

cleaning and elaborate access procedures may be required.”

(2) If the test reveals that the upper inboard spar cap is made from 7079-T6 material, before further flight, perform a detailed inspection to find corrosion or a previous repair of the slant panel cap of the wing leading edge assembly, and accomplish the modification specified in the service bulletin, per the Accomplishment Instructions of the service bulletin. The modification involves removing any corrosion and repairing the slant panel cap of the leading edge assembly, or replacing the slant panel cap with a new improved slant panel cap, as applicable; modifying the front spar stiffeners and upper spar cap; and installing doublers on the wing upper surface.

Group 2 Airplanes: Inspection and Modification

(b) For airplanes in Group 2 as defined by McDonnell Douglas Service Bulletin DC8-57-072 R03, Revision 03, dated October 2, 1995: Within 4 years after the effective date of this AD, perform a detailed inspection to find corrosion or a previous repair of the slant panel cap of the wing leading edge assembly, and accomplish the modification specified in the service bulletin, per the Accomplishment Instructions of the service bulletin. The modification involves removing any corrosion and repairing the slant panel cap of the leading edge assembly, or replacing it with a new improved slant panel cap, as applicable; removing any previously installed repair; modifying the front spar stiffeners and upper spar cap; and installing doublers on the wing upper surface.

Group 3 Airplanes: Inspection and Modification

(c) For airplanes in Group 3 as defined by McDonnell Douglas Service Bulletin DC8-57-072 R03, Revision 03, dated October 2, 1995: Within 4 years after the effective date of this AD, perform a detailed inspection to find corrosion of the slant panel cap of the wing leading edge assembly, and accomplish the modification specified in the service bulletin, per the Accomplishment Instructions of the service bulletin. The modification involves modifying the front spar stiffeners, and replacing the slant panel cap with a new improved cap, as applicable.

Note 2: Although McDonnell Douglas Service Bulletin DC8-57-072 R03, Revision 03, states that, for airplanes listed in Group 3 of the service bulletin, modification of the front spar stiffeners may be deferred until DC-8 Service Bulletin 57-30 is accomplished, this AD does not allow such a deferral.

Certain Actions Constitute Compliance With AD 90-16-05

(d) Accomplishment of the action(s) required by this AD constitutes compliance with the inspections required by paragraph A. of AD 90-16-05, as it pertains to McDonnell Douglas Service Bulletin DC8-57-72, Revision 2, dated July 16, 1971; and McDonnell Douglas DC-8 Service Bulletin 57-34, Revision 3, dated December 29, 1970. Accomplishment of the actions required by this AD does not terminate the remaining

requirements of AD 90-16-05 as it applies to other service bulletins; operators are required to continue to inspect and/or modify per the other service bulletins listed in that AD.

Alternative Methods of Compliance

(e)(1) In accordance with 14 CFR 39.19, the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, is authorized to approve alternative methods of compliance (AMOC) for this AD.

(2) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD, if it is approved by a Boeing Company DER who has been authorized by the Manager, Los Angeles ACO, to make such findings.

Issued in Renton, Washington, on August 7, 2003.

Neil D. Schalekamp,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03-20715 Filed 8-13-03; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA-2003-13850; Airspace Docket No. 02-AEA-19]

RIN 2120-AA66

Proposed Amendment of Restricted Areas R-5802A and B; and Establishment of Restricted Areas R-5802C, D, and E, Fort Indiantown Gap, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to expand the dimensions, and increase the time of designation, of the restricted airspace at the Fort Indiantown Gap Military Reservation, PA. This proposed action would convert the existing Kiowa Military Operations Area (MOA) to restricted airspace and would establish three new restricted areas: R-5802C, D, and E. This action would raise the ceiling of restricted airspace at Fort Indiantown Gap from the current 13,000 feet above mean sea level (MSL) to Flight Level 250 (FL 250). In addition, this action would change the name of the using agency for the restricted areas. The current restricted airspace at Fort Indiantown Gap is too small to allow aircrew training in weapons delivery tactics that are used in a high anti-aircraft threat environment. The expanded restricted airspace is needed to conduct realistic aircrew training and to maintain the level of proficiency in

modern tactics that is required for combat readiness.

DATES: Comments must be received on or before September 29, 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 both docket numbers, FAA-2003-13850/ Airspace Docket No. 02-AEA-19 at the beginning of your comments.

You may also submit comments through the Internet to <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 Dockets Office (telephone 1-800-647-5527) is on the plaza level of the NASSIF Building at the Department of Transportation at the above address.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division, Federal Aviation Administration, 1 Aviation Plaza, Jamaica, NY 11434.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, 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:

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 Nos. FAA-2003-13850/Airspace Docket No. 02-AEA-19.” The postcard will be date/time stamped and returned to the commenter. Send comments on

environmental and land use aspects to: National Guard Bureau, NGB/CEVP, 1411 Jefferson Davis Highway, Arlington, VA 22202-3231. 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 notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules 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 from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: 703-321-3339) or the Federal Register's electronic bulletin board service (telephone: 202-512-1661) using a modem and suitable communications software.

