

145-52-0047, Revision 01, dated March 31, 2008; Embraer Service Bulletin 145LEG-32-0033, dated November 27, 2008; and Embraer Service Bulletin 145LEG-52-0014, dated October 28, 2008; for related information.

Issued in Renton, WA, on July 22, 2009.

**Ali Bahrami,**

*Manager, Transport Airplane Directorate,  
Aircraft Certification Service.*

[FR Doc. E9-18158 Filed 7-29-09; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2009-0404; Airspace  
Docket No. 09-ACE-5]

#### Proposed Amendment of Class D and Class E Airspace; Topeka Forbes Field Airport, KS

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

**ACTION:** Notice of proposed rulemaking  
(NPRM).

**SUMMARY:** This action proposes to amend Class D and Class E airspace for Forbes Field Airport, Topeka, KS. Additional controlled airspace is necessary to accommodate new Standard Instrument Approach Procedures (SIAPs) at Forbes Field Airport, Topeka, KS. This action also incorporates the Class E as extensions to Class D at Forbes Field Airport into the Class D surface area. The FAA is taking this action to enhance the safety and management of Instrument Flight Rules (IFR) aircraft operations at Forbes Field Airport.

**DATES:** 0901 UTC. Comments must be received on or before September 14, 2009.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001. You must identify the docket number FAA-2009-0404/Airspace Docket No. 09-ACE-5, at the beginning of your comments. You may also submit comments on the Internet at <http://www.regulations.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1-800-647-5527), is on the ground floor of the building at the above address.

**FOR FURTHER INFORMATION CONTACT:** Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone: (817) 321-7716.

#### 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 and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2009-0404/Airspace Docket No. 09-ACE-5." The postcard will be date/time stamped and returned to the commenter.

##### Availability of NPRMs

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/airports\\_airtraffic/air\\_traffic/publications/airspace\\_amendments/](http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/).

Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration (FAA), Office of Air Traffic Airspace Management, ATA-400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-8783. Communications must identify both docket numbers for this notice. Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking (202) 267-9677, to request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

##### The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), Part 71 by adding additional

controlled Class D and Class E airspace for SIAPs operations at Forbes Field Airport, Topeka, KS, and incorporating the Class E extensions into the Class D surface area.

Class D airspace designations are published in Paragraph 5000 of FAA Order 7400.9S, dated October 3, 2008, and effective October 31, 2008, which is incorporated by reference in 14 CFR 71.1. Class E airspace designated as surface areas is published in Paragraph 6002 of FAA Order 7400.9S, dated October 3, 2008, and effective October 31, 2008, which is incorporated by reference in 14 CFR 71.1. Class E airspace designated as extensions to a Class D surface area is published in Paragraph 6004 of FAA Order 7400.9S, dated October 3, 2008, and effective October 31, 2008, which is incorporated by reference in 14 CFR 71.1. Class E airspace extending upward from 700 feet or more above the surface of the earth is published in Paragraph 6005 of FAA Order 7400.9S, dated October 3, 2008, and effective October 31, 2008, which is incorporated by reference in 14 CFR 71.1. The Class D and Class E airspace designations listed in this document would 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. It, therefore, (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 would add additional controlled airspace at Forbes Field Airport, Topeka, KS.

#### 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; AIRWAYS; 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 Federal Aviation Administration Order 7400.9S, Airspace Designations and Reporting Points, dated October 3, 2008, and effective October 31, 2008, is amended as follows:

*Paragraph 5000 Class D Airspace.*

\* \* \* \* \*

#### ACE KS D Topeka, Forbes Field Airport, KS [Amended]

Topeka, Forbes Field Airport, KS

(Lat. 38°57'03" N., long. 95°39'49" W.)

Topeka, Forbes Field Airport ILS

(Lat. 38°58'04" N., long. 95°40'50" W.)

RIPLY LOM

(Lat. 38°53'06" N., long. 95°34'53" W.)

That airspace extending upward from the surface to and including 3,600 feet MSL within a 4.9-mile radius of Forbes Field Airport, and within 2.2 miles each side of the RIPLY LOM 317° bearing extending from the 4.9-mile radius to 5.3 miles northwest of the airport and within 1.8 miles each side of the Forbes Field Airport ILS Localizer southeast course extending from the 4.9-mile radius to 0.9 miles southeast of the RIPLY LOM. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

*Paragraph 6002 Class E Airspace Designated as Surface Areas.*

\* \* \* \* \*

#### ACE KS E2 Topeka, Forbes Field Airport, KS [Amended]

Topeka, Forbes Field Airport, KS

(Lat. 38°57'03" N., long. 95°39'49" W.)

Topeka, Forbes Field Airport ILS

(Lat. 38°58'04" N., long. 95°40'50" W.)

RIPLY LOM

(Lat. 38°53'06" N., long. 95°34'53" W.)

Within a 4.9-mile radius of Forbes Field Airport, and within 2.2 miles each side of the RIPLY LOM 317° bearing extending from the 4.9-mile radius to 5.3 miles northwest of the airport and within 1.8 miles each side of the Forbes Field Airport ILS Localizer southeast course extending from the 4.9-mile radius to 0.9 miles southeast of the RIPLY LOM.

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

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#### ACE KS E4 Topeka, Forbes Field Airport, KS [Removed]

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

#### ACE KS E5 Topeka, Forbes Field Airport, KS [Amended]

Topeka, Forbes Field Airport, KS

(Lat. 38°57'03" N., long. 95°39'49" W.)

Topeka, Forbes Field Airport ILS

(Lat. 38°58'04" N., long. 95°40'50" W.)

That airspace extending upward from 700 feet above the surface within a 7.4-mile radius of Forbes Field Airport and within 3.1 miles each side of the Forbes Field Airport ILS localizer course extending from the 7.4-mile radius to 13 miles southeast of the airport, and within 3.5 miles each side of the Forbes Field Airport ILS localizer course extending from the 7.4-mile radius to 13 miles northwest of the airport.

Issued in Fort Worth, TX, on July 23, 2009.

**Anthony D. Roetzel,**

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

[FR Doc. E9–18160 Filed 7–29–09; 8:45 am]

**BILLING CODE 4901–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2009–0511; Airspace Docket No. 09–AGL–8]

#### Proposed Amendment of Class E Airspace; Peoria, IL

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to amend Class E airspace for the Peoria, IL area. Additional controlled airspace is necessary to accommodate new Standard Instrument Approach Procedures (SIAPs) at Mount Hawley Auxiliary Airport, Peoria, IL. The FAA is taking this action to enhance the safety and management of Instrument Flight Rules (IFR) aircraft operations at Mount Hawley Auxiliary Airport.

**DATES:** 0901 UTC. Comments must be received on or before September 14, 2009.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001. You must identify the docket number FAA–2009–0511/Airspace Docket No. 09–AGL–8, at the beginning of your comments. You may also submit comments on the Internet at <http://www.regulations.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

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#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

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##### Availability of NPRMs

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