the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Federal Aviation Administration, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Empresa Brasileira de Aeronautica S.A., Model EMB–145 airplanes not equipped with thrust reversers.

1. The effect of wet runway surfaces on accelerate-stop distances for the Model EMB–145 must be accounted for in accordance with the criteria contained in NPRM 93–8 and its associated guidance.

2. Takeoff limitations for operation of the EMB–145 on wet runway surfaces must be predicated on the wet runway accelerate-stop criteria contained in NPRM 93–8.

Issued in Renton, Washington, on August 18, 1997.

Stewart R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM–100.

[FR Doc. 97–22919 Filed 8–27–97; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 93–AWA–16]

RIN 2120–AA66

Modification of Class D Airspace South of Abbotsford, British Columbia (BC), on the United States Side of the U.S./ Canadian Border, and the Establishment of a Class C Airspace Area in the Vicinity of Point Roberts, Washington (WA)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes a Class C airspace area in the United States (U.S.), southeast of Vancouver, BC, in the vicinity of Point Roberts, WA. The Vancouver Class C airspace area will have a ceiling of 12,500 feet Mean Sea Level (MSL), and a floor of 2,500 feet MSL. In addition, this action extends the existing Abbotsford, BC, Class D airspace area west into airspace which is currently Class E airspace, and lowers the ceiling of the Class D airspace area from 3,000 to 2,500 feet MSL in U.S. airspace. The FAA is taking these actions pursuant to a proposal by Transport Canada, and to assist Transport Canada in its efforts to reduce the risk of midair collision, enhance safety, and improve air traffic flows within the Vancouver and Abbotsford, BC, International Airport areas.

EFFECTIVE DATE: 0901 UTC, November 6, 1997.

FOR FURTHER INFORMATION CONTACT: Ken McElroy, Airspace and Rules Division, ATA–400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Background

In July 1994, Transport Canada proposed to extend the Vancouver, BC, Class C airspace area across the United States/Canadian border into U.S. airspace in the vicinity of the San Juan Islands and Bellingham, WA. As proposed, the Class C airspace area would have extended from Abbotsford Airport, across Bellingham Airport, to a point south of San Juan Island. Transport Canada's proposal was part of its overall airspace plan for the Vancouver area, centering around efforts to mitigate near mid-air collision potential between instrument flight rule (IFR) and unknown visual flight rule (VFR) aircraft in U.S. airspace where Canada provides air traffic services.

Class C airspace consists of controlled airspace extending upward from the surface or higher to specified altitudes within which all aircraft are subject to the operating rules and equipment requirements specified in Federal Aviation Regulations. Two-way radio communication must be established with the air traffic control (ATC) facility providing ATC services prior to entry and thereafter maintained while operating within Class C airspace. The standard Class C airspace area consists of that airspace within 5 Nautical Miles (NM) of the primary airport, extending from the surface to an altitude of 4,000 feet above that airport's elevation, and that airspace between 5 and 10 NM from the primary airport from 1,200 feet above the surface to an altitude of 4,000 feet above that airport's elevation. Proposed deviations from this standard have been necessary at some airports because of adjacent regulatory airspace, international boundaries, topography, or unusual operational requirements.

The Class C airspace area proposed by Transport Canada differed from most other Class C airspace areas in that it was to an extension of a foreign Class C airspace area serving a primary airport outside the U.S.; standard U.S. Class C airspace configurations and dimensions were therefore unsuitable.

Transport Canada's proposal also included a proposal to extend the western boundary of the Abbotsford, BC, Class D airspace area approximately 7 nautical miles (NM) west of its present location, and to lower the ceiling of the Class D airspace from 3,000 feet MSL to 2,500 feet MSL.

Class D airspace is, generally, that airspace from the surface to 2,500 feet above the airport elevation (charted in MSL) surrounding those airports that have an operational control tower. The configuration of each Class D airspace area is individually tailored and the airspace will normally be designed to contain any published instrument approach procedures. Two-way radio communication must be established with the ATC facility providing ATC services prior to entry and thereafter maintained while operating in the Class D airspace.

The Vancouver and Abbotsford Airports are both international and public-use airports located in Canada. Passenger enplanements reported at Vancouver in 1995 were 312,000, up from 301,000 in 1994. This volume of passenger enplanements and aircraft operations meets the FAA criteria for establishing a Class C airspace area to enhance safety.

