

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of the Muskegon County Airport, and within 2.6 miles each side of the ILS localizer southeast course extending from the 6.8-mile radius to 10.8 miles southeast of the airport, and within 2.4 miles each side of the localizer northwest course extending from the 6.8-mile radius to 12.1 miles northwest of the airport, and within 2.8 miles each side of the Muskegon VORTAC 266° radial extending from the 6.8-mile radius to 12.7 miles west of the airport, and within 1.3 miles each side of the Muskegon VORTAC 271° radial extending from the VORTAC to the 6.8-mile radius of the airport and within a 6.3-mile radius of the Grand Haven Memorial Airpark.

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Issued in Des Plaines, Illinois on March 13, 2003.

**Nancy B. Shelton,**

*Manager, Air Traffic Division, Great Lakes Region.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2003-14352; Airspace Docket No. 00-AGL-25]

#### Modification of Class E Airspace; Hazen, ND

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

**ACTION:** Final rule.

**SUMMARY:** This action modifies Class E airspace at Hazen, ND. An Area Navigation (RNAV) Standard Instrument Approach Procedure (SIAP) to Runway 14, and an RNAV SIAP to Rwy 32 have been developed for Mercer County Regional Airport. Controlled airspace extending upward from 700 feet or more above the surface is needed to contain aircraft executing these approaches. This action increases the size of the existing Class E airspace for Hazen, ND. **EFFECTIVE DATE:** 0901 UTC, May 15, 2003.

**FOR FURTHER INFORMATION CONTACT:** Denis C. Burke, Air Traffic Division, Airspace Branch, AGL-520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294-7568.

#### SUPPLEMENTARY INFORMATION:

#### History

On Friday, October 6, 2000, the FAA proposed to amend 14 CFR part 71 to modify Class E airspace at Hazen, ND (65 FR 59763). The proposal was to

modify controlled airspace extending upward from 700 feet above the surface to contain aircraft executing instrument approach procedures.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. Nineteen (19) commenters responded to this proposed airspace action. All nineteen (19) were objections, and were based on concerns dealing with the need for, or objecting to, added regulations and restrictions. The following concerns were raised:

A. Added FAA rules and regulations are unnecessary and unwanted in this region.

Of the nineteen (19) commenters, ten (10) stated they wanted no more restrictions imposed on their ability to conduct VFR flight.

B. The expansion of Class E airspace would limit the ability for VFR flight.

Of the nineteen (19) commenters, seventeen (17) felt this would adversely affect aviation, quality of life, and the economy. No specifics as to the impact on the economy were documented.

C. The expansion of Class E airspace will reduce safety.

Of the nineteen (19) commenters, eight (8) stated that expanding the overall Class E airspace as proposed, would cause an increase in flights where radar coverage is limited, thus reducing safety. All of these comments were considered and evaluated. They are responded to as follows:

In reference to concern A: The increase in the area of Class E airspace, is necessary to ensure IFR aircraft are protected from VFR aircraft, while conducting instrument approach procedures. This is accomplished by requiring higher reported visibility in order to conduct VFR flight within the Class E airspace. The transition from Class G to Class E airspace, will require increased visibility only for VFR flight above 1200 feet AGL. VFR flight visibility requirements for flights below this altitude remain unchanged. Cloud distance requirements for VFR flights also remain unchanged. In addition, there are only three (3) relatively small areas that will transition from Class G to Class E airspace. Unless a VFR flight was conducted exclusively in these three (3) existing areas of Class G airspace, the higher visibility requirements already exist. This is because they are surrounded by existing Class E airspace. The added restrictions are minimal.

In reference to concern B:

Although in certain areas the visibility requirements for VFR flight will increase, flight under VFR

conditions is not prohibited. The comments on adversely affecting quality of life, and the economy are undefined, and beyond the scope of this airspace action.

In reference to concern C:

Establishing or modifying Class E airspace does not automatically lead to increased aircraft operations. Radar coverage in this area has no bearing or impact on IFR flights conducted in this airspace because aircraft are separated and protected by ATC non-radar procedures. Separation and protection between IFR and VFR aircraft is accomplished by visibility requirements for the VFR aircraft. Safety would actually be enhanced as a result of the larger radius of protected airspace surrounding Mercer County Airport.

Class E airspace designation for areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9K dated August 30, 2002, and effective September 16, 2002, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

#### The Rule

This amendment to 14 CFR part 71 modifies Class E airspace at Hazen, ND, to accommodate aircraft executing instrument flight procedures into and out of Mercer County Regional Airport. The area will be depicted on appropriate aeronautical charts.

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).

