

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

[Airspace Docket No. 97-ACE-21]

**Amendment to Class D and Class E Airspace Areas; Manhattan, KS**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

**SUMMARY:** This action establishes a new Class E surface area for the Manhattan Municipal Airport, Manhattan, KS, and changes the times of designation for the Manhattan, KS, Class E surface area extensions from part-time to full-time. The Class E surface area and surface area extensions are necessary to accommodate Instrumental Flight Rules (IFR) operations during periods when the airport traffic control tower (ATCT) is closed. This action also makes editorial amendments to the legal description of the Manhattan, KS, Class D airspace area, but does not change the dimensions or operating requirements of the Class D airspace area. This change was made necessary by the recent conversion of the adjacent Class D airspace area at Marshall Army Airfield, Ft. Riley, KS, to a Class E surface area. This action also modifies the Class E airspace area extending upward from 700 feet above ground (AGL) at Manhattan, KS, by increasing the radius of the area from 6 nautical miles (NM) to 6.7 NM. A review of the airspace at Manhattan, KS, indicated that the 700 AGL area did not meet the requirements of FAA Order 7400.2D.

**DATES:** Effective date: 0901 UTC, April 23, 1998.

Comments for inclusion in the Rules Docket must be received on or before February 19, 1998.

**ADDRESSES:** Send comments regarding the rule in triplicate to: Manager, Airspace Branch, Air Traffic Division, ACE-520, Federal Aviation Administration, Docket Number 97-ACE-21, 601 East 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

**FOR FURTHER INFORMATION CONTACT:**

Kathy Randolph, Air Traffic Division, Airspace Branch, ACE-520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106; telephone: (816) 426-3408.

**SUPPLEMENTARY INFORMATION:** The Class D airspace area at Marshall Army Airfield, Ft. Riley, KS, has been removed and a new Class E surface area established, which requires an editorial amendment to the Class D airspace at Manhattan Municipal Airport, Manhattan, KS. The reference to Class D airspace for Ft. Riley in the Manhattan Class D airspace description has been changed to Class E.

There are Part 135 operations at Manhattan Municipal Airport when the control tower is closed. A revision to the Class E surface area extension changes the status from part-time to full time. A new Class E surface area has been developed. The new Class E surface area and Class E surface area extension will provide controlled airspace for Part 135 and IFR operations when the control tower is closed.

A review of the airspace for Manhattan Municipal Airport indicates it does not meet the criteria for 700 feet AGL Class E airspace as specified in FAA Order 7400.2D. The criteria in FAA Order 7400.2D for an aircraft to reach 1200 feet AGL is based on a standard climb gradient of 200 feet per mile, plus the distance to the end of the outermost runway. Any fractional part of a mile is converted to the next higher tenth of a mile increment. The Class E airspace at the above 700 feet has been enlarged to conform to the criteria in FAA Order 7400.2D.

The intended effect of this rule is to contain Part 135 and IFR operations within controlled airspace and to facilitate separation of aircraft operating under IFR conditions. The area will be depicted on appropriate aeronautical charts.

Class D airspace areas are published in paragraph 5000, Class E airspace areas designated as an extension to a Class D or Class E surface area are published in paragraph 6004, Class E airspace areas designated as a surface area for an airport are published in paragraph 6002, and Class E areas extending upward from the 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. 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. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. 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**

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, aeronautical, environmental, and energy-related aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules

Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this action 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. 97-ACE-21." The postcard will be date stamped and returned to the commenter.

