

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 removing Airworthiness Directive (AD)

96-10-01, Amendment 39-9606 (61 FR 19813, May 3, 1996), and adding a new AD to read as follows:

96-10-01 R1 The New Piper Aircraft, Inc.: Amendment 39-10862; Docket No. 95-CE-51-AD; Revises AD 96-10-01, Amendment 39-9606.

Applicability: The following airplane models and serial numbers, certificated in any category:

| Models | Serial Nos. |
|---|------------------------------|
| PA-28-140 | 28-20000 through 28-7725290. |
| PA-28-150, PA-28-160, and PA-28-180 | 28-1 through 28-1760. |

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 (c) 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 within the next 100 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

Note 2: Early compliance is encouraged.

To prevent the landing light seal from lodging in the carburetor, which could result in rough engine operation or possible engine failure and loss of control of the airplane, accomplish the following:

(a) Replace the landing light support and seal assembly in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Piper Service Bulletin No. 975, dated November 2, 1994.

(b) 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.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Atlanta Aircraft Certification Office (ACO), One Crown Center, 1895 Phoenix Blvd., Suite 450, Atlanta, Georgia 30349.

(1) The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

(2) Alternative methods of compliance approved in accordance with AD 96-10-01, are considered approved as alternative methods of compliance for this AD.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

(d) The replacements required by this AD shall be done in accordance with Piper Service Bulletin No. 975, dated November 2, 1994. This incorporation by reference was previously approved by the Director of the Federal Register as of June 10, 1996 (61 FR 19813, May 3, 1996). Copies may be obtained from The New Piper Aircraft, Inc., Attn: Customer Service, 2926 Piper Dr., Vero Beach, Florida 32960. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(e) This amendment becomes effective on December 14, 1998.

Issued in Kansas City, Missouri, on October 22, 1998.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-28970 Filed 10-29-98; 8:45 am]

BILLING CODE 4910-13-P

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

[Airspace Docket No. 94-AWA-1]

RIN 2120-AA66

Modification of the Phoenix Class B Airspace Area; Arizona

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies the Phoenix, AZ, Class B airspace area. Specifically, this action reconfigures several area boundaries; creates two new areas; and raises and/or lowers the floors of several existing areas. The FAA is taking this action to enhance safety, reduce the potential for midair collision, and to improve the management of air traffic operations into, out of, and through the Phoenix Class B airspace

area while accommodating the concerns of airspace users.

EFFECTIVE DATE: 0901 UTC, November 5, 1998.

FOR FURTHER INFORMATION CONTACT:

William C. Nelson, 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:**Related Rulemaking Actions**

On May 21, 1970, the FAA published the Designation of Federal Airways, Controlled Airspace, and Reporting Points Final Rule (35 FR 7782). This rule provided for the establishment of Terminal Control Airspace areas (now known as Class B airspace areas).

On June 21, 1988, the FAA published the Transponder With Automatic Altitude Reporting Capability Requirement Final Rule (53 FR 23356). This rule requires all aircraft to have an altitude encoding transponder when operating within 30 NM of any designated TCA (now known as Class B airspace area) primary airport from the surface up to 10,000 feet MSL. This rule excluded those aircraft that were not originally certificated with an engine-driven electrical system (or those that have not subsequently been certified with such a system), balloons, or gliders.

On October 14, 1988, the FAA published the Terminal Control Area Classification and Terminal Control Area Pilot and Navigation Equipment Requirements Final Rule (53 FR 40318). This rule, in part, requires the pilot-in-command of a civil aircraft operating within a Class B airspace area to hold at least a private pilot certificate, except for a student pilot who has received certain documented training.

On December 17, 1991, the FAA published the Airspace Reclassification Final Rule (56 FR 65638). This rule

discontinued the use of the term "Terminal Control Area" and replaced it with the designation "Class B airspace area." This change in terminology is reflected in this final rule.

Background

The Terminal Control Airspace area (TCA) program was developed to reduce the potential for midair collision in the congested airspace surrounding airports with high density air traffic by providing an area wherein all aircraft are subject to certain operating rules and equipment requirements.

The density of traffic and the type of operations being conducted in the airspace surrounding major terminals increases the probability of midair collisions. In 1970, an extensive study found that the majority of midair collisions occurred between a general aviation (GA) aircraft and an air carrier or military aircraft, or another GA aircraft. The basic causal factor common to these conflicts was the mix of aircraft operating under visual flight rules (VFR) and aircraft operating under instrument flight rules (IFR). Class B airspace areas provide a method to accommodate the increasing number of IFR and VFR operations. The regulatory requirements of these airspace areas afford the greatest protection for the greatest number of people by giving air traffic control increased capability to provide aircraft separation service, thereby minimizing the mix of controlled and uncontrolled aircraft.

The standard configuration of these airspace areas contains three concentric circles centered on the primary airport extending to 10, 20, and 30 nautical miles (NM), respectively. The standard vertical limit of these airspace areas normally should not exceed 10,000 feet MSL, with the floor established at the surface in the inner area and at levels appropriate to the containment of operations in the outer areas. Variations of these criteria may be utilized contingent on the terrain, adjacent regulatory airspace, and factors unique to the terminal area.

Public Input

On February 4, 1997, the FAA published a notice in the **Federal Register**, Airspace Docket 94-AWA-1, proposing to modify the Phoenix Class B airspace area (62 FR 5188). The notice proposed to reconfigure several area boundaries; create two new areas; and raise and/or lower the floors of several existing areas within the Phoenix Class B airspace area. The comment period for this proposal closed on September 22, 1997.

