

**The Amendment**

■ In consideration of the foregoing, the FAA amends 14 CFR parts 1 and 101, as follows:

**PART 1—DEFINITIONS AND ABBREVIATIONS**

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

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

**§ 1.1 [Amended]**

■ 2. Amend § 1.1 by correcting paragraph (2) of the definition of “Amateur rocket” by removing the word “statute” and adding the word “statute” in its place.

**PART 101—MOORED BALLOONS, KITES, UNMANNED ROCKETS AND UNMANNED FREE BALLOONS**

■ 3. The authority citation for part 101 continues to read as follows:

*Authority:* 49 U.S.C. 106(g), 40103, 40113–40114, 45302, 44502, 44514, 44701–44702, 44721, 46308.

**§ 101.25 [Amended]**

■ 4. Amend § 101.25 by correcting paragraph (b)(5) by removing the number “8” and adding the number “9.26” in its place and removing the word “statute” and adding the word “nautical” in its place.

**§ 101.27 [Amended]**

■ 5. Amend § 101.27 by correcting paragraph (c) by removing the word “statute” and adding the word “nautical” in its place.

**§ 101.29 [Transferred]**

■ 6. Transfer § 101.29 from Subpart D into Subpart C of part 101.

Issued in Washington, DC, on June 30, 2009.

*Pamela Hamilton-Powell,*  
*Director, Office of Rulemaking.*

[FR Doc. E9–15821 Filed 7–2–09; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA–2009–0089; **Airspace**  
Docket No. 09–ASW–4]

**Amendment of Class E Airspace;  
Devine, TX**

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

**ACTION:** Final rule.

**SUMMARY:** This action amends Class E airspace at Devine, TX. Additional controlled airspace is necessary to accommodate Area Navigation (RNAV) Standard Instrument Approach Procedures (SIAP) at Devine Municipal Airport, Devine, TX. This action also corrects a typographical error in the legal description of the airport. The FAA is taking this action to enhance the safety and management of Instrument Flight Rule (IFR) operations at Devine Municipal Airport.

**DATES:** 0901 UTC, October 22, 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., Fort Worth, TX 76137; telephone (817) 321–7716.

**SUPPLEMENTARY INFORMATION:****History**

On April 20, 2009, the FAA published in the **Federal Register** a NPRM to amend Class E airspace at Devine, TX, adding additional controlled airspace at Devine Municipal Airport, Devine, TX. (74 FR 17912, Docket No. FAA–2009–0089). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. This action also corrects a typographical error in the legal description, changing the 6.5-mile radius to a 6.3-mile radius. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9S 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 will be published subsequently in the Order. With the exception of editorial changes, and the changes described above, this rule is the same as that proposed in the NPRM.

**The Rule**

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by amending Class E airspace at Devine, TX, adding additional controlled airspace extending upward from 700 feet above the surface at Devine Municipal Airport, Devine, TX, for the safety and management of IFR operations. This action also changes the 6.5-mile radius to a 6.3-mile radius in

the legal description for Devine Municipal Airport.

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 adds additional controlled airspace at Devine Municipal Airport, Devine, TX.

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

\* \* \* \* \*

**ASW TX E5 Devine, TX [Amended]**

Devine Municipal Airport, TX  
(Lat. 29°08'18" N., long. 98°56'31" W.)  
Devine RBN  
(Lat. 29°08'18" N., long. 98°56'21" W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Devine Municipal Airport and within 4 miles each side of the 173° bearing from the airport extending from the 6.3-mile radius to 10.5 miles south of the airport, and within 2.6 miles each side of the 183° bearing from the Devine RBN extending from the 6.3-mile radius to 16 miles south of the RBN.

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Issued in Fort Worth, Texas, on June 24, 2009.

**Roger M. Trevino,**

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

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA-2009-0188; Airspace  
Docket No. 09-AGL-5]

**Amendment of Class E Airspace; Port  
Clinton, OH**

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

**ACTION:** Final rule.

**SUMMARY:** This action amends Class E airspace at Port Clinton, OH. Additional controlled airspace is necessary to accommodate Area Navigation (RNAV) Standard Instrument Approach Procedures (SIAP) at Carl R. Keller Field Airport, Port Clinton, OH. The FAA is taking this action to enhance the safety and management of Instrument Flight Rule (IFR) operations at Carl R. Keller Field Airport.

**DATES:** 0901 UTC, October 22, 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., Fort

Worth, TX 76137; telephone (817) 321-7716.

**SUPPLEMENTARY INFORMATION:**

**History**

On April 21, 2009, the FAA published in the **Federal Register** a notice of proposed rulemaking to amend Class E airspace at Port Clinton, OH, adding additional controlled airspace at Carl R. Keller Field Airport, Port Clinton, OH. (74 FR 18166, Docket No. FAA-2009-0188). 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 7400.9S 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 the Order.

**The Rule**

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by amending Class E airspace extending upward from 700 feet above the surface at Port Clinton, OH, adding additional controlled airspace at Carl R. Keller Field Airport, Port Clinton, OH, for the safety and management of IFR operations.

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 adds additional controlled airspace at Carl R. Keller Field Airport, Port Clinton, OH.

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

\* \* \* \* \*

**AGL OH E5 Port Clinton, OH [Amended]**

Port Clinton, Carl R. Keller Field Airport, OH  
(Lat. 41°30'59" N., long. 82°52'07" W.)  
Magruder Memorial Hospital, OH—Point in  
Space Coordinates  
(Lat. 41°29'43" N., long. 82°55'50" W.)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Carl R. Keller Field Airport and within 4 miles each side of the 083° bearing from the airport extending from the 7-mile radius to 9.4 miles east of the airport and within a 6-mile radius of the Point in Space serving Magruder Memorial Hospital.

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Issued in Fort Worth, Texas, on June 24, 2009.

**Roger M. Trevino,**

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

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