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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2008-0836; Airspace
Docket No. 08-AEA-23]

Amendment of Class E Airspace; Butler, PA; Removal of Class E Airspace; East Butler, PA

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule; confirmation of
effective date.

SUMMARY: This action confirms the effective date of a direct final rule published in the **Federal Register** (73 FR 56470) that amends Class E Airspace at Butler, PA to merge the existing Class E Airspace listed under East Butler, PA, and corrects a technical error to the airport name by correctly listing the Butler County Airport as Butler Co./K W Scholter Field Airport.

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.

FOR FURTHER INFORMATION CONTACT: Melinda Giddens, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5610.

SUPPLEMENTARY INFORMATION:

Confirmation of Effective Date

The FAA published this direct final rule with a request for comments in the **Federal Register** on September 29, 2008 (73 FR 56470), Docket No. FAA-2008-0836; Airspace Docket No. 08-AEA-23. The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes 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 15, 2009. No adverse comments were

received, and thus this notice confirms that effective date.

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Issued in College Park, Georgia, on
November 28, 2008.

Barry A. Knight,

*Acting Manager, Operations Support Group,
Eastern Service Center, Air Traffic
Organization.*

[FR Doc. E8-29814 Filed 12-16-08; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2008-0960; Airspace
Docket No. 08-ASW-17]

Establishment of Class D and Class E Airspace; Conroe, TX

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class D airspace and Class E airspace at Lone Star Executive Airport, Conroe, TX. Establishment of an air traffic control tower at Lone Star Executive Airport has made this action necessary for the safety of Instrument Flight Rule (IFR) operations at the airport. Class D airspace will revert to a Class E Surface Area during periods when the control tower is not operating. This action also corrects the radials used to define the airspace.

DATES: *Effective Date:* 0901 UTC, March 12, 2009. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Ft. Worth, TX 76193-0530; telephone (817) 222-5582.

SUPPLEMENTARY INFORMATION:

History

On October 7, 2008, the FAA published in the **Federal Register** a notice of proposed rulemaking to establish Class D airspace and Class E airspace at Conroe, TX (73 FR 58512, Docket No. FAA-2008-0960). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Subsequent to publication, the FAA found that a minor correction to the radials defining the airspace was needed. This action makes that correction. With the exception of editorial changes, and the changes described above, this rule is the same as that proposed in the NPRM. Class D airspace designations are published in paragraph 5000 of FAA Order 7400.9S signed October 3, 2008, and effective October 31, 2008, which is incorporated by reference in 14 CFR part 71.1. Class E Surface Area airspace designations are published in paragraph 6002 of FAA Order 7400.9S signed October 3, 2008, and effective October 31, 2008, which is incorporated by reference in 14 CFR part 71.1. The Class D airspace and Class E airspace designations listed in this document will be published subsequently in that Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing Class D airspace and Class E Surface Area airspace extending upward from the surface to and including 2,700 feet MSL within a 4.1-mile radius of Lone Star Executive Airport, excluding that airspace within the 4.1-mile radius north and east of the intersection of the IAH 357° radial and the TNV 083° radial.

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 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.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. 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