(b) The regulatory authority may extend the time allowed for rough backfilling and grading for the entire permit area or for a specified portion of the permit area if the permittee demonstrates in accordance with § 780.18(b)(3) of this chapter that additional time is necessary.

17. Section 816.104 is revised to read as follows:

§ 816.104 Backfilling and grading: Thin overburden.

(a) *Definition.* Thin overburden means insufficient spoil and other waste materials available from the entire permit area to restore the disturbed area to its approximate original contour. Insufficient spoil and other waste materials occur where the overburden thickness times the swell factor, plus the thickness of other available waste materials, is less than the combined thickness of the overburden and coal bed prior to removing the coal, so that after backfilling and grading the surface configuration of the reclaimed area would not:

(1) Closely resemble the surface configuration of the land prior to mining; or

(2) Blend into and complement the drainage pattern of the surrounding terrain.

(b) *Performance standards.* Where thin overburden occurs within the permit area, the permittee at a minimum shall:

(1) Use all spoil and other waste materials available from the entire permit area to attain the lowest practicable grade, but not more than the angle of repose; and

(2) Meet the requirements of §§ 816.102(a)(2) through (j) of this part.

18. Section 816.105 is revised to read as follows:

§ 816.105 Backfilling and grading: Thick overburden.

(a) *Definition.* Thick overburden means more than sufficient spoil and other waste materials available from the entire permit area to restore the disturbed area to its approximate original contour. More than sufficient spoil and other waste materials occur where the overburden thickness times the swell factor exceeds the combined thickness of the overburden and coal bed prior to removing the coal, so that after backfilling and grading the surface configuration of the reclaimed area would not:

(1) Closely resemble the surface configuration of the land prior to mining; or

(2) Blend into and complement the drainage pattern of the surrounding terrain.

(b) *Performance standards.* Where thick overburden occurs within the permit area, the permittee at a minimum shall:

(1) Restore the approximate original contour and then use the remaining spoil and other waste materials to attain the lowest practicable grade, but not more than the angle of repose;

(2) Meet the requirements of §§ 816.102(a)(2) through (j) of this part; and

(3) Dispose of any excess spoil in accordance with §§ 816.71 through 816.74 of this part.

§ 816.133 [Amended]

19. In § 816.133, the suspension of paragraph (d) is removed.

PART 817—PERMANENT PROGRAM PERFORMANCE STANDARDS—UNDERGROUND MINING ACTIVITIES

20. The authority citation for part 817 continues to read as follows:

Authority: Pub. L. 95–87 (30 U.S.C. 1201 et seq.), and Pub. L. 100–34, unless otherwise noted.

§ 817.74 [Amended]

21. Section 817.74 is amended by redesignating paragraph (e) as paragraph (h); by adding paragraphs (e), (f) and (g); and by revising paragraphs (a), (b), (c), and (d), to read as follows:

§ 817.74 Disposal of excess spoil: Preexisting benches.

(a) The regulatory authority may approve the disposal of excess spoil through placement on a preexisting bench if the affected portion of the preexisting bench is permitted and the standards set forth in § 817.102 (c), (e) through (h), and (j), and the requirements of this section are met.

(b) All vegetation and organic materials shall be removed from the affected portion of the preexisting bench prior to placement of the excess spoil. Any available topsoil on the bench shall be removed, stored and redistributed in accordance with § 817.22 of this part. Substitute or supplemental materials may be used in accordance with § 817.22(b) of this part.

(c) The fill shall be designed and constructed using current, prudent engineering practices. The design will be certified by a registered professional engineer. The spoil shall be placed on the solid portion of the bench in a controlled manner and concurrently compacted as necessary to attain a long term static safety factor of 1.3 for all portions of the fill. Any spoil deposited on any fill portion of the bench will be treated as excess spoil fill under § 817.71.

(d) The preexisting bench shall be backfilled and graded to—

(1) Achieve the most moderate slope possible which does not exceed the angle of repose;

(2) Eliminate the highwall to the maximum extent technically practical;

(3) Minimize erosion and water pollution both on and off the site; and

(4) If the disposal area contains springs, natural or manmade water courses, or wet weather seeps, the fill design shall include diversions and underdrains as necessary to control erosion, prevent water infiltration into the fill, and ensure stability.

(e) All disturbed areas, including diversion channels that are not riprapped or otherwise protected, shall be revegetated upon completion of construction.

(f) Permanent impoundments may not be constructed on preexisting benches backfilled with excess spoil under this regulation.

(g) Final configuration of the backfill must be compatible with the natural drainage patterns and the surrounding area, and support the approved postmining land use.

* * * * *

22. Section 817.81 is amended by revising the introductory text of paragraph (a) to read as follows:

§ 817.81 Coal mine waste: General requirements.

(a) *General.* All coal mine waste disposed of in an area other than the mine workings or excavations shall be placed in new or existing disposal areas within a permit area, which are approved by the regulatory authority for this purpose. Coal mine waste shall be hauled or conveyed and placed for final placement in a controlled manner to—

* * * * *

23. Section 817.89 is amended by removing paragraph (d).

24. In § 817.133, the suspension of paragraph (d) is removed.

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December 17, 1991

Part V

Department of Transportation

Federal Aviation Administration

14 CFR Part 1, et al.
Airspace Reclassification; Final Rule

DEPARTMENT OF TRANSPORTATION

14 CFR Parts 1, 11, 45, 61, 65, 71, 75, 91, 93, 101, 103, 105, 121, 127, 135, 137, 139, and 171

[Docket No. 24456; Amendment Nos. 1-38, 11-35, 45-21, 61-92, 65-36, 71-14, 75-5, 91-227, 93-63, 101-5, 103-4, 105-10, 121-226, 127-44, 135-40, 137-14, 139-18, and 171-16]

RIN 2120-AB95

Airspace Reclassification

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This final rule amends the Federal Aviation Regulations (FAR) to adopt certain recommendations of the National Airspace Review (NAR) concerning changes to regulations and procedures in regard to airspace classifications. These changes are intended to: (1) Simplify airspace designations; (2) achieve international commonality of airspace designations; (3) increase standardization of equipment requirements for operations in various classifications of airspace; (4) describe appropriate pilot certificate requirements, visual flight rules (VFR) visibility and distance from cloud rules, and air traffic services offered in each class of airspace; and (5) satisfy the responsibilities of the United States as a member of the International Civil Aviation Organization (ICAO). The final rule also amends the requirement for minimum distance from clouds in certain airspace areas and the requirements for communications with air traffic control (ATC) in certain airspace areas; eliminates airport radar service areas (ARSAs), control zones, and terminal control areas (TCAs) as airspace classifications; and eliminates the term "airport traffic area." The FAA believes simplified airspace classifications will reduce existing airspace complexity and thereby enhance safety.

EFFECTIVE DATE: These regulations become effective September 16, 1993, except that §§ 11.61(c), 91.215(d), 71.601, 71.603, 71.605, 71.607, and 71.609 and Part 75 become effective December 12, 1991, and except that amendatory instruction number 20, § 71.1, is effective as of December 17, 1991 through September 15, 1993, and that §§ 71.11 and 71.19 become effective October 15, 1992. The incorporation by reference of FAA Order 7400.7 in § 71.1 (amendatory instruction number 20) is approved by the Director of the Federal Register as of December 17, 1991, through September 15, 1993. The incorporation by reference of FAA Order 7400.9 in § 71.1 (amendatory instruction number 24) is approved by the Director of the Federal Register as of September 16, 1993 through September 15, 1994.

FOR FURTHER INFORMATION CONTACT: Mr. William M. Mosley, Air Traffic Rules Branch, ATP-230, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-9251.

SUPPLEMENTARY INFORMATION:

Background

On April 22, 1982, the NAR plan was published in the **Federal Register** (47 FR 17448). The plan encompassed a review of airspace use and the procedural aspects of the ATC system. Organizations participating with the FAA in the NAR included: Aircraft Owners and Pilots Association (AOPA), Air Line Pilots Association (ALPA), Air Transport Association (ATA), Department of Defense (DOD), Experimental Aircraft Association (EAA), Helicopter Association International (HAI), National Association of State Aviation Officials (NASAO), National Business Aircraft Association (NBAA), and Regional Airline Association (RAA).

The main objectives of the NAR were to:

(1) Develop and incorporate a more efficient relationship between traffic flows, airspace allocation, and system capacity in the ATC system. This relationship will involve the use of improved air traffic flow management to maximize system capacity and to improve airspace management.

(2) Review and eliminate, wherever practicable, governmental restraints to system efficiency thereby reducing complexity and simplifying the ATC system.

(3) Revalidate ATC services within the National Airspace System (NAS) with respect to state-of-the-art and future technological improvements.

In furtherance of the foregoing objectives, several NAR task groups were organized and assigned to review various issues associated with airspace classifications and ATC procedures, pilot certification requirements, and aircraft equipment and operating requirements in the different categories of airspace areas. The recommendations formed the basis of three separate advance notices of proposed rulemaking (ANPRM): Notice No. 85-4, Terminal Airspace Reclassification (50 FR 5055; February 2, 1985); Notice No. 85-5, Airspace Reclassification/Services/Requirements (50 FR 5046; February 2, 1985); and Notice No. 85-15, Controlled Airspace Designations in International Airspace (50 FR 30798; July 7, 1985).

On March 12, 1990, ICAO through its Air Navigation Commission (ANC) formally adopted the airspace classification concept in amendment No. 33 to annex 11. The airspace classifications adopted by ICAO, along with the nearest equivalent U.S. airspace designations, are summarized as follows:

Class A Airspace (U.S. Positive Control Areas)

All operations must be conducted under instrument flight rules (IFR) and are subject to ATC clearances and instructions. ATC separation is provided to all aircraft.

Class B Airspace (U.S. Terminal Control Areas)

Operations may be conducted under IFR, special visual flight rules (SVFR), or VFR. However, all aircraft are subject to ATC clearances and instructions. ATC separation is provided to all aircraft.

Class C Airspace (U.S. Airport Radar Service Areas)

Operations may be conducted under IFR, SVFR, or VFR; however, all aircraft are subject to ATC clearances and instructions. ATC separation is provided to all aircraft operating under IFR or SVFR and, as necessary, to any aircraft operating under VFR when any aircraft operating under IFR is involved. All VFR operations will be provided with safety alerts and, upon request, conflict resolution instructions.

Class D Airspace (U.S. Control Zones for Airports with Operating Control Towers and Airport Traffic Areas that are not associated with a TCA or an ARSA)

Operations may be conducted under IFR, SVFR, or VFR; however, all aircraft are subject to ATC clearances and instructions. ATC separation is provided to aircraft operating under IFR or SVFR only. All traffic will receive safety alerts and, on pilot request, conflict resolution instructions.

Class E Airspace (U.S. General Controlled Airspace)

Operations may be conducted under IFR, SVFR, or VFR. ATC separation is provided only to aircraft operating under IFR and SVFR within a surface area. As far as practical, ATC may provide safety alerts to aircraft operating under VFR.

Class F Airspace (U.S. Has No Equivalent)

Operations may be conducted under IFR or VFR. ATC separation will be provided, so far as practical, to aircraft operating under IFR.

Class G Airspace (U.S. Uncontrolled Airspace)

Operations may be conducted under IFR or VFR. ATC separation is not provided.

Discussion of the Amendments and Public Comments

This final rule is based on Notice of Proposed Rulemaking (NPRM) No. 89–28 (54 FR 42916; October 18, 1989). The rule amends parts 1, 11, 45, 61, 65, 71, 75, 91, 93, 101, 103, 105, 121, 127, 135, 137, 139, and 171 and Special Federal Aviation Regulations (SFAR) 51–1, 60, and 62. These parts either incorporate airspace designations and operating rules or amend the existing rule to meet the new classification language.

Amendments to part 1 delete the definition of an "airport traffic area" and add definitions of "Special VFR conditions" and "Special VFR operations."

