION CONTACT: Debra Trindle, Air Traffic Division, Airspace Specialist, AWP-520.10, Western-Pacific Region, Federal

Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725-6613.

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR 71 revises the Class D airspace at San Diego-Gillespie Field, CA by lowering the ceiling of the Class D from 2,900 feet Mean Sea Level (MSL) to 2,400 feet MSL. On May 19, 1998, the FAA published a Notice of Proposed Rulemaking (NPRM) to modify the San Diego, CA, Class B airspace area. A comment on the NPRM was received indicating that the proposed modification to the San Diego Class B airspace would create a 300 foot corridor northeast of Gillespie Field. This corridor will result from lowering the floor of the San Diego Class B airspace area "I" from 3,800 feet MSL to 3,200 feet MSL. The above mentioned corridor would exist over the upper limit of the Gillespie Field Class D airspace area when aircraft are approaching or overflying Gillespie Field from the northeast. After careful analysis of the Gillespie Field Class D airspace area and the adjacent San Diego Class B airspace area, the FAA agrees with the comment and proposes lowering the Gillespie Field Class D airspace ceiling to create an 800 foot corridor, thereby increasing navigable airspace for aircraft operating under Visual Flight Rules (VFR). Class D airspace areas are published in Paragraph 5000 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and therefore is issuing it as a direct final rule. This action revises controlled airspace associated with San Diego-Gillespie Field, CA. The intended effect of this action is to remove controlled airspace where no longer required and to increase navigable airspace for aircraft operating VFR. 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 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 a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments, as they may desire. Communications should identify the Rule Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. 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.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 98-AWP-21." The postcard will be date stamped and returned to the commenter.

Agency Findings

The regulations adopted herein will not have substantial direct effects 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, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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, 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)

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; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 5000 Class D Airspace

* * * * *

AWP CA D San Diego-Gillespie Field, CA [Revised]

San Diego-Gillespie Field, CA
(Lat. 32°49'34"N, long. 116°58'21"W)

That airspace extending upward from the surface to and including 2,400 feet MSL within a 4.3 mile radius of San Diego-Gillespie Field, excluding that airspace within the San Diego, CA, Class B airspace area and the Miramar NAS, CA, Class E airspace area. This Class D airspace area is effective during the 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 Los Angeles, California, on September 11, 1998.

Leonard A. Mobley,

Acting Manager, Air Traffic Division Western-Pacific Region.

[FR Doc. 98-25208 Filed 9-18-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97-ASW-23]

Modification to the Gulf of Mexico Low Offshore Airspace Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Gulf of Mexico Low Offshore Airspace Area. Specifically, this action modifies the Gulf of Mexico Low Offshore Airspace Area by extending the boundaries further south and southwest of the current location to the Houston Air Route Traffic Control Center (ARTCC) Flight Information Region/Control Area (FIR/CTA). The FAA is taking this action to provide additional airspace in which domestic air traffic control procedures may be used to separate and manage aircraft operations. This change will enhance the efficient utilization of that airspace.

EFFECTIVE DATE: 0901 UTC, October 8, 1998.

FOR FURTHER INFORMATION CONTACT: Ms. Sheri Edgett Baron, Airspace and Rules Division, ATA-400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION:

Background

On March 2, 1993, the FAA published a final rule (58 FR 12128) which, in part, redesignated certain control areas over international waters as offshore airspace areas. The redesignations were necessary to comply with the Airspace Reclassification final rule issued on December 17, 1991 (56 FR 65638).

One of the areas affected by the March 2, 1993, final rule was the Gulf of Mexico Control Area. This area was divided vertically into two areas, one of which was redesignated as the Gulf of Mexico Low Offshore Airspace Area.

In June 1996 the FAA completed an evaluation of the airspace over the Gulf of Mexico. The evaluation was a combined effort with representatives from the FAA, Servicios a la Navegacion en El Espacio Aereo Mexicano, and other airspace users. The objective of the evaluation was, in part, to identify areas where air traffic services, air traffic operations, and utilization of airspace could be improved. One conclusion of this evaluation was the determination that system capacity would be enhanced by modifying air traffic control (ATC) procedures used to control aircraft operations in the airspace over the Gulf of Mexico.

Currently, International Civil Aviation Organization (ICAO) oceanic ATC procedures are used to separate and manage aircraft operations that extend beyond the lateral boundary of the existing Gulf of Mexico Low Offshore Airspace Area. Modifying the Gulf of Mexico Low Offshore Airspace Area by extending the boundaries further south and southwest of the current location to the Houston ARTCC FIR/CTA, allows the application of domestic ATC separation procedures over a larger area. This action to modify the offshore airspace area will enhance system capacity and allow for more efficient utilization of that airspace.

On August 5, 1998, the FAA proposed to amend 14 CFR part 71 to modify the Gulf of Mexico Low Offshore airspace area (63 FR 41752). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received. Except for editorial changes, this amendment is the same as that proposed in the notice.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) modifies the Gulf of Mexico Low Offshore Airspace Area by extending the present airspace boundaries further south and southwest of the current location to the Houston ARTCC FIR/CTA. This modification will allow the application of domestic ATC separation procedures, in lieu of ICAO separation procedures, which will enhance system capacity and allow for more efficient utilization of that airspace.

This modification to the Gulf of Mexico Low Offshore Airspace Area will be effective on October 8, 1998. In order to avoid pilot confusion and to make pilots immediately aware of the modification to the Gulf of Mexico Low Offshore Airspace Area, the FAA finds that good cause exists, pursuant to 5

U.S.C. (d), for making this amendment effective in less than 30 days.

Offshore airspace area designations are published in paragraph 6007 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The offshore airspace area designation listed in this document will 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. 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.

ICAO Considerations

As part of this proposal relates to navigable airspace outside the United States, this notice is submitted in accordance with the ICAO International Standards and Recommended Practices.

The application of International Standards and Recommended Practices by the FAA, Office of Air Traffic Airspace Management, in areas outside U.S. domestic airspace is governed by the Convention on International Civil Aviation. Specifically, the FAA is governed by Article 12 and Annex 11, which pertain to the establishment of necessary air navigational facilities and services to promote the safe, orderly, and expeditious flow of civil air traffic. The purpose of the document is to ensure that civil aircraft operations on international air routes are performed under uniform conditions.

The International Standards and Recommended Practices in Annex 11 apply to airspace under the jurisdiction of a contracting state, derived from ICAO. Annex 11 provisions apply when air traffic services are provided and a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting this responsibility may apply the International Standards and Recommended Practices that are