

(m) or (p) of this AD. Accomplishing the actions specified in paragraph (m) or (p) of this AD ends the leak test (check) requirements of paragraph (h) of this AD.

\* \* \* \* \*

■ On page 53613 in the first column, paragraph (m) of AD 2004-18-03 is corrected to read as follows:

\* \* \* \* \*

(m) Once a day, before the first flight of the day: With both engines operating at ground idle or taxi thrust, open both L&R XFER SOV circuit breakers, 1N9 and 2P8, and monitor the fuel quantity of the center fuel tank for five minutes. For the daily check, the fuel quantity in the center fuel tank must be 4,000 pounds or less. This daily check must be performed by appropriate maintenance personnel.

\* \* \* \* \*

Issued in Renton, Washington, on October 15, 2004.

**Kalene C. Yanamura,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 04-23927 Filed 10-25-04; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2004-19327; Airspace Docket No. 04-ACE-56]

#### Modification of Class E Airspace; Scribner, 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 revising Class E airspace at Scribner, NE. A review of the Class E airspace area extending upward from 700 feet above the surface at Scribner, NE revealed it does not reflect the current Scribner State Airport airport reference point (ARP) and its legal description is not in compliance with established airspace criteria. This airspace area is modified to conform to FAA Orders.

**DATES:** This direct final rule is effective on 0901 UTC, January 20, 2005. Comments for inclusion in the Rules Docket must be received on or before November 30, 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-2004-19327/Airspace Docket No. 04-ACE-56, 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 Memper, 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 part 71 modifies the Class E airspace area extending upward from 700 feet above the surface at Scribner, NE. An examination of controlled airspace for Scribner, NE revealed that the Scribner State Airport ARP used in the legal description for this Class E airspace area is incorrect. The examination also identified that the format of the legal description does not comply with FAA Order 7400.2E, Procedures for Handling Airspace Matters.

This action corrects the Scribner State Airport ARP in the legal description, eliminates reference to Freemont, NE in the legal and brings the legal description of the Scribner, NE Class E airspace area into compliance with FAA Order 7400.2E. 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 7400.9M, Airspace Designations and Reporting Points, 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 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 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-2004-19327/Airspace Docket No. 04-ACE-56." 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 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 7400.9M, dated August 30, 2004, and effective September 16, 2004, 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 Scribner, NE**

Scribner State Airport, NE  
(Lat. 41°36'37" N., long. 96°37'48" W.)

That airspace extending upward from 700 feet above the surface within a 7.1-mile radius of Scribner State Airport.

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Issued in Kansas City, MO, on October 13, 2004.

**Paul J. Sheridan,**

*Area Director, Western Flight Services Operations.*

[FR Doc. 04–23865 Filed 10–25–04; 8:45 am]

**BILLING CODE 4910–13–M**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 71**

[Docket No. FAA–2004–19329; Airspace Docket No. 04–ACE–58]

#### **Modification of Class E Airspace; Imperial, 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 revising Class E airspace at Imperial, NE. A review of the Class E airspace area extending upward from 700 feet above the surface at Imperial, NE revealed it is not in compliance with established airspace criteria and does not reflect the current Imperial Municipal Airport airport reference point (ARP). This airspace area is modified to conform to FAA Orders. The intended effect of this rule is to provide controlled airspace of appropriate dimensions to protect aircraft departing from and executing Standard Instrument Approach Procedures (SIAPs) to Imperial Municipal Airport.

**DATES:** This direct final rule is effective on 0901 UTC, January 20, 2005. Comments for inclusion in the Rules Docket must be received on or before November 30, 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–2004–19329/ Airspace Docket No. 04–ACE–58, 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 part 71 modifies

the Class E airspace area extending upward from 700 feet above the surface at Imperial, NE. An examination of controlled airspace for Imperial, NE revealed the Class E airspace area does not comply with airspace requirements for diverse departures from Imperial Municipal Airport as set forth in FAA Order 7400.2E, Procedures for Handling Airspace Matters. The legal description of the Class E airspace area does not reflect the correct Imperial Municipal Airport ARP. The examination also revealed compliance with airspace requirements for diverse departures eliminates the need for an extension to the airspace area.

This action enlarges the Imperial, NE Class E airspace area extending upward from 700 feet above the surface from a 6.5-mile radius to a 7.5-mile radius of Imperial Municipal Airport. It eliminates the southeast extension, deletes reference to the Imperial NDB in the legal description and corrects the Imperial Regional Airport ARP in the legal description. These modifications provide controlled airspace of appropriate dimensions to protect aircraft departing from and executing SIAPs to Imperial Regional Airport and bring the legal description of the Imperial, NE Class E airspace area into compliance with FAA Order 7400.2E. 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 7400.9M, Airspace Designations and Reporting Points, 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 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