

1. Is not a "significant regulatory action" under Executive Order 12866,
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979), and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

You can find our regulatory evaluation and the estimated costs of compliance in the AD Docket.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

##### § 39.13 [Amended]

2. The FAA amends § 39.13 by adding the following new AD:

**Learjet:** Docket No. FAA-2009-0719; Directorate Identifier 2009-NM-078-AD.

#### Comments Due Date

- (a) We must receive comments by October 13, 2009.

#### Affected ADs

- (b) None.

#### Applicability

(c) This AD applies to Learjet Model 45 airplanes, certificated in any category, serial numbers 45-005 through 45-321 inclusive, 45-323 through 45-332 inclusive, and 45-2001 through 45-2075 inclusive.

#### Subject

(d) Air Transport Association (ATA) of America Code 52: Doors, and ATA Code 25: Equipment/Furnishings.

#### Unsafe Condition

(e) This AD results from reports of incorrect external baggage door seal material and door seal sealant, as well as incorrect sealant on interior baggage panels used during manufacture of the airplane. The Federal Aviation Administration is issuing this AD to prevent the use of door seals and sealant that do not meet flammability requirements, which could result in an uncontrollable and undetected fire within the baggage compartment.

#### Compliance

(f) You are responsible for having the actions required by this AD performed within

the compliance times specified, unless the actions have already been done.

#### Inspection of Red Room Temperature Vulcanizing (RTV) Sealant in Aft Baggage Bay

(g) For airplanes having serial numbers 45-005 through 45-314 inclusive and 45-2001 through 45-2065 inclusive: Within 300 flight hours after the effective date of this AD, do a general visual inspection of the outer surfaces of the fiberglass doublers for the presence of red RTV sealant, in accordance with the Accomplishment Instructions in Bombardier Service Bulletin 45-25-21, Revision 1, dated January 19, 2009; or 40-25-11, Revision 1, dated January 19, 2009; as applicable. If any red RTV sealant is found, before further flight, replace the sealant in accordance with the Accomplishment Instructions in Bombardier Service Bulletin 45-25-21, Revision 1, dated January 19, 2009; or 40-25-11, Revision 1, dated January 19, 2009; as applicable.

**Note 1:** For the purposes of this AD, a general visual inspection is: "A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to ensure visual access to all surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked."

#### Inspection of Baggage Bay Door Fire Barrier Seal

(h) For all airplanes: Within 300 flight hours after the effective date of this AD, do a general visual inspection of the baggage bay door fire barrier seal for the presence of metal inconel mesh in the material, and do all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions in Bombardier Service Bulletin 45-52-16, Revision 1, dated July 21, 2008; or 40-52-07, Revision 1, dated July 21, 2008; as applicable. Do all applicable related investigative and corrective actions before further flight in accordance with the Accomplishment Instructions in Bombardier Service Bulletin 45-52-16, Revision 1, dated July 21, 2008; or 40-52-07, Revision 1, dated July 21, 2008; as applicable.

#### Alternative Methods of Compliance (AMOCs)

(i)(1) The Manager, Wichita Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: William Griffith, Aerospace Engineer, Airframe Branch, ACE-118W, FAA, Wichita ACO, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4116; fax (316) 946-4107.

(2) To request a different method of compliance or a different compliance time

for this AD, follow the procedures in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office. The AMOC approval letter must specifically reference this AD.

Issued in Renton, Washington, on August 18, 2009.

**Stephen P. Boyd,**

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

[FR Doc. E9-20637 Filed 8-26-09; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2009-0200; Airspace Docket No. 09-AAL-5]

#### Proposed Establishment of Class E Airspace; Elim, AK

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This action proposes to establish Class E airspace at the Elim Airport at Elim, AK. Two Standard Instrument Approach Procedures (SIAPs) are being developed for the Elim Airport at Elim, AK. Additionally, one textual Obstacle Departure Procedure (ODP) and a Standard Instrument Departure Procedure (SID) are being developed. Adoption of this proposal would result in establishing Class E airspace upward from 700 feet (ft.) and 1,200 ft. above the surface at the Elim Airport at Elim, AK.

