

were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO, on June 3, 2004.

Elizabeth S. Wallis,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 04-13299 Filed 6-10-04; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2004-17421; Airspace Docket No. 04-ACE-22]

Modification of Class E Airspace; Chappell, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of the direct final rule which revises Class E airspace at Chappell, NE.

DATES: *Effective Date:* 0901 UTC, August 5, 2004.

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: The FAA published this direct final rule with a request for comments in the **Federal Register** on April 26, 2004 (69 FR 22396.). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on August 5, 2004. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO, on June 3, 2004.

Elizabeth S. Wallis,

Acting Manager, Air Traffic Division, Central Region.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2004-17912; Airspace Docket No. 04-ACE-38]

Modification of Class E Airspace; Wayne, 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 71) by revising Class E airspace at Wayne, NE. One area navigation (RNAV) global positioning system (GPS) standard instrument approach procedure (SIAP) and three nondirectional radio beacon (NDB) SIAPs have been developed to serve Wayne Municipal Airport. Class E airspace extending upward from 700 feet above the surface at Wayne, NE does not adequately protect for diverse departures. The intended effect of this rule is to provide controlled airspace of appropriate dimensions to protect aircraft departing and executing SIAPs to Wayne Municipal Airport. It brings the Wayne, NE Class E airspace area and legal description into compliance with FAA Orders.

DATES: This direct final rule is effective on 0901 UTC, September 30, 2004.

Comments for inclusion in the Rules Docket must be received on or before July 28, 2004.

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-2004-17912/ Airspace Docket No. 04-ACE-38, 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 Wayne, NE RNAV (GPS) RWY 22, ORIGINAL SIAP; NDB RWY 17, ORIGINAL SIAP; NDB RWY 22, ORIGINAL SIAP and NDB RWY 35, ORIGINAL SIAP have been developed to serve Wayne Municipal Airport. The dimensions of the Wayne, NE Class E airspace are modified to accommodate all SIAPs serving the airport and to provide adequate controlled airspace for diverse departures. The radius of the airspace area is increased from 6.5 to 7.5 miles. The current extension to the airspace area is totally contained within the expanded airspace radius and no other extensions are required. This action brings the airspace area and its legal description into compliance with FAA Order 7400.2E, Procedures for Handling Airspace Matters. The 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 7400.9L, Airspace Designations and Reporting Points, dated September 2, 2003, and effective September 16, 2003, 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.

Comments 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-2004-17912/Airspace Docket No. 04-ACE-38." 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 is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, 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

■ 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 of Federal Aviation Administration Order 7400.9L, dated September 2, 2003, and effective September 16, 2003, 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, Wayne, NE

Wayne Municipal Airport, NE
(Lat. 42°14'31" N., long. 96°58'53" W.)

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Wayne Municipal Airport.

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Issued in Kansas City, MO, on May 21, 2004.

Paul J. Sheridan,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 04-13302 Filed 6-10-04; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2003-16707; Airspace Docket No. 2003-ANE-104]

Establishment of Class E Airspace; Manchester, NH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace area at Manchester, NH (KMHT) to provide for controlled airspace upward from the surface during the times when the air traffic controller tower at Manchester will be closed.

DATES: *Effective Date:* August 5, 2004.

ADDRESSES: Jon Harris, Acting Manager, Airspace Branch, ANE-520, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (781) 238-7520; fax (781) 238-7596.

SUPPLEMENTARY INFORMATION:

Background

On February 5, 2004, the FAA published in the **Federal Register** a Notice of Proposed Rulemaking (69 FR 5479) that proposed to establish a Class E airspace area extending upward from the surface in the vicinity of the Manchester, NH airport. The purpose of the proposal was to provide controlled airspace from the surface to 700 feet above the ground to accommodate aircraft executing instrument approaches and departures from the airport during times when the air traffic control tower at Manchester is closed. Interested persons were invited to participate in this rulemaking proceeding by submitting written data, views, or arguments. We have carefully considered the one comment we received. The comment asked if the Manchester airport tower operating hours would actually change based on this airspace action. In response, the FAA confirms that the Manchester tower operating hours will not change solely because of this airspace action. Any change in the operating hours will be based on the operational requirements of the Manchester airport. The present Manchester Class C airspace area remains an essential safety measure in support of the present operational requirements. This action merely puts in place the necessary controlled airspace to support instrument flight operations in the event that the FAA changes the operating hours of the Manchester ATCT. No additional comments were received.

The Rule

This amendment to part 71 of the Federal Aviation Regulation (14 CFR part 71) establishes a Class E airspace area at Manchester, NH. The Class E airspace area extends upward from the surface at Manchester Airport, Manchester, NH. The purpose of this controlled airspace will be to provide for controlled airspace from the surface to accommodate aircraft executing instrument approaches and departures from the airport during times when the air traffic control tower at Manchester is closed.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace designations for airspace extending upward from the surface of an airport are published in paragraph 6002 of FAA Order 7400.9L, dated September 2, 2003, and effective September 16, 2003, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in this Order.