

States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (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) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

98-17-13 Boeing: Amendment 39-10715. Docket 98-NM-194-AD.

Applicability: Model 747 and 767 series airplanes, equipped with Rolls-Royce Model RB211-524G/H engines; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of

the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the engine fire detection system to annunciate a fire warning message to the flight crew following a severe engine failure, which could lead to delayed or improper flight crew response to the engine failure, accomplish the following:

(a) At the next shop visit of an engine or combustor module, but no later than 5 years after the effective date of this AD, modify the engine fire detection system in accordance with Boeing Alert Service Bulletin 747-26A2250, dated June 26, 1997 (for Model 747 series airplanes) or Boeing Alert Service Bulletin 767-26A0103, dated June 26, 1997 (for Model 767 series airplanes); as applicable.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The modification shall be done in accordance with Boeing Alert Service Bulletin 747-26A2250, dated June 26, 1997; or Boeing Alert Service Bulletin 767-26A0103, dated June 26, 1997; as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on September 3, 1998.

Issued in Renton, Washington, on August 12, 1998.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-22242 Filed 8-18-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98-AWA-1]

RIN 2120-AA66

Revision of the Legal Description of the Memphis Class B Airspace Area; Tennessee

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises the legal description of the Memphis, TN, Class B airspace area by changing the point of origin of the airspace area from the Memphis Very High Frequency Omnidirectional Range/Tactical Air Navigation (VORTAC) to the VORTAC's present geographical coordinate. The FAA is taking this action due to the relocation of the Memphis VORTAC 2.85 nautical miles south of the site it currently occupies. The intent of this action is to facilitate the relocation of the Memphis VORTAC without changing the actual dimensions, configuration, or operating requirements of the Memphis Class B airspace area. The effective date of this rulemaking action will coincide with the relocation of the Memphis VORTAC. The August 13, 1998, effective date does not correspond with a scheduled publication date for the appropriate aeronautical charts. The Memphis Visual Flight Rules (VFR) Terminal Area Chart and Memphis Sectional Aeronautical Chart will be published on October 8, 1998, and will reflect this rulemaking action.

EFFECTIVE DATE: 0901 UTC, August 19, 1998.

FOR FURTHER INFORMATION CONTACT: Patricia P. Crawford, 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

On June 4, 1998, the FAA published a proposal, in the **Federal Register**, to revise the legal description for the Memphis, TN, Class B airspace area (63 FR 30427). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments. No comments objecting to the proposal were received during the comment period that closed on July 6, 1998. However, the FAA received two

comments, from the Aircraft Owners and Pilots Association (AOPA) and the Air Line Pilots Association (ALPA) after the close of the comment period. An analysis of the comments received and the FAA's response are discussed below.

Analysis of Comments

ALPA commented that the use of a geographical point of origin to determine one's position is only practical for aircraft equipped with LORAN or GPS. They are of the opinion that use of a geographical "point of origin" for this Class B airspace area would present a human factors impact because the proposed airspace will appear to be designed with fix radial distance which would be inaccurate unless the airspace area is centered on a NAVAID. ALPA further states that not centering the airspace area on a NAVAID would cause pilots to intrude on the airspace area and degrade the safety of aircraft operations.

The FAA does not agree with this commenter. As described in the Notice, the configuration (vertical and lateral limits) of the Memphis Class B airspace area will remain the same and are not being changed by this rulemaking effort. However, the relocated VORTAC cannot be used to solely describe the airspace area description, which has not been affected. Use of a geographic point of origin in the airspace description will only eliminate the Memphis NAVAID as the point of origin. The FAA does not believe that a revision to the legal description of the airspace area, which does not alter the airspace configuration, will contribute to inadvertent incursions or derogate safety.

The FAA will disseminate information regarding the revised legal description of the Memphis Class B airspace area in the Notices to Airmen publication and will publish a special notice in the Airport/Facility Directory to ensure that pilots and airspace users are advised of the status. Also, the FAA's Southern Regional Office will distribute Letters to Airmen that will advertise the revised description of the airspace area, and discuss the change in legal description in users forums that would be held in the local area.

