

**Compliance:** Required as indicated, unless accomplished previously.

To prevent cracking of the wire harness slot on the inner rear spar of the wing, which could result in reduced structural integrity of the wing, accomplish the following:

#### Modification

(a) At the time specified in paragraph (a)(1), (a)(2), or (a)(3) of this AD: Modify the inner rear spars of the wings in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330-57-3055 or A340-57-4062, both Revision 01, both dated May 2, 2002, as applicable. The modification involves an eddy current surface crack inspection of the wire harness slots in the rear spars of the wings between ribs 4 and 5, a high-frequency eddy current rototest inspection for cracks in the area around the bolt holes that attach the support plates of the electrical connectors, and cold-expansion of the wire harness slots and the bolt holes.

(1) For Model A330 series airplanes: Inspect before the accumulation of 16,500 total flight cycles or 51,400 total flight hours, whichever occurs first.

(2) For Model A340 series airplanes, pre-Modification 41300: Inspect before the accumulation of 14,500 total flight cycles or 75,400 total flight hours, whichever occurs first.

(3) For Model A340 series airplanes, post-Modification 41300: Inspect before the accumulation of 13,400 total flight cycles or 70,000 total flight hours, whichever occurs first.

(b) A modification done before the effective date of this AD in accordance with Airbus Service Bulletin A330-57-3055 or A340-57-4062, both dated November 28, 2001, is acceptable for compliance with the applicable requirements of this AD.

#### Repair

(c) If any crack is found during an inspection required by paragraph (a) of this AD: Before further flight, repair in accordance with a method approved by either the Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA; or the Direction Générale de l'Aviation Civile (or its delegated agent).

#### Alternative Methods of Compliance

(d) In accordance with 14 CFR 39.19, the Manager, International Branch, ANM-116, is authorized to approve alternative methods of compliance for this AD.

#### Incorporation by Reference

(e) Unless otherwise specified in this AD, the actions must be done in accordance with Airbus Service Bulletin A330-57-3055, Revision 01, dated May 2, 2002; or Airbus Service Bulletin A340-57-4062, Revision 01, dated May 2, 2002; as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus, 1 Rond Point Maurice Bellonte, 31701 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal

Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**Note 1:** The subject of this AD is addressed in French airworthiness directives 2001-578(B) and 2001-579(B), both dated November 28, 2001.

#### Effective Date

(f) This amendment becomes effective on April 30, 2004.

Issued in Renton, Washington, on March 17, 2004.

**Kevin M. Mullin,**

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

[FR Doc. 04-6578 Filed 3-25-04; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2003-15398; Airspace Docket No. 03-AGL-091]

#### Revocation of Class D Airspace Area; Chicago, IL

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

**ACTION:** Final rule.

**SUMMARY:** This action revokes the Class D airspace area for the Merrill C. Meigs Airport, Chicago, IL. The FAA is taking this action due to the closure of the airport.

**EFFECTIVE DATE:** 0901 UTC, June 10, 2004.

**FOR FURTHER INFORMATION CONTACT:** Patricia A. Graham, Air Traffic Division, Airspace Branch, AGL-520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294-7568.

#### SUPPLEMENTARY INFORMATION:

#### Background

On July 28, 2003, the FAA issued a notice proposing to revoke the Class D airspace area for the Merrill C. Meigs Airport. Specifically, that action proposed to revoke the existing Class D airspace area extending from the surface up to and including 3,100 feet above mean sea level (MSL) within a 3.8 nautical mile radius of the now closed Meigs Airport reference point. Class D airspace areas are intended to provide controlled airspace for visual or instrument flight rules operations at airports having an operating Airport Traffic Control Tower (ATCT).

#### Discussion of Comment

Interested parties were invited to participate in this rulemaking

proceeding by submitting written comments on the proposal. All comments received were reviewed prior to taking any final action on this matter. In response to the notice, we received thirty-three comments. Two of the comments received were in support of the proposed airspace action and the others stated objection or provided other comments on the proposal. Those objecting to the proposal expressed concern that the revocation of the Class D Airspace Area would take away the ability of pilots to use the Chicago Meigs Airport in case they had to make an emergency landing, or require some other sort of assistance.

Other commenters expressed concern that revoking the Class D airspace area and closing the Chicago Meigs Airport would result in an increase in the congestion at the Chicago O'Hare International Airport (O'Hare Airport) and the Chicago Midway International Airport (Midway Airport).

Several other commenters stated that it was less convenient to fly into the O'Hare Airport and Midway Airport rather than the former Chicago Meigs Airport. One commenter stated that the lack of controlled airspace around downtown Chicago could have serious potential security risks. Additionally, several commenters expressed a concern that a Class D airspace area is needed to keep a corridor along the shore of Lake Michigan safer; and that the FAA should continue to provide some sort of advisory service to pilots utilizing something similar to an ATCT.

