

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2004-19667; Airspace Docket No. 04-ASO-13]

RIN 2120-AA66

#### Proposed Establishment of Area Navigation Routes (RNAV), FL

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to establish eight area navigation (RNAV) routes in Florida in support of the High Altitude Redesign (HAR) project. The FAA is proposing this action to enhance safety and to improve the efficient use of the navigable airspace.

**DATES:** Comments must be received on or before March 24, 2005.

**ADDRESSES:** Send comments on this proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify FAA Docket No. FAA-2004-19667 and Airspace Docket No. 04-ASO-13, at the beginning of your comments. You may also submit comments on the Internet at <http://dms.dot.gov>.

**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:

##### 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 both docket numbers (FAA Docket No. FAA-2004-19667 and Airspace Docket No. 04-ASO-13) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at <http://dms.dot.gov>.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA-2004-19667 and Airspace Docket No. 04-ASO-13." 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 action may be changed in light of comments received. All comments submitted will be available for examination in the public docket 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 NPRMs

An electronic copy of this document may be downloaded through the Internet at <http://dms.dot.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at <http://www.faa.gov>, or the Federal Register's Web page at <http://www.gpoaccess.gov/fr/index.html>.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division, Federal Aviation Administration, 1701

Columbia Avenue College Park, GA 30337.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking, (202) 267-9677, for a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

#### Background

As part of the on-going National Airspace Redesign, the FAA has implemented the HAR program. This specific effort focuses on developing and implementing improvements in navigation structure and operating methods to allow more flexible and efficient en route operations in the high altitude airspace environment. In support of this program, the FAA is establishing RNAV routes to provide greater freedom to properly equipped users and to achieve the economic benefits of flying user selected non-restrictive routings.

The new RNAV routes will be identified by the letter prefix "Q," followed by a number consisting of from one to three digits. The International Civil Aviation Organization (ICAO) has allocated the "Q" prefix, along with the number set 1 through 499, for use by the U.S. for designating domestic RNAV routes.

#### Related Rulemaking

On April 8, 2003, the FAA published the Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes, and Reporting Points rule in the **Federal Register** (68 FR 16943). This rule adopted certain amendments proposed in Notice No. 02-20, Area Navigation and Miscellaneous Amendments. The rule revised and adopted several definitions in FAA regulations, including Air Traffic Service Routes, to be in concert with ICAO definitions; and reorganized the structure of FAA regulations concerning the designation of Class A, B, C, D, and E airspace areas, airways, routes, and reporting points. The purpose of the rule was to facilitate the establishment of RNAV routes in the National Airspace System (NAS) for use by aircraft with advanced navigation system capabilities.

On May 9, 2003, the FAA published the Establishment of RNAV final rule in the **Federal Register** (68 FR 24864). This rule, which supports Phase I of the

HAR, established 11 new RNAV routes along high-density air traffic tracks in the western and north central U.S. The eight new RNAV routes being proposed in this notice would further support the HAR effort by extending the benefits of RNAV routing to the Florida area.

### The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 (part 71) to establish eight RNAV routes in Florida within the airspace assigned to the Jacksonville Air Route Traffic Control Center (ARTCC). These routes are proposed as part of the HAR program to enhance safety, and to facilitate the more flexible and efficient use of the navigable airspace for en route instrument flight rules (IFR) operations within the Jacksonville ARTCC area of responsibility.

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 proposed regulation: (1) Is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under Department of Transportation (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 proposed 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, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE 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 FAA Order 7400.9M, Airspace Designations and Reporting Points, dated August 30, 2004, and effective September 16, 2004, is amended as follows:

*Paragraph 2006—Area Navigation Routes*

\* \* \* \* \*

#### Q-104 DEFUN to CYY [New]

DEFUN	WP	(Lat. 30°48'51" N., long. 86°07'53" W.)
HEVVN	WP	(Lat. 29°49'19" N., long. 83°53'43" W.)
PLYER	WP	(Lat. 28°56'51" N., long. 83°20'09" W.)
MARVE	WP	(Lat. 28°35'16" N., long. 83°06'31" W.)
CYY	VOR/DME	(Lat. 26°09'12" N., long. 81°46'41" W.)

#### Q-106 SMELZ to GADAY [New]

SMELZ	WP	(Lat. 28°04'59" N., long. 82°06'34" W.)
BULZI	WP	(Lat. 29°59'14" N., long. 83°44'17" W.)
GADAY	WP	(Lat. 31°02'28" N., long. 86°08'02" W.)

#### Q-108 GADAY to CLAWZ [New]

GADAY	WP	(Lat. 31°02'28" N., long. 86°08'02" W.)
CLAWZ	WP	(Lat. 30°38'29" N., long. 83°02'19" W.)

#### Q-110 KPASA to FEONA [New]

KPASA	WP	(Lat. 28°10'34" N., long. 81°54'27" W.)
BRUTS	WP	(Lat. 29°30'58" N., long. 82°58'57" W.)
GULFR	WP	(Lat. 30°12'23" N., long. 83°33'08" W.)
FEONA	WP	(Lat. 31°36'11" N., long. 84°43'51" W.)

