

**DATES:** *Effective Date:* 0901 UTC, December 17, 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:** Eldon Taylor, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue, SW., Renton, WA 98057; telephone (425) 203-4537.

**SUPPLEMENTARY INFORMATION:**

**History**

On July 30, 2009, the FAA published in the **Federal Register** a notice of proposed rulemaking to establish controlled airspace at Little River, CA (74 FR 37970). 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 6005 of FAA Order 7400.9T signed August 27, 2009, and effective September 15, 2009, 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 establishing Class E airspace at Little River, CA. Controlled airspace extending upward from 700 feet above the surface is necessary to accommodate IFR aircraft executing a new RNAV (GPS) approach procedure at Little River Airport, Little River, CA.

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 discusses 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 establishes controlled airspace at Little River Airport, Little River, CA.

**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 7400.9T, Airspace Designations and Reporting Points, signed August 27, 2009, and effective September 15, 2009 is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

**AWP CA E5 Little River, CA [New]**

Little River Airport, CA

(Lat. 39°15'43" N., long. 123°45'13" W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Little River Airport.

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Issued in Seattle, Washington, on September 25, 2009.

**Robert E. Henry,**

*Acting Manager, Operations Support Group, Western Service Center.*

[FR Doc. E9-24166 Filed 10-8-09; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA-2009-0349; Airspace Docket No. 09-ANM-6]

**Modification of Class E Airspace; Pueblo, CO**

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

**ACTION:** Final rule.

**SUMMARY:** This action will modify Class E airspace at Pueblo, CO. Additional controlled airspace is necessary to facilitate vectoring of Instrument Flight Rules (IFR) traffic from en route airspace to Pueblo Memorial Airport, CO. The FAA is taking this action to enhance the safety and management of aircraft operations at Pueblo Memorial Airport, CO.

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**FOR FURTHER INFORMATION CONTACT:** Eldon Taylor, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue, SW., Renton, WA 98057; telephone (425) 203-4537.

**SUPPLEMENTARY INFORMATION:**

**History**

On August 5, 2009, the FAA published in the **Federal Register** a notice of proposed rulemaking to establish additional controlled airspace at Pueblo, CO, (74 FR 39002). 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 6005 of FAA Order 7400.9T signed August 27, 2009, and effective September 15, 2009, 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 modifying Class E airspace at Pueblo, CO. Additional controlled airspace is necessary to accommodate IFR aircraft from en route airspace to Pueblo Memorial Airport, CO.

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 discusses 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 establishes additional controlled airspace at Pueblo Memorial Airport, CO.

#### 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:

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*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

#### ANM CO E5 Pueblo, CO [Modified]

Pueblo Memorial Airport, CO  
(Lat. 38°17'21" N., long. 104°29'48" W.)

That airspace extending upward from 700 feet above the surface within 21.8-mile radius of the Pueblo Memorial Airport, and within the 28.8-mile radius of Pueblo Memorial Airport clockwise between the 070° and 133° bearing from the airport; that airspace extending upward from 1,200 feet above the surface bounded on the north by lat. 38°30'00" N., on the east by V–169, on the south by V–210, on the west by a line from lat. 37°38'00" N., long. 105°00'02" W.; to lat. 38°09'25" N., long. 105°08'06" W.; to lat. 38°05'51" N., long. 105°30'49" W.; to lat. 38°10'00" N., long. 105°33'02" W.; to lat. 38°30'00" N., long. 105°33'02" W.; that airspace extending upward from 13,700 feet MSL bounded by a line beginning at lat. 38°09'25" N., long. 105°08'06" W.; to lat. 37°38'00" N., long. 105°00'02" W.; to lat. 37°34'00" N., long. 105°12'02" W.; to lat. 38°05'51" N., long. 105°30'49" W.; thence to point of beginning, excluding that airspace within Federal airways and the Colorado Springs, CO, Class E airspace area.

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Issued in Seattle, Washington, on September 25, 2009.

**Robert E. Henry,**

*Acting Manager, Operations Support Group,  
Western Service Center.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 93

[Docket No. FAA–2006–25709; Amendment No. 93–92]

RIN 2120–AJ49

#### Congestion Management Rule for LaGuardia Airport

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

**ACTION:** Final rule; rescission.

**SUMMARY:** The FAA is rescinding the final rule *Congestion Management Rule for LaGuardia Airport*. The final rule established procedures to address congestion in the New York City area by assigning slots at LaGuardia Airport (LaGuardia), assigning to existing operators the majority of slots at the airports, and creating a market by annually auctioning off a limited number of slots in each of the first five years of the rule. The final rule also contained provisions for minimum

usage, requiring reservations for unscheduled operations, and withdrawal for operational need. The rule was scheduled to sunset in ten years.

**DATES:** *Effective Date:* October 9, 2009.  
**FOR FURTHER INFORMATION CONTACT:** For questions concerning this rulemaking, contact: Molly W. Smith, Office of Aviation Policy and Plans, APO–200, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3275; e-mail [molly.w.smith@faa.gov](mailto:molly.w.smith@faa.gov). For legal questions concerning this rulemaking, contact: Rebecca MacPherson, FAA Office of the Chief Counsel, 800 Independence Ave., SW., Washington, DC 20591; telephone (202) 267–3073; e-mail [rebecca.macpherson@faa.gov](mailto:rebecca.macpherson@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Authority for This Rulemaking

The FAA has broad authority under 49 U.S.C. 40103 to regulate the use of the navigable airspace of the United States. This section authorizes the FAA to develop plans and policy for the use of navigable airspace and to assign the use that the FAA deems necessary for its safe and efficient utilization. It further directs the FAA to prescribe air traffic rules and regulations governing the efficient utilization of the navigable airspace.

##### I. Background

The final rule *Congestion Management Rule for LaGuardia Airport* was published in the **Federal Register** on October 10, 2008 (73 FR 60574) (2008 final rule). The final rule established procedures to address congestion in the New York City area by assigning slots for scheduled services at LaGuardia Airport (LaGuardia), assigning to existing operators the majority of slots at the airports, and creating a market by annually auctioning off a limited number of slots in each of the first five years of the rule. The final rule also contained provisions for minimum slot usage, withdrawal of slots for operational need, and requiring reservations for unscheduled operations. The rule was scheduled to sunset in ten years and added to the Code of Federal Regulations December 9, 2008. The rulemaking was highly controversial. The final rule was challenged by several parties before it could take effect. On December 8, 2008, the United States Court of Appeals for the District of Columbia Circuit stayed the rule. On January 22, 2009, the ATA requested the Secretary of Transportation, Ray LaHood, withdraw