Public Meetings

As announced in the **Federal Register** on March 22, 1995 (60 FR 15172), two pre-NPRM airspace meetings were held on May 9–10, 1995, in Friday Harbor and Bellingham, WA. The purpose of these meetings was to provide local airspace users with an opportunity to present input on the Transport Canada proposal prior to initiating any regulatory action. In the ensuing comment period, which closed on July 10, 1995, over 300 comments were received in overwhelming opposition to the proposal. The majority of the opposition centered around the significant amount of airspace affected by the original proposal. The original proposal would have required the reclassification of airspace in five contiguous areas from Abbotsford Airport, across Bellingham Airport, to a point south of San Juan Island. Subsequent meetings were held between

Transport Canada, FAA, and general aviation (GA) groups in an effort to address the public's concerns. These meetings resulted in an agreement to revise Transport Canada's July 1994 proposal. Of the original five airspace areas, only three would be recommended for inclusion in the revised proposal. This revision significantly reduced the amount of Class C airspace required.

On April 5, 1996, the FAA published a notice of public meeting (61 FR 15331) to announce another informal airspace meeting, which was held on May 6, 1996, in Friday Harbor, WA. This meeting provided local airspace users with an opportunity to present input on the revised proposal for the design of the Vancouver and Abbotsford, BC, Class C and D airspace areas.

On March 18, 1997, the FAA published an NPRM (62 FR 12892) proposing to designate a Class C airspace area in the vicinity of Point Roberts, WA, and to extend the Class D airspace area at Abbotsford, BC, on the United States side of the U.S./Canadian border. Interested parties were invited to participate in this rulemaking proceeding by submitting comments on the proposal to the FAA. The comment period closed May 2, 1997. The FAA received one comment in support of the proposal and no comments objecting to the proposal.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes the Vancouver Class C airspace area in the vicinity of Point Roberts, WA, and modifies the existing Class D airspace at Abbotsford, BC. The Class C airspace designation applies to an area lying within U.S. airspace along the U.S./Canadian border. This action addresses only that airspace contained within the U.S. Implementation of the Class C airspace area and the modification of the Class D airspace area will promote the efficient control of air traffic and reduce the risk of midair collision in the terminal area.

The effective date for this final rule does not correspond with a scheduled publication date for the appropriate aeronautical chart for this area. The Vancouver Class C airspace area and the modifications to the Abbotsford Class D airspace area will, therefore, be published on the Seattle Sectional Aeronautical Chart effective January 1, 1998. In the interim, the FAA will disseminate the information contained in this final rule in the notices to Airmen publication, and will publish a special notice in the Airport/Facility Directory. Additionally, the FAA's Northwest Mountain Regional Office will distribute Letters to Airmen that will advertise the implementation of this final rule.

The coordinates in this document are based on North American Datum 83. Class C and Class D airspace designations are published in paragraphs 4000 and 5000, respectively, of FAA Order 7400.9D, dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class C and Class D airspace areas listed in this document will be published subsequently in the Order.

Regulatory Evaluation Summary

Proposed and final rule changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic effect of regulatory changes on small entities. Third, the Office of Management and Budget directs agencies to assess the effect of regulatory changes on international trade. In conducting these analyses, the FAA has determined that this Final Rule: (1) Will generate benefits that justify its minimal costs and is not ''a significant regulatory action'' as defined in the Executive Order; (2) is not significant as defined in Department of Transportation's Regulatory Policies and Procedures; (3) will not have a significant impact on a substantial number of small entities; (4) will not constitute a barrier to international trade; and (5) will not contain any Federal intergovernmental or private sector mandate, and that the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply. These analyses are summarized here in the preamble and the full Regulatory Evaluation is in the docket.

Cost-Benefits Analysis

The FAA has determined that the establishment of a Class C airspace area in the vicinity of Point Roberts, WA, and Vancouver, BC, and a modification of the Class D airspace area south of Abbotsford, BC, will result in minimal, if any, cost to either the agency or aircraft operators. The FAA has determined, in conjunction with Transport Canada, that the establishment of Class C and modification of Class D airspace will promote the efficient control of air traffic and reduce the risk of midair collision in the terminal area.

Upon implementation of this rule, pursuant to a letter of agreement between the Nav-Canada and FAA, Nav-Canada will provide a traffic control services, such as traffic advisories, and separation and sequencing services, to aircraft operating within the Vancouver Class C and Abbotsford Class D airspace areas.

The FAA, in supporting Transport Canada, has determined that the establishment of Class C and modification of Class D airspace areas in the vicinity of Point Roberts, WA, Vancouver, and Abbotsford, BC, will impose minimal, if any, cost to either aircraft operators or the FAA. Those potential cost components (navigational equipment for aircraft operators and operations support equipment for the FAA, including additional cost for air traffic controllers) that could be imposed by the rule are discussed as follows:

Establishment of Class C Airspace

Aircraft operators will incur minimal, if any, costs from compliance with the final rule. This assessment is based on the most recent General Aviation and Avionics Survey Report. The report indicates an estimated 82 percent of all GA aircraft operators are already equipped with the necessary equipment required to operate in a Class C airspace area (i.e., two-way radios and Mode C transponders). Further, the FAA has determined there will be insignificant cost to GA operators who utilize circumnavigation procedures to avoid the Class C and Class D airspace area, or who fly beneath the 2,500 feet MSL floor. Therefore, the FAA has determined that the final rule will impose minimal, if any, additional cost impact on circumnavigating operators.