The amendments to part 71 establish a new subpart M—Jet Routes and Area High Routes that includes the existing rules in part 75 as of December 17, 1991; revise §§ 71.11 and 71.19 as of October 15, 1992; and revise all of part 71 to reclassify U.S. airspace in accordance with the ICAO designations as of September 16, 1993. (Further information on the amendments to part 71 appears in this discussion under Revisions to Part 71.) Under this amendment the positive control areas (PCAs), jet routes, and area high routes are reclassified as Class A airspace areas; TCAs are reclassified as Class B airspace areas; ARSAs are reclassified as Class C airspace areas; control zones for airports with operating control towers and airport traffic areas that are not associated with the primary airport of a TCA or an ARSA are reclassified as Class D airspace areas; all Federal airways, the Continental Control Area, control areas associated with jet routes outside the Continental Control Area, additional control areas, control area extensions, control zones for airports without operating control towers, transition areas, and area low routes are reclassified as Class E airspace areas; and airspace which is not otherwise designated as the Continental Control Area, a control area, a control zone, a terminal control area, an airport radar service area, a transition area, or special use airspace is reclassified as Class G airspace. Because airport traffic areas are not classified as airspace areas, this amendment establishes controlled airspace for airports with operating control towers, but without control zones.

Part 75 is removed and reserved. The existing information is transferred to new subpart M of existing part 71.

Amendments to Part 91 change terminology to integrate the adopted airspace classifications into corresponding part 91 operating rules. In addition, the distance from cloud requirements in Class B airspace areas for VFR operations are amended to require a pilot to remain clear of clouds instead of the current requirements of 500 feet below, 1,000 feet above, and 2,000 feet horizontal from clouds in TCAs.

Section 91.215(d) is amended by relaxing current restraints on ATC in authorizing deviations to operators of aircraft that are not equipped with transponders. The amendment clarifies that the ATC facility having jurisdiction over the airspace concerned is permitted to authorize deviations from the transponder requirements in § 91.215(b) and that a request for a deviation due to an inoperative transponder or an operating transponder without operating automatic pressure altitude reporting equipment having Mode C capability may be made at any time. To provide maximum flexibility to ATC and aircraft operators, this amendment has an effective date of December 17, 1991.

Amendments to parts 11, 45, 61, 65, 93, 101, 103, 105, 121, 127, 135, 137, 139, and 171 change the terminology to integrate the adopted airspace classifications into respective regulations that refer to those airspace assignments and operating rules. In addition, § 11.61(c) is amended to meet an administrative change within the FAA for titles of persons under the term "Director."

The final rule includes modifications to the proposed rules based on amendments to the FAR that have become effective since the publication of NPRM No. 89–28. The section numbers to part 91 are changed to match the section numbers designated by amendment No. 91–211, Revision of General Operating and Flight Rules (54 FR 34292; August 19, 1989). Sections 91.129 and 91.130 are modified to include revisions to § 91.130 by amendment No. 91–215, Airport Radar Service Area (ARSA) Communication Requirement (55 FR 17736; April 26, 1990). Section 91.131(c) is modified to include revisions from amendment No. 91–216, Navigational Equipment Requirement in a Terminal Control Area (TCA) and Visual Flight Rules (VFR) Operations (55 FR 24822; June 18, 1990). Section 91.117(a) is modified to include revision by amendment No. 91–219, Revision to General Operating and Flight Rules (55 FR 34707; August 24, 1990).

Section 91.155(b)(1) is modified to include a revision by amendment No. 91–224, Inapplicability of Basic VFR Weather Minimums for Helicopter Operations (56 FR 48088; September 23, 1991). Section 91.155(c) was revised by amendment No. 91–213, Night-Visual Flight Rules Visibility and Distance from Cloud Minimums (55 FR 10610; March 22, 1990) and was corrected on July 19, 1990 (55 FR 29552) and November 13, 1990 (55 FR 47309).

In this amendment, the FAA does not adopt the proposal to lower the Continental Control Area to 1,200 feet above the surface and to establish the United States Control Area as proposed in NPRM No. 88–2. The FAA will not adopt this proposal and the regulatory agenda will be revised to delete the U.S. Control Area project.

On October 4, 1990, the FAA established SFAR No. 60—Air Traffic Control System Emergency Operations (55 FR 40758) and on December 5, 1990, the FAA established SFAR No. 62—Suspension of Certain Aircraft Operations from the Transponder with Automatic Pressure Altitude Reporting Capability Requirement (55 FR 50302). These SFARs are revised by replacing references to such terms as "terminal control area" with "Class B airspace area" to integrate the appropriate airspace classification.

Obsolete clauses in the existing rule are deleted and typographical errors in the proposal are corrected. The final rule also revises affected paragraphs of the existing rule requiring modification as a result of the rulemaking action but not included in NPRM No. 89–28. The modifications to these paragraphs replace such terms as "terminal control area" and "control zone" with language to integrate the appropriate airspace classification.

Under airspace reclassification, the Sabre U.S. Army Heliport (Tennessee) Airport Traffic Area will become a Class D airspace area; the Jacksonville, Florida, Navy Airport Traffic Area will become three separate but adjoining Class D airspace areas; and the El Toro, California, Special Air Traffic Rules will become part of the El Toro Class C airspace area. Currently, these airports operate under special air traffic rules in subparts N, O, and R of part 93. To achieve a goal of airspace reclassification, which is to simplify airspace, the existing rules for these airspace areas are to be deleted as of

September 16, 1993. Therefore, this amendment removes and reserves subparts N, O, and R of part 93 as of September 16, 1993.

Revisions to Part 71

Part 71 is revised in three stages.

The first revision creates a new subpart M—Jet Routes and Area High Routes, comprising §§ 71.601, 71.603, 71.605, 71.607, and 71.609. Under this amendment, the existing information in part 75 is transferred to new subpart M of part 71. Since this amendment does not change any operating rules, it is effective December 17, 1991. Section 75.17, Bearings; radials; miles, is not transferred to new subpart M, because the same information is located in existing § 71.19. NPRM No. 89–28 proposed to amend existing § 75.13. The proposed language is adopted in new § 71.605. A chart comparing old part 75 and new part 71, subpart M follows.

Part 75—Establishment of Jet Routes and Area High Routes	Part 71, Subpart M—Jet Routes and Area High Routes
§ 75.1 Applicability.	§ 71.601 Applicability.
§ 75.11 Jet routes.	§ 71.603 Jet routes.
§ 75.13 Area routes above 18,000 feet MSL.	§ 71.605 Area routes above 18,000 feet MSL.
§ 75.100 Jet routes.	§ 71.607 Jet route descriptions.
§ 75.400 Area high routes.	§ 71.609 Area high route descriptions.

Sections 71.607, Jet route descriptions, and 71.609, Area high route descriptions are not set forth in the full text of this final rule. The complete listing for all jet routes and area high routes can be found in FAA Order 7400.7, Compilation of Regulations, which was last published as of April 30, 1991, and effective November 1, 1991. 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 of this order may be obtained from the Document Inspection Facility, APA–220, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, (202) 267–3484. Copies may be inspected in Docket Number 24456 at the Federal Aviation Administration, Office of the Chief Counsel, AGC–10, room 915G, 800 Independence Avenue, SW., Washington, DC 20591 weekdays between 8:30 a.m. and 5 p.m. or at the Office of the Federal Register, 1100 L Street, NW., room 8401, Washington, DC The part 75 sections referenced in FAA Order 7400.7 will be redesignated as part 71 sections in the next revision to FAA Order 7400.7.

The second revision amends existing § 71.11, Control zone, and § 71.19, Bearings; radials; miles, and is effective October 15, 1992. This revision relates to the FAA's parallel reviews of certain airspace areas. The revision to § 71.11 permits the Administrator to terminate the vertical limit of a control zone at a specified altitude. The revision to § 71.19 provides for the conversion from statute miles to nautical miles and consists of the same language as § 71.7 that is effective September 16, 1993. More detail on the review of certain airspace areas is found under the title Implementation of Airspace Reclassification.

The third revision to part 71 establishes a new part 71 that includes the adopted airspace designations. This amendment, which is effective September 16, 1993, transfers the current sections of existing part 71, including subpart M—Jet Routes and Area High Routes, to this new part 71. The following table lists the sections of existing part 71, including subpart M and the corresponding sections in the new part 71 that are effective September 16, 1993. Subparts B through K and §§ 71.501(b), 71.607, and 71.609, which list airspace descriptions, are not set forth in the full text of this final rule. The complete listing for these airspace designations can be found in FAA Order 7400.9, Airspace Reclassification, which is effective September 16, 1993. 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 of this order may be obtained from the Document Inspection Facility, APA–220, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, (202) 267–3484. Copies may be inspected in Docket Number 24456 at the Federal Aviation Administration, Office of the Chief Counsel, AGC–10, room 915G, 800 Independence Avenue, SW., Washington, DC 20591 weekdays between 8:30 a.m. and 5 p.m. or at the Office of the Federal Register, 1100 L Street, NW., room 8401, Washington, DC.

Existing Part 71	Revised Part 71 that is effective September 16, 1993, and FAA Order 7400.9
Subpart A—General	*Subpart A—General; Class A airspace*
§ 71.1 Applicability.	§ 71.1 Airspace classification.
§ 71.3 Classification of Federal airways.	§ 71.73 Classification of Federal airways.
§ 71.5 Extent of Federal airways.	§ 71.75 Extent of Federal airways.
§ 71.6 Extent of area low routes.	§ 71.77 Extent of area low routes.
§ 71.7 Control areas.	Not applicable.
§ 71.9 Continental control area.	§ 71.71 Class E airspace.
§ 71.11 Control zones.	Not applicable.
§ 71.12 Terminal control areas.	§ 71.41 Class B airspace.
§ 71.13 Transition areas.	§ 71.71 Class E airspace.
§ 71.14 Airport radar service areas.	§ 71.51 Class C airspace.
§ 71.15 Positive control areas.	§ 71.31 Class A airspace.
§ 71.17 Reporting points.	§ 71.5 Reporting Points.
§ 71.19 Bearings; Radials; Miles.	§ 71.7 Bearings, radials, mileages.
Subpart B—Colored Federal Airways	*Subpart E—Class E Airspace*
§ 71.101 Designation.	Subpart E of FAA Order 7400.9.
§ 71.103 Green Federal airways.	Subpart E of FAA Order 7400.9.
§ 71.105 Amber Federal airways.	Subpart E of FAA Order 7400.9.
§ 71.107 Red Federal airways.	Subpart E of FAA Order 7400.9.
§ 71.109 Blue Federal airways.	Subpart E of FAA Order 7400.9.
Subpart C—VOR Federal Airways	*Subpart E—Class E Airspace*
§ 71.121 Designation.	§ 71.79 Designation of VOR Federal airways.
§ 71.123 Domestic VOR Federal airways.	Subpart E of FAA Order 7400.9.
§ 71.125 Alaskan VOR Federal airways.	Subpart E of FAA Order 7400.9.
§ 71.127 Hawaiian VOR Federal airways.	Subpart E of FAA Order 7400.9.
Subpart D—Continental Control Area	*Subpart E—Class E Airspace*
§ 71.151 Restricted areas included.	Subpart E of FAA Order 7400.9.
Subpart E—Control Areas and Control Area Extensions	*Subpart E—Class E Airspace*
§ 71.161 Designation of control areas associated with jet routes outside the continental control area.	§ 71.71 Class E airspace and Subpart E of FAA Order 7400.9.
§ 71.163 Designation of additional control areas.	§ 71.71 Class E airspace and Subpart E of FAA Order 7400.9.
§ 71.165 Designation of control areas extensions.	Subpart E of FAA Order 7400.9.
Subpart F—Control Zones	*Subpart D—Class D Airspace*
§ 71.171 Designation.	*Subpart E—Class E Airspace*
	Subpart D of FAA Order 7400.9.
	Subpart E of FAA Order 7400.9.
Subpart G—Transition Areas	*Subpart E—Class E Airspace*
§ 71.181 Designation.	Subpart E of FAA Order 7400.9.
Subpart H—Positive Control Areas	*Subpart A—General; Class A Airspace*
§ 71.193 Designation.	§ 71.33 Class A airspace areas.
Subpart I—Reporting Points	*Subpart H—Reporting Points*
§ 71.201 Designation.	§ 71.901 Applicability.
§ 71.203 Domestic low altitude reporting points.	Subpart H of FAA Order 7400.9.