#### 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 95665, 3 CFR, 1959–1963 Comp., p. 389.

**§ 71.1 [Amended]**

■ 2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9K, Airspace Designations and Reporting Points, dated August 30, 2002, and effective September 16, 2002, is amended as follows:

\* \* \* \* \*

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

\* \* \* \* \*

**AGL ND E5 Hazen, ND [Revised]**

Hazen, Mercer County Regional Airport, ND

(Lat. 47°17'24" N, long. 101°34'51" W)

Dickinson VORTAC

(Lat. 46°51'36" N, long. 102°46'25" W)

Williston VORTAC

(Lat. 48°15'12" N, long. 103°45'02" W)

That airspace extending upward from 700 feet above the surface within a 10.0-mile radius of the Mercer County Regional Airport, and that airspace extending upward from 1200 feet above the surface bounded on the northwest by a line beginning at V439, thence counterclockwise along the Williston VORTAC 60.0-mile radius V71, thence northwest along V71 to the Williston VORTAC 39.2-mile radius to the 48°00'00" N. latitude, on the north by the lat. 48°00'00" N., on the east by the long. 100°44'02" W., on the southeast by V169, on the south by lat. 46°10'00" N., on the southwest by a line from 46°10'00" N., long. 102°24'00" W., to lat. 46°20'00" N., long. 102°44'00" W., on the west by V491, thence east along V2 to the Dickinson VORTAC 25.2-mile radius, thence counterclockwise along the Dickinson VORTAC 25.2-mile radius to V439, thence to the point of beginning, excluding that airspace within the Minot AFB, ND, Dickinson, ND, and Bismarck, ND, Class E airspace areas, and excluding all Federal Airways.

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Issued in Des Plaines, Illinois, on March 5, 2003.

**Richard K. Peterson**

*Assistant Manager, Air Traffic Division, Great Lakes Region.*

[FR Doc. 03–7662 Filed 3–28–03; 8:45 am]

**BILLING CODE 4910–13–M**

**DEPARTMENT OF TRANSPORTATION**

**14 CFR Part 71**

[Docket No. FAA–2002–14179; Airspace Docket No. 02–AGL–08]

**Modification of Class E Airspace; Circleville, OH; Correction**

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

**ACTION:** Final rule; correction.

**SUMMARY:** This action corrects two (2) errors contained in a final rule that was published in the **Federal Register** on Friday, January 17, 2003 (68 FR 2422). The final rule modified Class E airspace at Circleville, OH.

**EFFECTIVE DATE:** 0901 UTC, March 20, 2003.

**FOR FURTHER INFORMATION CONTACT:**

Denis C. Burke, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018, telephone: (847) 294–7477.

**SUPPLEMENTARY INFORMATION:**

**History**

**Federal Register** Document 03–1124 published on Friday, January 27, 2003 (68 FR 2422), modified Class E airspace at Circleville, OH. The Docket contained an incorrect lat./long., and also contained a misspelled city name, both contained in the legal description. This action corrects these errors.

Accordingly, pursuant to the authority delegated to me, the errors for the Class E airspace, Circleville, OH, as published in the **Federal Register** Friday, January 17, 2003 (68 FR 2422), (FR Doc. 03–1124), is corrected as follows:

**§ 71.1 [Corrected]**

■ On page 2422, Column 3, in the legal description:

■ 1. On the second (2nd) line, correct: “Cillicothe” to read: “Chillicothe”.

■ 2. On the third (3rd) line, correct: “(Lat. 39° 26' 29"N., long. 83° 01' 41"W.)” to read: (Lat. 39°26'29" N., long. 83°01'21" W.”.

Issued in Des Plaines, Illinois, on March 5, 2003.

**Richard K. Petersen,**

*Assistant Manager, Air Traffic Division, Great Lakes Region.*

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA–2003–14597; Airspace Docket No. 03–ACE–20]

**Modification of Class E Airspace; Hampton, IA**

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

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

**SUMMARY:** This action modifies Class E airspace at Hampton, IA. An examination of controlled airspace for Hampton, IA revealed a discrepancy in the location of the Hampton nondirectional radio beacon (NDB). The Hampton NDB is a navigational aid serving Hampton Municipal Airport, IA and is used in the legal description of the Hampton, IA Class E airspace area. This action corrects the discrepancy by modifying the Hampton, IA Class E airspace area and incorporating the revised location of the Hampton NDB in the Class E airspace legal description.

**EFFECTIVE DATE:** This direct final rule is effective on 0901 UTC, July 20, 2003.

Comments for inclusion in the Rules Docket must be received on or before May 1, 2003.

**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 docket number FAA–2003–14597/ Airspace Docket No. 03–ACE–20, 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.

**FOR FURTHER INFORMATION CONTACT:** Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (806) 329–2525.

**SUPPLEMENTARY INFORMATION:** This amendment to 14 CFR 71 modifies the Class E airspace area extending upward from 700 feet above the surface of the earth at Hampton, IA. An examination