Establishment of Class D Airspace

Aircraft operators will incur minimal, if any, costs from compliance with the rule. This assessment is based on the most recent General Aviation and Avionics Survey Report. The report indicates an estimated 85 percent of all GA aircraft operators are already equipped with the necessary equipment to operate in a Class D airspace area (i.e., two-way radios). The FAA has determined that nonparticipating operators will be able to circumnavigate the Class D airspace area by altering their current flight paths between 2 and 7 NM to avoid the newly designated airspace. Therefore, the FAA has determined that the final rule will impose minimal, if any, costs onto nonparticipating aircraft operators.

A letter of agreement between the FAA and Transport Canada was signed on May 1, 1995, which establishes standard procedures for coordinating air traffic operations between Seattle Air Route Traffic Control Center and Vancouver Air Control Centre. The Letter of Agreement establishes the ATC responsibilities for each of the centers. The U.S. has relinquished control of the Class C and Class D airspace areas to Canada. Canadian ATC currently provides radar service for the additional 10 NM radar area that the final rule will establish. In addition, NAV-Canada already provides VFR Advisory Service for the Class D airspace area.

The FAA will not incur any additional charting or pilot education expenses as a result of the modifications incurred from the final rule. The FAA currently revises sectional charts every six months. Changes of these types are required and made routinely to depict Class C and Class D airspace areas during these cycles, and are considered an ordinary operating cost. Further, pilots will not incur any additional costs obtaining current charts depicting Class C and Class D airspace areas because they use only the most current charts.

In order to advise the public of changes to airspace areas, the FAA holds informal public meetings at each location where Class C establishments or modifications are proposed. These meetings provide pilots with the best opportunity to learn about Class C airspace operating procedures in the areas. The routine expenses associated with these public meetings are incurred regardless of whether Class C is ultimately established. If either of the airspace changes occur, the FAA will distribute a Letter to Airmen to all pilots residing within 50 miles of the Class C airspace site which will explain modifications to aircraft operation and airspace configuration. In addition, FAA district offices conduct aviation safety seminars on a regular basis. These seminars are provided by the FAA to discuss a variety of aviation safety issues, including Class C airspace areas. The one-time incurred cost of the Letter to Airmen will be $550 (1996 dollars). This one-time negligible cost will be incurred upon the establishment of the Class C airspace.

In view of the benefits of enhanced aviation safety, operational efficiency, and the minimal, if any, cost of compliance, the FAA has determined that the final rule will be cost-beneficial.

Final Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by Federal regulations. The RFA requires a Regulatory Flexibility Analysis if a final rule will have ''significant economic impact on a substantial number of small entities.'' FAA Order 2100.14A outlines the FAA's procedures and criteria for implementing the RFA.

The small entities that potentially may incur minimal, if any, cost with the implementation of this rule are operators of aircraft which do not meet Class C or Class D navigational equipment standards. The small entities potentially impacted by the rule (primarily parts 121 and 135 aircraft without two-way radios and Mode C transponders) will not incur any additional cost for navigational equipment because they routinely fly into airspace where those requirements are already in place. As the result of the previously implemented ''Mode C rule,'' all of these commercial operators are assumed to have Mode C transponders. Therefore, the FAA has determined that the final rule will not have a significant economic impact on a substantial number of small entities.

In view of the enhancement to aviation safety, and operational efficiency, and the minimal cost of compliance, the FAA has determined that this rule will be cost-beneficial.

International Trade Impact Assessment

This final rule will not constitute a barrier to international trade, including the export of American goods and services to foreign countries and the import of foreign goods and services into the United States. This assessment is based on the fact that the rule will not impose costs on aircraft operators or aircraft manufacturers (U.S. or foreign).

Unfunded Mandate Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (the Act), enacted as Pub. L. 104–4 on March 22, 1995, requires each Federal agency, to the extent permitted by law, to prepare a written assessment of the effects of any Federal mandate in a proposed or final agency rule that may result in the expenditure of $100 million or more adjusted annually for inflation in any one year by State, local, and tribal governments, in the aggregate, or by the private sector. Section 204(a) of the Act, 2 U.S.C. 1534(a), requires the Federal agency to develop an effective process to permit timely input by elected officers (or their designees) of State, local and tribal governments on a final ''significant intergovernmental mandate.'' A ''significant intergovernmental mandate'' under the Act is any provision in a Federal agency regulation that will impose an enforceable duty upon State, local, and tribal governments, in the aggregate of $100 million (adjusted annually for inflation) in any one year. Section 203 of the Act, 2 U.S.C. 1533, which supplements Section 204(a), provides that before establishing any regulatory requirements that might significantly or uniquely affect small governments, the agency shall have developed a plan that, among other things, provides for notice to potentially affected small governments, if any, and for a meaningful and timely opportunity to provide input in the development of regulatory proposals.