On April 2, 1997, the FAA reopened the comment period in response to requests from several user organizations for additional time to fully analyze the proposal and to formulate and submit comments (62 FR 15635).

On August 22, 1997, the FAA published a supplemental notice of proposed rulemaking to correct an error in the bearings published in the original notice (62 FR 44598). Interested persons were invited to participate by submitting written data, views, or arguments.

The FAA received 61 comments in response to notice 94-AWA-1. All comments received were considered before making a determination on this final rule. An analysis of the comments received and the FAA's responses are summarized below.

Analysis of Comments

Requests for Additional Hearings

Several commenters requested that the FAA hold additional hearings to advise the public on the specifics of this proposed action. These commenters stated that, in their opinion, the time lag between the July 17, 1993, public hearing and February 4, 1997, publication of the NPRM was reason enough for the FAA to hold additional airspace meetings.

The FAA disagrees with these commenters. The FAA held a pre-NPRM meeting to inform airspace users of the planned modification of the Phoenix Class B airspace area and to provide local airspace users an opportunity to present input on the proposed modifications. Since no changes to the original planned modification had been instituted, it was determined by the FAA that additional airspace meetings were not necessary.

Environmental Concerns

One commenter, representing the City of Apache Junction, opposed the proposal to modify the Phoenix Class B airspace area eastward over the city. This commenter stated that the proposed modification would create noise from lower flying aircraft, jeopardize air safety, adversely effect wilderness areas and the FAA has not provided the city adequate information pertaining to the proposed changes.

The FAA disagrees with the statement of this commenter. Currently, the City of Apache Junction, as charted on aeronautical charts, is located in an area classified as uncontrolled, or "Class E airspace." Class E airspace may be used by GA VFR aircraft as well as commercial airlines operating IFR. The modification establishes Class B

airspace over the City of Apache Junction with a floor of 8,000 feet MSL. As commercial IFR traffic is currently, and will continue to be, vectored over Apache Junction at or above 8,000 feet MSL, the proposed modification has no potential to affect the environment in the vicinity of Apache Junction.

Once the airspace is designated as Class B, GA traffic can either circumnavigate the area or use standard procedures to enter the Class B airspace area. Class B airspace, formerly known as a Terminal Control Area, exists to provide a high degree of control over air traffic associated with high density airports, to reduce the potential for midair collisions. Accordingly, aircraft equipment is subject to certain minima, and permission must be obtained to enter Class B airspace. While operating within Class B airspace, every aircraft is required to have an operational transponder and the pilot is required to maintain two-way communication with, and follow the instructions issued by, air traffic controllers. Controllers are responsible for the separation of every aircraft in the Class B airspace area, whether the aircraft is operating IFR or VFR.

Establishing the Phoenix Class B airspace area floor at 8,000 feet MSL in this area will assure adequate separation and maneuvering airspace, which enhances aviation safety between IFR and VFR operations. The FAA believes IFR aircraft operations above 8,000 feet MSL will not impact any wilderness areas or the well-being of the residents of Apache Junction. Adequate information has been provided to evaluate potential safety benefits and potential environmental impact during the rulemaking process.

Several commenters expressed concern that the proposed modifications would allow aircraft to fly at lower altitudes over residential areas, causing an increase in noise levels, and decreasing property values. Additionally, some commenters expressed concern that the expansion of the Class B airspace area would have a detrimental effect upon the future environment of the area, including the Superstition Mountains. They questioned whether an Environmental Impact Statement was required as part of this action.

The modifications herein will not change or lower the altitude at which aircraft operate, nor will they change existing aircraft departure and arrival routes, flight tracks, and operations. Under the final rule, except in two subareas H and I, Class B airspace area would simply be expanded horizontally to provide additional safety through

adherence to instrument flight rules. The airspace will be expanded vertically by lowering the floor of IFR operations in subareas H and I to enhance safety by assuring a minimum 1,000 feet of separation between approximately 8,000 feet MSL and above, and GA operations. In the modification to subareas H and I, GA would not be allowed to operate above 7,000 feet MSL. The operational and noise impact of eliminating operations by GA aircraft above 7,000 feet MSL in subareas H and I is expected to be minimal.

As published in the Aeronautical Information Manual (AIM), the FAA recommends that aircraft maintain a minimum altitude of 2,000 feet above the surface to minimize adverse impact upon the environment. Existing operations will continue in accordance with this recommendation to the extent feasible. Further, aircraft operations in the Phoenix Class B airspace area in the vicinity of the Superstition Mountains will be operating at or above 8,000 feet MSL.

As explained in detail in the Environmental Review section and for the reasons stated above, the FAA has determined that the proposed final rule qualifies for categorical exclusion from environmental review under FAA Order 1050.1D, Policies and Procedures for Considering Environmental Impacts.

Satellite Airport Operations

Some commenters expressed concerns that the proposed modifications would negatively impact airspace users in the vicinity of Williams Gateway (IWA) airport and Falcon Field (FFZ) airport. Two commenters, representing helicopter operations state that the reconfiguration of airspace east and southeast of FFZ will have an economic impact upon their business.

The FAA does not agree with these commenters. Currently, aircraft, including helicopters, operate in the vicinity due east of FFZ, operate below the 4,000 (Area D) and 8,000 (Area H) foot MSL floors of the Phoenix Class B airspace area, or navigate southeast and into Class E airspace.