Existing Part 71	Revised Part 71 that is effective September 16, 1993, and FAA Order 7400.9
§ 71.207 Domestic high altitude reporting points.	Subpart H of FAA Order 7400.9.
§ 71.209 Other domestic reporting points.	Subpart H of FAA Order 7400.9.
§ 71.211 Alaskan low altitude reporting points.	Subpart H of FAA Order 7400.9.
§ 71.213 Alaskan high altitude reporting points.	Subpart H of FAA Order 7400.9.
§ 71.215 Hawaiian reporting points.	Subpart H of FAA Order 7400.9.
Subpart J—Area Low Routes	*Subpart E—Class E Airspace*
§ 71.301 Designation.	Subpart E of FAA Order 7400.9.
Subpart K—Terminal Control Areas	*Subpart B—Class B Airspace*
§ 71.401(a) Designation.	Subpart B of FAA Order 7400.9.
§ 71.401(b) Terminal control areas.	Subpart B of FAA Order 7400.9.
Subpart L—Airport Radar Service Areas	*Subpart C—Class C Airspace*
§ 71.501 Designation.	Subpart C of FAA Order 7400.9.
Subpart M—Jet Routes and Area High Routes	*Subpart A—General; Class A Airspace*
§ 71.601 Applicability.	Not applicable.
§ 71.603 Jet routes.	Subpart A of FAA Order 7400.9.
§ 71.605 Area routes above 18,000 feet MSL.	Subpart A of FAA Order 7400.9.
§ 71.607 Jet route descriptions.	Subpart A of FAA Order 7400.9.
§ 71.609 Area high route descriptions.	Subpart A of FAA Order 7400.9.

Discussion of Comments

A total of 205 commenters submitted comments to Docket No. 24456 on NPRM No. 89–28. The FAA considered these comments in the adoption of this rule and changes to the proposals were made accordingly. Some comments did not specifically apply to any particular proposal addressed in NPRM No. 89–28. These comments related to the requirements for a transponder with Mode C capabilities, the FAA's anti-drug program, and the proposed TCA for the Washington-Baltimore metropolitan area.

Comments submitted on NPRM No. 89–28 reflect the views of a broad spectrum of the aviation public. The commenters included individuals as well as organizations representing commercial and general aviation pilots. Organizations that commented on NPRM No. 89–28 include: AOPA, ALPA, Air Traffic Control Association (ATCA), ATA, Alaska Airmen's Association, Arizona Pilots Association, Canadian Owners and Pilots Association (COPA), EAA, Ohio Department of Transportation, and Soaring Society of America (SSA).

The following is a discussion of issues addressed in the comments in accordance with the reclassification effort and each classification of airspace. A general division entitled, Additional Comments, addresses issues that do not affect a specific airspace classification. Each discussion includes a description of the final amendment and an explanation of the FAA's views.

Reclassification of Airspace

One hundred and forty-one comments on the proposal to reclassify U.S. airspace to meet ICAO standards were submitted. Sixty-eight supported reclassification and 69 opposed reclassification. Four commenters neither supported nor opposed the reclassification effort, but offered observations.

The 68 supporting comments include those submitted by the ATA, ATCA, and COPA. The COPA stated that on an average, approximately 60,000 general aviation aircraft cross the U.S./Canadian border each year. Some commenters stated that the proposed classifications are easier to understand than the current classifications and noted that the proposed classifications would help develop standardization. Two flight instructors commented that the proposed classifications would aid in the teaching of the airspace system to new pilots.

The 69 opposing comments include the Arizona Pilots Association, EAA, and SSA. Several comments, including EAA's, asserted that the current airspace designation names are more descriptive, and hence, easier to remember. Several comments, including one from the Arizona Pilots Association, stated that the proposal would cause confusion, while other commenters alleged that the proposal would only benefit pilots who operate internationally.

Both the SSA and the Arizona Pilots Association recommend that existing airspace nomenclature be retained and a table be included in the Airman's Information Manual (AIM) or part 91 to correlate U.S. airspace designations and ICAO equivalents.

The four comments submitted that do not directly support or oppose the proposal include those from the Alaska Airmen's Association, ALPA, and AOPA. The AOPA expressed concerns about how pilots would be reeducated during the transition phase that would precede the adoption of the proposed airspace reclassification. AOPA recommended that the FAA take five steps to ensure proper pilot education: (1) Convene a government, industry, and user meeting before the issuance of a final rule to consider the implications of final rule adoption; (2) ensure that all necessary funding is in place, including monies for the specific purpose of pilot education; (3) adopt a dual airspace system during the transition phase; (4) coordinate with the National Oceanic and Atmospheric Administration (NOAA) to ensure that all charts are printed in a timely manner; and (5) amend the flight review requirements to reflect explicitly the need to discuss airspace classifications. The FAA agrees that the aviation public needs to be educated in airspace reclassification. Therefore, the FAA has developed an education and transition program, which is discussed under "Education of the Aviation Community."

As proposed, the FAA will reclassify U.S. airspace in accordance with ICAO standards. Airspace areas, with the exception of special use airspace (SUA) designations, will be classified by a single alphabet character. The FAA believes that reclassification of U.S. airspace simplifies the airspace system, achieves international commonality, enhances aviation safety, and satisfies the responsibility of the United States as a member of ICAO.

Some commenters misunderstood the proposal on airspace reclassification. These commenters understood Class A airspace areas to be en route airspace and Class B, Class C, and Class D airspace areas to be terminal airspace. The recommended ICAO airspace classes are not based on whether the airspace area is designated for "en route" or "terminal" operations, but rather on other factors that include type of operation (i.e., IFR, VFR) and ATC services provided. (The table below lists the new airspace classifications, its equivalent in the existing airspace classification, and its features, which would apply to terminal and en route airspace areas.) For example, under this rule Class C airspace is designated in terminal areas. Class C airspace in another country could be designated in en route areas. However, the type of operation, ATC services provided, minimum pilot qualifications, two-way radio requirements, and VFR minimum visibility and distance from cloud requirements in that country's Class C airspace will be similar to the Class C airspace areas designated in the United States. As adopted by the FAA, Class A airspace areas are designated in positive control en route areas; Class B, Class C, and Class D airspace areas are designated in terminal areas; and Class E airspace areas are designated in both en route (low altitude) and terminal

areas. However, the rules are written in a manner that the classes of airspace will not be limited to terminal or en route airspace areas. For example, if a regulation only applies to operations in a terminal environment, the rule specifies that the airspace is "designated for an airport."

AIRSPACE CLASSIFICATIONS

Airspace features	Class A airspace	Class B airspace	Class C airspace	Class D airspace	Class E airspace	Class G airspace
Current Airspace Equivalent	Positive Control Areas.	Terminal Control Areas.	Airport Radar Service Areas.	Airport Traffic Areas and Control Zones.	General Controlled Airspace.	Uncontrolled Airspace
Operations Permitted	IFR	IFR and VFR	IFR and VFR	IFR and VFR	IFR and VFR	IFR and VFR
Entry Prerequisites	ATC clearance	ATC clearance	ATC clearance for IFR Radio contact for all.	ATC clearance for IFR Radio contact for all.	ATC clearance for IFR Radio contact for all IFR.	None
Minimum Pilot Qualifications	Instrument rating	Private or student certificate.	Student certificate	Student certificate	Student certificate	Student certificate
Two-way radio communications.	Yes	Yes	Yes	Yes	Yes for IFR operations.	No
VFR Minimum Visibility	Not applicable	3 statute miles	3 statute miles	3 statute miles	* 3 statute miles	** 1 statute mile
VFR Minimum Distance from Clouds.	Not applicable	Clear of clouds	500 feet below, 1,000 feet above, and 2,000 feet horizontal.	500 feet below, 1,000 feet above, and 2,000 feet horizontal.	* 500 feet below, 1,000 feet above, and 2,000 feet horizontal.	** 500 feet below, 1,000 feet above, and 2,000 feet horizontal
Aircraft Separation	All	All	IFR, SVFR, and runway operations.	IFR, SVFR, and runway operations.	IFR, SVFR	None
Conflict Resolution	Not applicable	Not applicable	Between IFR and VFR operations.	No	No	No
Traffic Advisories	Not applicable	Not applicable	Yes	Workload permitting	Workload permitting	Workload permitting
Safety Advisories	Yes	Yes	Yes	Yes	Yes	Yes

* Different visibility minima and distance from cloud requirements exist for operations above 10,000 feet MSL.
** Different visibility minima and distance from cloud requirements exist for night operations, operations above 10,000 feet MSL, and operations below 1,200 feet AGL.

Offshore Airspace

The FAA adopts, as proposed, the NAR recommendations NAR 3-2.1.1—Offshore Airspace Nomenclature, NAR 3-2.1.2—Offshore Control Area Uniform Base, NAR 3-2.1.3—Offshore Control Area Identification, and NAR 3-2.1.4—Offshore Airspace Classification, which consider offshore airspace areas. However, NAR 3-2.1.2, which recommends a uniform base for offshore control areas of 1,200 feet above the surface unless otherwise designated, and NAR 3-2.1.3, which recommends that offshore control areas be identified with a name as opposed to a number are contingent on the FAA's further review. (More details on the review process appear later in this document under the title Implementation of Airspace Reclassification.) Any changes to offshore airspace areas resulting from the FAA's review will be accomplished by separate rulemaking actions. The FAA's review is being conducted in compliance with Executive Order 10854, which requires FAA consultation with both the Departments of State and Defense before designating controlled international airspace. The FAA expects that most offshore airspace areas will be classified as Class E or Class A airspace areas.

Education of the Aviation Community

The FAA agrees with the comments that the aviation public needs to be educated in airspace reclassification. To ensure that the aviation community can become knowledgeable about the new airspace classifications and that aeronautical charts can be updated, the new airspace classification will not become effective until September 16, 1993.

The FAA has begun to coordinate with a task group of the Interagency Air Cartographic Committee (IACC) and the National Ocean Service (NOS), which will begin to update aeronautical charts. During the transition, the FAA will update its orders, manuals, handbooks, and advisory circulars, and will provide pilot/controller education. Significant dates in the transition process appear below with additional discussion following.

AIRSPACE RECLASSIFICATION TRANSITION

Tentative date	Event
October 15, 1992.	First sectional aeronautical charts (SAC), world aeronautical charts (WAC), and terminal aeronautical charts (TAC) are published with legends that indicate both existing and future airspace classifications.
March 4, 1993	Initial charting changes are completed for the SAC and TAC.
June 24, 1993	North Pacific, Gulf of Mexico, and Caribbean planning charts are published with legends that indicate both existing and future airspace classifications.

AIRSPACE RECLASSIFICATION TRANSITION—Continued

Tentative date	Event
August 19, 1993	Flight Case Planning and North Atlantic Route charts are published with legends that indicate existing and future airspace classifications.
September 16, 1993.	New airspace classifications become effective. All charts begin publication with legends that indicate both the new airspace classification and the former airspace classification. All related publications are updated.
March 3, 1994	First charts are published with legends that only indicate the new airspace classifications.
August 17, 1994	All charts are published with legends that only indicate the new airspace classifications.

Coordination with a task group of the IACC and the NOS will continue throughout the transition. An anticipated modification to the symbols on aeronautical charts is the addition of a segmented magenta line to represent the controlled airspace area for airports without operating control towers that extends upward from the surface (Class E airspace). A segmented blue line (which currently depicts a control zone) will denote a Class D airspace area, the controlled airspace for airports with operating control towers that are not the primary airport of a TCA or an ARSA.

The legends in aeronautical charts will include both the existing airspace classifications and the airspace classifications to be effective September 16, 1993. For example, the solid blue line that symbolizes a TCA will be followed by "TCA (Class B)." The first charts with a dual legend will be published October 15, 1992. Commencing September 16, 1993, the legends on these charts will be reversed (e.g., a solid blue line will be followed by "Class B (TCA)"). Between March 3 and August 17, 1994, the use of dual indication legends will be phased out.

Between October 1992 and March 1993, educational materials such as pocket guides, a video, and posters will be issued to instruct the aviation public on airspace reclassification. The FAA will begin to update the AIM and other publications, as well as FAA orders, manuals, handbooks, and advisory circulars that must be revised to include the new airspace classifications and an explanation of the transition and implementation procedures.