AOPA maintains that the 30-day comment period for the notice was not adequate and requests that the comment period be reopened for an additional 60-days. AOPA also proposes that the FAA use a 90 day comment period for airspace rulemaking proposals and review alternative methods of providing notice to the flying public in addition to publication in the **Federal Register**.

The FAA does not agree with this comment. The 30-day comment period was adequate and is consistent with the FAA's timeframe policy for airspace rules. Title 14 Code of Federal Regulations Section 11.65(d) provides in part that "approximately 30 days are allowed for submitting written information, views or arguments on the notice. Petitions for extension of the time for such comments are governed by the provisions of Section 11.29(c)." Although comments were received outside the 30-day comment period, it was practicable and feasible to consider and address them in this final rule. The FAA does not find a need to reopen the comment period for this effort. To the extent, the commenter would prefer a mandatory 90-day comment period applicable to airspace rule proposals, that request may be submitted as a petition for rulemaking. Regarding the use of the **Federal Register** to disseminate rulemaking information, the FAA will continue to use the **Register** as the predominate tool for announcing rulemaking efforts. However, the FAA will explore other avenues, such as utilizing user entities, to disseminate rulemaking information of this type.

AOPA maintains that the FAA has already acquired and installed a VORTAC in a new location, as well as, flight checked and adjusted the relevant airways and instrument approaches. AOPA contends that these actions prejudged the outcome of the notice of proposed rulemaking for the revision of the description of the Class B airspace area.

The FAA does not agree with this comment. The relocation of the Memphis VORTAC, or any NAVAID in itself is not regulatory in nature. This rulemaking effort is necessary to update and maintain an accurate description of the Memphis Class B airspace area. The FAA reiterates that the configuration of the Memphis Class B airspace area remains unchanged. Currently, the legal description of the Memphis Class B airspace area uses the former location of the NAVAID extensively to describe its boundaries. The airspace description must be revised to use a point in space which corresponds to the former geographic location of the VORTAC. If this revision is not accomplished, the location of the Class B airspace area will change when the VORTAC becomes operational, which is contrary to the intent of this rulemaking and will result in pilot confusion and potentially affect air safety.

AOPA also states that the proposed revision to the description of the Memphis Class B airspace area will

change the operational requirements for aircraft navigating in and around the airspace area and that pilots will no longer be able to navigate without RNAV capability to determine their relative position. The commenter asserts that the use of a geographic point in space to describe the airspace, instead of the NAVAID, will eliminate a navigational tool for those aircraft, operating in accordance with visual flight rules (VFR) attempting to navigate around the airspace area using VOR/DME.

The FAA does not agree with this comment. VFR flight can be conducted using a variety of navigation which does not depend exclusively on a NAVAID being the center of this airspace area. As stated in the proposal for this effort, the vertical or lateral limits of the existing Memphis Class B airspace area are not being changed. The proposed is in response to the relocation of the NAVAID previously used to describe the boundaries of the existing airspace area. The FAA believes that relocating the NAVAID does not compromise the airspace area. The current geographical landmarks used by pilots navigating in accordance with VFR flight rules to determine their position relative to the airspace area remain intact. These landmarks were selected with the assistance of local user groups when the Class B airspace area was established. The FAA believes that flight in the area can be conducted without the sole reliance on the NAVAID when appropriately planned for during preflight preparation. Additionally, future aeronautical charts depicting the airspace area will reflect mileage from the airspace areas point of origin, and, wherever possible, from the new NAVAID location as well as an accompanying chart that will depict latitude/longitude and fix radial distance information. Further, the FAA will disseminate information regarding the revised legal description of the Memphis Class B airspace area in the Notices to Airmen publication and will publish a special notice in the Airport/Facility Directory to ensure that pilots and airspace users are advised of the status. Also, the FAA's Southern Regional Office will distribute Letters to Airmen that will advertise the revised description of the airspace area, and discuss the change in legal description in user forums that would be held in the local area.

AOPA notes that the FAA has used local user groups to assist with the determination of the points to be depicted to benefit VFR navigation. The commenter maintains that the FAA did not follow its own policy of working

with local user groups prior to a regulatory proposal, with regard to the proposed relocation of the Memphis VORTAC.

