

Rules and Regulations

Federal Register

Vol. 71, No. 3

Thursday, January 5, 2006

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

Airworthiness Standards: Normal, Utility, Acrobatic, and Commuter Category Airplanes; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correcting amendment.

SUMMARY: This document makes a correction to the final rule published in the *Federal Register* on August 6, 1993 (58 FR 42165). That rule changed airframe and flight airworthiness standards for normal, utility, acrobatic and commuter category airplanes.

DATES: *Effective Date:* This correction is effective on January 5, 2006.

FOR FURTHER INFORMATION CONTACT: Joan Allen, telephone (202) 267-7037.

SUPPLEMENTARY INFORMATION:

Need for Correction

As published, the final regulation contains an error which may be misleading and needs to be clarified.

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

■ Accordingly, 14 CFR part 23 is corrected by making the following correcting amendment:

■ 1. The authority citation for part 23 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701-44702, 44704.

■ 2. Revise paragraph (b) of § 23.773 to read as follows:

§ 23.773 Pilot compartment view.

* * * * *

(b) Each pilot compartment must have a means to either remove or prevent the formation of fog or frost on an area of

the internal portion of the windshield and side windows sufficiently large to provide the view specified in paragraph (a)(1) of this section. Compliance must be shown under all expected external and internal ambient operating conditions, unless it can be shown that the windshield and side windows can be easily cleared by the pilot without interruption of normal pilot duties.

Issued in Washington, DC, on December 29, 2005.

Anthony F. Fazio,

Director, Office of Rulemaking.

[FR Doc. 06-85 Filed 1-4-06; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2005-23375; Airspace Docket No. 05-ACE-35]

Modification of Class E Airspace; Beatrice, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by modifying Class E airspace at Beatrice, NE. The establishment of a Very High Frequency Omni-directional Range (VOR) Instrument Approach Procedure (IAP) to Runway 17 has made this action necessary. Additional controlled airspace extending upward from 700 feet above the surface is needed to contain aircraft executing this IAP. The intended effect of this rule is to provide adequate controlled airspace for Instrument Flight Rules operations at Beatrice Municipal Airport, Beatrice, NE.

DATES: This direct final rule is effective on 0901 UTC, April 13, 2006. Comments for inclusion in the Rules Docket must be received on or before January 27, 2006.

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-2005-23375/ Airspace Docket No. 05-ACE-35, 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:

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: This amendment to 14 CFR 71 modifies the Class E airspace area extending upward from 700 feet above the surface at Beatrice, NE. These modifications provide controlled airspace of appropriate dimensions to protect aircraft executing IAPs to Beatrice Municipal Airport and bring the legal description of the Beatrice, NE Class E airspace area into compliance with FAA Orders 7400.2E and 8260.19C. This area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9N, Airspace Designations and Reporting Points, dated September 1, 2005, and effective September 16, 2005, which is incorporated by reference in 14 CFR 71.1. The Class E 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. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. 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.

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-2005-23375/Airspace Docket No. 05-ACE-35." 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 Beatrice Municipal Airport, Beatrice, NE.

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; 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 if Federal Aviation Administration Order 7400.9N, dated September 1, 2005, and effective September 16, 2005, is amended as follows:

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

* * * * *

ACE NE E5 Beatrice, NE

Beatrice Municipal Airport, NE
(Lat. 40°18'05" N., long. 96°45'15" W.)
Shaw NDB

(Lat. 40°15'54" N., long. 96°45'25" W.)
That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Beatrice Municipal Airport and within 3.1 miles each side of the 185° bearing from the Shaw NDB extending from the 7.5-mile radius of the airport to 7 miles south of the Shaw NDB.

* * * * *

Issued in Kansas City, MO, on December 19, 2005.

Paul J. Sheridan,

Area Director, Western Flight Services Operations.

[FR Doc. 06–80 Filed 1–4–06; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[COTP San Francisco Bay 05–011]

RIN 1625–AA00

Safety Zone; Mission Creek Waterway, China Basin, San Francisco Bay, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule; request for comments.

SUMMARY: The Coast Guard has established a temporary safety zone in the navigable waters of the Mission Creek Waterway in China Basin surrounding the construction site of the Fourth Street Bridge, San Francisco, California. This temporary safety zone is necessary to protect persons and vessels from hazards associated with ongoing bridge construction activities scheduled to continue through September 1, 2006. The safety zone temporarily prohibits use of the Mission Creek Waterway surrounding the Fourth Street Bridge, unless authorized by the Captain of the Port, or his designated representative.

DATES: This rule is effective from 12:01 a.m. on January 1, 2006 to 11:59 p.m. on September 1, 2006. Comments and related material must reach the Coast Guard on or before March 1, 2006.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket COTP 05–011 and are available for inspection or copying at the Waterways Safety Branch of Sector San Francisco, Coast Guard Island, Alameda, California, 94501, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Eric Ramos, U.S. Coast Guard Sector San Francisco, at (510) 437–2770.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(3)(B),