As modified, those pilots who elect to operate in the vicinity southeast of FFZ and above IWA may navigate below the floor of the Areas D at 4,000 feet MSL. However, the eastern boundary of area D Area D is reconfigured, and therefore provides additional maneuvering airspace. Though the current Class E airspace is being reclassified as Class B airspace, the establishment of Areas J and K with floors of 5,000, and 8,000 feet MSL, respectively, allows adequate airspace for users to operate below the Phoenix Class B airspace area or

navigate a minimal distance to reach and enter Class E airspace. Therefore, the FAA believes this action would have no impact upon users of the airspace operating below the floor of the Phoenix Class B airspace area in the vicinity of southeast of FFZ. In consideration of the overall safety benefits, provided by ATC system, (e.g. separation from other aircraft, traffic advisories, etc.) the FAA believes this action to be in the best interest of the aviation community.

Airspace Reconfiguration

Many commenters were of the opinion that the eastward expansion of the airspace is unnecessary because the existing design has worked well for many years. Two commenters compared the Phoenix Class B airspace area with other Class B airspace areas and concluded that the Phoenix Class B airspace area should not be expanded.

The FAA does not agree with these comments. The size and design of each Class B airspace area is unique and dependent upon the amount of airspace necessary to segregate certain aircraft operations into and out of busy terminal areas. Aircraft operations have increased dramatically in the Phoenix Class B airspace area since it was established in 1990. Under the present configuration, aircraft operations east of Phoenix, and in the vicinity of IWA may, because of traffic density, overflow or, when necessary, may be vectored temporarily out of the Phoenix Class B airspace area. This creates the potential for conflict between controlled IFR and noncontrolled VFR aircraft operations. Reclassifying certain Class E airspace to Class B airspace in the vicinity of IWA provides additional airspace to ensure the safety of those aircraft. Reconfiguring the current airspace eliminates potential conflict between VFR and IFR aircraft operations and allows users reasonable access to navigable airspace.

Many commenters opposed the modification of the Phoenix Class B airspace area because they believe changes to flight tracks or airways were to be incorporated in the proposed action.

This rulemaking effort is specifically for the modification of the Phoenix Class B airspace area. There are no airway or flight pattern changes associated with this action.

The Primary Airport Surface Area (Area A)

One comment, while supporting the modification, questioned whether the instrument landing system (ILS) approach procedure from the east should be revised.

The FAA considered modifying the ILS approach, along with reconfiguring Area C. However, the FAA determined that a modification of surface Area A is the preferred option. Presently, aircraft arriving from the east conducting the Runway 26R ILS approach, exit and reenter the Class B airspace area, increasing the potential for an incident or accident between IFR and VFR aircraft operating outside of, but in the vicinity of, the existing Class B airspace area.

Prior to the establishment of the Runway 26R ILS procedure, Area A was considered to be sufficient. However, it was discovered that, due to the angle of the glideslope, aircraft following the approach procedure while descending, would exit through the 3,000-foot MSL floor of Area C and reenter through the eastern boundary of the Phoenix Class B airspace area, Area A. The relocation of the eastern boundary of Area A, by 1-NM to the east, eliminates this safety concern and alleviates the necessity to redesign the ILS approach procedure.

Modification of Areas H and I

Several commenters stated that the proposed modification of Area H north of Phoenix International Airport would have a negative impact on general aviation and glider operations from the Pleasant Valley Sailport.

The FAA does not agree with these comments. The FAA believes that the modification of Area H has no effect upon glider operations out of the sailport. Those glider operators that require an altitude greater than 7,000 feet MSL, have the option of remaining outside of, or obtaining ATC approval to operate in, the Class B airspace area. In addition, lowering the floor in Areas H and I to 7000 feet MSL is necessary due to the increase in IFR aircraft operations to and from Phoenix International Airport. The number of aircraft operations is expected to continue increasing significantly. Lowering the floor by 1,000 feet MSL increases the efficiency of traffic management because it allows additional transitional altitudes to be used for separating arrival and departure traffic and allows other users access to airspace to maneuvering or navigate below the floor of the Phoenix Class B airspace area.

Special Use Airspace (SUA)

One commenter expressed opposition to the proposed modification, recommending that the FAA retain the military airspace over the Rocky Mountains and move the air highway expansion north.

The FAA interprets the commenters objections and statements regarding

"highway" expansion, to mean airspace reconfiguration. To improve the efficiency of aircraft operations, the FAA determined that an expansion of the Class B airspace area to the north was not necessary. The modifications contained in this rule include only that airspace necessary to contain the operations of participating aircraft in the Phoenix area and no modification to the SUA was proposed or planned.

Corrections

Several commenters reported that the NPRM contained several technical errors published in the NPRM.

The field elevation of Phoenix International Airport noted in the NPRM was "132" feet. The field elevation is corrected in this rule to read "1,132" feet.

The eastern boundary of Area A would be moved "approximately 2 NM." The approximated distance, as verified by NOAA is less than 1 NM. The distance is corrected in this rule to read "approximately 1 NM".