Internet users may reach the FAA's web page at <http://www.faa.gov> or the Federal Register's web page at <http://www.access.gpo.gov/nara> for access to recently published rulemaking documents.

Any person may also obtain a copy of this NPRM by submitting a request to the FAA, 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 of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should call the FAA, Office of Rulemaking, (202) 267-9677, to request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

Background

The airspace at the Fort Indiantown Gap Military Reservation currently consists of two small restricted areas and one MOA. A MOA is a type of nonregulatory special use airspace designated by the FAA to contain certain nonhazardous military flying activities, such as air combat maneuvers, low altitude tactics, etc.

The existing restricted areas at Fort Indiantown Gap are: R-5802A, extending from 200 feet above ground level (AGL) to 5,000 feet MSL; and R-5802B, extending from the surface up to 13,000 feet MSL. The Kiowa MOA lies adjacent to the restricted areas and extends from 500 feet AGL up to 13,000

feet MSL. These airspace areas are also referred to as the Bollen Range.

Due to its small lateral and vertical dimensions, the Bollen Range cannot be used for High Altitude Dive Bomb training and other training events such as lights-out tactics and use of targeting laser systems.

The Proposal

The FAA is considering an amendment to 14 CFR part 73 to expand the size, and increase the time of designation, of the restricted airspace at the Bollen Range, Fort Indiantown Gap, PA. With this amendment, the existing lateral and vertical limits of Restricted Areas R-5802A and R-5802B would remain unchanged, but the time of designation for the two areas would be changed to read "Daily, sunrise to 2200."

A new restricted area, R-5802C, would be established consisting primarily of that airspace currently designated as the Kiowa MOA. The Kiowa MOA designation would be revoked. Restricted Area R-5802C would extend from 500 feet AGL up to 17,000 feet MSL.

Another new restricted area, R-5802D, would be designated from 17,000 feet MSL to but not including FL 220. Restricted Area R-5802D would overlie Restricted Areas R-5802A, B, and C.

Additionally, a new restricted area, R-5802E, would be designated extending from FL 220 to FL 250. Restricted Area R-5802E would be defined using the same northern and eastern boundaries as Restricted Area R-5802D, but the south and west boundaries of Restricted Area R-5802E would extend an additional 4 nautical miles beyond the corresponding boundaries of Restricted Area R-5802D.

This proposal would change the time of designation for all Bollen Range airspace from the current "February 15 through May 10 and September 1 through December 15, 0800-2300 local time on Saturdays and 0800-1200 local time on Sundays; May 11 through August 31, 0800-2400 local time on Saturdays and 0800-2000 local time on all other days; other times by NOTAM issued at least 48 hours in advance," to "Daily, sunrise to 2200." This change would increase the available hours that the Range could be scheduled for use. The restricted areas would be available for joint-use. This means that the restricted areas would be scheduled only when needed for training, and would be available for transit by non-participating aircraft when not in use.

This action also proposes to change the name of the using agency of the

Bollen Range airspace from "Commander, Fort Indiantown Gap, Annville, PA," to "ANG, 193rd SOW, Det 1, Fort Indiantown Gap Military Reservation, PA."

The Air National Guard has proposed these changes because the restricted airspace existing at Bollen Range is too small to permit essential aircrew training in the tactics used in recent real-world engagements. The current 13,000-foot MSL upper limit of the Range is not sufficient to satisfy high altitude weapons release training requirements. Also, the current lateral dimensions do not provide sufficient restricted airspace to contain required maneuvering, lights-out training, or the use of targeting laser systems.

Section 73.58 of 14 CFR part 73 was republished in FAA Order 7400.8K, dated September 26, 2002. The coordinates for this airspace action are based on North American Datum of 1983.

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 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.

Environmental Review

This proposal will be subjected to the appropriate environmental analysis in accordance with FAA Order 1050.1D, Policies and Procedures for Considering Environmental Impacts, prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 73

Airspace, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

1. The authority citation for part 73 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.

§ 73.58 [Amended]

2. § 73.58 is amended as follows:

* * * * *

R–5802A Fort Indiantown Gap, PA [Amended]

By removing the current “Time of Designation” and “Using agency” and substituting “Time of Designation. Daily, sunrise to 2200” and “Using agency. ANG, 193rd SOW, Det 1, Fort Indiantown Gap Military Reservation, PA.”

R–5802B Fort Indiantown Gap, PA [Amended]

By removing the current “Time of Designation” and “Using agency” and substituting “Time of Designation. Daily, sunrise to 2200.” and “Using agency. ANG, 193rd SOW, Det 1, Fort Indiantown Gap Military Reservation, PA.”

