

*Paragraph 6004—Class E airspace areas extending from the surface of the earth defined as extensions to Class D airspace areas.*

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ANE MA E4 Beverly, MA [Revised]

Beverly Municipal Airport, MA  
(Lat. 42°35'03" N, long. 70°54'59" W)

That airspace extending upward from the surface within 3.2 miles on each side of the Topsfield NDB 317° bearing extending from a 4.1-mile radius of Beverly Municipal Airport to 7 miles northwest of the Topsfield NDB. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

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ANE NH E4 Lebanon, NH [Revised]

Lebanon Municipal Airport, NH  
(Lat. 43°37'35" N, long. 72°18'15" W)

BURGR OM  
(Lat. 43°43'57" N, long. 72°20'00" W)

Hanover NDB  
(Lat. 43°42'08" N, long. 72°10'39" W)

That airspace extending upward from the surface within 3.3 miles each side of the BURGR OM 352° bearing from a 4.8-mile radius of Lebanon Municipal Airport to 8 miles north of the BURGR OM, and within 2.4 miles each side of the Hanover NDB 051° bearing extending from the 4.8-mile radius to 7 miles northeast of the Hanover NDB. This Class E airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

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ANE NH E4 Nashua, NH [Revised]

Nashua, Boire Field, NH  
(Lat. 42°46'54" N, long. 71°30'53" W)

CHERN NDB  
(Lat. 42°49'24" N, long. 71°36'08" W)

Manchester VORTAC  
(Lat. 42°52'06" N, long. 71°22'10" W)

That airspace extending upward from the surface within 2.6 miles on each side of the CHERN NDB 303° bearing extending from a 5-mile radius of Boire Field to 7 miles northwest of the CHERN NDB, and that airspace extending upward from the surface within 1.1 miles on each side of the Manchester VORTAC 231° radial extending from the 5-mile radius to 8.4 miles northeast of Boire Field. This Class E airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

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Issued in Burlington, MA, on February 8, 1996.

David J. Hurley,  
Manager, Air Traffic Division, New England Region.

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**14 CFR Part 71**

[Airspace Docket No. 96-ANE-01]

**Removal of Class E Airspace; Fort Devens, MA**

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment removes the Class E airspace at Moore Army Air Field, Fort Devens, MA. With the closing of Fort Devens, the U.S. Army decommissioned the airport traffic control tower at Moore Army Air Field, and cancelled all the Standard Instrument Approach Procedures (SIAP's) to that airport. This action is necessary to remove the Class E airspace area at Fort Devens, which is no longer required.

**DATES:** Effective Date: 0901 UTC, April 25, 1996.

Comments must be received on or before March 18, 1996.

**ADDRESSES:** Send comments on the proposal in triplicate to: Manager, System Management Branch, ANE-530, Federal Aviation Administration, Docket No. 95-ANE-60, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (617) 238-7530; fax (617) 238-7596.

The official docket file may be examined in the Office of the Assistant Chief Counsel, New England Region, ANE-7, Room 401, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (617) 238-7040; fax (617) 238-7055.

An informal docket may also be examined during normal business hours in the Air Traffic Division, Room 408, by contacting the Manager, System Management Branch at the first address listed above.

**FOR FURTHER INFORMATION CONTACT:** Raymond Duda, System Management Branch, ANE-533, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (617) 238-7533; fax (617) 238-7596.

**SUPPLEMENTARY INFORMATION:**

Request for Comments on the Rule

Although this action is a final rule, which involves removing the Class E

airspace area at Fort Devens, MA, and was not preceded by notice and an opportunity for public comment, comments are invited on the rule. This rule will become effective on the date specified in the **DATES** section. However, after the review of any comments and, if the FAA finds that further changes are appropriate, it may initiate rulemaking proceedings to extend the effective date or to amend the regulation.

Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule, and in determining whether additional rulemaking is required. Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the rule, which might suggest the need to modify the rule.

**The Rule**

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) removes the Class E airspace area at Moore Army Air Field, Fort Devens, MA. Since the closure of Fort Devens in 1993, the U.S. Army has decommissioned the airport traffic control tower (ATCT) at Moore Army Air Field and cancelled all the Standard Instrument Approach Procedures (SIAP's) to that airport. Controlled airspace in the vicinity of Moore Army Air Field is, therefore, no longer required. This action removes the Class E airspace area at Fort Devens, MA. Class E airspace designations for airspace areas extending from 700 or more feet above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9C, dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The removal of the Class E airspace designation listed in this document will be published subsequently in this Order.

Under the circumstances presented, the FAA concludes that notice and an opportunity for prior public comment under 5 U.S.C. 553(b) is unnecessary and contrary to the public interest. In addition, 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 will be 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 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—[AMENDED]**

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.