#### Q-112 DEFUN to INPIN [New]

DEFUN	WP	(Lat. 30°48'51" N., long. 86°07'53" W.)
HEVVN	WP	(Lat. 29°49'19" N., long. 83°53'43" W.)
INPIN	WP	(Lat. 28°33'13" N., long. 81°48'27" W.)

#### Q-114 DEFUN to FORTL [New]

DEFUN	WP	(Lat. 30°48'51" N., long. 86°07'53" W.)
HEVVN	WP	(Lat. 29°49'19" N., long. 83°53'43" W.)
TEPEE	WP	(Lat. 28°00'01" N., long. 82°21'59" W.)
JOCKS	WP	(Lat. 27°00'33" N., long. 81°51'13" W.)
FORTL	WP	(Lat. 26°18'34" N., long. 81°21'08" W.)

#### Q-116 KPASA to CEEYA [New]

KPASA	WP	(Lat. 28°10'34" N., long. 81°54'27" W.)
BRUTS	WP	(Lat. 29°30'58" N., long. 82°58'57" W.)
GULFR	WP	(Lat. 30°12'23" N., long. 83°33'08" W.)
CEEYA	WP	(Lat. 31°31'32" N., long. 84°05'32" W.)

#### Q-118 KPASA to LENIE [New]

KPASA	WP	(Lat. 28°10'34" N., long. 81°54'27" W.)
BRUTS	WP	(Lat. 29°30'58" N., long. 82°58'57" W.)
LENIE	WP	(Lat. 31°33'58" N., long. 83°50'50" W.)

\* \* \* \* \*

Issued in Washington, DC, on January 31, 2005.

**Edie Parish,**

*Acting Manager, Airspace and Rules.*

[FR Doc. 05-2221 Filed 2-4-05; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2004-19581; Airspace  
Docket No. 04-ACE-71]

#### Proposed Establishment of Class E2 Airspace; and Modification of Class E5 Airspace; Ankeny, IA

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

**ACTION:** Notice of proposed rulemaking;  
correction.

**SUMMARY:** This action corrects a notice of proposed rulemaking that was published in the **Federal Register** on Wednesday, January 19, 2005, (70 FR 2991) [FR Doc. 05-969]. It corrects an error in the legal description of the proposed Class E airspace area designated as a surface area at Ankeny, IA.

**DATES:** Comments for inclusion in the Rules Docket must be received on or before March 1, 2005.

**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 05-969, published on Wednesday, January 19, 2005, (70 FR 2991) proposed to establish a Class E airspace area designated as a surface area and to modify the existing Class E airspace area extending upward from 700 feet above the surface at Ankeny, IA. The proposed airspace and changes were to protect aircraft departing from and executing instrument approach procedures to Ankeny Regional Airport. However, the dimensions of the extension to the proposed Class E airspace area designated as a surface area were incorrect.

Accordingly, pursuant to the authority delegated to me, the legal description of the Class E airspace area designated as a surface area at Ankeny,

IA, as published in the **Federal Register** on Wednesday, January 19, 2005, (70 FR 2991) [FR Doc. 05-969] is corrected as follows:

#### § 71.1 [Corrected]

On page 2992, Column 1, fifth paragraph, fourth line from the bottom, change "extending from the 7-mile radius" to read "extending from the 4.6-mile radius".

Issued in Kansas City, MO, on January 20, 2005.

**Anthony D. Roetzel,**

*Acting Area Director, Western Flight Services Operations.*

[FR Doc. 05-2227 Filed 2-4-05; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2005-20029; Airspace  
Docket No. 04-AAL-25]

#### Proposed Establishment of Class E Airspace; Perryville, AK

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This action proposes to establish new Class E airspace at Perryville, AK. A new Standard Instrument Approach Procedure (SIAP) and Departure Procedure are being published for the Perryville Airport. There is no existing Class E airspace to contain aircraft executing the new instrument approach at Perryville, AK. Adoption of this proposal would result in the establishment of Class E airspace upward from 700 feet (ft.) and 1,200 ft. above the surface at Perryville, AK.

**DATES:** Comments must be received on or before March 24, 2005.

**ADDRESSES:** Send comments on the proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify the docket number FAA-2005-20029/Airspace Docket No. 04-AAL-25, at the beginning of your comments. You may also submit comments on the Internet at <http://dms.dot.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1-800-647-5527) is on the plaza level

of the Department of Transportation NASSIF Building at the above address.

An informal docket may also be examined during normal business hours at the office of the Manager, Safety, Alaska Flight Services Operations, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513-7587.

#### FOR FURTHER INFORMATION CONTACT:

Jesse Patterson, AAL-538G, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513-7587; telephone number (907) 271-5898; fax: (907) 271-2850; e-mail: [Jesse.CTR.Patterson@faa.gov](mailto:Jesse.CTR.Patterson@faa.gov). Internet address: <http://www.alaska.faa.gov/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 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-2005-20029/Airspace Docket No. 04-AAL-25." The postcard will be date/time stamped and returned to the commenter.

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