

SUPPLEMENTARY INFORMATION:**Background**

Docket No. FAA 2008-0211; Airspace Docket No. 08-AWP-3, published on March 14, 2008 (71 FR 13811) proposed to establish Class D airspace at San Bernardino International Airport, San Bernardino, CA. This action will extend the comment period closing date on that airspace docket from April 14, 2008 to May 14, 2008 to allow for an additional 30-day comment period.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Extension of Comment Period

The comment period closing date on Docket No. FAA 2008-0211; Airspace Docket No. 08-AWP-3 is hereby extended to May 14, 2008.

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., 389.

* * * * *

Issued in Seattle, Washington, on April 8, 2008.

Clark Desing,

Manager, System Support Group, Western Service Center.

[FR Doc. E8-8311 Filed 4-16-08; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA-2008-0187; Airspace Docket No. 07-ASO-27]

Proposed Modification of Area Navigation Route Q-110 and Jet Route J-73; Florida

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to extend the length of Area Navigation (RNAV) route Q-110 and make a minor realignment of jet route J-73, in support of the Florida West Coast Airspace Redesign project. The extension of Q-110 would provide an RNAV route for use by aircraft transitioning between Miami Air Route Traffic Control Center (ARTCC) and Jacksonville ARTCC airspace. The extension would also assist aircraft in circumnavigating military airspace associated with the Avon Park Air Force Range. The realignment of J-73 would provide space for the Q-110 extension. The FAA

is proposing this action to enhance the safe and the efficient use of the navigable airspace in the western Florida area.

DATES: Comments must be received on or before June 2, 2008.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M-30, 1200 New Jersey Avenue, SE., West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001; telephone: (202) 366-9826. You must identify FAA Docket No. FAA-2008-0187 and Airspace Docket No. 07-ASO-27 at the beginning of your comments. You may also submit comments through the Internet at <http://www.regulations.gov>.

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

SUPPLEMENTARY INFORMATION:**Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the 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 (FAA Docket No. FAA-2008-0187 and Airspace Docket No. 07-ASO-27) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at <http://www.regulations.gov>.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA-2008-0187 and Airspace Docket No. 07-ASO-27." The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will

be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

An electronic copy of this document may be downloaded through the Internet at <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at <http://www.faa.gov>, or the Federal Register's Web page at <http://www.gpoaccess.gov/fr/index.html>.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Ave., College Park, GA 30337.

Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267-9677, for a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is proposing an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to extend RNAV route Q-110 and realign jet route J-73 in western Florida. Currently, Q-110 extends between the FEONA, GA, waypoint (WP) and the KPASA, FL, WP. This action would extend Q-110 southeastward from KPASA (located near Lakeland, FL) to the THNDR, FL, intersection (located about midway between Fort Myers and West Palm Beach, FL), adding approximately 115 NM to the length of the route. Two new waypoints (JAYMC and RVERO) would be established along Q-110 between KPASA and THNDR. The proposed extension of Q-110 would provide an RNAV route for use by aircraft transitioning between Miami ARTCC and Jacksonville ARTCC airspace and assist aircraft in circumnavigating military airspace associated with the Avon Park Air Force Range.

The FAA is also proposing to realign the existing segment of jet route J-73 between the LaBelle, FL, very high frequency omnidirectional range/tactical navigation aid (VORTAC) and

the Lakeland, FL, VORTAC by inserting an intermediate point that would be formed by the intersection of the LaBelle 314° True (T) (313° Magnetic (M)) radial and the Lakeland 162° T (161° M) radial. Shifting J-73 in this manner would provide airspace to accommodate the Q-110 extension. The realignment of J-73 would slightly increase the distance along the segment of the route between the Lakeland VORTAC and the LaBelle VORTAC from the current 77 NM to 78 NM.

Additionally, the FAA intends to make an administrative change to the route description of Q-110 by reversing the order in which the points that make up the route are listed. This change is needed to comply with the FAA policy that the points in even numbered route descriptions be listed in a west-to-east format. The change would have no effect on the alignment or charting of the route.

These changes are proposed in support of the Florida West Coast Airspace Redesign project and to enhance the safe and efficient use of the navigable airspace in the western Florida area.

Jet routes are published in paragraph 2004, and low altitude RNAV routes are published in paragraph 2006, respectively, of FAA Order 7400.9R signed August 15, 2007 and effective September 15, 2007, which is incorporated by reference in 14 CFR 71.1. The jet route and RNAV route listed in this document will be published subsequently in the Order.

The FAA has determined that this proposed 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 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 proposed 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.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify a jet route and RNAV route in Florida.

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, "Environmental Impacts: Policies and Procedures," paragraph 311a, 311b, and 311k. 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.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE 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 FAA Order 7400.R, Airspace Designations and Reporting Points, signed August 15, 2006 and effective September 15, 2007, is amended as follows:

Paragraph 2004 Jet Routes.

* * * * *

J-73 [Amended]

From Dolphin, FL; LaBelle, FL; INT Labelle 314°(T)/313°(M) and Lakeland, FL, 162°(T)/161°(M) radials; Lakeland; Seminole, FL; La Grange, GA; Nashville, TN; Pocket City, IN; to Northbrook, IL.

* * * * *

Paragraph 2006 United States Area Navigation Routes.

