

amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 2004-SW-15-AD." The postcard will be date stamped and returned to the commenter.

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 an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

### PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

■ 2. Section 39.13 is amended by adding a new airworthiness directive (AD), Amendment 39-13803, to read as follows:

**2004-19-09 Robinson Helicopter Company:** Amendment 39-13803. Docket No. 2004-SW-15-AD. Supersedes Emergency AD 2004-06-52, Docket No. 2004-SW-01-AD.

**Applicability:** Model R22-series helicopters, with a main rotor blade (blade), part number (P/N) A016-1 or A016-2, installed, certificated in any category.

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

To prevent a fatigue crack, blade failure, and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 10 hours time-in-service (TIS) or 30 days, whichever occurs first, for helicopters with blades, P/N A016-2, that are 5 or more years old, or have 1,000 or more hours TIS, track-and-balance the blades. If an abnormal increase in vibration occurs within 5 hours TIS after the last track and balance, before further flight, replace the blades with airworthy blades, P/N A016-2, that are less than 10 years old and have less than 2,200 hours TIS, or airworthy blades, P/N A016-4, that are less than 12 years old and have less than 2,200 hours TIS.

(b) Within 10 hours TIS or 30 days, whichever occurs first, for helicopters with blades, P/N A016-1, replace the blades with airworthy blades, P/N A016-2 or A016-4.

(c) Within 10 hours TIS or 30 days, whichever occurs first, determine the age of each blade:

(1) For a zero-hour TIS (new) blade delivered with an Airworthiness Approval tag, the time begins on the date stated on that tag. For a blade older than 9 years that pre-dates the use of the Airworthiness Approval tag and was delivered as a new blade with a "yellow tag," the time begins on the date stated on that tag. Any subsequent yellow tag issued for a blade after the blade was placed into service is not valid for determining the original manufacture date.

(2) For a new blade that has neither an Airworthiness Approval tag nor a yellow tag because it was delivered on a factory-new helicopter, the time begins on the date stated on the original Airworthiness Certificate as documented in the aircraft maintenance records.

(3) For a new blade installed on an overhauled helicopter, the time begins on the date the helicopter was returned to service after overhaul as documented in the aircraft logbook or work report.

(4) For all other blades, the time begins on the date of manufacture. This date can be obtained from the manufacturer by providing them the serial number and part number.

(d) Within 10 hours TIS or 30 days, whichever occurs first, for helicopters with

blades, P/N A016-2, replace the blades with airworthy blades on or before reaching 2,200 hours TIS or 10 years, whichever occurs first.

(e) Within 10 hours TIS or 30 days, whichever occurs first, revise the component history card or equivalent maintenance record for blades, P/N A016-2, by adding a 10-year retirement life to the current 2,200 hours TIS retirement life.

(f) Revise the Airworthiness Limitations section of the applicable maintenance manual by adding a new retirement life of 10 years to the current 2,200 hours TIS retirement life for blades, P/N A016-2.

**Note:** Robinson Model R22 Maintenance Manual, dated January 16, 2004, contains the revised Airworthiness Limitations section.

(g) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Los Angeles Aircraft Certification Office, Transport Airplane Directorate, FAA, for information about previously approved alternative methods of compliance.

(h) Special flight permits will not be issued.

(i) This amendment becomes effective on October 7, 2004.

Issued in Fort Worth, Texas, on September 16, 2004.