Additionally, the NPRM inadvertently omitted addressing the change of the navigational aid (NAVAID) from the Phoenix instrument landing system/distance measuring equipment (ILS/DME) to the Phoenix very high frequency omnidirectional range tactical air navigation (VORTAC). Use of the Phoenix VORTAC will shift the arc boundaries and, therefore, the regulated airspace along the arcs the Phoenix Class B airspace area westward, but less than 1 NM. The FAA determined that this shift in the arc boundaries causes little, if any, impact on users of the navigable airspace in these areas. In addition, use of the Phoenix VORTAC assists general aviation pilots in identifying certain boundaries of the Phoenix Class B airspace area.

The Rule

This amendment to 14 CFR part 71 modifies the Phoenix Class B airspace area as depicted on the attached chart. Specifically, this action reconfigures Area A by expanding the existing eastern boundary to the east; reconfigures the existing Area B west of Phoenix International Airport; reconfigures Area D east of Phoenix International Airport; establishes Areas J and K; and raises or lowers the floors of several existing or modified areas. The FAA is taking this action to enhance safety, reduce the potential for midair collision, and improve the management of air traffic operations into, out of, and through the Phoenix Class B airspace area while accommodating the concerns of airspace users.

The modification of the Phoenix Class B airspace area will become effective on November 5, 1998. In order to avoid pilot confusion and to make pilots immediately aware of the revised legal description of the Phoenix 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 November 5, 1998, effective date corresponds with a scheduled publication date for the appropriate aeronautical charts. The FAA has disseminated information regarding the revised legal description of the Phoenix Class B airspace area via public meetings and publication of the NPRM to ensure that pilots and airspace users are advised of the modifications. The FAA's Western Pacific Regional Office distributed Letters to Airmen that advertised the revised description of the airspace area. The Phoenix VFR Terminal Area Chart and Phoenix Sectional Aeronautical Chart will be published on November 5, 1998, and will reflect this rulemaking action.

The coordinates for this airspace docket are based on North American Datum 83. Class B airspace areas are published in Paragraph 3000 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR, section 71.1. The Class B airspace area listed in this document will be published subsequently in the Order.

The existing Area A is reconfigured by expanding its eastern boundary approximately 1 NM east to ensure that aircraft operations into the primary airport are contained within the Phoenix Class B airspace area. The existing Area B is modified by establishing a boundary line running north to south on 99th Avenue to provide GA operators transiting west of Phoenix greater flexibility, thereby reducing airspace incursions in this area. In this reconfiguration, Area B remains at 3,000 feet MSL; however, the western area will be raised to merge with the existing 4,000 feet MSL of Area D.

The airspace east of Phoenix has been reconfigured to contain high performance aircraft within the Phoenix Class B airspace area. This modification expands the Class B airspace area to the east-southeast approximately 15 NM over the Williams Gateway Airport, formerly known as Williams Air Force Base. This expansion establishes Areas J and K, with floors of 5,000 and 8,000 feet MSL, respectively. This modification is consistent with the FAA's policy of using only the minimum amount of airspace necessary to contain Class B operations. This

modification also provides sufficient airspace for GA operations near or below the Class B airspace area east of Phoenix. The existing floors of Areas H to the north and Area I to the south are lowered by 1,000 feet. Establishing these floors at 7,000 feet MSL provides additional protected airspace because of the increase in aircraft arriving and departing the Phoenix Class B airspace area. Modification of Areas H and I improves airspace management by enabling a more efficient flow of traffic which enhances safety for IFR and VFR aircraft operations. The floor, established at 7,000 feet MSL, allows airspace for other users of the navigable airspace to operate below the floor of the Class B airspace area, or those pilots who elect to operate in these areas, may use standard procedures to enter the Phoenix Class B airspace area.

Areas E, F, G, and H are not changed except as previously mentioned concerning the NAVAID change from the Phoenix ILS/DME to the Phoenix VORTAC. This change creates a minor adjustment of the Phoenix Class B airspace area westward along the associated arc boundaries of less than 1 NM.

Area J, with the floor established at 5,000 feet MSL, is established between the PXR VORTAC 15–20 DME arcs and abuts Area E to the north and Area F to the south. Establishment of area J provides additional protected airspace to support IFR arrivals and departures out of and into the Phoenix International airport from VFR aircraft operations to the east of the airport.

Area K to the east is reconfigured and aligned with the adjacent Area I to the south. This configuration allows for more efficient transition of aircraft into and out of the Phoenix Class B airspace area, and provides protected airspace for operations into and out of the IWA airport. Expanding the southeastern area to encompass this airspace east of IWA provides Class B airspace area service to high-performance aircraft transiting to and from the en route structure.

Environmental Review

After careful consideration, the FAA has determined that expansion of the Phoenix Class B airspace area, pursuant to 14 CFR part 71, qualifies for categorical exclusion from environmental review under FAA Order 1050.1D, Policies and Procedures for Considering Environmental Impacts, Appendix 3, Air Traffic Environmental Responsibilities, paragraph 4(c). This extension of the Class B airspace area horizontally and, in subareas H and I, vertically, to provide additional safety through adherence to instrument flight

rules, will not change aircraft departure, arrival routes, flight tracks, or operations in the area. In subareas H and I, although the floor for IFR operations and the ceiling for VFR traffic would be lowered from 8,000 to 7,000 feet MSL, IFR arrival and departure routes and flight patterns will remain the same. The lowered floor will assure a minimum of 1,000 feet of vertical separation between continued IFR operations at approximately 8,000 feet MSL, and GA traffic. Based upon this, and in consideration of other factors, there are no extraordinary circumstances that warrant preparation of an environmental assessment.