**DATES:** Comments must be received on or before October 13, 2009.

**ADDRESSES:** Send comments on the proposal to the Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001. You must identify the docket number FAA-2009-0200/ Airspace Docket No. 09-AAL-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 plaza level of the Department of

Transportation NASSIF Building at the above address.

An informal docket may also be examined during normal business hours at the office of the Manager, Safety, Alaska Flight Service Operations, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513-7587.

**FOR FURTHER INFORMATION CONTACT:** Gary Rolf, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513-7587; telephone number (907) 271-5898; fax: (907) 271-2850; e-mail: [gary.ctr.rolf@faa.gov](mailto:gary.ctr.rolf@faa.gov). Internet address: [http://www.faa.gov/about/office\\_org/headquarters\\_offices/ato/service\\_units/systemops/fs/alaskan/rulemaking/](http://www.faa.gov/about/office_org/headquarters_offices/ato/service_units/systemops/fs/alaskan/rulemaking/).

**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-2009-0200/Airspace Docket No. 09-AAL-5." The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

**Availability of Notice of Proposed Rulemakings (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, 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**

The FAA is considering an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71, which would establish Class E airspace at the Elim Airport, Elim, AK. The intended effect of this proposal is to establish Class E airspace upward from 700 ft. and 1,200 ft. above the surface to contain Instrument Flight Rules (IFR) operations at the Elim Airport, Elim, AK.

The FAA Instrument Flight Procedures Production and Maintenance Branch has created two new SIAPs for the Elim Airport, one textual ODP and one SID. The SIAPs are (1) the Area Navigation (RNAV) Global Positioning System (GPS) Runway (RWY) 01, Original and (2) the RNAV (GPS) RWY 19, Original. The SID is the ELIM ONE RNAV Sid. Textual ODPs are unnamed and are published in the front of the U.S. Terminal Procedures for Alaska. Class E controlled airspace extending upward from 700 ft. and 1,200 ft. above the surface in the Elim Airport area would be established by this action. The proposed airspace is sufficient in size to contain aircraft executing the instrument procedures at the Elim Airport, Elim, AK.

The Class E airspace areas designated as 700/1200 foot transition areas are published in paragraph 6005 in FAA Order 7400.9S, *Airspace Designations and Reporting Points*, signed October 3, 2008, and effective October 31, 2008, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document would be subsequently published 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 United States 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 1, Section 40103, Sovereignty and use of airspace. Under that section, the FAA is charged with prescribing regulations to ensure the safe and efficient use of the navigable airspace. This regulation is within the scope of that authority because it proposes to establish Class E airspace at Elim Airport, Elim, AK, and represents the FAA's continuing effort to safely and efficiently use the navigable airspace.

**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, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; 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 Federal Aviation Administration Order 7400.9S, *Airspace Designations and Reporting Points*,

signed October 3, 2008, and effective October 31, 2008, is to be amended as follows:

\* \* \* \*

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

\* \* \* \*

#### **AAL AK E5 Elim, AK [New]**

Elim Airport, Elim, AK

(Lat. 64°36'54" N., Long. 162°16'14" W.)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of the Elim Airport, AK, and within 3.7 miles either side of the 015° bearing from the Elim Airport, AK, extending from the 6.8-mile radius to 12.6 miles north of the Elim Airport, AK; and that airspace extending upward from 1,200 feet above the surface within a 74-mile radius of the Elim Airport, AK.

\* \* \* \*

Issued in Anchorage, AK, on August 20, 2009.

**Anthony M. Wylie,**

*Manager, Alaska Flight Services Information Area Group.*

[FR Doc. E9-20727 Filed 8-26-09; 8:45 am]

