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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. 29334; Amendment No. 71–40]

#### Airspace Designations; Incorporation by Reference

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

**ACTION:** Final rule.

**SUMMARY:** This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 relating to airspace designations to reflect the approval by the Director of the Federal Register of the incorporation by reference of FAA Order 7400.9S, Airspace Designations and Reporting Points. This action also explains the procedures the FAA will use to amend the listings of Class A, B, C, D, and E airspace areas; air traffic service routes; and reporting points incorporated by reference.

**DATES:** *Effective Date:* These regulations are effective October 31, 2008. The incorporation by reference of FAA Order 7400.9S is approved by the Director of the Federal Register as of October 31, 2008, through September 15, 2009.

**FOR FURTHER INFORMATION CONTACT:** Sarah Combs, Airspace and Rules Group, Office of System Operations Airspace and AIM, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–3571.

#### SUPPLEMENTARY INFORMATION:

#### History

FAA Order 7400.9R, Airspace Designations and Reporting Points, effective September 15, 2007, listed Class A, B, C, D and E airspace areas; air traffic service routes; and reporting points. Due to the length of these

descriptions, the FAA requested approval from the Office of the Federal Register to incorporate the material by reference in the Federal Aviation Regulations section 71.1, effective September 15, 2007, through September 15, 2008. During the incorporation by reference period, the FAA processed all proposed changes of the airspace listings in FAA Order 7400.9R in full text as proposed rule documents in the **Federal Register**. Likewise, all amendments of these listings were published in full text as final rules in the **Federal Register**. On September 22, 2008, the FAA published in the **Federal Register** a final rule extending the IBR approval of FAA Order 7400.9R in section 71.1, as of September 16, 2008 until October 31, 2008 (73 FR 54494). This rule reflects the periodic integration of these final rule amendments into a revised edition of Order 7400.9S, Airspace Designations and Reporting Points.

#### The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 to reflect the approval by the Director of the Federal Register of the incorporation by reference of FAA Order 7400.9S, effective October 31, 2008, through September 15, 2009. During the incorporation by reference period, the FAA will continue to process all proposed changes of the airspace listings in FAA Order 7400.9S in full text as proposed rule documents in the **Federal Register**. Likewise, all amendments of these listings will be published in full text as final rules in the **Federal Register**. The FAA will periodically integrate all final rule amendments into a revised edition of the Order, and submit the revised edition to the Director of the Federal Register for approval for incorporation by reference in section 71.1. The Director of the Federal Register has approved the incorporation by reference of FAA Order 7400.9S in section 71.1, as of October 31, 2008, through September 15, 2009. This rule also explains the procedures the FAA will use to amend the airspace designations incorporated by reference in part 71. Sections 71.5, 71.15, 71.31, 71.33, 71.41, 71.51, 71.61, 71.71, and 71.901 are also updated to reflect the incorporation by reference of FAA Order 7400.9S.

The FAA has determined that this action: (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. This action neither places any new restrictions or requirements on the public, nor changes the dimensions or operation requirements of the airspace listings incorporated by reference in part 71. Consequently, notice and public procedure under 5 U.S.C. 553(b) are unnecessary. Because this action will continue to update the changes to the airspace designations, which are depicted on aeronautical charts, and to avoid any unnecessary pilot confusion, I find that good cause exists, under 5 U.S.C. 553(d), for making this amendment effective in less than 30 days.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 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.

■ 2. Section 71.1 is revised to read as follows:

#### § 71.1 Applicability.

A listing for Class A, B, C, D, and E airspace areas; air traffic service routes; and reporting points can be found in FAA Order 7400.9S, Airspace Designations and Reporting Points, dated October 3, 2008. 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. The approval to incorporate by reference FAA Order 7400.9S is effective October 31, 2008, through September 15, 2009. During the incorporation by reference period,

proposed changes to the listings of Class A, B, C, D, and E airspace areas; air traffic service routes; and reporting points will be published in full text as proposed rule documents in the **Federal Register**. Amendments to the listings of Class A, B, C, D, and E airspace areas; air traffic service routes; and reporting points will be published in full text as final rules in the **Federal Register**. Periodically, the final rule amendments will be integrated into a revised edition of the Order and submitted to the Director of the Federal Register for approval for incorporation by reference in this section. Copies of FAA Order 7400.9S may be obtained from Airspace and Rules Group, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, (202) 267-8783. An electronic version of the Order is available on the FAA Web site at [http://www.faa.gov/airports\\_airtraffic/air\\_traffic/publications/](http://www.faa.gov/airports_airtraffic/air_traffic/publications/). Copies of FAA Order 7400.9S may be inspected in Docket No. 29334 at <http://www.regulations.gov> or at the National Archives and Records Administration.

