

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

[Docket No. FAA-2007-29372; Airspace  
Docket No. 07-ASW-9]

**Establishment of Class D Airspace;  
New Braunfels, TX**

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

**ACTION:** Final rule.

**SUMMARY:** This action will establish Class D airspace at New Braunfels, Texas. Establishment of an air traffic control tower at New Braunfels Municipal Airport has made this action necessary for the safety and management of Instrument Flight Rules (IFR) aircraft operations at New Braunfels Municipal Airport, New Braunfels, Texas.

**DATES:** *Effective Date:* 0901 UTC, June 5, 2008. 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:** Gary Mallett, AMTI CTR, Central Service Center, System Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Ft Worth, Texas, 76193-0530; at telephone (817) 222-4949.

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

On December 18, 2007, the FAA published in the **Federal Register** a notice of proposed rulemaking to establish Class D airspace at New Braunfels, Texas (72 FR 71606).

This action would improve the safety of IFR aircraft at New Braunfels Municipal Airport, New Braunfels, Texas. 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 D airspace designations are published in paragraph 5000 of FAA Order 7400.9R, signed August 15, 2007, and effective September 15, 2007, which is incorporated by reference in 14 CFR, part 71.1. The Class D 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 D airspace at New

Braunfels, Texas. A new air traffic control tower has been installed at New Braunfels Municipal Airport, making this action necessary for the safety and management of IFR aircraft operations at the 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 establishes controlled airspace at New Braunfels Municipal Airport, New Braunfels, Texas.

**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 7400.9R, Airspace Designations and Reporting Points, signed August 15, 2007, and effective September 15, 2007, is amended as follows:

*Paragraph 5000 Class D Airspace.*

\* \* \* \* \*

**ASW TEXAS D New Braunfels, Texas  
[New]**

New Braunfels Municipal Airport, Texas  
(Lat. 29°42'16" N., long. 98°02'32" W)

That airspace extending upward from the surface to and including 2,700 feet MSL within a 4.1-mile radius of New Braunfels Municipal Airport. 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.

\* \* \* \* \*

Issued in Fort Worth, Texas, on March 28, 2008.

**Richard H. Farrell, III,**

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

[FR Doc. E8-7094 Filed 4-8-08; 8:45 am]

**BILLING CODE 4910-13-M**

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

[Docket No. FAA-2008-0004; Airspace  
Docket No. 08-ASW-2]

**Proposed Establishment of Class E  
Airspace; Huntsville, AR**

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

**ACTION:** Direct final rule; confirmation of effective date.

**SUMMARY:** This action confirms the effective date of the direct final rule that establishes Class E airspace at Huntsville Municipal Airport, Huntsville, Arkansas, published in the **Federal Register** February 15, 2008 (73 FR 8794) Docket No. FAA-2008-0004.

**DATES:** *Effective Dates:* 0901 UTC April 10, 2008. 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.

**SUPPLEMENTARY INFORMATION:**

## History

The FAA published a direct final rule with request for comments in the **Federal Register** February 15, 2008 (73 FR 8794), Docket No. FAA-2008-0004. The FAA uses the direct final rule procedure for non-controversial rules 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 an adverse comment, was received within the comment period, the regulation would become effective on April 10, 2008. No adverse comments were received; thus, this notice confirms that the direct final rule will become effective on this date.

\* \* \* \* \*

Issued in Fort Worth, TX, on March 31, 2008.

**Walter Tweedy,**

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

[FR Doc. E8-7248 Filed 4-8-08; 8:45 am]

**BILLING CODE 4910-13-M**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R09-OAR-2007-1155; FRL-8548-8]

### Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Updated Statutory and Regulatory Provisions; Rescissions

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** Under the Clean Air Act, EPA is approving certain revisions, and disapproving certain other revisions, to the Nevada state implementation plan. These revisions were the subject of a proposed rule published in the **Federal Register** on December 14, 2007. The provisions that EPA is approving

include certain definitions; prohibitory rules; provisions related to legal authority and enforcement; rules establishing opacity, sulfur and volatile organic compounds limits; and rescission of abbreviations. EPA is disapproving the rescission of a certain definition and the rescission of a rule related to emission discharge information. EPA is taking this action under the Clean Air Act obligation to take action on submittals of revisions to state implementation plans. The effect of this action is to update the Nevada state implementation plan with amended or recodified rules and to rescind a provision found to be unnecessary for further retention in the plan.

**DATES:** *Effective Date:* This rule is effective on May 9, 2008.

**ADDRESSES:** EPA has established docket number EPA-R09-OAR-2007-1155 for this action. The index to the docket is available electronically at <http://www.regulations.gov> and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Andrew Steckel, EPA Region IX, (415) 947-4115, [steckel.andrew@epa.gov](mailto:steckel.andrew@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document, “we,” “us” and “our” refer to EPA.

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#### I. Proposed Action

On December 14, 2007 (72 FR 71095), under the Clean Air Act (CAA or “Act”), EPA proposed approval of certain

revisions, and disapproval of certain other revisions, to the Nevada state implementation plan (SIP) that had been submitted by the Nevada Division of Environmental Protection (NDEP) on January 12, 2006 and June 26, 2007.

Specifically, in our December 14, 2007 action, we proposed to approve the amended rules or statutory provisions shown in table 1. In today’s document, we are taking final action on the provisions in table 1 as we had proposed on December 14, 2007, except for NRS 445B.310 for which we take no action today, as explained below. The provisions listed in table 1 replace early 1980’s versions of these provisions. We proposed to approve the provisions in table 1 based on our review of applicable CAA and EPA regulatory requirements and a comparison of the provisions with the corresponding existing SIP provisions that they would replace. In general, we found that the submitted provisions mirror the corresponding provisions in the existing SIP or strengthen the SIP by eliminating exceptions, deleting limitations, or expanding legal authority, and on that basis, found that they would not interfere with attainment or maintenance of the national ambient air quality standards (NAAQS).

With respect to public participation requirements under CAA section 110(l), in our December 14, 2007 proposed rule, we found that adequate documentation had been submitted by NDEP (or otherwise acquired by EPA) to show compliance with CAA procedural requirements for SIP revisions under CAA section 110(l) except for NRS 445B.310. Thus, we made our proposed approval of NRS 445B.310 contingent upon receipt of documentation of notice and opportunity for public hearing on adoption of NRS 445B.310 as a revision to the Nevada SIP. We have not received this documentation and thus are not taking final action on NRS 445B.310 in this document.

TABLE 1.—SUBMITTED RULES AND STATUTORY PROVISION

Submitted NAC or NRS	Title	Adoption date	Submittal date
NAC 445B.172 .....	“Six-Minute Period” defined .....	09/16/76	06/26/07
NAC 445B.190 .....	“Stop order” defined .....	11/03/93	06/26/07
NAC 445B.220 .....	Severability .....	09/06/06	06/26/07
NAC 445B.225 .....	Prohibited conduct: Concealment of emissions .....	10/03/95	06/26/07
NAC 445B.227 .....	Prohibited conduct: Operation of source without required equipment; removal or modification of required equipment; modification of required procedure.	10/03/95	01/12/06
NAC 445B.229 .....	Hazardous emissions: Order for reduction or discontinuance .....	10/03/95	06/26/07
NAC 445B.275 .....	Violations: Acts constituting; notice .....	03/08/06	06/26/07
NAC 445B.277 .....	Stop orders .....	03/08/06	06/26/07