**David A. Downey,**

*Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 04-21269 Filed 9-21-04; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2004-18819; Airspace Docket No. 04-ACE-45]

#### Modification of Class D Airspace; and Modification of Class E Airspace; Grand Island, 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 D and Class E airspace areas at Grand Island, NE. A review of the controlled airspace areas at Grand Island, NE revealed they do not reflect the current Central Nebraska Regional Airport airport reference point (ARP). The review also identified discrepancies in the legal descriptions for the Grand Island, NE Class E airspace areas. These airspace areas are 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 Central Nebraska Regional Airport. It also corrects discrepancies in the legal descriptions of Grand Island, NE Class E airspace areas and brings the airspace areas and legal descriptions into compliance with 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 October 26, 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-2004-18819/Airspace Docket No. 04-ACE-45, 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 D airspace area, the Class E airspace area designated as a surface area, the Class E airspace area designated as an extension to the Class D airspace area and the Class E airspace area extending upward from 700 feet above the surface at Grand Island, NE. An examination of controlled airspace for Grand Island, NE revealed that the Central Nebraska Regional Airport ARP used in the legal descriptions for all airspace areas is incorrect. The location of the Grand Island collocated very high frequency omni-directional radio range and tactical air navigational aid (VORTAC) used in the Class E airspace area designated as an extension to the class D airspace area legal description is incorrect.

The dimensions of the Class E airspace area designated as an extension to the Class D airspace area do not comply with airspace requirements as set forth in FAA Order 7400.2E,

Procedures for Handling Airspace Matters. The widths of the extensions in this airspace area are decreased from 2.6 miles to 2.4 miles, the lengths are decreased from 7.4 miles to 7 miles from the Grand Island VORTAC and the centerline of the northwest extension is corrected from the Grand Island VORTAC 294° radial to the 291° radial.

The south extension to the Class E airspace area extending upward from 700 feet above the surface is no longer required. Dimensions of the northwest and north extensions, after being brought into compliance with FAA Order 7400.2E, are identical to those in the Class E airspace area designated as an extension to the Class D airspace area. Therefore, extensions to the Class E airspace area extending upward from 700 feet above the surface are deleted from the legal description.

These modifications provide controlled airspace of appropriate dimensions to protect aircraft departing from and executing SIAPs to Central Nebraska Regional Airport and bring the legal descriptions of the Grand Island, NE Class D and Class E airspace areas into compliance with FAA Order 7400.2E. Class D airspace areas are published in Paragraph 5000 of FAA Order 7400.9M, dated August 30, 2004, and effective September 16, 2004, which is incorporated by reference in 14 CFR 71.1. Class E airspace areas designated as surface areas, Class E airspace areas designated as an extension to a Class D airspace area and Class E airspace area extending upward from 700 feet or more above the surface of the earth are published in Paragraphs 6002, 6004 and 6005 respectively of the same FAA Order. The Class D and Class E airspace designations 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 a 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-2004-18819/Airspace Docket No. 04-ACE-45." 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 5000 Class D Airspace.*

\* \* \* \* \*

**ACE NE D Grand Island, NE**

Grand Island, Central Nebraska Regional Airport, NE

(Lat. 40°58'03" N., long. 98°18'35" W.)

That airspace extending upward from the surface to and including 4,300 feet MSL within a 4.4-mile radius of Central Nebraska Regional Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility directory.

\* \* \* \* \*

*Paragraph 6002 Class E Airspace Designated as Surface Areas.*

\* \* \* \* \*

**ACE NE E2 Grand Island, NE**

Grand Island, Central Nebraska Regional Airport, NE

(Lat. 40°58'03" N., long. 98°18'35" W.)

Within a 4.4-mile radius of Central Nebraska Regional Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility directory.

\* \* \* \* \*

*Paragraph 6004 Class E Airspace Designated as an Extension to a Class D or Class E Surface Area.*

\* \* \* \* \*

**ACE NE E4 Grand Island, NE**

Grand Island, Central Nebraska Regional Airport, NE

(Lat. 40°58'03" N., long. 98°18'35" W.)

Grand Island VORTAC

(Lat. 40°59'03" N., long. 98°18'53" W.)

That airspace extending upward from the surface within 2.4 miles each side of the

Grand Island VORTAC 291° radial extending from the 4.4-mile radius of Central Nebraska Regional Airport to 7 miles northwest of the VORTAC and within 2.4 miles each side of the Grand Island VORTAC 360° radial extending from the 4.4-mile radius of the airport to 7 miles north of the VORTAC.

