

October 31, 2008, is amended as follows:

*Paragraph 5000 Class D Airspace.*

\* \* \* \* \*

**ACE MO D Branson, MO [New]**

Branson Airport, MO  
(Lat. 36°31'55" N., long. 93°12'02" W.)

That airspace extending upward from the surface to and including 3,800 feet MSL within a 4.1-mile radius of Branson Airport. 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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**Anthony D. Roetzel,**

*Manager, Operations Support Group, ATO Central Service Center.*

[FR Doc. E9-2990 Filed 2-18-09; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA-2009-0001; Airspace  
Docket No. 09-ASW-2]

**Revocation of Class E Airspace; Altus AFB, OK**

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

**ACTION:** Final rule.

**SUMMARY:** This action removes the Class E airspace area designated as an extension to a Class D surface area at Altus AFB, OK. This airspace has been incorporated into the Altus AFB Class D airspace area under separate rulemaking actions.

**DATES:** *Effective Date:* 0901 UTC, February 19, 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) 321-7716.

**SUPPLEMENTARY INFORMATION:**

**History**

On August 6, 2008, the FAA published in the **Federal Register** a direct final rule to amend Class D and Class E airspace at Altus AFB, OK (73 FR 45605, Docket No. FAA-2008-0339).

This amendment extended the Class D airspace, removing the need for Class E extensions to the Class D airspace area. This airspace has been incorporated into the Altus AFB, OK, Class D airspace area under a separate rulemaking action, which was published on September 29, 2008 and became effective November 20, 2008 (73 FR 56473).

Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace designations are published in paragraph 6004 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 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 revoking Class E airspace at Altus AFB, OK.

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 1, 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 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 revokes controlled airspace at Altus AFB, OK.

Since this airspace area has been incorporated into Class D airspace, and

in consideration of the need to avoid confusion on the part of pilots flying in the vicinity of Altus AFB, the FAA finds good cause, pursuant to 5 U.S.C. 553(d), for making this amendment effective in less than 30 days in order to promote the safe and efficient handling of air traffic in the area.

**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 14 CFR 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 the Federal Aviation Administration Order 7400.9S, Airspace Designations and Reporting Points, signed October 3, 2008, and effective October 31, 2008, is amended as follows:

*Paragraph 6004 Class E Airspace Designated as an Extension to a Class D Surface Area.*

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**ASW K E4 Altus, OK [Removed]**

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Issued in Fort Worth, TX, on February 2, 2009.

**Anthony D. Roetzel,**

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**DEPARTMENT OF HOMELAND SECURITY**

**Bureau of Customs and Border Protection**

**19 CFR Part 122**

[CBP Dec. 09-04]

**Technical Amendment to List of User Fee Airports: Addition of St. Augustine Airport, St. Augustine, FL**

**AGENCY:** Customs and Border Protection, Department of Homeland Security.