Regulatory Evaluation Summary

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 the 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. These analyses, available in the docket, are summarized below.

Costs

The FAA has determined that modifying the Phoenix Class B airspace area will enhance aviation safety and operational efficiency. This FAA determination is based on a change in operations complexity in some of the existing subareas. The FAA contends the modification of the airspace area will impose minimal, if any, cost to either the agency or aircraft operators. In addition, the FAA has determined that the modified airspace area will impose minimal, if any, cost to operators that circumnavigate the area.

The final rule will not impose any additional administrative costs on the FAA for either personnel or equipment.

The FAA has determined that any additional workload created by the final rule will be absorbed with existing personnel and equipment already in place at Phoenix Sky Harbor International Airport. The revision of aeronautical charts to reflect changes in the airspace area are considered a part of the normal periodic updating of the charts. The FAA currently revises aeronautical charts every six months to reflect changes in the airspace environment. The FAA does not expect to incur any additional charting cost as a result of the modification of the Class B airspace area.

The FAA has determined through statistical analysis that most aircraft operating in the modified and expanded Class B airspace area already have two-way radio communications capability and Mode C transponders. Therefore, the FAA has determined this final rule will not impose any additional installation cost for purchasing two-way radios and/or Mode C transponders on a substantial number of operators.

The final rule modifies the current Phoenix Class B airspace area by establishing new sub-areas, by expanding or contracting the lateral boundaries, and by raising or lowering the floors of several of the sub-areas. The final rule will not alter the ceiling of the Class B airspace area, therefore the airspace ceiling will remain constant at 10,000 feet MSL. The FAA has determined that the modifications to the airspace area will require non-participating operators to make only small deviations from their current VFR flight paths north, south and east of Phoenix Sky Harbor International Airport. In addition, the FAA has determined the redesigned floors and lateral boundaries will not reduce aviation safety.

Benefits

The approximate total number of operations at Phoenix Sky Harbor International Airport was 590,000 in 1996, up from 570,000 in 1995 and is projected to increase to 660,000 by the year 2000. Also, passenger enplanements were approximately 14.6 million in 1996, up from 13.5 million in 1995 and are projected to increase to 18.1 million by the year 2000.

The FAA has determined that this final rule will enhance operational safety by lowering the potential risk of midair collisions, given the projected increase of total operations and passenger enplanements at Phoenix Sky Harbor International Airport. The final rule will improve aviation safety as well as air traffic flow in the Phoenix Class B airspace area by simplifying the

airspace area boundaries and reducing the possibility of pilot confusion.

The modification of the Phoenix, AZ Class B airspace area will enhance aviation safety and improve operational efficiency in those sub-areas where aircraft are approaching or departing from Phoenix Sky Harbor International Airport. In view of the minimal, if any, cost of compliance and the benefits of enhanced aviation safety and improved operational efficiency, the FAA has determined that this final rule will be cost-beneficial.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 establishes "as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the business, organizations, and governmental jurisdictions subject to regulation." To achieve that principal, the Act requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The Act covers a wide-range of small entities, including small businesses, not-for-profit organizations and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the determination is that it will, the agency must prepare a regulatory flexibility analysis (RFA) as described in the Act.

However, if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the 1980 Act provides that the head of the agency may so certify and an RFA is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

Only those unscheduled aircraft operators without the capability to operate under IFR conditions will be potentially impacted by this final rule. The FAA has determined that all unscheduled air taxi operators are already equipped to operate under IFR conditions. These operators regularly fly in airports where radar approach control services have been established such as the Phoenix Class B airspace area. The FAA anticipates that flight training schools in the Phoenix area will continue to operate below the floor of the modified Class B airspace area without any difficulty. Thus, the FAA does not anticipate any adverse impacts

to occur as a result of the modified Class B airspace area.

The FAA conducted the required review of this proposal and determined that it would not have a significant economic impact on a substantial number of small entities. Accordingly, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Federal Aviation Administration certifies that this rule will not have a significant economic impact on a substantial number of small entities.

International Trade Impact Assessment

This final rule will not have international trade ramifications because it is a domestic airspace matter. The modification of Class B airspace area will only affect U.S. terminal airspace operating procedures at and in the vicinity of Phoenix, AZ. This final rule will not impose costs on aircraft operators or aircraft manufacturers in the United States or foreign countries.

Unfunded Mandates 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 proposed "significant intergovernmental mandate." A "significant intergovernmental mandate" under the Act is any provision in a Federal agency regulation that would 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 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 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 3000—Subpart B—Class B Airspace

* * * * *

AWP AZ B Phoenix, AZ [Revised]

Phoenix Sky Harbor International Airport
(Primary Airport)

(lat. 33°26'10"N., long. 112°00'34"W.)

Phoenix VORTAC

(lat. 33°25'59"N., long. 111°58'13"W.)

Boundaries

Area A. That airspace extending upward from the surface to and including 10,000 feet MSL beginning at the intersection of 51st Avenue and Camelback Road (lat. 33°30'34"N., long. 112°10'08"W.), extending east along Camelback Road to the intersection of Camelback Road and Dobson Road (lat. 33°30'07"N., long. 111°52'26"W.), thence south on Dobson Road to the intersection of Dobson Road and Guadalupe Road (lat. 33°21'49"N., long. 111°52'35"W.), thence west on Guadalupe Road to the intersection of Guadalupe Road and Interstate 10 (lat. 33°21'50"N., long. 111°58'08"W.), thence direct to lat. 33°21'48"N., long. 112°06'30"W., thence west on Guadalupe Road to the intersection of Guadalupe Road and 51st Avenue (lat. 33°21'46"N., long. 112°10'09"W.), thence north on 51st Avenue to the point of beginning.