* * * * *

Q-110 FEONA, GA to THNDR, FL [Amended]

FEONA, GA	WP	(Lat. 31°36'22" N., long. 84°43'08" W.)
GULFR, FL	WP	(Lat. 30°12'23" N., long. 83°33'08" W.)
BRUTS, FL	WP	(Lat. 29°30'58" N., long. 82°58'57" W.)
KPASA, FL	WP	(Lat. 28°10'34" N., long. 81°54'27" W.)
RVERO, FL	WP	(Lat. 27°24'35" N., long. 81°35'57" W.)
JAYMC, FL	WP	(Lat. 26°58'51" N., long. 81°22'08" W.)
THNDR, FL	INT	(Lat. 26°37'38" N., long. 80°52'00" W.)

* * * * *

Issued in Washington, DC, on April 8, 2008.

Stephen L. Rohring,

Acting Manager, Airspace and Rules Group.

[FR Doc. E8-8227 Filed 4-16-08; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 93

[Docket No. FAA-2006-25709; Notice No. 08-04]

RIN 2120-A170

Congestion Management Rule for LaGuardia Airport

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM).

SUMMARY: On August 29, 2006, the Federal Aviation Administration published a notice of proposed rulemaking to address congestion at New York's LaGuardia Airport (LaGuardia), which included a proposal to administratively incentivize carriers to use larger planes. The FAA prefers to use measures that allow carriers to respond to market forces to drive the most efficient airline behavior and is amending its original proposal. To minimize disruption, the FAA proposes to grandfather the majority of operations at the airport and develop a robust secondary market by annually auctioning off a limited number of slots. The FAA is proposing two different, mutually exclusive options. Under the first option, the FAA would auction off and retire a portion of the slots and would use the proceeds to mitigate congestion and delay in the New York City area. Under the second option, the FAA would conduct an auction as it would under the first option, but the proceeds would go to the carrier holding the slot rather than the FAA and no portion of existing slots would be retired. This proposal also contains provisions for use-or-lose, unscheduled operations, and withdrawal for operational need. The FAA proposes to sunset the rule in ten years.

DATES: Send your comments on or before June 16, 2008.

ADDRESSES: You may send comments identified by Docket Number FAA-2006-25709 using any of the following methods:

• *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow

the online instructions for sending your comments electronically.

• *Mail:* Send comments to Docket Operations, M-30; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Room W12-140, West Building Ground Floor, Washington, DC 20590-0001.

• *Hand Delivery or Courier:* Bring comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

• *Fax:* Fax comments to Docket Operations at 202-493-2251.

For more information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

Privacy: We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the electronic form of all comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review Department of Transportation's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78) or you may visit <http://DocketsInfo.dot.gov>.

Docket: To read background documents or comments received, go to <http://www.regulations.gov> at any time and follow the online instructions for accessing the docket. Or, go to the Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For technical questions regarding this rulemaking, contact: Molly W. Smith, Office of Aviation Policy and Plans, APO-001, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3275; e-mail molly.w.smith@faa.gov. For legal questions concerning this rulemaking, contact: Rebecca MacPherson, FAA Office of the Chief Counsel, 800 Independence Ave., SW., Washington, DC 20591; telephone (202) 267-3073; e-mail rebecca.macpherson@faa.gov.

SUPPLEMENTARY INFORMATION: Later in this preamble under the Additional Information section, we discuss how you can comment on this proposal and how we will handle your comments.

Included in this discussion is related information about the docket, privacy, and the handling of proprietary or confidential business information. We also discuss how you can get a copy of this proposal and related rulemaking documents.

Authority for This Rulemaking

The FAA has broad authority under 49 U.S.C. 40103 to regulate the use of the navigable airspace of the United States. This section authorizes the FAA to develop plans and policy for the use of navigable airspace and to assign the use that the FAA deems necessary for its safe and efficient utilization. It further directs the FAA to prescribe air traffic rules and regulations governing the efficient utilization of the navigable airspace.

Table of Contents

- I. Background
 - A. History of Congestion Management Initiatives at LaGuardia
 - B. Summary of the SNPRM
- II. Discussion of the NPRM
 - A. Withdrawal of Upgauging Proposal
 - B. Perimeter Rule
 - C. Finite Operating Lives
- III. Proposal To Allocate Limited Capacity at LaGuardia Efficiently
 - A. Need for a Cap on Operations
 - B. Sunset Provision
 - C. Need for More Efficient Allocation
 - D. Authority To Allocate Slots at LaGuardia
 1. Authority To Determine the Best Use of the Airspace
 2. Authority To Enter Into Leases and Cooperative Agreements
 3. The FAA's Proposed Actions Do Not Constitute a Taking in Violation of the Fifth Amendment
 - E. Allocation of Slots
 1. Categories of Slots
 2. Initial Allocation of Capacity
 3. Market-Based Reallocation of Capacity
 4. New and Returned Capacity
 - F. Auction Procedures
 - G. Secondary Trading
- IV. Unscheduled Operations
- V. Other Issues
 - A. 30-Minute Allocations
 - B. Limit on Arrivals and Departures
 - C. Use-or-Lose
- VI. Regulatory Notices and Analyses
- VII. Draft Regulatory Text

I. Background

A. History of Congestion Management Initiatives at LaGuardia

The FAA managed congestion at LaGuardia under the High Density Rule (HDR) from 1969 through 2006. 14 CFR part 93 subparts K and S. The FAA first established allocation procedures for slots under the HDR in 1985. 50 FR 52195, December 20, 1985. These procedures included use-or-lose provisions and, while explicitly stating