#### § 71.5 [Amended]

■ 3. Section 71.5 is amended by removing the words “FAA Order 7400.9R” and adding, in their place, the words “FAA Order 7400.9S.”

#### § 71.15 [Amended]

■ 4. Section 71.15 is amended by removing the words “FAA Order 7400.9R” and adding, in their place, the words “FAA Order 7400.9S.”

#### § 71.31 [Amended]

■ 5. Section 71.31 is amended by removing the words “FAA Order 7400.9R” and adding, in their place, the words “FAA Order 7400.9S.”

#### § 71.33 [Amended]

■ 6. Paragraph (c) of section 71.33 is amended by removing the words “FAA Order 7400.9R” and adding, in their place, the words “FAA Order 7400.9S.”

#### § 71.41 [Amended]

■ 7. Section 71.41 is amended by removing the words “FAA Order 7400.9R” and adding, in their place, the words “FAA Order 7400.9S.”

#### § 71.51 [Amended]

■ 8. Section 71.51 is amended by removing the words “FAA Order 7400.9R” and adding, in their place, the words “FAA Order 7400.9S.”

#### § 71.61 [Amended]

■ 9. Section 71.61 is amended by removing the words “FAA Order

7400.9R” and adding, in their place, the words “FAA Order 7400.9S.”

#### § 71.71 [Amended]

■ 10. Paragraphs (b), (c), (d), (e), and (f) of section 71.71 are amended by removing the words “FAA Order 7400.9R” and adding, in their place, the words “FAA Order 7400.9S.”

#### § 71.901 [Amended]

■ 11. Paragraph (a) of section 71.901 is amended by removing the words “FAA Order 7400.9R” and adding, in their place, the words “FAA Order 7400.9S.”

Issued in Washington, DC, on October 3, 2008.

**Edith V. Parish,**

*Manager, Airspace and Rules Group.*

[FR Doc. E8-24086 Filed 10-14-08; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2008-0923; Airspace Docket 08-AEA-22]

#### Modification of Class E Airspace; Culpeper, VA; Removal of Class E Airspace; Pelham Lake, VA

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

**ACTION:** Direct Final rule, Request for Comments.

**SUMMARY:** This action modifies and restores Class E airspace that had inadvertently been omitted at Culpeper, VA. Additionally, this action transfers airspace listed under Pelham Lake, VA to that listed under Culpeper, VA, more appropriately identifying its official location. This rule increases the safety and management of the National Airspace System (NAS) around the Culpeper Regional Airport and the Culpeper Memorial Hospital Heliport.

**DATES:** Effective 0901 UTC, January 15, 2009. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments. Comments for inclusion in the Rules Docket must be received on or before December 1, 2008.

**ADDRESSES:** Send comments on this rule to: U.S. Department of Transportation, Docket Operations, West Building, Ground Floor, Room W12-140, 1200 New Jersey, SE., Washington, DC 20590-0001; Telephone: 1-800 647-

5527; Fax: 202-493-2251. You must identify the Docket Number FAA-2008-0923; Airspace Docket No. 08-AEA-22, at the beginning of your comments. You may also submit and review received comments through the Internet at <http://www.regulations.gov>.

You may review the public docket containing the rule, 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 Avenue, College Park, Georgia 30337.

#### FOR FURTHER INFORMATION CONTACT:

Daryl Daniels, Operations Support, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5581.

#### SUPPLEMENTARY INFORMATION:

##### The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comments, and, therefore, issues it as a direct final rule. The FAA has determined that this rule only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. This rule is effective and there will be no further action by the FAA 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. If the FAA receives, 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 direct final rule, and was not preceded by a notice of proposed rulemaking, interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. An electronic copy of this document may be downloaded from and comments may be submitted and reviewed at <http://www.regulations.gov>. Recently published rulemaking documents can