This final rule does not contain any Federal intergovernmental or private sector mandate. Therefore, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; 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 the Federal Aviation Administration Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

Paragraph 4000—Subpart C—Class C Airspace

* * * * *

ANM BC C Vancouver, BC [New]

Vancouver International Airport, BC, Canada
(Lat. 49°11′38″N, long. 123°11′04″W)
Vancouver VORTAC
(Lat. 49°04′38″N, long. 123°08′57″W)

That airspace extending upward from 2,500 feet MSL to and including 12,500 feet MSL beginning at lat. 49°00′00″N, long. 123°19′20″W; thence east along the U.S./Canadian boundary to lat. 49°00′05″N, 122°33′50″W; thence south to lat. 48°57′59″N, long. 122°33′50″W; thence west to lat. 48°57′59″N, long. 122°47′12″W; thence southwestward via a 16 NM arc of the Vancouver VORTAC to lat. 48°49′52″N, long. 123°00′31″W; thence northwest along the U.S./Canadian boundary to the point of beginning, excluding the airspace overlying the territory of Canada.

* * * * *

Paragraph 5000—Subpart D—Class D Airspace

* * * * *

ANM BC D Abbotsford, BC [Revised]

Abbotsford Airport, BC, Canada
(Lat. 49°01′31″N, long. 122°21′48″W)
Vancouver VORTAC
(Lat. 49°04′38″N, long. 123°08′57″W)

That airspace extending upward from the surface to 2,500 feet MSL beginning at lat. 48°57′59″N, long. 122°18′57″W, thence counterclockwise along the 4-mile radius of the Abbotsford Airport to lat. 49°00′05″N, 122°16′08″W; thence west along the US-Canadian border to lat. 49°00′05″N, long. 122°45′58″W, thence clockwise along the 16-mile ARC of the Vancouver VORTAC, to lat. 48°57′59″N, long. 122°47′12″W; thence east along lat. 48°57′59″N to the point of beginning; excluding the airspace within the Vancouver, BC, Class C airspace and the airspace west of long. 122°33′50″W below 1,500 feet MSL, and the airspace overlying the territory of Canada.

* * * * *

Issued in Washington, DC, on August 20, 1997.

Reginald C. Matthews,

Acting Program Director for Air Traffic Airspace Management.

[FR Doc. 97–22972 Filed 8–27–97; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–ACE–9]

Establish Class E Airspace; Spencer, IA

AGENCY: Federal Aviation Administration [FAA], DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E surface area airspace at Spencer, IA, to accommodate Part 135 air carrier operations at Spencer Municipal Airport. Additional controlled airspace extending upward from the surface is needed to contain these aircraft executing instrument approach procedures. The intended effect of this proposal is to provide segregation of aircraft operating under Instrument Flight Rules (IFR) from other aircraft operating under Visual Flight Rules (VFR). Minor editorial revisions have been made to this final rule. After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor changes will not change the meaning of the action and will not add any additional burden on the public than was already proposed.

EFFECTIVE DATE: 0901 UTC November 6, 1997.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Airspace Branch, Air Traffic Division, ACE–520C, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106; telephone (816) 426–3408.

SUPPLEMENTARY INFORMATION:

History

On June 5, 1997, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by modifying the Class E surface area airspace at Spencer, IA (62 FR 30784). The proposed action would provide additional controlled airspace to accommodate Part 135 air carrier operations at Spencer Municipal Airport.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace areas extending from the surface are published in paragraph 6002 of FAA Order 7400.9D, dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) amends the Class E surface area airspace at Spencer, IA, by providing additional controlled airspace for aircraft executing instrument approaches.

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 will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation, 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, CLASS B, CLASS C, CLASS D, AND CLASS E, AIRSPACE AREAS; AIRWAYS; 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 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

Paragraph 6002 Class E airspace areas are designated as a surface area for an airport

* * * * *

ACE IA E2 Spencer Municipal Airport, Spencer, IA [NEW]

Spencer Municipal Airport, IA
(Lat. 43°09′56″ N., long. 95°12′10″ W.)

Within a 4.1-mile radius of the Spencer Municipal Airport.

* * * * *

Issued in Kansas City, MO, on August 11, 1997.

Christopher R. Blum,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 97–22924 Filed 8–27–97; 8:45 am]

BILLING CODE 4910–13–M