

20636, Atlanta, Georgia 30320; telephone (404) 305-5610.

#### SUPPLEMENTARY INFORMATION:

##### Confirmation of Effective Date

The FAA published this direct final rule with a request for comments in the **Federal Register** on December 15, 2008 (73 FR 75941), Docket No. FAA-2008-1094; Airspace Docket No. 08-ASO-18. The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on March 12, 2009. No adverse comments were received, and thus this notice confirms that effective date.

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Issued in College Park, Georgia, on April 21, 2009.

**Barry A. Knight,**

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

[FR Doc. E9-10395 Filed 5-5-09; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2009-0203; Airspace Docket No. 09-ASO-12]

#### Modification of Class D and E Airspace; Albemarle, NC

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

**ACTION:** Direct final rule, request for comments.

**SUMMARY:** This action modifies Class D and Class E airspace at Albemarle, NC. Controlled airspace is being expanded to contain the Final Approach Fix (FAF) for a Standard Instrument Approach Procedure (SIAP) into Stanly County Airport. This action enhances the National Airspace System by providing controlled airspace in the vicinity of Albemarle, NC.

**DATES:** Effective 0901 UTC, August 27, 2009. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming

amendments. Comments for inclusion in the Rules Docket must be received on or before June 22, 2009.

**ADDRESSES:** Send comments on this rule to: U. S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001; Telephone: 1-800-647-5527; Fax: 202-493-2251. You must identify the Docket Number FAA-2009-0203; Airspace Docket No. 09-ASO-12, at the beginning of your comments. You may also submit and review received comments through the Internet at <http://www.regulations.gov>.

You may review the public docket containing the rule, any comments received, and any final disposition in person in the Dockets Office (*see ADDRESSES* section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Avenue, College Park, Georgia 30337.

**FOR FURTHER INFORMATION CONTACT:** Melinda Giddens, Operations Support Group, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; Telephone (404) 305-5610, Fax 404-305-5572.

#### SUPPLEMENTARY INFORMATION:

##### The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comments, and, therefore, issues it as a direct final rule. The FAA has determined that this rule only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Unless a written adverse or negative comment or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the effective date. If the FAA receives, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

#### Comments Invited

Although this action is in the form of a direct final rule, and was not preceded by a notice of proposed rulemaking, interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. The direct final rule is used in this case to facilitate the timing of the charting schedule and enhance the operation at the airport, while still allowing and requesting public comment on this rulemaking action. An electronic copy of this document may be downloaded from and comments submitted through <http://www.regulations.gov>. Communications should identify both docket numbers and be submitted in triplicate to the address specified under the caption **ADDRESSES** above or through the Web site. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the 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-2009-0203; Airspace Docket No. 09-ASO-12." 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 D and E Airspace at Albemarle, NC by modifying the Stanly County Airport Class D and E airspace to provide adequate controlled airspace for IFR operations at Albemarle, NC. While designing a specific approach at Stanly County Airport a violation was discovered for the Final Segment due to an overlying Special Use Airspace (Alert

Area 531), thus the associated controlled airspace is being modified to incorporate the portion of the final that is affected. 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 D and E airspace areas extending upward from the surface of the Earth are published in 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 D and 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 Albemarle, NC.

#### 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 7400.9S, Airspace Designations and Reporting Points, signed October 3, 2008, effective October 31, 2008, is amended as follows:

*Paragraph 5000 Class D Airspace.*

\* \* \* \* \*

#### ASO NC D Albemarle, NC [REVISED]

Stanly County Airport, NC  
(Lat. 35°25'0.101"N., long 80°09'03"W.)

That airspace extending upward from the surface to and including 3,100 feet MSL within a 5.8-mile radius of Stanly County Airport and within 1.5 miles each side of the 043 degree bearing from Stanly County Airport to 7.8 miles Northeast. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

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

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#### ASO NC E5 Albemarle, NC [REVISED]

Stanly County Airport, NC  
(Lat. 35°25'0.101"N., long 80°09'03"W.)

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Stanly County Airport.

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Issued in College Park, Georgia, on March 19, 2009.

**Barry A. Knight,**

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

[FR Doc. E9–10397 Filed 5–5–09; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### 15 CFR Part 774

[Docket No. 090406632–9631–01]

RIN 0694–AC74

#### Removal of T 37 Jet Trainer Aircraft and Parts From the Commerce Control List

**AGENCY:** Bureau of Industry and Security, Commerce.

**ACTION:** Final rule.

**SUMMARY:** This rule removes the T 37 jet trainer aircraft and specially designed component parts from under the Department of Commerce's licensing jurisdiction on the Commerce Control List (CCL). T 37 jet trainer aircraft appear on the CCL administered by the Department of Commerce, Bureau of Industry and Security (BIS). However, the Department of State, Directorate of Defense Trade Controls (DDTC) reviews license applications for these aircraft and parts. BIS is removing these aircraft and parts from the CCL to avoid potentially overlapping coverage and reduce the possibility of confusion by the public.

**DATES:** This rule is effective: May 6, 2009.

**FOR FURTHER INFORMATION CONTACT:** Gene Christiansen in the Office of National Security and Technology Transfer Controls, Bureau of Industry and Security, U.S. Department of Commerce at (202) 482–2984.

#### SUPPLEMENTARY INFORMATION:

##### Background

Both DDTC and BIS exercise licensing jurisdiction over certain exports and reexports. The policy for designating an item as being subject to the International Traffic in Arms Regulations (ITAR) (22 CFR parts 120–130) and, therefore, subject to DDTC licensing jurisdiction is described in 22 CFR 120.3. Generally, that policy is to apply DDTC licensing jurisdiction to items that are specifically designed, developed, configured, adapted or modified for a military application. Items not subject to DDTC