**BILLING CODE 4910-13-P**

## **DEPARTMENT OF DEFENSE**

### **Department of the Army; Corps of Engineers**

#### **33 CFR Part 334**

#### **Disestablishment of Restricted Area for Pascagoula Naval Station, Pascagoula, MS**

**AGENCY:** U.S. Army Corps of Engineers, DoD.

**ACTION:** Proposed rule.

**SUMMARY:** The U.S. Navy (USN) requested that the U.S. Army Corps of Engineers (Corps) disestablish the restricted area at the former Naval Station Pascagoula in Pascagoula, Mississippi. The restricted area was established on November 9, 1992. The purpose of the restricted area was to reduce safety hazards and security risks and protect persons and property from dangers encountered in the area. As a result of the 2005 Base Realignment and Closure Act, the Naval Station was closed on June 1, 2007, and the property transferred to the State of Mississippi. In the "Rules and Regulations" section of **Federal Register**, we are publishing the restricted area disestablishment as a direct final rule without prior proposal because we view this as a non-controversial adjustment to our restricted area regulations and

anticipate no adverse comment. We have explained our reasons for this approval in the preamble to the direct final rule. If we receive no adverse comment, we will not take further action on this rule and it will go into effect. If we receive adverse comment, we will withdraw the direct final rule and it will not take effect. We will address all public comments in a subsequent final rule based on this proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

**DATES:** Written comments must be received by September 28, 2009.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Olson, Headquarters, Operations and Regulatory Community of Practice, Washington, DC at 202-761-4922 or Mr. John B. McFadyen, U.S. Army Corps of Engineers, Mobile District, at 251-690-3222.

**SUPPLEMENTARY INFORMATION:** This document concerns the "Disestablishment of Restricted Area for Pascagoula Naval Station, Pascagoula, MS" rule. For further information, including instructions on how to submit comments, please see the information provided in the direct final rule that is located in the "Rules and Regulations" section of this **Federal Register** publication.

Dated: August 14, 2009.

**Michael G. Ensich,**

*Chief, Operations, Directorate of Civil Works.*

[FR Doc. E9-20292 Filed 8-26-09; 8:45 am]

**BILLING CODE 3710-92-P**

## **ARMED FORCES RETIREMENT HOME**

#### **38 CFR Part 200**

[Docket No. AFRH 2009-01]

RIN 3030-ZA00

#### **Compliance With the National Environmental Policy Act**

**AGENCY:** Armed Forces Retirement Home.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Armed Forces Retirement Home (AFRH) proposes regulations establishing policy and assigning responsibilities for implementing the National Environmental Policy Act (NEPA) of 1969, related laws, executive orders, and regulations in the decision-making process of the AFRH. These regulations were developed to comply with Section 103 of 42 U.S.C. 4321.

**DATES:** Submit comments on or before October 1, 2009.

**ADDRESSES:** You may submit comments, identified by AFRH 2009-01, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Mail:* Timothy Cox, COO, AFRH, 3700 N. Capitol St., NW., P.O. Box 1303, Washington, DC 20011-8400.

- *Hand Delivery/Courier:* Timothy Cox, COO, AFRH, 3700 N. Capitol St., NW., Washington, DC 20011.

**FOR FURTHER INFORMATION CONTACT:** Joe Woo, Master Planner, (202) 730-3445.

**SUPPLEMENTARY INFORMATION:** This proposed rule is not a major rule for the purposes of Executive Order 12866. As required by the Regulatory Flexibility Act, AFRH certifies that this proposed rule will not have a significant impact on small business entities.

This proposed rule will set out environmental policy for the Armed Forces Retirement Home (AFRH) and provide direction for carrying out the procedural requirements of the National Environmental Policy Act. These regulations were developed to comply with Section 103 of 42 U.S.C. 4321.

#### **Electronic Access and Filing**

You may submit comments by sending electronic mail (E-mail) to: [Tim.Sheckler@gsa.gov](mailto:Tim.Sheckler@gsa.gov). Include RIN number in the subject line of the message. You may also fax comments to 202-205-5295, Attn: Mr. Tim Scheckler.

#### **Instructions**

All submissions received must include the agency name and document number for this rulemaking.

#### **Docket**

For access to the docket to read background documents or comments received, go to 3700 North Capitol Street, NW., Washington, DC 20011.

#### **List of Subjects in 38 CFR Part 200**

Compliance with the National Environmental Policy Act.

For the reasons stated in the preamble, the Armed Forces Retirement Home (AFRH) proposes to amend 38 CFR Chapter II by adding Part 200 to read as follows:

#### **PART 200—COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT**

Sec.

200.1 Purpose.

200.2 Background.

200.3 Responsibilities.

200.4 Implementation of NEPA and related authorities.

200.5 Coordination with other authorities.

200.6 Public involvement.