comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2004–19911/Airspace Docket No. 04–ASO–20.'' The postcard will be date/time stamped and returned to the commenter. All communications received 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 the comments received. 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 Superintendent of Document's Web page at *http://www.access.gpo.gov/nara.* Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration, Office of Air Traffic Airspace Management, ATA–400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–8783. Communications must identify both docket numbers for this notice. Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish Class E4 airspace at Cocoa Beach Patrick AFB, FL. Class E airspace designations for airspace areas designated as an extension to a Class D airspace area are published in Paragraph 6004 of FAA Order 7400.9M, dated August 30, 2004, and effective September 16, 2004, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation 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 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, Airspace Designations and Reporting Points, dated August 30, 2004, and effective September 16, 2004, is amended as follows:

Paragraph 6004 Class E4 Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.

* * * * *

ASO FL E4 Cocoa Beach Patrick AFB, FL [NEW]

Cocoa Beach, Patrick Air Force Base, FL
(Lat. 28°14′06″ N, long. 80°36′36″ W)

That airspace extending upward from the surface within 3.4 miles each side of the Patrick TACAN 034°, radial, extending from the 5.3—mile radius to 7.3 miles northeast of the airport. This Class E airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in College Park, Georgia, on January 3, 2005.

Jeffrey U. Vincent,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 05–1160 Filed 1–19–05; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2004–19851; Airspace Docket No. 04–AAL–13]

RIN 2120–AA66

Proposed Modification and Revocation of Federal Airways; Alaska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to revoke jet route 711 (J–711), modify jet routes 133 and 889R (J–133 and J–889R), and modify two colored Federal airway (B–25 and A–1) in Alaska. The FAA is proposing this action to remove all airways and routes off the Hinchinbrook, AK, Nondirectional Radio Beacon (NDB) in preparation for the NDB's eventual decommissioning from the National Airspace System (NAS).

DATES: Comments must be received on or before March 7, 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 the FAA Docket No. FAA–2004–19851 and Airspace Docket No. 04–AAL–13, at the beginning of your comments. You may also submit comments on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Ken McElroy, 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–2004–19851 and Airspace Docket No. 04–AAL–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 notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2004–19851 and Airspace Docket No. 04–AAL–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 NPRM's

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 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, 222 West 7th Avenue, #14, Anchorage, AK 99533.

Persons interested in being placed on a mailing list for future NPRM's 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

In August 2004, the Alaskan Region determined that continued operation of the Hinchinbrook, AK, NDB was in jeopardy at its current location, and that action was required to reconfigure the airways using the Orca Bay, AK, NDB instead of the Hinchinbrook, NDB.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 (part 71) to revoke J–711, and to modify J–133, J–889R, B–25, and A–1 in Alaska. The FAA is proposing this action to remove all airways and routes off the Hinchinbrook, AK, NDB in preparation for commissioning of the Orca Bay NDB on May 1, 2005.

Colored Federal airways and jet routes are published in paragraphs 6009(c) and paragraph 2004, respectively, of FAA Order 7400.9M dated August 30, 2004, and effective September 16, 2004, which is incorporated by reference in 14 CFR section 71.1. The colored Federal airway and Alaskan VOR Federal airways 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. Therefore, this proposed 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).

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 2004 Jet Routes

* * * * *

J–711 [Revoked]

* * * * *

J–133 [Revised]

From Sitka, AK, NDB via INT Sitka, AK NDB (308°T/280°M) and Orca Bay, AK, NDB (114°T/091°M); Johnstone Point, AK; Anchorage, AK; to Galena, AK.

* * * * *

J–889R Anchorage, AK, to Yakutat, AK [Revised]

NOWEL
60°28′59″ N. 148°38′08″ W. Anchorage, AK
ARISE
60°00′00″ N. 146°09′13″ W. Middleton Island, AK
KONKS
59°33′02″ N. 144°00′07″ W Middleton Island, AK
LAIRE
58°48′15″ N. 140°31′43″ W Yakutat, AK

* * * * *

Paragraph 6009(c) Amber Federal Airways

* * * * *

A–1 [Revised]

From Sandspit, BC, Canada, NDB 96 miles 12 AGL, 102 miles 35 MSL, 57 miles 12 AGL, via Sitka, AK, NDB; 31 miles 12 AGL, 50 miles 47 MSL , 88 miles 20 MSL, 40 miles 12 AGL, Ocean Cape, AK, NDB; INT Ocean Cape NDB 283° and Orca Bay, AK, NDB 106° bearings; Orca Bay NDB; INT Orca Bay 285° and Campbell Lake, AK, NDB 123° bearings; Campbell Lake NDB; Takotna River, AK, NDB; 24 miles 12 AGL, 53 miles 55 MSL; 51 miles 40 MSL, 25 miles 12 AGL, North River, AK, NDB; 17 miles 12 AGL, 89 miles 25 MSL, 17 miles 12 AGL, to Fort Davis, AK, NDB. Excluding that airspace within Canada.

* * * * *

Paragraph 6009(d) Blue Federal Airways

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B–25 [Revised]

From Orca Bay, AK, NDB, via Glenallen, AK, NDB; Delta Junction, AK, NDB.

* * * * *

Issued in Washington, DC, January 13, 2005.

Edie Parish,

Acting Manager, Airspace and Rules.

