

[FR Doc. E8-29874 Filed 12-16-08; 8:45 am]  
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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2008-0836; 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.

\* \* \* \* \*

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

**Barry A. Knight,**

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

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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