\* \* \* \* \*

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

\* \* \* \* \*

**ACE NE E5 Grand Island, NE**

Grand Island, Central Nebraska Regional Airport, NE

(Lat. 40°58'03" N., long. 98°18'35" W.)

Grand Island, VORTAC

(Lat. 40°59'03" N., long. 98°18'53" W.)

The airspace extending upward from 700 feet above the surface within a 6.9-mile radius of Central Nebraska Regional.

\* \* \* \* \*

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

**Paul J. Sheridan,**

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

[FR Doc. 04–21226 Filed 9–21–04; 8:45 am]

**BILLING CODE 4910–13–M**

**DEPARTMENT OF TRANSPORTATION**

**Office of the Secretary**

**14 CFR Part 254**

**RIN 2105–AD42**

**Passenger Baggage Liability**

**AGENCY:** Department of Transportation (DOT), Office of the Secretary (OST)

**ACTION:** Final rule.

**SUMMARY:** In accordance with the provisions of 14 CFR 254.6, this final rule revises the minimum limit on domestic baggage liability applicable to air carriers to reflect inflation since December 1999, the date of the most recent revision to the rule. Section 254.6 requires that the Department revise periodically the limit to reflect any changes in the Consumer Price Index during the interim. The rule adjusts the minimum limit of liability from the current amount of \$2,500 to \$2,800, taking into account the changes in price level over a period of approximately four years.

**DATES:** *Effective Date:* This rule is effective on October 22, 2004.

**FOR FURTHER INFORMATION CONTACT:** Nicholas Lowry, Senior Attorney, Office of Aviation Enforcement and Proceedings (C–70), Department of Transportation, 400 Seventh St., SW., Washington, DC 20590; (202) 366–9351.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Part 254 of the Department's rules, 14 CFR part 254, establishes minimum baggage liability limits applicable to domestic air service, currently \$2,500 per passenger. Provisions of 14 CFR 254.6 require that the Department periodically review the minimum limit of liability prescribed in part 254 in light of changes in the Consumer Price Index for Urban Consumers and directs the Department to revise the limit of liability to reflect changes in the price index that have occurred in the interim. Section 254.6 prescribes the use of a specific formula to calculate the revised minimum liability amount when making these periodic adjustments. Applying the formula to changes occurring between December 1999 and July 2004, the appropriate inflation adjustment is  $\$2,500 \times 189.4/168.3$ , or \$2,813.42. The provision requires us to round the adjustment to the nearest \$100, or to \$2,800.

**II. Waiver of Rulemaking Procedural Requirements**

With this final rule, we are waiving the usual notice of proposed rulemaking and public comment procedures set forth in the Administrative Procedure Act (APA) (5 U.S.C. 553). The APA allows agencies to dispense with such procedures on finding of good cause when they are impracticable, unnecessary or contrary to the public interest. We have determined that under 5 U.S.C. 553(b)(3)(B) good cause exists for dispensing with the notice of proposed rulemaking and public comment procedures for this rule. This rulemaking is required by the terms of 14 CFR 254.6, as most recently amended in December 1999 (64 FR 70575, December 17, 1999). Accordingly, we believe prior comment is unnecessary and contrary to the public interest, and we are issuing this revision as a final rule.

Although this final rule will become effective in 30 days, the Department will defer enforcement of the notice provision in the revised rule, as it pertains to written notice of the new limit, for a reasonable period to allow carriers to replace or correct their current paper ticket stock and envelopes so as to provide proper written notice of the increased minimum liability limit without imposing an undue burden. Carriers are, however, subject to enforcement action from the date of issuance of this final rule if they otherwise fail to provide proper notice of the \$2,800 liability limit or fail to apply the new limit, as appropriate.