The transition and implementation of the Airspace Reclassification final rule also will include parallel reviews of certain current airspace designations to meet the new airspace classifications. A full discussion on this review appears later in this document under the title Implementation of Airspace Reclassification.

Class A Airspace

NPRM No. 89–28 proposed to reclassify the PCAs as Class A airspace areas with no other alterations to this airspace. Four commenters, including AOPA, neither supported nor opposed this classification; however, they offered comments and modifications. Some commenters stated that if the FAA adopts the Class A designation for the PCAs, Class A airspace areas should remain en route airspace and should not be lower than 18,000 feet mean sea level (MSL).

As proposed, the FAA will reclassify the PCAs as Class A airspace areas. In addition, jet routes and area high routes will be reclassified as Class A airspace areas. These airspace areas, which consist of direct courses for navigating aircraft at altitudes between 18,000 feet MSL and flight level 450, inclusive, meet the criteria of Class A airspace as adopted by ICAO.

As noted earlier, the recommended ICAO airspace classes are not based on whether the airspace area is designated for "en route" or "terminal" operations. Any new Class A airspace areas would be proposed in separate rulemaking actions.

Class B Airspace

NPRM No. 89–28 proposed to reclassify TCAs as Class B airspace areas and to amend the minimum distances by which aircraft operating under VFR must remain from clouds. The current VFR minimum distance requirements of 500 feet below, 1,000 feet above, and 2,000 feet horizontal from clouds will be amended to require that the pilot must remain clear of clouds.

One comment supports and two comments specifically oppose the proposed reclassification. Twelve comments on the proposal to amend minimum distance from clouds for VFR operations in Class B airspace areas were received. Eight of these comments support and four oppose the proposal.

The comments submitted in support of the proposal to reclassify TCAs as Class B airspace areas and to modify the minimum distances from cloud for VFR operations include those from AOPA, the Alaska Airmen's Association, EAA, and SSA. AOPA stated that the proposal "is a positive step in improvement of VFR traffic flow within" Class B airspace areas.

A commenter in support of reclassification stated that some of the areas to be classified as Class B airspace areas could be redesignated as Class C airspace areas.

The four comments submitted in opposition to the proposed amendment on distance from cloud requirements for VFR operations include a comment from ALPA. Some commenters stated that the proposal to modify the minimum distance from clouds for VFR flight in Class B airspace areas reduces the existing margin of safety. ALPA further stated that the ability of a pilot to maintain visual contact with other aircraft is reduced if aircraft operate in close proximity to clouds. One commenter stated that the proposals do not answer the need for clear radio failure procedures in Class B airspace areas. Another commenter stated that Class B airspace areas are actually divided into two types of Class B airspace: One in which a private pilot certificate is required and one in which, at a minimum, only a student pilot certificate is required.

This rulemaking reclassifies existing airspace areas with the equivalent recommended ICAO airspace area. It does not redesignate existing airspace areas. For example, the redesignation of a Class B airspace area (TCA) to a Class C airspace area (ARSA) is beyond the scope of this rulemaking. The FAA believes that the elimination of terminal areas designated as Class B airspace areas would create a substantial adverse impact on the safe and efficient control of air traffic in those high volume terminal areas. Class B airspace areas, like the TCAs that preceded them, provide more efficient control in terminal areas where there is a large volume of air traffic and where a high percentage of that traffic is large turbine-powered aircraft. Additionally, on July 25, 1991, the FAA revised FAA Order 7110.65, Air Traffic Control, by adopting specific separation standards for operations under VFR in existing TCAs. These standards require air traffic controllers to separate aircraft operating under VFR in existing TCAs from other aircraft operating under VFR and IFR.

As stated in NPRM No. 89–28 in response to NAR 1–7.2.9—Recommended VFR Minima, the FAA views the relaxation of the distance from cloud requirements for VFR operations as a modification that would enhance rather than reduce safety. Under the existing regulations, a pilot operating an aircraft under VFR in a TCA (Class B airspace) is provided with ATC services and is subject to ATC clearances and instructions. For the pilot operating under VFR to remain specific distances from clouds, the pilot must alter course or assigned heading/route, which is a disruption to traffic flow and could be a compromise to safety. The amendment will increase safety for pilots operating under VFR and ATC by permitting these pilots to remain clear of clouds in Class B airspace areas, but not requiring them to remain a specific distance from clouds. However, if an ATC instruction to a pilot operating an aircraft under VFR could place that aircraft in a cloud, FAR § 91.3, Responsibility and authority of the pilot in command, requires the pilot in command to be responsible for ensuring that the aircraft does not enter a cloud and any such ATC instruction may be refused.

Accordingly, as proposed, the FAA will reclassify TCAs as Class B airspace areas and amend the distance from cloud requirements for VFR operations to clear of clouds.

Even though ATC communication requirements for operations in Class B airspace areas are the same as those that exist in TCAs, the relaxation of the distance from cloud requirements will become effective with the new airspace classifications. This will ensure that all users are familiar with the amendment when it becomes effective.

The amendment to reclassify TCAs as Class B airspace areas does not modify the current operating rules for

communications. Lost communication requirements are addressed in paragraph 470, Two-way Radio Communications Failure, of the AIM and are not within the scope of the rulemaking.

The FAA accepted NAR 1–7.3.3—Pilot Requirements for Operations in a TCA, under the provisions of the existing requirements; hence, the reclassification of TCAs as Class B airspace areas meets existing regulations on minimum airman certificate levels. Section 61.95 of the FAR, which lists student pilot requirements for operations in a TCA (Class B airspace), is revised to meet the new airspace classification. Solo student pilot activity is, under both the existing regulations and this final rule, prohibited at certain airports.

Class C Airspace

Three comments were submitted on the reclassification of ARSAs as Class C airspace areas. None of the comments specifically support or oppose the reclassification. All of the comments, including one from EAA, addressed additional modifications.

Two commenters noted that the proposal for VFR operations in Class B airspace areas to remain clear of clouds could be applied to Class C airspace areas.

In its comment, EAA opposed any increase in the size of Class C airspace areas. Other recommendations by commenters included the need for clear radio failure procedures and the need for designated areas that do not require communications with ATC when the pilot desires to use an uncontrolled airport within Class C airspace areas.

As proposed, the FAA will reclassify ARSAs as Class C airspace areas. No other modifications to Class C airspace areas or changes in operating rules were proposed. An ARSA that currently operates on a part-time basis is classified as Class C part-time and Class D or Class E at other times.

Aircraft operating under VFR in Class C airspace areas operate under less stringent requirements than aircraft operating under VFR in Class B airspace areas and are not provided the same separation by ATC. Therefore, the relaxation of the VFR distance from cloud requirements in Class C airspace areas to remain clear of clouds would not be in accordance with safety precautions. As noted earlier, lost communication procedures are addressed in paragraph 470, Two-way Radio Communications Failure, of the AIM. Since Class C airspace areas often have a high number of aircraft that operate under IFR, a relaxation of existing communications requirements would not be in the interest of safety. Any modifications to the dimensions or operating requirements for Class C airspace areas are outside the scope of this rulemaking.

Class D Airspace

NPRM No. 89–28 proposed to reclassify control zones for airports with operating control towers and airport traffic areas, not associated with a TCA or an ARSA, as Class D airspace areas. In addition, NPRM No. 89–28 proposed to: (1) Raise the ceiling to up to, and including, 4,000 feet from the surface of the airport; (2) require aircraft in Class D airspace areas to establish two-way radio communications with ATC; and (3) convert the lateral unit of measurement from statute miles to nautical miles.

One hundred and forty comments concerning the proposal to establish the ceiling of the Class D airspace areas at 4,000 feet above the surface were submitted. All of the comments opposed the proposal.

Of the 83 comments regarding the proposal to require pilots who operate in Class D airspace areas to establish two-way radio communications with ATC, two supported the proposal and 80 opposed it. One comment neither supported nor opposed the proposals.

One hundred and forty-three comments related to the proposal to convert the lateral unit of measurement of Class D airspace areas from statute to nautical miles were submitted. Most interpreted the proposal to mean that the lateral size of the airspace areas would change from 5 statute miles to 5 nautical miles. (The FAA's intent in NPRM No. 89–28 is to convert statute miles as a unit of measurement to the equivalent in nautical miles.) Twelve comments supported and 131 comments opposed the proposal. Most of the commenters who specifically opposed the use of nautical miles instead of statute miles were opposed to a 5 nautical mile lateral measurement of Class D airspace areas.

The commenters who support the proposed conversion from statute to nautical miles or the proposed two-way radio communications requirements with ATC submitted suggestions and reasons for support. Some of these comments stated that the standardized use of nautical miles as opposed to statute miles could be expanded to weather reports, visibility requirements, and distance from cloud requirements above 10,000 feet MSL. ATCA stated that the proposal for two-way radio communications with ATC "erases a potentially dangerous practice and is long overdue." Another commenter suggested that a corridor could be provided in Class D airspace areas for operations at satellite airports without operating control towers.

The 140 commenters that opposed the proposed ceiling of 4,000 feet above the surface included AOPA, the Alaska Airmen's Association, the Arizona Pilots Association, EAA, the Ohio Department of Transportation, and SSA. These same organizations are represented in the 131 comments that opposed the proposed conversion from statute to nautical miles and the 80 comments that oppose the proposed two-way radio communications requirements with ATC.

Several comments, including one from EAA, were submitted on the effects of the proposed ceiling modification and communications requirements on operations under SFAR No. 51–1—Special Flight Rules in the Vicinity of Los Angeles International Airport. According to the comments, the proposal would raise the ceiling of the airport traffic areas at Santa Monica and Hawthorne Airports into the Special Flight Rules Area. The commenters also stated that the proposed two-way radio communication requirements with ATC may not allow aircraft, especially those with one radio, to listen to an advisory frequency.

Some commenters, including SSA, stated that airport traffic areas (Class D airspace) could be depicted on aeronautical charts. Several commenters, including AOPA, the Alaska Airmen's Association, EAA, and the Ohio Department of Transportation stated that the proposals would increase air traffic controller workload. Some comments, including one from AOPA, stated that the proposal would increase pilot workload or that no safety benefit exists for the proposed modifications.

Several commenters, including AOPA and EAA, requested that the ceiling of Class D airspace areas be lowered to 2,000 feet or 2,500 feet above the surface. The commenters stated that the lower altitudes are adequate for the arrival and departure of aircraft. Other commenters, including the Alaska Airmen's Association and SSA, recommended retaining the current ceiling of 3,000 feet above the surface.

Commenters stated that the proposals for modifying the size of airspace and for requiring two-way radio communications with ATC would be a burden to aircraft that fly at low altitudes, and that some aircraft would need to fly a minimum of 5,500 feet MSL as opposed to 3,500 feet MSL. Some commenters stated that the proposal would burden pilots of airplanes that do not have radios. One commenter noted

that pilots who fly older aircraft with no radios or navigational aids do not pose a threat to commercial aviation.

Several comments, including those submitted by the AOPA and the Alaska Airmen's Association, stated that the proposal for two-way radio communications with ATC would not permit aircraft to listen to the common traffic advisory frequency (CTAF) of satellite airports. Additional comments, including those submitted by the AOPA and EAA, noted that air traffic controllers in control towers cannot provide effective traffic advisories for satellite airports. Some commenters, including EAA and the Ohio Department of Transportation, stated that the proposed two-way radio communication requirements with ATC are not necessary because operations at satellite airports usually do not interfere with airports with operating control towers. Another commenter noted that a pilot who desires to use a satellite airport and needs to fly near an airport with an operating control tower would need to notify the local ATC facility.

Commenters, including the Arizona Pilots Association and EAA, recommended that the lateral unit of measurement of Class D airspace areas be designated at 4 nautical miles.

As proposed, control zones for airports with operating control towers and airport traffic areas that are not associated with a TCA or an ARSA are reclassified as Class D airspace areas. After considering public comment and re-examining technical criteria, the FAA has determined that: (1) The ceiling of a Class D airspace area (designated for an airport) will normally be designated at 2,500 feet above the surface of the airport converted to mean sea level (MSL), and rounded to the nearest 100 foot increment; (2) two-way radio communications with ATC will be required; and (3) the lateral dimensions will be expressed in nautical miles rounded up to the nearest tenth of a mile. The actual lateral and vertical dimensions will be determined on an individual basis using revised criteria in FAA Order 7400.2C, Procedures for Handling Airspace Matters. (More detail on the review of airspace appears under the title Implementation of Airspace Reclassification.)

