

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2004-19326; Airspace
Docket No. 04-ACE-55]

**Modification of Class E Airspace;
Oberlin, KS**

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
Oberlin, KS.

DATES: *Effective Date:* 0901 UTC,
January 20, 2005.

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: The FAA
published this direct final rule with a
request for comments in the **Federal
Register** on October 26, 2004 (69 FR
62404). 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
January 20, 2005. 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 November
26, 2004.

Elizabeth S. Wallis,

*Acting Area Director, Western Flight Services
Operations.*

[FR Doc. 04-26849 Filed 12-6-04; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2004-19671; Airspace
Docket No. 04-AWA-07]

RIN 2120-AA66

**Modification of Control Areas 1143L
and 1146L**

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises the legal
descriptions of Control Areas 1143L and
1146L to remove references to the
Nantucket, MA, Nondirectional Beacon
(NDB), which has been taken out of
service and decommissioned by the
FAA. The legal descriptions are being
revised to use a geographical point
based on latitude/longitude coordinates
in place of the former NDB references.
This action will enhance safety by
removing references to a
decommissioned navigational aid from
controlled airspace descriptions.

EFFECTIVE DATES: 0901 UTC, March 17,
2005.

FOR FURTHER INFORMATION CONTACT: Paul
Gallant, Airspace and Rules, System
Operations and Safety, Federal Aviation
Administration, 800 Independence
Avenue, SW., Washington, DC 20591;
telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION:

Background

Control areas are Class E airspace
areas that provide controlled airspace
(beyond 12 nautical miles from the coast
of the United States) where there is a
requirement to provide IFR en route air
traffic control (ATC) services and within
which the United States is applying
domestic ATC procedures. Control Areas
1143L and 1146L are located offshore to
the east of Cape Cod, Massachusetts.

On June 17, 2004, the FAA's New
England Regional Office requested that
action be taken to modify the legal
descriptions of Control Areas 1143L and
1146L to remove references to the
Nantucket, MA, NDB. The NDB has
been removed from service and
decommissioned by the FAA, therefore,
it can no longer be used in legal
descriptions.

The Rule

This action amends Title 14 Code of
Federal Regulations (14 CFR) part 71
(part 71) by revising the legal
descriptions of Control Areas 1143L and
1146L to remove references to the

Nantucket, MA, NDB which has been
removed from service. This
modification substitutes the latitude/
longitude coordinates of the former
geographic position of the Nantucket
NDB (lat. 40°16'07" N., long. 70°10'48"
W.) in place of all references to the NDB
in the two Control Area descriptions.
This modification, therefore, simply
changes the means of identifying points
in the legal descriptions without
altering the actual boundaries or
altitudes of control areas. Further, this
change will enhance safety by removing
from the descriptions a navigation aid
that is no longer available for pilots' use
in navigation.

Because this action is an
administrative change that does not
alter the existing boundaries or altitudes
of the Control Areas, and is needed for
safety reasons, I find that notice and
public procedure under 5 U.S.C. 553(b)
are impracticable and contrary to the
public interest.

Control Areas are published in
paragraph 6007, of FAA Order 7400.9M,
dated August 30, 2004, and effective
September 16, 2004, which is
incorporated by reference in 14 CFR
71.1. The Control Areas listed in this
document will be published
subsequently in the Order.

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 Department of
Transportation (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, 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

The FAA has determined that this
action qualifies for categorical exclusion
under the National Environmental
Policy Act in accordance with FAA
Order 1050.1E, Policies and Procedures
for Considering Environmental Impacts.
This airspace action is not expected to
cause any potentially significant
environmental impacts, and no
extraordinary circumstances exist that
warrant preparation of an
environmental assessment.