The FAA does not agree with this comment. The FAA does not consult with user groups and the public regarding the installation or relocation of navigational aids. This rulemaking action revises the airspace description to reflect the fact that the Memphis VORTAC cannot be used any longer to accurately describe the airspace.

AOPA asks that the FAA delay commissioning of the new VORTAC until the airspace is realigned or until the general aviation user concerns are adequately mitigated.

The FAA disagrees that the commissioning of the new VORTAC should be delayed until the airspace is realigned. The Memphis Class B airspace area is not dependent upon the location of a VORTAC. However, the FAA continuously reviews Class B airspace areas and will review the Memphis Class B airspace in the future.

The Rule

Due to the relocation of the Memphis, TN, VORTAC 2.85 nautical miles south of its current location, the FAA is revising the legal description for the Memphis, TN, Class B airspace area by changing the point of origin from the Memphis VORTAC navigational aid to the VORTAC's current geographical coordinate. Relocating the navigational aid affects the legal description of the airspace area. Except for editorial changes and minor adjustments to the geographic coordinates for the Memphis International Airport, this rule is the same as that proposed in the notice. This action does not change the vertical or lateral limits of the existing Memphis Class B airspace area.

The Memphis VORTAC will be operational on August 13, 1998. In order to avoid pilot confusion and to make pilots immediately aware of the revised legal description of the Memphis Class B airspace area, the FAA finds that good cause exists, pursuant to 5 U.S.C (d), for making this amendment effective in less than 30 days. The August 13, 1998, effective date does not correspond with a scheduled publication date for the appropriate aeronautical charts. In the interim, the FAA will disseminate information regarding the revised legal description of the Memphis Class B airspace area in the Notices to Airmen publication and will publish a special

notice in the Airport/Facility Directory to ensure that pilots and airspace users are advised of the status. Additionally, the FAA's Southern Regional Office will distribute Letters to Airmen that will advertise the revised description of the airspace area. The Memphis VFR Terminal Area Chart and Memphis Sectional Aeronautical Chart will be published on October 8, 1998, and will reflect this rulemaking action.

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) I 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.

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, 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 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

Paragraph 3000—Subpart B-Class B Airspace

* * * * *

ASO TN B Memphis, TN [Revised]

Memphis International Airport (Primary Airport)

(Lat. 35°02'37" N., long. 89°58'36" W.)

Point of Origin

(Lat. 35°03'46" N., long. 89°58'54" W.)

Boundaries

Area A. That airspace extending upward from the surface to and including 10,000 feet MSL within a 7-mile arc of the Point of Origin extending clockwise from the 075° bearing from the Point of Origin to the 275° bearing from the Point of Origin and within a 5-mile arc of the Point of Origin extending clockwise from the 275° bearing from the Point of Origin to the 075° bearing from the Point of Origin.

Area B. That airspace extending upward from 1,800 feet MSL to and including 10,000 feet MSL within the area bounded by a line beginning at the 037° bearing 13-mile position from the Point of Origin; thence southward to the 052° bearing 10-mile position from the Point of Origin; then clockwise on the 10-mile arc until intercepting the 126° bearing from the Point of Origin; then extending southward until intercepting the 147° bearing 15-mile position from the Point of Origin; thence clockwise on the 15-mile arc until intercepting the 211° bearing from the Point of Origin; thence northward until intercepting the 226° bearing 11-mile position from the Point of Origin; thence clockwise on the 11-mile arc until intercepting the 312° bearing from the Point of Origin; thence northbound until intercepting the 321° bearing 13-mile arc from the Point of Origin; thence clockwise on the 13-mile arc to the point of beginning and excluding that airspace within Area A.

Area C. That airspace extending upward from 3,000 feet MSL to and including 10,000 feet MSL within a 20-mile radius of the Point of Origin and excluding that airspace within Areas A and B.

Area D. That airspace extending upward from 5,000 feet MSL to and including 10,000 feet MSL within a 30-mile radius of the Point of Origin, excluding that airspace northwest of a line from the 295° bearing 30-mile position from the Point of Origin to the 352° bearing 30-mile position from the Point of Origin, excluding that airspace southeast of a line from the 114° bearing 30-mile position from the Point of Origin to the 157° bearing 30-mile position from the Point of Origin and excluding that airspace within Areas A, B, and C.