Airspace at an airport with a part-time control tower is classified as a Class D airspace area when the control tower is in operation, and as a Class E airspace area when the control tower is not in operation.

The amendments do not affect operations under SFAR 51–1. The amendments to SFAR 51–1 replace the term "Terminal Control Area" with "Class B airspace area" and change the references to sections in Part 91 to the sections effective August 18, 1990. Any modifications to operations under an SFAR or Part 93, Special Air Traffic Rules and Airport Traffic Patterns, will be proposed under separate rulemaking actions.

Vertical Limit of Class D Airspace Areas

A goal of airspace reclassification is to enhance safety. The FAA is of the opinion that the existing airspace designations of an ARSA, which has a ceiling of "up to and including" 4,000 feet above the surface, and an airport traffic area, which has a ceiling of "up to, but not including," 3,000 feet above the surface, has caused confusion, which does not enhance safety. To promote uniformity, the FAA in NPRM No. 89–28 proposed that the ceiling of Class C, Class D, and Class E airspace areas that extend upward from the surface be established at "up to, and including" 4,000 feet above the surface. Many of the comments on this proposal were opposed to this modification. As previously stated, the FAA has determined that the ceiling of Class D airspace areas will normally be designated at up to, and including, 2,500 feet above the surface of the airport expressed in MSL. To further enhance uniformity, the ceiling of Class E airspace areas that extend upward from the surface normally will also have a ceiling established at up to, and including, 2,500 feet above the surface of the airport expressed in MSL. A ceiling of 2,500 feet above the surface will provide adequate vertical airspace to protect traffic patterns. However, the FAA emphasizes that the ceiling of a Class D or a Class E airspace area will reflect the conditions of the particular airspace area. For example, if local conditions warrant, the ceiling could be designated at more than 2,500 feet above the surface (e.g., 2,700 or 3,000 feet above the surface). Conversely, some airports with limited volume of nonturbine-powered aircraft may have a lower vertical limit.

The decision to use 2,500 feet above the surface is based on recent FAA analysis of vertical airspace necessary to protect traffic patterns and a review of public comment to lower the ceiling of an airport traffic area. The FAA's analysis demonstrates that the 2000-foot vertical limit is insufficient since it often does not protect traffic patterns for high performance aircraft.

Two-Way Radio Communications in and Lateral Dimensions of Class D Airspace Areas

The FAA has determined that in order to meet safety standards, two-way radio communications with ATC must be established in Class D airspace areas. Task Group 1–2.3, which recommended NAR 1–2.3.2—Two-Way Radio Requirements in Airport Traffic Areas, stated that "pilots have been issued violations, or critical injuries have occurred because pilots were not in compliance with the two-way radio communications requirements."

The FAA also has determined that the lateral distance of Class D airspace areas will be based on the instrument procedures for which the controlled airspace is established. Therefore, the dimensions may not be in a circular shape that is similar to the current airport traffic areas or control zones.

Many commenters stated that the communications requirements associated with operations at satellite airports within Class D airspace areas would prevent them from using CTAF procedures. The FAA generally agrees with these comments; consequently, the FAA will individually review control zones and associated transition areas that are not associated with the primary airport of a TCA or an ARSA. The review of the designation of Class D airspace areas will be conducted to determine the necessary size of the area and will exclude satellite airports to the maximum extent practicable and consistent with safety. For example, a satellite airport without an operating control tower might have a Class E airspace area carved out of a Class D airspace area, or a Class E airspace area might be placed under a shelf of a Class D airspace area. (See Figure 1.) In another example, the portions of an existing control zone that extend beyond the existing limits of an airport traffic area (extension used for instrument approaches) may be designated only by using the airspace necessary under the terminal instrument procedures (TERPs) criteria. (See Figure 1.) When a satellite airport is excluded, a pilot who is operating an aircraft in the immediate vicinity of that satellite airport and who does not otherwise penetrate airspace where two-way radio communications with ATC are required will be free to communicate on the CTAF of that satellite airport.

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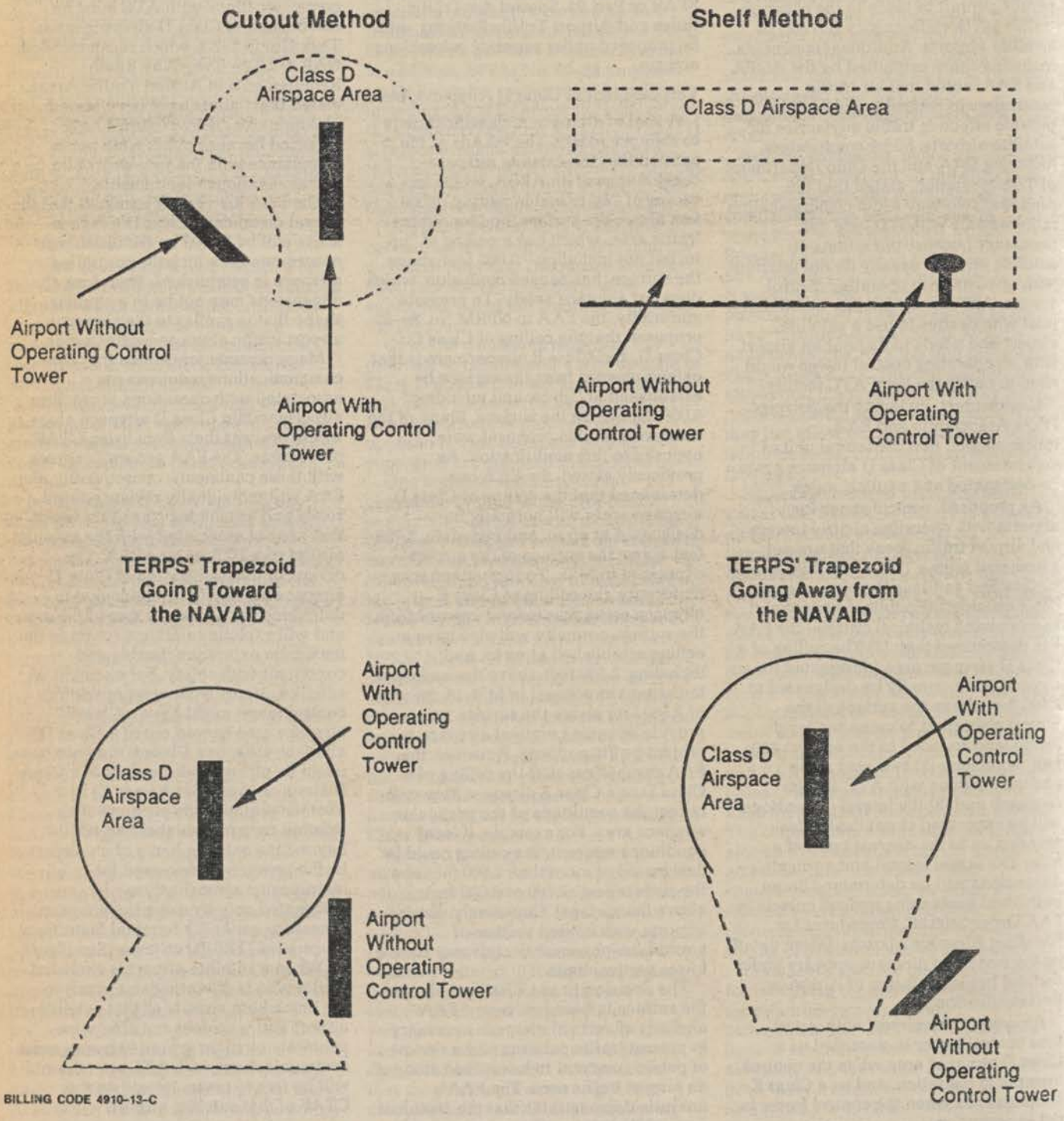
Figure 1. Examples of Satellite Airports Excluded from Class D Airspace Areas.



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The FAA will be flexible in the review of the airspace dimensions. However, pilots who operate at satellite airports that underlie the instrument arrival and departure path of the airport in Class D airspace areas may, in some instances, be required to establish two-way radio communications with ATC to comply with safety precautions.

Class E Airspace

NPRM No. 89–28 proposed to reclassify as Class E airspace areas as follows: All Federal airways, the Continental Control Area, control areas associated with jet routes outside the Continental Control Area, additional control areas, control area extensions, control zones for airports without operating control towers, transition areas, and area low routes. The five comments submitted on this proposal neither supported nor opposed the proposal, but offered suggestions.

One commenter noted that the current names are descriptions of how the airspace area is to be used (i.e., transition areas, airways) and that under the proposal, airways would still be necessary. The SSA recommended the continued use of the term "control zone" for airspace extending upward from the surface that is independent of Class B, Class C, or Class D airspace areas. They also recommended that control zones should extend to the floor of overlying controlled airspace. One commenter recommended that the floor of Class E airspace areas that are now 1,200 feet above ground level (AGL) be raised to 1,500 or 2,200 feet AGL and noted that the floor of Class E airspace areas should not be below the minimum en route IFR altitude (MEA) in mountainous regions.

The FAA will adopt the classification of Class E airspace areas as proposed. This classification will not eliminate the requirement for Federal airways, which are specified in part 71. However, this classification will eliminate the designation of control zones. Control zones for airports without operating control towers are classified as Class E airspace areas designated for an airport that extend upward from the surface.

The FAA believes that the reclassification of control zones for airports without operating control towers as Class E airspace areas will not cause confusion. As noted earlier, such airspace areas will be depicted on visual aeronautical charts by a segmented magenta line. Under existing regulations, a control zone usually has a 5-statute mile radius and ascends to the base of the Continental Control Area. The FAA's review process, using the revised criteria in FAA Order 7400.2C, will look at the dimensions of each control zone and associated transition areas. Each review will include a review of instrument approach procedures, as well as local terrain to determine the actual airspace needed to contain IFR operations.

The floor of Class E airspace areas, which do not extend upward from the surface, will remain the same as existing airspace areas (e.g., 700 feet AGL, 1,200 feet AGL, 1,500 feet AGL, 14,500 feet MSL). Any modifications to the floor of Class E airspace areas are beyond the scope of this rulemaking.

Class G Airspace

NPRM No. 89–28 proposed to reclassify airspace that is not otherwise designated as the Continental Control Area, a control area, a control zone, a terminal control area, a transition area, or SUA as Class G airspace areas. Of the six comments submitted, four comments opposed the proposal and two offered suggestions.

The four opposing comments, including EAA's comment, understood the Class G airspace areas to be airspace below 700 feet AGL.

The two comments that neither supported nor opposed the proposal included the comment from the ATA. The ATA recommended that Class G airspace areas be designated as Class F airspace areas.

The FAA has determined that all navigable airspace areas not otherwise designated as Class A, Class B, Class C, Class D, or Class E airspace areas or SUA are classified as Class G airspace areas. Since the proposal to replace the Continental Control Area with the U.S. control area in NPRM No. 88–2 was not adopted, the vertical limit of Class G airspace areas will vary (e.g., 700 feet AGL, 1,200 feet AGL, 1,500 feet AGL, 14,500 feet MSL). In addition, the flight visibility and distance from cloud requirements for operations under VFR proposed in NPRM No. 89–28 are modified to remain consistent with the existing requirements in §§ 91.155 and 103.23.

Class F airspace is omitted from the U.S. airspace classifications because this airspace, as adopted by ICAO, does not have a U.S. equivalent. Class G airspace, as adopted by ICAO, is the equivalent of U.S. uncontrolled airspace.

Additional Comments

Comments on issues affecting a specific class of airspace were also received. These comments with any modifications to the final rule are discussed below.

Some commenters, including AOPA, expressed apprehension that the FAA may reclassify airspace in an arbitrary manner. Other commenters, including EAA and SSA, believed the FAA implied in NPRM No. 89–28 that the person who is delegated airspace authority could allow any airspace designations considered appropriate.