[FR Doc. 05–1157 Filed 1–19–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 212

[Docket No. OST–2002–11741]

RIN 2105–AD38

Charter Rules for Foreign Direct Air Carriers

AGENCY: Office of the Secretary.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department seeks comment on a proposal to revise its rules on charter operations. This proposal arises from a petition filed by the National Air Carrier Association (NACA). NACA seeks to make changes to the definitions and standards the Department uses to determine whether to grant or deny foreign air carrier requests to conduct certain types of international charter flights.

The Department grants NACA's petition, and proposes to make some, but not all of the changes sought by NACA. The Department proposes to make revisions to definitions relating to charter types, and to modify the Department's current charter application form so as to require updated reciprocity information as well as numbers of U.S.-homeland services vs. U.S.-non-homeland services. The Department does not anticipate adopting NACA's requests to impose a reciprocity standard that ensures substantially equivalent opportunities for U.S. carriers in the homeland of the applicant, or to accord U.S. carriers a right of ''first refusal'' over foreign carrier requests to conduct certain U.S.-originating charter operations.

Specifically, the Department proposes to clarify the definition of ''fifth freedom charter'' by adding definitions of ''sixth- and seventh-freedom charters.'' The Department also proposes modifications to OST Form 4540 (Foreign Air Carrier Application for Statement of Authorization). Specifically, the Department proposes to require an updated reciprocity statement by foreign carriers for a statement of authorization to allow us to ensure that our reciprocity standards have been satisfied and are properly supported. The Department also proposes to require that foreign carrier applicants for a statement of authorization include historical data relative to the applicant's U.S.-home country operations to allow the Department to readily evaluate levels of third- and fourth-freedom versus fifth-, sixth-, and seventh-freedom operations. This data will allow the Department to satisfy any concerns we might have as to the applicant's reliance on fifth-, sixth- and seventh-freedom operations. These proposed modifications will ensure that the Department has the most current information on the state of reciprocity for each foreign carrier applicant for fifth-, sixth-, or seventh-freedom charter authority.

DATES: Comments should be received by March 22, 2005. Late-filed comments will be considered to the extent practicable.

ADDRESSES: To make sure your comments and related material are not entered more than once in the docket, please submit them (marked with docket number OST–2002–11741) by only one of the following means:

(1) By mail to the Dockets and Media Management, U.S. Department of Transportation, M–30, Room PL–401, 400 7th Street SW., Washington, DC 20590.

(2) By hand delivery to room PL–401 on the Plaza level of the Nassif Building, 400 7th Street SW., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(3) Electronically through the Web Site for the Docket Management System at *http://dms.dot.gov*. [Comments must be filed in Docket OST–2002–11741, U.S. Department of Transportation, 400 7th Street SW., Washington, DC 20590.]

Due to security procedures in effect since October 2001 on mail deliveries, mail received through the Postal Service may be subject to delays. Commenters should consider using an express mail firm to ensure the timely filing of any comments not submitted electronically or by hand.

FOR FURTHER INFORMATION CONTACT: Gordon H. Bingham, Office of International Aviation (X–40), U.S. Department of Transportation, 400 7th Street, SW., Washington, DC 20590; (202) 366–2404.

SUPPLEMENTARY INFORMATION: Under current Department charter regulations in 14 CFR Part 212, foreign air carriers must obtain prior Department approval for all ''fifth-freedom'' charters. The standard for grant of such authority is a public interest test, with reciprocity on the part of the applicant's home country being the primary criterion. Under the Department's regulations, ''fifth-freedom'' charters include all charters operated between the U.S. and a third-country point, either via the foreign carrier's home country or absent any nexus to the foreign carrier's home country. Because almost all charter flights processed by the Department under Part 212 are conducted as point-to-point services, in practice the ''no nexus'' case represents the norm.

On March 4, 2002, NACA, on behalf of its member carriers (Air Transport International, American Trans Air, Express.Net Airlines, Falcon Air Express, Gemini Air Cargo, Champion Air, Miami Air International, North American Airlines, Omni Air International, Ryan International Airlines, USA 3000 Airlines, and World Airways, Inc.) filed a petition for rulemaking in which it requested that the Department change certain provisions of 14 CFR Parts 200 and 212. NACA asserted that the current definition of fifth-freedom passenger charters in Part 212 is inaccurate, and most of what the Department authorizes as fifth-freedom charters are in fact seventh-freedom operations because they involve no nexus with the foreign carrier's home country. NACA asserted that a true ''fifth-freedom'' charter would involve an airline carrying traffic that originates and terminates in a country other than its home country, provided the flight originates, terminates or changes gauge in the home country of the airline. Similarly, true ''sixth-freedom'' charters, according to NACA, involve the right of an airline to carry traffic that originates and terminates in a country other than its home country, provided the flight operates via the home country of the airline. NACA asserts that most foreign countries do not provide U.S. carriers reciprocal ''seventh-freedom'' passenger charter rights, and thus, the Department should scrutinize more closely the ''seventh-freedom'' charters it approves. Finally, NACA states that U.S. charter carriers have been adversely affected financially by competition from foreign carriers, particularly since the events of September 11, 2001, and that foreign carriers have been dumping their excess capacity into U.S. charter markets.

To remedy its concerns, NACA proposes changes to the definitions and standards the Department uses in determining whether to grant or deny foreign air carrier requests to conduct certain types of international charter flights. Specifically, NACA requests that we (1) add to and amend the Part 212 definitions concerning charter types so as to ensure, *inter alia*, that what it