#### Agency Findings

The regulations adopted herein will not have substantial direct effects 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, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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—DESIGNATIONS 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 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

##### Paragraph 5000 Class D airspace

\* \* \* \* \*

##### ACE KS D Manhattan, KS [Revised]

Manhattan Municipal Airport, KS  
(Lat. 39°08'27"N, long. 96°40'15"W)  
Manhattan VOR/DME  
(Lat. 39°08'44"N, long. 96°40'07"W)  
McDowell Creek NDB  
(Lat. 39°07'03"N, long. 96°37'46"W)

That airspace extending upward from the surface to and including 3,600 feet MSL within a 4.2-mile radius of Manhattan Municipal Airport, excluding that airspace within the Fort Riley, Marshall Army Airfield, KS, Class E airspace area and excluding that airspace within Restricted Area R-3602B. 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.

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##### Paragraph 6002 Class E airspace areas designated as a surface area for an airport

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##### ACE KS E2 Manhattan, KS [New]

Manhattan Municipal Airport, KS  
(Lat. 39°08'27"N, long. 96°40'15"W)

Within a 4.2-mile radius of Manhattan Municipal Airport, excluding that airspace within the Fort Riley, Marshall Army Airfield, Class E airspace area and excluding that airspace within Restricted Area R-3602B.

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##### Paragraph 6004 Class E airspace areas designated as an extension to a Class D or Class E surface area

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##### ACE KS E4 Manhattan, KS [Revised]

Manhattan Municipal Airport, KS  
(Lat. 39°08'27"N, long. 96°40'15"W)  
Manhattan VOR/DME  
(Lat. 39°08'44"N, long. 96°40'07"W)  
McDowell Creek NDB  
(Lat. 39°07'03"N, long. 96°37'46"W)

That airspace extending upward from the surface within 1.8 miles each side of the Manhattan VOR/DME 147° radial extending from the 4.2-mile radius of the Manhattan Municipal Airport to 9.5 miles SE of the VOR/DME and within 1.8 miles northeast and 2.6 miles southwest of the 127° bearing from the McDowell Creek NDB extending from the NDB to 8.7 miles southeast of the NDB.

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

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##### ACE KS E5 Manhattan, KS [Revised]

Manhattan Municipal Airport, KS

(Lat. 39°08'27"N, long. 96°40'15"W)  
Manhattan VOR/DME  
(Lat. 39°08'44"N, long. 96°40'07"W)  
McDowell Creek NDB  
(Lat. 39°07'03"N, long. 96°37'46"W)  
HATAN OM  
(Lat. 39°03'30"N, long. 96°45'35"W)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of the Manhattan Municipal Airport and within 3.5 miles each side of the 046° radial of the Manhattan VOR/DME extending from the 6.7 mile radius to 9.5 miles northeast of the VOR/DME and within 1.8 miles northeast and 2.6 miles southwest of the 126° bearing from McDowell Creek NDB extending from the 6.7-mile radius to 9.5 miles southeast of the NDB and within 3.5 miles each side of the 147° radial of the Manhattan VOR/DME extending from the 6.7-mile radius to 9.6 miles southeast of the VOR/DME and within 6 miles each side of the Manhattan ILS localizer course extending from the 6.7-mile radius to 8 miles southwest of the HATAN OM and within 2.6 miles each side of the Manhattan localizer course extending from the HATAN OM to 14 miles southwest of the HATAN OM; excluding that airspace within the boundaries of Restricted Areas R-3602A and R-3602B.

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Issued in Kansas City, MO, on November 6, 1997.

**Christopher R. Blum,**

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

[FR Doc. 98-1229 Filed 1-16-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 97-ACE-20]

#### Amendment of Class E Airspace; Marshall Army Airfield, Fort Riley, KS

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

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

**SUMMARY:** The control tower at Marshall Army Airfield, Ft. Riley, KS, has been closed and will not be operational in the foreseeable future. With the closure of the control tower, the Class D surface area has been removed. This action removes the Class E surface area extension and establishes a new Class E surface area at Marshall Army Airfield, Ft. Riley, KS. The new Class E surface area provides controlled airspace to accommodate Instrument Flight Rules (IFR) operations. The intended effect of this action is to contain IFR operations within controlled airspace and to facilitate separation of aircraft operating under instrument flight rules.