In NPRM No. 89–28 and in this final rule, the FAA does not suggest that any new airspace designations could be specified without following rulemaking procedures where required. Further review of airspace areas will be proposed in future FAA rulemaking actions.

Three commenters, including the Alaska Airmen's Association and SSA, noted that NPRM No. 89–28 proposed to define controlled airspace in FAR § 1.1 as airspace in which "all aircraft may be subject to ATC" rather than airspace in which "some or all aircraft may be subject to ATC." According to one commenter, because aircraft operating under VFR are not always subject to ATC in controlled airspace, especially Class E airspace, the current definition is more accurate.

The proposed definition of controlled airspace is adopted in essence but it has been modified to correspond with ICAO's definition of a controlled airspace. Subsequent to the publication of NPRM No. 89–28, ICAO modified its definition of controlled airspace to read as follows: "Controlled airspace. An airspace of defined dimensions within which air traffic control service is provided to IFR flights and to VFR flights in accordance with the airspace classification. Note—Controlled airspace is a generic term which covers ATS (air traffic services) in airspace Classes A, B, C, D, and E." The proposed FAA definition in NPRM No. 89–28 read: "Controlled airspace means airspace designated as Class A, Class B, Class C, Class D, or Class E airspace in part 71 of this chapter and within which all aircraft may be subject to air traffic control."

While the commenter is essentially correct that all aircraft are not always subject to air traffic control, any aircraft may be subject to ATC if the pilot operates under IFR or if the pilot requests and receives air traffic services. The FAA believes that misunderstandings would be minimized with the adoption of the ICAO definition. The ICAO definition and the proposed definition are essentially synonymous; however, the FAA is confident the adoption of the ICAO definition is consistent with the objectives of airspace reclassification and that it is beneficial to have a

common international definition of controlled airspace.

Four commenters, including EAA and SSA, noted that NPRM No. 89–28 only permits Special VFR operations for the purposes of departing from or arriving at an airport. The commenters stated that such a restriction of Special VFR operations would affect pipeline patrol, aerial photography, law enforcement, agricultural, and other special types of operations. EAA also stated that the proposed limitation of 4,000 feet above the surface for Special VFR operations could prevent pilots from climbing to the top of a haze layer.

The FAA will continue to permit Special VFR operations for through flights as well as flights for arrival or departure. Because control zones will be eliminated under Airspace Reclassification, Special VFR operations are only permitted within the ceiling and lateral boundaries of the surface areas of the Class B, Class C, Class D, or Class E airspace designated for an airport. Because the proposal for a uniform ceiling for Class C, Class D, and Class E airspace areas at 4,000 feet above the surface is not adopted, the boundaries of the airspace area in which Special VFR operations are permitted will vary. For example, if a Class C airspace area has a ceiling designated at 4,500 feet MSL and a surface area designated within a 5-nautical mile radius from the airport, Special VFR operations are permitted within that 5-nautical mile radius up to and including 4,500 feet MSL.

One commenter, a flight instructor with a petition signed by additional flight instructors, stated that the language in the proposal on aerobatic flight is vague and could be interpreted to restrict aerobatic operations within existing transition areas and other less crowded airspace areas. The commenter was concerned that the proposed § 91.71(c) could affect spin training at flight schools.

Under this amendment, the term "control zone" will be eliminated. However, the FAA desires to continue restrictions that currently exist in the FAR on operations within control zones. These restrictions will now apply within the lateral boundaries of the surface areas of the Class B, Class C, Class D, or Class E airspace designated for an airport. For example, if a Class E airspace area is designated to extend upward from the surface with a 4.4-nautical mile radius from the airport and a ceiling of 2,600 feet MSL, aerobatic flight will not be permitted below 2,600 feet MSL within a 4.4-nautical mile radius of the airport.

Implementation of Airspace Reclassification

The implementation of the Airspace Reclassification final rule includes parallel reviews of certain existing airspace areas to meet the new airspace classifications. The outcome of the multi-phase review will be published in separate NPRMs. The reviews will focus on control zones, non-Federal control towers, transition areas, and offshore airspace. The FAA realizes that some of the reviews could be in areas with unique local conditions.

The FAA drafted changes to FAA Order 7400.2C, which focuses on existing control zones and transition areas. The changes to Order 7400.2C are considered independent of the Airspace Reclassification final rule, and involve the revised criteria to be used for the reviews. Because the changes to Order 7400.2C and the reviews occur before the effective date of the Airspace Reclassification final rule, the revised criteria are written in existing airspace terminology. Examples of the revised criteria include: (1) Converting the lateral unit of measurement from statute miles to nautical miles; (2) conforming existing control zones to be congruent with the lateral dimensions of the surface areas of existing TCAs or ARSAs; (3) redesignating control zones to contain intended operations (not necessarily in a circular configuration); (4) redesignating the vertical limit of control zones from the surface of the earth to a specified altitude (but not to the base of the Continental Control Area); (5) establishing a policy to exclude satellite airports from control zones to the maximum extent practicable, consistent with instrument procedures and safety; and (6) replacing control zone departure extensions with transition areas.

The FAA anticipates that many control zones and associated transition areas would require minor modification. For example, a control zone could be integrated with the associated TCA or ARSA (Class B or Class C airspace area) or a control zone could become either a Class D airspace area or a Class E airspace area that extends upward from the surface.

The reviews will include control zones where a significant change in the current airspace structure is expected. For example, a control zone that extends beyond the perimeter of the associated TCA or ARSA and could require modification of the associated TCA or ARSA (Class B or Class C airspace area). The reviews will also include transition areas not associated with control zones and offshore airspace. Proposed changes that result from these reviews will be promulgated using normal rulemaking procedures.

The reviews could also result in the expansion of controlled airspace. These actions could affect airspace areas associated with non-Federal control towers. Any expansion of controlled airspace will be proposed in future NPRMs.

All necessary changes to the airspace structures are scheduled to be completed by September 16, 1993, the effective date of the Airspace Reclassification final rule.

Changes to the NPRM

This final rule includes several nonsubstantive editorial changes made to NPRM No. 89–28. Changes are also included in this final rule to certain FAR sections that were not included in NPRM No. 89–28 but require changes in terminology to be consistent with the amendments. Three additional subparts in part 93 are deleted because the rules will not be necessary under airspace reclassification. The sections and subparts, with an explanation of the changes made to them, follow.

SFAR 51–1

The reference to "Terminal Control Area (TCA)" in section 1 is replaced with "Class B airspace area." The reference to § 91.105(a) in section 2(a) is replaced with § 91.155(a). The reference to § 91.24(b) in section 2(b) is replaced with § 91.215(b). The phrase "meet the equipment requirements" in section 2(b) is replaced with "be equipped as." The reference to § 91.90(a) and § 91.90 in section 3 is replaced with § 91.131(a) and § 91.131.

SFAR 60

The references to "terminal control area" and "airport radar service area" in section 3a are replaced with "Class B airspace area" and "Class C airspace area." The phrase "terminal and en route airspace" in section 3a is replaced with "class of controlled airspace."

SFAR 62

The two references to "terminal control area" in section 1(a) are replaced with "Class B airspace area." The references to the "Tri-Area TCA" in section 2(24) and (25) are replaced with "Tri-Area Class B airspace area."

§ 45.22(a)(3)(i)

The phrase "the designated airport control zone of the takeoff airport, or within 5 miles of that airport if it has no designated control zone" is replaced with "the lateral boundaries of the

surface areas of Class B, Class C, Class D, or Class E airspace designated for the takeoff airport, or within 4.4 nautical miles of that airport if it is within Class G airspace."

§ 61.95

All references to "terminal control area" in the title and paragraphs (a), (a)(1), (a)(2), (a)(3), and (b) are replaced with "Class B airspace" or "Class B airspace area."

§ 61.193(b)(4)

Both references to a "terminal control area" are replaced with "Class B airspace area."

§ 61.195(d)(3)

Both references to a "terminal control area" are replaced with "Class B airspace area."

Part 75

This part is removed and reserved with all sections being transferred to a new subpart M in existing Part 71.

§ 91.126

This section is established to include the existing requirements in § 91.127 on operations on or in the vicinity of an airport without an operating control tower.

§ 91.905

The references to §§ 91.127, 91.129, 91.130, 91.131, and 91.135 are replaced with the titles to become effective September 16, 1993, and a reference is added to § 91.126.

§ 93.1(b)

The reference to § 93.113, which is to be deleted as of September 16, 1993, is deleted.

Subpart N, part 93

This subpart on the airport traffic area at the Sabre U.S. Army Heliport (Tennessee) is removed and reserved. On September 16, 1993, this airspace will become a Class D airspace area.

Subpart O, part 93

This subpart on the Navy airport traffic area at Jacksonville, Florida, is removed and reserved. On September 16, 1993, this airspace will become three separate but adjoining Class D airspace areas.

Subpart R, part 93

This subpart on the Special Air Traffic Rules at El Toro California, is removed and reserved. On September 16, 1993, this airspace will become a part of the El Toro Class C airspace area.

§ 135.205(b)

The reference to "uncontrolled airspace" is replaced with "Class G airspace." The reference to "control zones" is replaced with "within the lateral boundaries of the surface areas of Class B, Class C, Class D, or Class E airspace designated for an airport."

§ 139.323(a)

The reference to "terminal control area" is replaced with "Class B airspace area."

§ 171.9(e)(1) and (e)(2)

All references to "air traffic control areas" are replaced with "controlled airspace."

§ 171.29(d)(1) and (d)(2)

All references to "air traffic control areas" are replaced with "controlled airspace."

§ 171.159(e)(1) and (e)(2)

Both references to "air traffic control areas" are replaced with "controlled airspace." The reference to "air traffic control zones or areas" is replaced with "controlled airspace."

§ 171.209(d)

Both references to "air traffic control areas" are replaced with "controlled airspace." The reference to "air traffic control zones or areas" is replaced with "controlled airspace."

§ 171.323(i)

The reference to "air traffic control areas" is replaced with "controlled airspace." The reference to "air traffic control zones or areas" is replaced with "controlled airspace."

Obsolete Dates

Obsolete dates have been removed from §§ 91.215 (b)(2), (b)(4), and (b)(5)(ii). Section 91.215(b)(5)(i)(A) is obsolete and is deleted. Section 91.215(b)(5)(i)(B) is incorporated into existing § 91.215(b)(5)(i).

Regulatory Evaluation Summary

This section summarizes the full regulatory evaluation prepared by the FAA that provides more detailed estimates of the economic consequences of this final rule regulatory action. This summary and the full evaluation quantify, to the extent practicable, estimated costs to the private sector, consumers, Federal, State and local governments, as well as anticipated benefits.

Executive Order 12291, dated February 17, 1981, directs Federal agencies to promulgate new regulations or modify existing regulations only if potential benefits to society for each regulatory change outweigh potential costs. The order also requires the preparation of a Regulatory Impact Analysis of all major rules except those responding to emergency situations or other narrowly defined exigencies. A major rule is one that is likely to result in an annual effect on the economy of $100 million or more, a major increase in consumer costs, a significant adverse effect on competition, or one that is highly controversial.

The FAA has determined that this rule is not major as defined in the executive order. Therefore, a full regulatory analysis, that includes the identification and evaluation of cost reducing alternatives to the final rule, has not been prepared. Instead, the agency has prepared a more concise document termed a regulatory evaluation that analyzes only this rule without identifying alternatives. In addition to a summary of the regulatory evaluation, this section also contains a final regulatory flexibility determination required by the 1980 Regulatory Flexibility Act (Pub. L. 96–354) and an International Trade Impact Assessment. If the reader desires more detailed economic information than this summary contains, then he/she should consult the full regulatory evaluation contained in the docket.

Benefit-Cost Analysis

The regulatory evaluation examines the costs and benefits of this final rule to reclassify U.S. airspace. This rule is intended to simplify airspace designations, achieve international commonality of airspace designations, standardize equipment requirements and associate appropriate pilot certification requirements as well as certain other requirements associated with each proposed airspace designation. These changes are based primarily on recommendations from a National Airspace Review (NAR) task group and will ultimately allow for increased safety and efficiency in the U.S. airspace and air traffic control system.