Many of those commenting also expressed a concern that by revoking the Class D airspace area the FAA was supporting the alleged illegal closing of Chicago Meigs Airport, and that the airport should not be closed.

Many of the concerns expressed by those commenting on the notice are beyond the control of the FAA. Specifically, many commenters took issue with the actual closing of the Meigs Airport, the destruction of its runway as well as the lack of availability of the airport in case of an emergency landing, and the impact the closure would have on the Chicago O'Hare and Chicago Midway International Airports. Also, they expressed a belief that there was increased security risk resulting from a reduction in controlled airspace.

While the FAA respects the opinions of those expressing comments regarding the Meigs Airport closure, those comments are outside of the scope of the notice. The purpose of the proposed action was to address the classification of the airspace over the closed Meigs Airport. The FAA proposed this action

after and in response to the closure of the Chicago Meigs Airport.

In response to those commenters expressing concern regarding the lack of controlled airspace after the revocation of the existing Class D airspace area, it should be noted that there will be Class E airspace area (which is controlled airspace) extending from 700 feet above the ground to the base of the overlying Chicago, IL Class B Airspace Area in the same area. Air traffic control services will remain available to aircraft operating in this area. These services include safety alerts, traffic advisories, and limited radar vectoring when requested by the pilot. This is the same level of service that has been available on a daily basis since the airport and ATCT closure and is similar to the service available prior to the airport closure during the hours when the Meigs ATCT was closed.

### The Rule

This amendment to 14 CFR part 71 revokes the Class D airspace area at Chicago, IL, for the former Merrill C. Meigs Airport. As a result, the existing Class E airspace area will be in effect on a continuous basis. A Class D airspace area extending upward from the surface of the earth is no longer needed because the airport and ATCT have been closed.

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, 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 rule will not have a 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).

### The Amendment

■ In consideration of the foregoing, 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

### § 71.1 Amended

■ 2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9L, Airspace Designations and Reporting Points, dated September 2, 2003, and effective September 16, 2003, is amended as follows:

\* \* \* \* \*

*Paragraph 5000—Class D airspace*

\* \* \* \* \*

**AGL IL D Chicago, IL [Removed]**

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Issued in Des Plaines, Illinois on March 04, 2004.

**Nancy B. Shelton,**

*Manager, Air Traffic Division, Great Lakes Region.*

[FR Doc. 04–6861 Filed 3–25–04; 8:45 am]

**BILLING CODE 4910–13–M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2004–16989; Airspace Docket No. 04–ACE–7]

### Modification of Class E Airspace; Hays, KS

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

**ACTION:** Direct final rule; request for comments; correction.

**SUMMARY:** This action corrects a direct final rule; request for comments that was published in the **Federal Register** on Friday, March 5, 2004, (69 FR 10330) [FR Doc. 04–5026]. It corrects an erroneously cited reference.

**DATES:** This direct final rule is effective on 0901 UTC, June 10, 2004.

**FOR FURTHER INFORMATION CONTACT:** Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; Telephone: (816) 329–2525.

**SUPPLEMENTARY INFORMATION:**

### History

**Federal Register** document 04–5026, published on Friday, March 5, 2004, (69 FR 10330) modified Class E2 and Class E5 airspace areas at Hays, KS. The modification corrected discrepancies in the Hays Regional Airport airport reference point, expanded the areas by .1 mile, redefined the extensions to the airspace areas and brought the legal descriptions of Hays, KS Class E airspace areas into compliance with FAA Order 7400.2E, Procedures for Handling Airspace Matters. However, the date and effective date of cited FAA Order 7400.9L, Airspace Designations and Reporting Points, was published incorrectly.

■ Accordingly, pursuant to the authority delegated to me, the date and effective date of cited FAA Order 7400.9L, as published in the **Federal Register** on Friday, March 5, 2004, (69 FR 10330) [FR Doc. 04–5026] is corrected as follows:

### § 71.1 [Corrected]

■ On page 10331, Column 1, paragraph headed “§ 71.1 [Amended],” fourth line and fifth line, change “August 30, 2002, and effective September 16, 2002, is amended as” to read “September 2, 2003, and effective September 16, 2003, is amended as.”

Issued in Kansas City, MO, on March 9, 2004.

**Paul J. Sheridan,**

*Acting Manager, Air Traffic Division, Central Region.*

[FR Doc. 04–6751 Filed 3–25–04; 8:45 am]

**BILLING CODE 4910–13–M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 177

[Docket No. 1996F–0176]

### Indirect Food Additives: Polymers; Technical Amendment

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** The Food and Drug Administration (FDA) is amending its food additive regulations to correctly reflect all materials that are permitted for use as films/layers of laminated articles intended for use with food. The current requirements for polymer films/layers are incomplete due to an inadvertent error. This document is