R–5802C Fort Indiantown Gap, PA [New]

Boundaries. Beginning at lat. 40°23'24" N., long. 76°43'34" W.; to lat. 40°25'06" N., long. 76°44'47" W.; to lat. 40°28'00" N., long. 76°46'59" W.; to lat. 40°29'42" N., long. 76°42'59" W.; to lat. 40°29'31" N., long. 76°39'07" W.; to lat. 40°28'31" N., long. 76°36'21" W.; to lat. 40°27'13" N., long. 76°35'13" W.; to lat. 40°26'18" N., long. 76°36'40" W.; thence to point of beginning.

Designated altitudes. 500 feet AGL to but not including 17,000 feet MSL.

Time of designation. Daily, sunrise to 2200.
Controlling agency. FAA, New York
ARTCC.

Using agency. ANG, 193rd SOW, Det 1, Fort Indiantown Gap Military Reservation, PA.

R–5802D Fort Indiantown Gap, PA [New]

Boundaries. Beginning at lat. 40°23'24" N., long. 76°43'34" W.; to lat. 40°25'06" N., long. 76°44'47" W.; to lat. 40°28'00" N., long. 76°46'59" W.; to lat. 40°29'42" N., long. 76°42'59" W.; to lat. 40°29'31" N., long. 76°39'07" W.; to lat. 40°28'31" N., long. 76°36'21" W.; to lat. 40°27'13" N., long. 76°35'13" W.; to lat. 40°26'18" N., long. 76°36'40" W.; thence to point of beginning.

Designated altitudes. 17,000 feet MSL to but not including FL 220.

Time of designation. Daily, sunrise to 2200.
Controlling agency. FAA, New York
ARTCC.

Using agency. ANG, 193rd SOW, Det 1, Fort Indiantown Gap Military Reservation, PA.

R–5802E Fort Indiantown Gap, PA [New]

Boundaries. Beginning at lat. 40°29'42" N., long. 74°42'59" W.; to lat. 40°29'31" N., long. 76°39'07" W.; to lat. 40°28'31" N., long. 76°36'21" W.; to lat. 40°27'13" N., long. 76°35'13" W.; to lat. 40°23'45" N., long. 76°32'36" W.; to lat. 40°22'50" N., long. 76°34'03" W.; to lat. 40°19'55" N., long. 76°40'59" W.; thence clockwise along the arc of a 4-nautical-mile radius circle centered at lat. 40°23'24" N., long. 76°43'34" W.; to lat. 40°21'48" N., long. 76°48'18" W.; to lat.

40°26'04" N., long. 76°51'34" W.; to lat. 40°28'00" N., long. 76°46'59" W.; thence to point of beginning.

Designated altitudes. FL 220 to FL 250.
Time of designation. Daily, sunrise to 2200.
Controlling agency. FAA, New York
ARTCC.

Using agency. ANG, 193rd SOW, Det 1, Fort Indiantown Gap Military Reservation, PA.

Issued in Washington, DC, on August 8, 2003.

Reginald C. Matthews,

Manager, Airspace and Rules Division.

[FR Doc. 03–20772 Filed 8–13–03; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[KY–200334(b); FRL–7542–5]

Approval and Promulgation of State Plan for Designated Facilities and Pollutants; Commonwealth of Kentucky and Jefferson County, KY

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve the Commercial and Industrial Solid Waste Incineration (CISWI) units section 111(d) negative declarations submitted by the Commonwealth of Kentucky (state) and Jefferson County, Kentucky (local). These negative declarations certify that CISWI units subject to the requirements of sections 111(d) and 129 of the Clean Air Act do not exist in the Commonwealth of Kentucky and Jefferson County, Kentucky. In the Final Rules Section of this **Federal Register**, the EPA is approving the negative declarations submitted by the Commonwealth of Kentucky and Jefferson County, Kentucky, as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no significant, material, and adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: Written comments must be received on or before September 15, 2003.

ADDRESSES: Comments may be submitted by mail to: Joydeb Majumder, Air Toxics and Monitoring Branch, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Comments may also be submitted electronically, or through hand delivery/courier. Please follow the detailed instructions described in the direct final rule, Supplementary Information section (sections I.B.1. i. through iii.) which is published in the Rules Section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Joydeb Majumder, Air Toxics and Monitoring Branch, or Michele Notarianni, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Mr. Majumder can also be reached by telephone at (404) 562–9121 and via electronic mail at majumder.joydeb@epa.gov. Ms. Notarianni may be reached by telephone at (404) 562–9031 and via electronic mail at notarianni.michele@epa.gov.

SUPPLEMENTARY INFORMATION: For additional information, see the direct final rule which is published in the Rules Section of this **Federal Register**.

Dated: July 23, 2003.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 03–20429 Filed 8–13–03; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AI73

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period, Announcement of Public Hearing, and Availability of Draft Economic Analysis for Proposed Designation of Critical Habitat for Three Threatened Mussels and Eight Endangered Mussels in the Mobile River Basin

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; reopening of comment period, announcement of hearing, and availability of draft economic analysis.

SUMMARY: We, the Fish and Wildlife Service, announce the availability of the