Costs

The FAA estimates the total incremental cost that will accrue from the implementation of this final rule to be $1.9 million (discounted, in 1990 dollars). Virtually all cost, which is expected to be incurred by the FAA, will accrue from revisions to aeronautical charts, re-education of the pilot community, and revision of air traffic controller training courses. Each one of these factors is briefly discussed below:

1. Revisions to Aeronautical Charts

A significant cost impact associated with this rule will result from the requirement to change aeronautical charts. These modifications will be incorporated during the regular updating and printing of the charts. Therefore, all costs associated with printing aeronautical charts are assumed to be normal costs of doing business. However, because of dimension and symbol changes that will be needed, the plates used to print the charts will need to be changed, and this will affect most of the aeronautical charts printed.

The total cost of revisions to all charts is estimated by the National Ocean Service based on the summation of the costs of revising each class of the airspace. The total discounted cost is estimated to be $1.2 million.

2. Revision of Air Traffic Training Courses

Manuals, textbooks, and other training materials used to educate FAA controllers will need to be updated to reflect the airspace reclassification. According to the FAA Aeronautical Center in Oklahoma City, lesson plans, visual aids, handouts, laboratory exercises, and tests will need to be revised.

The cost of these revisions is determined by multiplying the total revision time by the hourly cost of the course manager making the changes. The course managers are level GS–14 (step 5) employees with an average loaded annual salary of $72,000. Assuming 2,080 hours per year, their average loaded hourly salary is $35. The cost of the course changes is estimated to be $43,000 (discounted). An additional cost of $10,000 (discounted) will accrue as the result of a one-week seminar and associated travel. This seminar will be necessary to educate course managers about the airspace reclassification. The total cost that will accrue from this factor is estimated to be $43,000 (discounted).

3. Re-education of the Pilot Community

Pilots who are presently certificated to operate in the U.S. airspace will need to become familiar with the airspace reclassification as the result of this rule. This task will be accomplished through a variety of publications, videotapes, and pilot meetings.

The FAA is considering the production of a videotape that will be provided as a public service to industry associations, such as AOPA, ALPA, and NBAA, to inform them of the airspace reclassification. This videotape could be shown at various association meetings to help re-educate the pilot community. The FAA's Office of Public Affairs, estimates that the film will be 20 to 25 minutes long and could be produced at a cost of $75,000 (discounted).

The FAA is also considering the publication of an advisory circular (AC) which will document the new airspace classifications. The AC will be mailed to each registered pilot. It is estimated that one man-week at a level GS–14 (Step 5) will be required to draft the AC and obtain approval in the sponsoring organization, and one GS–14 man-week will be required to obtain FAA approval of the AC. The cost associated with 2 man-weeks at a level GS–14 needed to prepare the AC is estimated to be $2,500 (discounted). This cost was estimated using the average loaded hourly salary of a level GS–14 employee which is $35.

After the AC is approved, it will be mailed to approximately 761,000 registered pilots. Assuming that the AC will be 10 pages long and the cost of reproduction is $0.05 per page, the cost of reproduction will be $346,000 (discounted). Assuming that the shipping and handling charge associated with each copy is $0.29, the cost of shipping and handling is $201,000 (discounted). The cost impact that will result for re-educating the pilot community was estimated by summing the cost of the videotape and the AC, described in the preceding paragraphs. This estimated cost impact is $625,000 (discounted).

Benefits

This final rule is expected to generate benefits in the form of enhanced safety and operational efficiency to the aviation community. These benefits are briefly described, in qualitative terms, below:

1. Increased Safety Due to Better Understanding and Simplification

The FAA believes that the simplified classification in this rule will reduce airspace complexity and thereby enhance safety. This airspace reclassification mirrors the new ICAO airspace designations, except there will not be a U.S. Class F airspace.

This rule also will increase safety in the U.S. since foreign pilots operating aircraft in U.S. airspace will be familiar with the airspace designations and classification system.

Another simplification which is expected to help increase airspace safety is the change that will correlate the class of controlled airspace currently termed a control zone to the airspace of the surrounding area. Currently, several types of airspace are designated around an airport, which makes it difficult for pilots and controllers to determine how the areas are classified and which requirements apply. After the reclassification, the terminology will be more explanatory.

The conversion of statute mile designations to nautical mile designations is intended to further simplify operations. Since the instruments on-board the aircraft are calibrated in nautical miles and aviation charts have representations in nautical miles, this change will eliminate the need for pilots to convert between nautical and statute miles. This simplification will help pilots and controllers to be better able to understand the airspace designations in part 71.

2. Reduced Minimum Distance from Cloud Requirement

This airspace reclassification will designate TCAs as Class B airspace areas. The VFR minimum distance from clouds requirement in this airspace will also change. Currently this distance is 500 feet below, 1,000 feet above, and 2,000 feet horizontal. In Class B airspace, the rule will require that the minimum distance from clouds be "clear of clouds." This change will afford VFR traffic increased opportunities to fly in Class B airspace in more types of weather than they currently have in a TCA. Furthermore, there will be reduced requests for deviation from ATC instruction to maintain cloud clearance. This action will not threaten safety since all aircraft operating in Class B airspace are provided with the appropriate separation.

3. Operation Of Ultralight Vehicles

This rule incorporates NAR task group 1–7.2 recommendations and changes part 103 to correspond to the new airspace designations found in part 71. There will be no decrease in safety because there is no change in the type of airspace in which ultralights are permitted to fly or operate.

Conclusion

Despite the fact that benefits are not quantifiable in monetary terms, the FAA, nonetheless, concludes that the benefits of this rule are expected to outweigh its expected costs.

International Trade Impact Assessment

Since this rule will not affect airspace outside the United States for which the United States is responsible, it is not expected to impose any new operating requirement in that airspace. As such, it will have no affect on the sale of foreign aviation products or services in the United States, nor will it affect the sale

of U. S. products or services in foreign countries.

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 government regulations. The RFA requires agencies to review rules which may have "a significant cost impact on a substantial number of small entities." The small entities which could be potentially affected by the implementation of this notice are pilot schools.

Training materials used in the courses offered by the pilot schools will have to be modified to reflect the changes of the airspace reclassification. However, pilot schools will not incur any cost impact since the documents they use will be updated as a normal course of business. Thus, there will be no cost impact to those pilot schools classified as small entities. Therefore, this rule will not have a significant cost impact on a substantial number of small entities.

Federalism Implications

The amendments in this final rule will not have substantial direct effect on the 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 these amendments will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511), there are no requirements for information collection associated with this rule.

Conclusion

For reasons discussed in the preamble, and based on the findings in the Regulatory Evaluation Determination and the International Trade Impact Analysis, the FAA has determined that these amendments do not qualify as a major rule under Executive Order 12291. In addition, the FAA certifies that these amendments will not have a significant economic effect on a substantial number of small business entities under the criteria of the Regulatory Flexibility Act. These amendments are considered significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A regulatory evaluation of these amendments, including a Regulatory Flexibility Determination and Trade Impact Analysis, has been placed in its entirety in the regulatory docket. A copy may be obtained by contacting the person identified under "**FOR FURTHER INFORMATION CONTACT.**"

Cross Reference

To identify where existing regulations for part 75 are relocated in existing part 71, the following cross reference lists are provided:

Cross Reference Table

Old section	New section
75.1	71.601.
75.11	71.603.
75.13	71.605.
75.17	Deleted.
75.100	71.607.
75.400	71.609.

New Section	Old Section
71.601	75.1.
71.603	75.11.
71.605	75.13.
71.607	75.100.
71.609	75.400.

To identify where existing regulations for part 71 are relocated in the rule to be effective September 16, 1993, or if the regulations will be relocated in FAA Order 7400.9, the following cross reference lists are provided:

Cross Reference Table

Old section	New section or FAA order 7400.9
71.1	71.1.
71.3	71.73.
71.5	71.75.
71.6	71.77.
71.7	Deleted.
71.9	71.71.
71.11	Deleted.
71.12	71.41.
71.13	71.71.
71.14	71.51.
71.15	71.31.
71.17	71.5.
71.19	71.7.
71.101	Subpart E of FAA Order 7400.9.
71.103	Subpart E of FAA Order 7400.9.
71.105	Subpart E of FAA Order 7400.9.
71.107	Subpart E of FAA Order 7400.9
71.109	Subpart E of FAA Order 7400.9
71.121	71.79.
71.123	Subpart E of FAA Order 7400.9
71.125	Subpart E of FAA Order 7400.9
71.127	Subpart E of FAA Order 7400.9.
71.151	Subpart E of FAA Order 7400.9.
71.161	71.71 and Subpart E of FAA Order 7400.9.
71.163	71.71 and Subpart E of FAA Order 7400.9.
71.165	Subpart E of FAA Order 7400.9.
71.171	Subpart D or E of FAA Order 7400.9
71.181	Subpart E of FAA Order 7400.9
71.193	71.33.
71.201	71.901.
71.203	Subpart H of FAA Order 7400.9.
71.207	Subpart H of FAA Order 7400.9.
71.209	Subpart H of FAA Order 7400.9.
71.211	Subpart H of FAA Order 7400.9.
71.213	Subpart H of FAA Order 7400.9.
71.215	Subpart H of FAA Order 7400.9.
71.301	Subpart E of FAA Order 7400.9.
71.401	Subpart B of FAA Order 7400.9.
71.501	Subpart C of FAA Order 7400.9.
71.601	Deleted
71.603	Subpart A of FAA Order 7400.9.
71.605	Subpart A of FAA Order 7400.9.
71.607	Subpart A of FAA Order 7400.9.
71.609	Subpart A of FAA Order 7400.9.

New Section	Old Section
71.1	71.1.
71.5	71.17.
71.7	71.19.
71.9	New.
71.31	71.15.
71.33	71.193.
71.41	71.12.
71.51	71.14.
71.61	New.
71.71	71.9, 71.13, 71.161, 71.163.
71.73	71.3.
71.75	71.5.
71.77	71.6.
71.79	71.121.
71.901	71.201.

FAA Order 7400.9	Old Section
Subpart A	71.603.
Subpart A	71.605.
Subpart A	71.607.
Subpart A	71.609.
Subpart B	71.401.
Subpart C	71.501.
Subpart D or Subpart E	71.171.
Subpart E	71.101.
Subpart E	71.103.
Subpart E	71.105.
Subpart E	71.107.
Subpart E	71.109.
Subpart E	71.123.
Subpart E	71.125.
Subpart E	71.127.
Subpart E	71.151.
Subpart E	71.161.
Subpart E	71.163.
Subpart E	71.165.

FAA Order 7400.9	Old Section
Subpart E	71.181.
Subpart E	71.301.
Subpart H	71.203.
Subpart H	71.207.
Subpart H	71.209.
Subpart H	71.211.
Subpart H	71.213.
Subpart H	71.215.

List of Subjects

14 CFR Part 1

Air safety, Air transportation, Aviation safety, Safety, Transportation.

14 CFR Part 11

Administrative practice and procedure, Reporting and recordkeeping requirements.

14 CFR Part 45

Air safety, Air transportation, Aviation safety, Safety, Transportation.

14 CFR Part 61

Air safety, Air transportation, Airmen, Aviation safety, Pilots, Students, Safety, Transportation.

14 CFR Part 65

Air safety, Air transportation, Airmen, Airports, Aviation safety, Reporting and recordkeeping requirements, Safety.

14 CFR Part 71

Airspace, Airways, Incorporation by reference.

14 CFR Part 75

Airspace, Airways.

14 CFR Part 91

Air safety, Air traffic control, Air transportation, Airmen, Airports, Aviation safety, Reporting and recordkeeping requirements.

14 CFR Part 93

Special air traffic rules.

14 CFR Part 101

Air safety, Air transportation, Aircraft, Aviation safety, Reporting and recordkeeping requirements.

14 CFR Part 103

Air safety, Air transportation, Aircraft, Aviation safety, Recreation and recreation areas.

14 CFR Part 105

Air safety, Air transportation, Aircraft, Airports, Airspace, Aviation safety, Recreation and recreation areas, Reporting and recordkeeping requirements.

14 CFR Part 121

Air carrier, Air safety, Air traffic control, Air transportation, Aircraft, Airmen, Aviation safety, Charter flights, Reporting and recordkeeping requirements, Safety, Transportation.