#### **§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

#### **Subpart E—Class E Airspace**

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

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ANE MA E5 Fort Devens, MA [Removed]

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Issued in Burlington, MA, on February 8, 1996.

David J. Hurley,

Manager, Air Traffic Division, New England Region.

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#### **14 CFR Part 135**

[Docket No. 26192; Amdt. No. 135-56]

RIN 2120-AD28

#### **Improved Flammability Standards for Materials Used in the Interiors of Airplane Cabins**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of disposition of comments on final rule.

**SUMMARY:** On March 6, 1995, the Federal Aviation Administration (FAA) issued Amendment 135-56 which removed an unintended requirement in the

previously issued Amendment 135-55 of part 135 of the Federal Aviation Regulations (FAR) (60 FR 13010). Amendment 135-56 was effective on March 6, 1995, however, the FAA invited public comments on the subject until April 10, 1995. Although the FAA has determined that there is no need for any further amendment to part 135, this document responds to the comments submitted by the public.

**ADDRESSES:** The complete docket for the final rule on Improved Flammability Standards for Materials Used in the Interiors of Airplane Cabins may be examined at the Federal Aviation Administration, Office of the Chief Counsel (AGC-10), Rules Docket, Room 915G, 800 Independence Avenue SW., Washington, DC 20591, weekdays, except Federal holidays between 8:30 a.m. and 5:00 p.m. In addition, the FAA is maintaining an information docket of comments in the Transport Airplane Directorate (ANM-100), FAA, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments in the information docket may be inspected weekdays, except Federal holidays, between 7:30 a.m., and 4:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** Gary L. Killion, Regulations Branch, ANM-114, Transport Airplane Directorate, Aircraft Certification Service, FAA 1601 Lind Avenue SW., Renton, WA 98055-4956; telephone (206) 227-2194.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On March 6, 1995, the FAA issued Amendment 135-56 (60 FR 13010, March 9, 1995), which removed an unintended requirement in the previously-issued Amendment 135-55 (60 FR 6616, February 2, 1995) to part 135 of the FAR. This action ensued that commuter category airplanes operated under part 135 would not be grounded for failing to comply with the unintended requirement which became effective on March 6, 1995.

Specifically, § 135.170(b), as revised by Amendment 135-55, stated that no person may operate a "large" airplane unless it meets the flammability requirements contained in §§ 135.170(b)(1) and (2). Section 135.170(b)(2) states, in turn, that seat cushions, except for flight crewmember seat cushions, must comply with the fire blocking standards of § 25.853(c) that became effective on November 26, 1984. (Although these standards are commonly referred to as "fire blocking," § 25.853(c) actually provides the option of using a covering material, i.e., a "fire-blocking" layer, that isolates the cushion from a fire or

using a seat cushion that can be shown by itself to provide the necessary fire resistance). Large airplanes are identified in part 1 of the FAR as those with "more than 12,500 pounds maximum certificated takeoff weight." Commuter category airplanes type-certificated under part 23 of the FAR may have a maximum certificated takeoff weight as great as 19,000 pounds, and each of the commuter category airplanes currently in service does in fact have a maximum certificated takeoff weight greater than 12,500 pounds. They are, therefore, "large" airplanes as defined in part 1. Taking literally the wording of § 135.170(b), as revised by Amendment 135-55, operators of these airplanes would have had to comply with the seat cushion fire-blocking standards in addition to the applicable flammability standards of part 23.

Although including commuter category airplanes in the requirements of § 135.170(b) pertaining to seat cushion fire blocking standards was due to an editing error, the FAA has adopted separate rulemaking (Amendment 121-23, 60 FR 65832, December 20, 1995) which requires the seat cushions of those airplanes to comply with the seat cushion fire blocking standards by December 20, 2010. In the meantime, the operators of those airplanes must continue to have seat cushions that meet the applicable flammability standards of part 23.

##### **Discussion of Comments**

Two commenters responded to the request for comments on Amendment 135-56. One commenter, a pilots association, agrees the final rule (Amendment 135-55) was in error. However, the commenter feels that this is a safety issue for all aircraft passengers, regardless of the aircraft size. The FAA responded to the commenter noting that the comment more accurately applied to proposals contained in Notice 95-5, Docket No. 28154. The commenter was advised that his comments would be placed in Docket 28154 and considered along with any other comments received in response to Notice 95-5. The second commenter, a manufacturer, wrote only to indicate that the FAA's timely action in correcting this error was appreciated.

##### **Conclusion**

After carefully considering the comments submitted in response to Amendment 135-56, the FAA has determined that no further rulemaking action is necessary at this time. Accordingly, Amendment No. 135-56 remains in effect as prescribed by the