Area B. That airspace extending upward from 3,000 feet MSL to and including 10,000 feet MSL beginning at the intersection of 99th Avenue and Camelback Road (lat. 33°30'29"N., long. 112°16'22"W.), thence east on Camelback Road to the intersection of Camelback Road and 51st Avenue (lat.

33°30'34"N., long. 112°10'08"W.), thence south on 51st Avenue to the intersection of 51st Avenue and Guadalupe Road (lat. 33°21'46"N., long. 112°10'09"W.), thence direct to lat. 33°21'48"N., long. 112°06'30"W., thence south direct to lat. 33°18'18"N., long. 112°06'30"W., thence west on Chandler Boulevard to the intersection of Chandler Boulevard and the Gila River (lat. 33°18'18"N., long. 112°12'03"W.), thence northwest along the Gila River to the intersection of the Gila River and 99th Avenue, (lat. 33°19'55"N., long. 112°16'21"W.), thence north along the extension of 99th Avenue to the point of beginning.

Area C. That airspace extending upward from 3,000 feet MSL to and including 10,000 feet MSL beginning at the intersection of Guadalupe Road and Interstate 10 (lat. 33°21'50"N., long. 111°58'08"W.), thence south on Interstate 10 to the intersection of Interstate 10 and Chandler Boulevard (lat. 33°18'19"N., long. 111°58'21"W.), thence east on Chandler Boulevard to the intersection of Gilbert Road and Chandler Boulevard (lat. 33°18'19"N., long. 111°47'22"W.), thence north on Gilbert Road to the intersection of Indian Bend Road (lat. 33°32'20"N., long. 111°47'23"W.), thence west on Indian Bend Road to the intersection of Indian Bend Road and Pima/Price Road (lat. 33°32'18"N., long. 111°53'29"W.), thence south on Pima/Price Road to the intersection of Pima/Price Road and Camelback Road (lat. 33°30'07"N., long. 111°53'29"W.), thence east on Camelback Road to Dobson Road (lat. 33°30'07"N., long. 111°52'26"W.), thence south on Dobson Road to the intersection of Dobson Road and Guadalupe Road (lat. 33°21'49"N., long. 111°52'35"W.), thence west on Guadalupe Road to the point of beginning.

Area D. That airspace extending upward from 4,000 feet MSL to and including 10,000 feet MSL beginning at the intersection of Cactus Road and the 15-mile arc of the Phoenix VORTAC (lat. 33°35'35"N., long. 111°44'29"W.), thence clockwise along the 15-mile arc of the Phoenix VORTAC to the intersection of the 15-mile arc of the Phoenix VORTAC and Riggs Road (lat. 33°13'02"N., long. 111°49'07"W.), thence west along Riggs Road to the intersection of the Gila River and Valley Road (lat. 33°13'10"N., long. 122°09'58"W.), thence northwest along the Gila River to the intersection of the Gila River and Chandler Boulevard (lat. 33°18'18"N., long. 112°12'03"W.), thence east to lat. 33°18'18"N., long. 112°06'30"W., thence north to lat. 33°21'48"N., long. 112°06'30"W., thence east to the intersection of Guadalupe Road and Interstate 10 (lat. 33°21'50"N., long. 111°58'08"W.), thence south on Interstate 10 to the intersection of Interstate 10 and Chandler Boulevard (lat. 33°18'19"N., long. 111°58'21'16"W.), thence east along Chandler Boulevard to the intersection of Chandler Boulevard and Gilbert Road (lat. 33°18'18"N., long. 111°47'22"W.), thence north along Gilbert Road to the intersection of Indian Bend Road (lat. 33°32'20"N., long. 111°47'23"W.), thence west along Indian Bend Road to the intersection of Pima/Price Road (lat. 33°32'18"N., long. 111°53'29"W.), thence south along Pima/Price Road to the intersection of Pima/Price Road and

Camelback Road (lat. 33°30'07"N., long. 111°53'29"W.), thence west along Camelback Road to the intersection of 99th Avenue (lat. 33°30'29"N., long. 112°16'22"W.), thence south on 99th Avenue to the intersection of 99th Avenue and the Gila River (lat. 33°19'55"N., long. 112°16'21"W.), thence southeast along the Gila River to the intersection of the Gila River and Chandler Boulevard (lat. 33°18'18"N., long. 112°12'03"W.), thence west along Chandler Boulevard to the intersection of an extension of Chandler Boulevard and Litchfield Road (lat. 33°18'18"N., long. 112°21'29"W.), thence north along Litchfield Road to the intersection of Litchfield Road and Camelback Road (lat. 33°30'29"N., long. 112°21'29"W.), thence east along Camelback Road to lat. 33°30'30"N., long. 112°19'23"W., thence direct to lat. 33°35'34"N., long. 112°13'55"W., thence direct to lat. 33°36'35"N., long. 112°13'38"W., thence east along Thunderbird Road to the intersection of Thunderbird Road and Cactus Road to the point of the beginning.