* * * * *

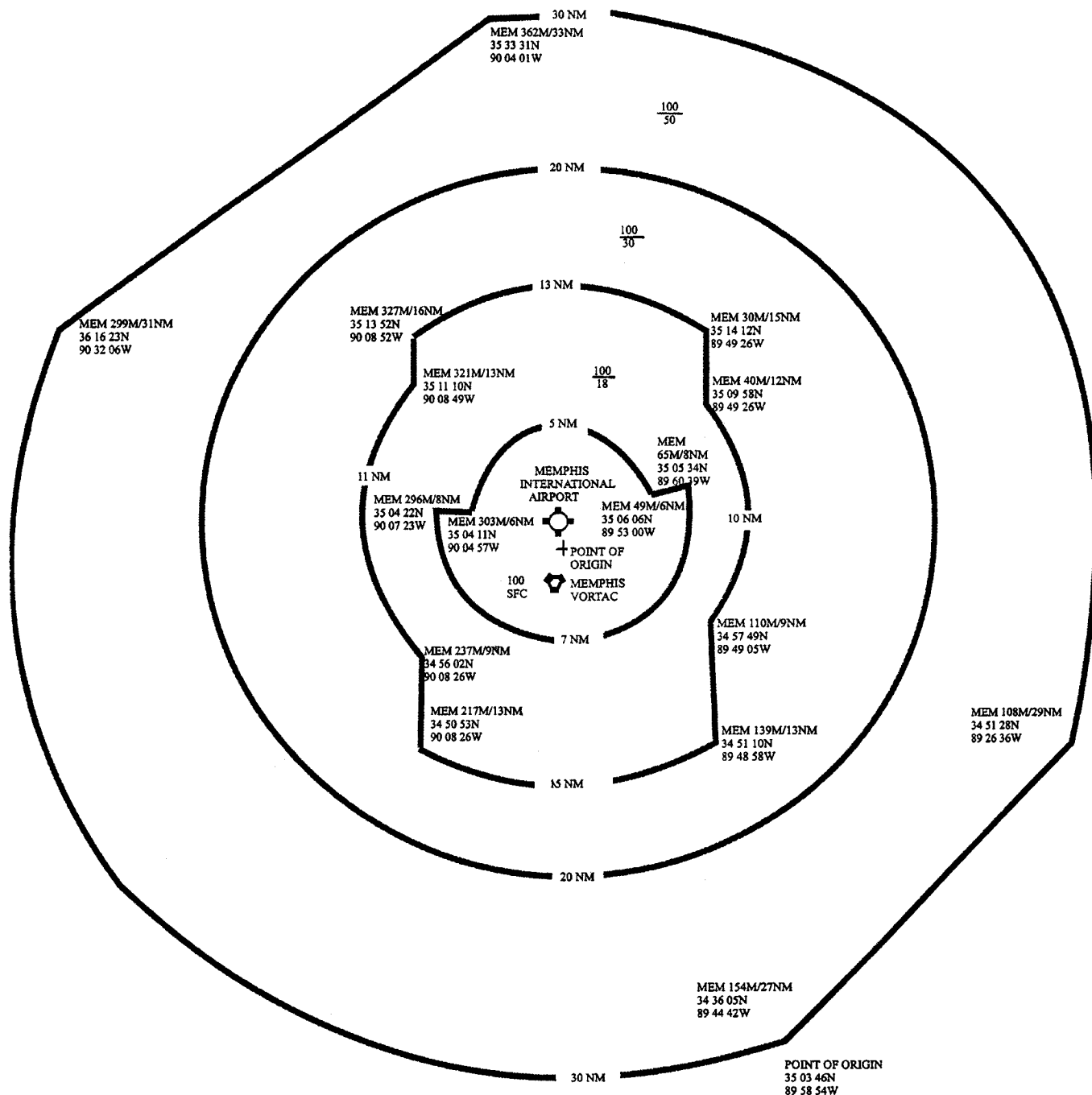
Issued in Washington, DC, on August 13, 1998.

Reginald C. Matthews,

Acting Program Director for Air Traffic Airspace Management.

BILLING CODE 4910-13-P

MEMPHIS, TN CLASS B AIRSPACE



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