

comments received. 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/).

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. Those wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2009-0651; Airspace Docket No. 09-AEA-15." The postcard will be date stamped and returned to the commenter.

#### The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 revises Class E Airspace at Beckley, WV by modifying the Raleigh County Memorial Airport Class E airspace to provide adequate controlled airspace for IFR operations at Beckley, WV. Controlled airspace extending upward from the surface of the Earth is required to encompass the airspace necessary for instrument approaches for aircraft operating under Instrument Flight Rules (IFR). Designations for Class E airspace areas extending upward from 700 feet above the surface of the Earth are published in 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 designations listed in this document will be published subsequently in the Order.

#### Agency Findings

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

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, is non-controversial and unlikely to result in adverse or negative comments. 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 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 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 modifies controlled airspace at Beckley, WV.

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

\* \* \* \* \*

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

\* \* \* \* \*

#### AEA WV E2 Beckley, WV [REVISED]

Raleigh County Memorial Airport, WV  
(Lat. 37°47'14" N., long 81°07'27" W.)  
Beckley VORTAC  
(Lat. 37°46'49" N., long 81°07'24" W.)

Within a 4.3-mile radius of Raleigh County Memorial Airport and within 2.7 miles each side of the Beckley VORTAC 284° radial extending from the 4.3-mile radius to 7.4 miles west of the VORTAC and within 2.7 miles each side of the Beckley VORTAC 001° radial extending from the 4.3-mile radius to 7.4 miles north of the VORTAC and within 3.5 miles each side of the Beckley VORTAC 200° radial extending from the 4.3-mile radius to 9.2 miles south of the VORTAC and within 1 mile each side of the 098° radial extending from the 4.3 mile radius to 4.9 miles east of the airport.

\* \* \* \* \*

#### Paragraph 6005 Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface of the Earth.

\* \* \* \* \*

#### AEA WV E5 Beckley, WV [REVISED]

Raleigh County Memorial Airport, WV  
(Lat. 37°47'14" N., long 81°07'27" W.)  
Beckley VORTAC  
(Lat. 37°46'49" N., long 81°07'24" W.)

That airspace extending upward from 700 feet above the surface within an 7-mile radius of Raleigh County Memorial Airport and within 4 miles north and 8 miles south of the Beckley VORTAC 284° radial extending from the 7-mile radius to 16 miles west of the VORTAC and within 4 miles each side of the Beckley VORTAC 200° radial extending from the 7-mile radius to 10 miles south of the VORTAC.

\* \* \* \* \*

Issued in College Park, Georgia, on October 7, 2009.

**Mark D. Ward,**

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

[FR Doc. E9–24935 Filed 10–16–09; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG–2009–0916]

#### Drawbridge Operation Regulation; Blackwater River, Milton, FL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Eighth Coast Guard District, has issued a

temporary deviation from the regulation governing the operation of the CSX Transportation Railroad swing bridge across the Blackwater River, mile 2.80, at Milton, Florida. The deviation is necessary to replace the center pivot bearing of the swing span and will allow the bridge to remain closed to navigation for two consecutive days.

**DATES:** This deviation is effective from 7 a.m. on November 5, 2009 through 5 p.m. on November 6, 2009.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of docket USCG-2009-0916 and are available online by going to <http://www.regulations.gov>, inserting USCG-2009-0916 in the "Keyword" box and then clicking "Search". They are also available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this proposed rule, call or e-mail Lindsey Middleton, Bridge Administration Branch; telephone 504-671-2128, e-mail [Lindsey.R.Middleton@uscg.mil](mailto:Lindsey.R.Middleton@uscg.mil). If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

**SUPPLEMENTARY INFORMATION:** CSX Transportation has requested a temporary deviation for their railroad swing span bridge across the Blackwater River, mile 2.80, in Milton, Florida. The vertical clearance of the bridge in the closed-to-navigation position is 5.5 feet above mean sea level and 7.0 feet above mean low water. Currently, according to 33 CFR 117.271, the draw of the CSX Transportation Railroad bridge, mile 2.8 at Milton, shall open on signal; except that, from 8 p.m. to 4 a.m., the draw shall open on signal if at least eight hours notice is given. The deviation period will be in effect from 7 a.m. on November 5, 2009 until 5 p.m. on November 6, 2009. During this time the swing span bridge will be closed to navigation for the center pivot bearing of the swing span to be replaced. This work is essential for the continued operation of the draw span. Primary users of this waterway are recreational boaters. The Coast Guard will inform these users through the Local Notice to Mariners. There are no alternate routes available and this bridge cannot be open for emergencies.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular

operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: October 6, 2009.

**David M. Frank,**

*Bridge Administrator.*

[FR Doc. E9-25021 Filed 10-16-09; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2009-0812]

RIN 1625-AA00

#### Safety Zone; Catholic Church Procession; San Diego Bay, San Diego, CA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone upon the navigable waters of San Diego Bay in support of the Catholic Church Procession Fireworks Display. This safety zone is necessary to provide for the safety of the participants, crew, spectators, participating vessels, and other vessels and users of the waterway. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port or his designated representative.

**DATES:** This rule is effective from 2 p.m. through 4 p.m. on October 19, 2009.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2009-0812 and are available online by going to <http://www.regulations.gov>, inserting USCG-2009-0812 in the "Keyword" box, and then clicking "Search." They are also available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary rule, call or e-mail Petty Officer Shane Jackson, Waterways Management, U.S. Coast Guard Sector San Diego; telephone 619-278-7262, e-mail [Shane.E.Jackson@uscg.mil](mailto:Shane.E.Jackson@uscg.mil). If you have questions on viewing the docket, call Renee V. Wright, Program Manager,

Docket Operations, telephone 202-366-9826.

### SUPPLEMENTARY INFORMATION:

#### Regulatory Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because immediate action is necessary to protect the safety of the crew, spectators, and other vessels and users of the waterway from the hazards associated with fireworks displays.

For the same reasons, the Coast Guard also finds under 5 U.S.C. 553(d)(3) that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Any delay in the effective date of this rule will expose mariners to the dangers associated with the pyrotechnics used in the fireworks display.

#### Background and Purpose

Fireworks & Stage FX America is sponsoring the Catholic Church Procession Fireworks Display, which will include a fireworks presentation from a wooden pier at the end of Grape Street in San Diego Bay. The safety zone will encompass the navigable waters extending out 300 feet from the firing site located at the end of the pier. This temporary safety zone is necessary to provide for the safety of the crew, spectators, and other vessels and users of the waterway.

#### Discussion of Rule

The Coast Guard is establishing a safety zone that will be enforced from 2 p.m. to 4 p.m. on October 19, 2009. The safety zone will consist of a 300 foot radius around the end of Grape Street Pier 2 in San Diego Bay.

The safety zone is necessary to provide for the safety of the crews, spectators, and other vessels and users of the waterway. Persons and vessels will be prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port or his designated representative.