Area E. That airspace extending upward from 6,000 feet MSL to and including 10,000 feet MSL beginning at the intersection of the Phoenix VORTAC 20-mile arc and lat. 33°41'41"N., long. 112°13'05"W., thence clockwise along the 20-mile arc of the Phoenix VORTAC to intersection of the Phoenix VORTAC 20-mile arc and Cactus Road (lat. 33°35'35"N., long. 111°37'13"W.), thence west on Cactus Road, to the intersection of Cactus Road and Thunderbird Road (lat. 33°36'35"N., long. 112°13'38"W.), thence direct to the point of beginning.

Area F. That airspace extending upward from 6,000 feet MSL to and including 10,000 feet MSL beginning at the intersection of Riggs Road and the 20-mile arc of the Phoenix VORTAC (lat. 33°12'58"N., long. 111°40'04"W.), thence clockwise along the 20-mile arc of the Phoenix VORTAC to the intersection of the 20-mile arc of the Phoenix VORTAC and Valley Road (lat. 33°07'58"N., long. 112°08'40"W.), thence north along Valley Road to the intersection of Valley Road, Riggs Road and the Gila River (lat. 33°13'10"N., long. 112°09'58"W.), thence east along Riggs Road to the point of beginning.

Area G. That airspace extending upward from 6,000 feet MSL to and including 10,000 feet MSL beginning at the intersection of the 25-mile arc of the Phoenix VORTAC and Camelback Road (lat. 33°30'30"N., long. 112°27'37"W.), thence east on Camelback Road to the intersection of Camelback Road and Litchfield Road (lat. 33°30'29"N., long.

112°21'29"W.), thence south on Litchfield Road to the intersection of Litchfield Road and Chandler Boulevard (lat. 33°18'18"N., long. 112°21'29"W.), thence west along Chandler Boulevard to the intersection of the 25-mile arc of the Phoenix VORTAC (lat. 33°18'10"N., long. 112°26'34"W.), thence clockwise along the 25-mile arc of the Phoenix VORTAC to the point of beginning.

Area H. That airspace extending upward from 7,000 feet MSL to and including 10,000 feet MSL beginning at a point at lat. 33°46'13"N., long. 112°15'51"W., on the 25-mile arc of the Phoenix VORTAC, thence clockwise along the 25-mile arc of the Phoenix VORTAC to the intersection of the 25-mile arc of the Phoenix VORTAC and Interstate 17 (lat. 33°49'30"N., long. 112°08'37"W.), thence south along Interstate 17 to the intersection of Interstate 17 and the 20-mile arc of the Phoenix VORTAC (lat. 33°44'31"N., long. 112°07'18"W.), thence counterclockwise along the 20-mile arc of the Phoenix VORTAC to lat. 33°41'41"N., long. 112°13'05"W., thence direct to the point of beginning; and that airspace beginning at the intersection of the 20-mile arc of the Phoenix VORTAC and the Phoenix VORTAC 017° radial (lat. 33°45'08"N., long. 111°51'12"W.), thence north along the Phoenix VORTAC 017° radial to the intersection of the Phoenix VORTAC 017° radial and the 25-mile arc of the Phoenix VORTAC (lat. 33°49'56"N., long. 111°49'26"W.), thence clockwise along the 25-mile arc of the Phoenix VORTAC to the intersection of the 25-mile arc of the Phoenix VORTAC and the Phoenix VORTAC 037° radial (lat. 33°45'58"N., long. 111°40'10"W.), thence southwest along the Phoenix VORTAC 037° radial to the intersection of the Phoenix VORTAC 037° radial and the 20-mile arc of the Phoenix VORTAC (lat. 33°41'58"N., long. 111°43'47"W.), thence counterclockwise along the 20-mile arc of the Phoenix VORTAC to the point of beginning.

Area I. That airspace extending upward from 7,000 feet MSL to and including 10,000 feet MSL beginning at the intersection of the 20-mile arc of the Phoenix VORTAC and the Phoenix VORTAC 127° radial (lat. 33°13'54"N., long. 111°39'10"W.), thence southeast along the Phoenix VORTAC 127° radial to the intersection of the Phoenix VORTAC 127° radial and the 25-mile arc of the Phoenix VORTAC (lat. 33°10'52"N., long. 111°34'25"W.), thence clockwise along the 25-mile arc of the Phoenix VORTAC to the intersection of the 25-mile arc of the Phoenix VORTAC and the Phoenix VORTAC 180° radial (lat. 33°00'56"N., long. 111°58'13"W.),

thence north along the Phoenix VORTAC 180° radial to the intersection of the Phoenix VORTAC 180° radial and the 20-mile arc of the Phoenix VORTAC (lat. 33°05'57"N., long. 111°58'13"W.), thence counterclockwise along the 20-mile arc of the Phoenix VORTAC to the point of beginning.

Area J. That airspace extending upward from 5,000 feet MSL to and including 10,000 feet MSL beginning at the intersection of the 15-mile arc of the Phoenix VORTAC and lat. 33°35'39"N., long. 111°44'29"W., thence east to the intersection of the Phoenix VORTAC 20 mile arc (lat. 33°35'35"N., long. 111°37'13"W.), thence clockwise along the Phoenix 20-mile arc to the intersection of the Phoenix VORTAC 20-mile arc and Riggs Road (lat. 33°12'58"N., long. 111°40'04"W.), thence west to the intersection of Riggs Road and the Phoenix VORTAC 15-mile arc (lat. 33°13'02"N., long. 111°49'07"W.), thence counterclockwise along the Phoenix VORTAC 15-mile arc to the point of the beginning.

Area K. That airspace extending upward from 8,000 feet MSL to and including 10,000 feet MSL beginning at the intersection of the 20-mile arc of the Phoenix VORTAC and the Phoenix VORTAC 037° radial (lat. 33°41'58"N., long. 111°43'47"W.), thence northeast along the Phoenix VORTAC 037° radial to the intersection of the Phoenix VORTAC 037° radial and the 25-mile arc of the Phoenix VORTAC (lat. 33°45'58"N., long. 111°40'10"W.), thence clockwise along the 25-mile arc of the Phoenix VORTAC to the intersection of the 25-mile arc of the Phoenix VORTAC and the Phoenix VORTAC 127° radial (lat. 33°10'52"N., long. 111°34'25"W.), thence northwest along the Phoenix VORTAC 127° radial to the intersection of the Phoenix VORTAC 127° radial and the 20-mile arc of the Phoenix VORTAC (lat. 33°13'54"N., long. 111°39'10"W.), thence counterclockwise along the 20-mile arc of the Phoenix VORTAC to the point of beginning.

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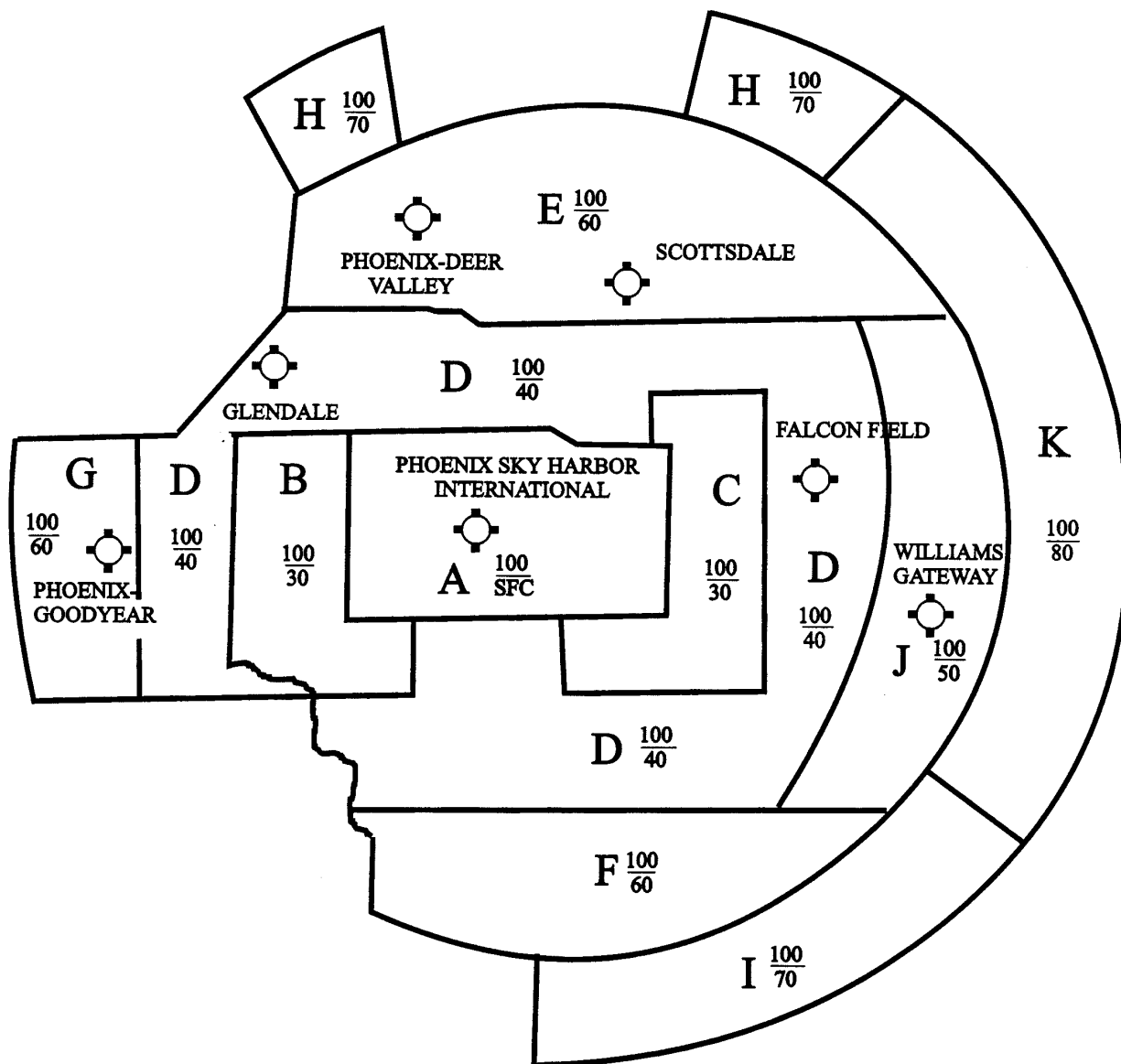
Note: This Appendix will not appear in the Code of Federal Regulations.

Appendix—Phoenix, AZ, Class B Airspace Area

BILLING CODE 4910-13-P

PHOENIX CLASS B AIRSPACE AREA

FIELD ELEVATION 1132 FEET
(NOT TO BE USED FOR NAVIGATION)



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