14 CFR Part 127

Air carrier, Air safety, Air transportation, Aircraft, Airmen, Aviation safety, Reporting and recordkeeping requirements.

14 CFR Part 135

Air carrier, Air safety, Air traffic control, Air transportation, Aircraft, Airmen, Airspace, Aviation Safety.

14 CFR Part 137

Air safety, Agriculture, Aircraft, Aviation safety.

14 CFR Part 139

Air carrier, Air safety, Air transportation, Aircraft, Airports, Aviation safety.

14 CFR Part 171

Air traffic control, Aircraft, Airports, Airspace, Navigation, Reporting and recordkeeping requirements.

The Rule

In consideration of the foregoing, the Federal Aviation Administration amends SFAR 51–1, SFAR 60, SFAR 62, parts 1, 11, 45, 61, 65, 71, 75, 91, 93, 101, 103, 105, 121, 127, 135, 137, 139, and 171 of Federal Aviation Regulations (14 CFR parts 1, 11, 45, 61, 65, 71, 75, 91, 93, 101, 103, 105, 121, 127, 135, 137, 139, and 171) as follows:

PART 91—[AMENDED]

Part 91 is amended as follows:

SFAR No. 51–1—SPECIAL FLIGHT RULES IN THE VICINITY OF LOS ANGELES INTERNATIONAL AIRPORT

1. The authority citation for Special Federal Aviation Regulation No. 51–1 is revised to read as follows:

Authority: 49 U.S.C. app. 1303, 1348, 1354(a), 1421, and 1422; 49 U.S.C. 106(g).

2. Special Federal Aviation Regulation No. 51–1 is amended by revising section 1 introductory text, paragraphs 2(a) and 2(b) of section 2, and section 3 to read as follows:

Section 1. Applicability: This rule establishes a special operating area for persons operating aircraft under visual flight rules (VFR) in the following airspace of the Los Angeles Class B airspace area designated as the Los Angeles Special Flight Rules Area: * * *

Section 2. * * *

a. The flight must be conducted under VFR and only when operation may be conducted in compliance with § 91.155(a).

b. The aircraft must be equipped as specified in FAR 91.215(b) replying on Code 1201 prior to entering and while operating in this area.

* * * * *

Section 3. Notwithstanding the provisions of § 91.131(a), an air traffic control authorization is not required in the Los Angeles Special Flight Rules Area for operations in compliance with section 2 of this SFAR. All other provisions of § 91.131 apply to operate in the Special Flight Rules Area.

SFAR NO. 60—AIR TRAFFIC CONTROL SYSTEM EMERGENCY OPERATION

3. The authority citation for SFAR No. 60 is revised to read as follows:

Authority: 49 U.S.C. app. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 through 1431, 1471, 1472, 1502, 1510, 1522, and 2121 through 2125; articles 12, 29, 31, and 32(a) of the Convention on International Civil Aviation (61 stat. 1180); 42 U.S.C. 4321 *et seq.*; E.O. 11514, 35 FR 4247, 3 CFR, 1966–1970 Comp., p. 902; 49 U.S.C. 106(g).

4. Special Federal Aviation Regulation No. 60 is amended by revising paragraph (a) of section 3 to read as follows:

* * * * *

3. * * *

(a) Restrict, prohibit, or permit VFR and/or IFR operations at any airport, Class B airspace area, Class C airspace area, or other class of controlled airspace.

* * * * *

SFAR NO. 62—SUSPENSION OF CERTAIN AIRCRAFT OPERATIONS FROM THE TRANSPONDER WITH AUTOMATIC PRESSURE ALTITUDE REPORTING CAPABILITY REQUIREMENT

5. The authority citation for SFAR No. 62 is revised to read as follows:

Authority: 49 U.S.C. app. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 through 1431, 1471, 1472, 1502, 1510, 1522, and 2121 through 2125; articles 12, 29, 31, and 32(a) of the Convention on International Civil Aviation (61 stat. 1180); 42 U.S.C. 4321 *et seq.*; E.O. 11514, 35 FR 4247, 3 CFR, 1966–1970 Comp., p. 902; 49 U.S.C. 106(g).

6. Special Federal Aviation Regulation No. 62 is amended by revising paragraph (a) of section 1 and introductory text of both paragraphs (24) and (25) of section 2 to read as follows:

Section 1. * * *

(a) The airspace within 30 nautical miles of a Class B airspace area primary airport, from the surface upward to 10,000 feet MSL, excluding the airspace designated as a Class B airspace area is referred to as the Mode C veil.

* * * * *

Section 2. * * *

* * * * *

(24) Effective until the establishment of the Washington Tri-Area Class B airspace area or December 30, 1993, whichever occurs first:

* * *

(25) Effective upon the establishment of the Washington Tri-Area Class B airspace area:

* * *

* * * * *

PART 1—DEFINITIONS AND ABBREVIATIONS

7. The authority citation for part 1 is revised to read as follows:

Authority: 49 U.S.C. app. 1347, 1348, 1354(a), 1357(d)(2), 1372, 1421 through 1430, 1432, 1442, 1443, 1472, 1510, 1522, 1652(e), 1655(c), 1657(f); 49 U.S.C. 106(g).

8. Section 1.1 is amended by removing the definition of "airport traffic area," revising the definition of "controlled airspace," and adding the definitions of "Special VFR conditions" and "Special VFR operations" in alphabetical order to read as follows:

§ 1.1 General definitions.

* * * * *

Controlled airspace means an airspace of defined dimensions within which air traffic control service is provided to IFR flights and to VFR flights in accordance with the airspace classification.

Note—Controlled airspace is a generic term that covers Class A, Class B, Class C, Class D, and Class E airspace.

* * * * *

Special VFR conditions mean meteorological conditions that are less than those required for basic VFR flight in controlled airspace and in which some aircraft are permitted flight under visual flight rules.

Special VFR operations means aircraft operating in accordance with clearances within controlled airspace in meteorological conditions less than the basic VFR weather minima. Such operations must be requested by the pilot and approved by ATC.

* * * * *

PART 11—GENERAL RULEMAKING PROCEDURES

9. The authority citation for part 11 is revised to read as follows:

Authority: 49 U.S.C. app. 1341(a), 1343(d), 1348, 1354(a), 1401 through 1405, 1421 through 1431, 1481, 1502; 49 U.S.C. 106(g).

10. Section 11.61 is amended by revising paragraphs (a)(1) and (c) to read as follows:

§ 11.61 Scope.

(a) * * *

(1) Designations of controlled airspace under part 71 of this chapter;

* * * * *

(c) For the purposes of this subpart, "Director" means the Executive Director of System Operations, the Associate Administrator for Air Traffic or the Director, Air Traffic Rules and Procedures Service, or any person to whom the Director has delegated authority in the matter concerned.

* * * * *

PART 45—IDENTIFICATION AND REGISTRATION MARKING

11. The authority citation for part 45 is revised to read as follows:

Authority: 49 U.S.C. app. 1348, 1354, 1401, 1402, 1421, 1423, 1522, 1655(c).

12. Section 45.22 is amended by revising paragraph (a)(3)(i) to read as follows:

§ 45.22 Exhibition, antique, and other aircraft: Special rules.

(a) * * *

(3) * * *

(i) It is operated with the prior approval of the Flight Standards District Office, in the case of a flight within the lateral boundaries of the surface areas of Class B, Class C, Class D, or Class E airspace designated for the takeoff airport, or within 4.4 nautical miles of that airport if it is within Class G airspace; or

* * * * *

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

13. The authority citation for part 61 continues to read as follows:

Authority: 49 U.S.C. app. 1354(a), 1355, 1421, 1422, and 1427; 49 U.S.C. 106(g).

14. Section 61.95, paragraph (a) and (b) introductory text are revised to read as follows:

§ 61.95 Operations in Class B airspace and at airports located within Class B airspace.

(a) A student pilot may not operate an aircraft on a solo flight in Class B airspace unless—

(1) The pilot has received both ground and flight instruction from an authorized instructor on that Class B airspace area and the flight instruction was received in the specific Class B airspace area for which solo flight is authorized;

(2) The logbook of that pilot has been endorsed within the preceding 90 days for conducting solo flight in that Class B airspace area by the instructor who gave the flight training; and

(3) The logbook endorsement specifies that the pilot has received the required ground and flight instruction and has been found competent to conduct solo flight in that specific Class B airspace area.

(b) Pursuant to § 91.131(b), a student pilot may not operate an aircraft on a solo flight to, from, or at an airport located within Class B airspace unless—

* * * * *

15. Section 61.193 is amended by revising paragraph (b)(4) to read as follows:

§ 61.193 Flight instructor authorizations.

* * * * *

(b) * * *

(4) In accordance with § 61.95, the logbook of a student pilot the flight instructor has instructed authorizing solo flights in a Class B airspace area or at an airport within a Class B airspace area;

* * * * *

16. Section 61.195 is amended by revising paragraph (d)(3) to read as follows:

§ 61.195 Flight instructor limitations.

* * * * *

(d) * * *

(3) For solo flight in a Class B airspace area or at an airport within a Class B airspace area unless the flight instructor has given that student ground and flight instruction and has found that student prepared and competent to conduct the operations authorized.

* * * * *

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

17. The authority citation for part 65 is revised to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1355, 1421, 1422, and 1427; 49 U.S.C. 106(g).

18. Section 65.37 is amended by revising paragraphs (f) introductory text and (f)(2) to read as follows:

§ 65.37 Skill requirements: Operating positions.

* * * * *

(f) Each of the following procedures that is applicable to that operating position and is required by the person performing the examination:

* * * * *

(2) The terrain features, visual checkpoints, and obstructions within the lateral boundaries of the surface areas of Class B, Class C, Class D, or Class E airspace designated for the airport.

* * * * *

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, REPORTING POINTS, JET ROUTES, AND AREA HIGH ROUTES

19. The heading for part 71 is revised as set forth above.

19A. The authority citation for part 71 is revised to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

20. Section 71.1 is revised to read as follows:

§ 71.1 Applicability.

The complete listing for all jet routes and area high routes can be found in FAA Order 7400.7, Compilation of Regulations, which was last published as of April 30, 1991, and effective November 1, 1991. 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. The approval to incorporate by reference FAA Order 7400.7 is effective as of December 17, 1991 through September 15, 1993. Copies of this order may be obtained from the Document Inspection Facility, APA–220, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, (202) 267–3484. Copies may be inspected in Docket Number 24456 at the Federal Aviation Administration, Office of the Chief Counsel, AGC–10, room 915G, 800 Independence Avenue, SW., Washington, DC 20591 weekdays between 8:30 a.m. and 5 p.m. or at the Office of the Federal Register, 1100 L Street, NW., room 8401, Washington, DC. This section is effective as of December 17, 1991, through September 15, 1993.

* * * * *

21. Section 71.11 is revised to read as follows:

§ 71.11 Control zone.

The control zones listed in subpart F of FAA Order 7400.7 (incorporated by reference, see § 71.1) consist of controlled airspace which, unless otherwise specified, extends upward from the surface of the earth and terminates at the base of the continental control area. Unless otherwise specified, control zones that do not underlie the continental control area have no upper limit. A control zone may include one or more airports and is normally a circular area with extensions as necessary to include instrument approach paths.

22. Section 71.19 is revised to read as follows:

§ 71.19 Bearings; radials; miles.

All bearings and radials in this part are true and are applied from point of origin and all mileages in this part are stated as nautical miles.

23. Subpart M consisting of § 71.601–71.609, is added to read as follows:

Subpart M—Jet Routes and Area High Routes

Sec.
71.601 Applicability.
71.603 Jet routes.
71.605 Area Routes above 18,000 feet MSL.
71.607 Jet route descriptions.
71.609 Area high route descriptions

§ 71.601 Applicability.

The routes described in § 71.607 between high altitude navigational aids or intersections of their signals, are designated as jet routes along which aircraft may be operated between 18,000 feet MSL and flight level 450. The routes described in § 71.609 are designated as area high routes.

§ 71.603 Jet routes.

Each jet route designated in § 71.607 consists of a direct course for navigating between 18,000 feet MSL and flight level 450, inclusive, between the navigational aids and intersections specified for that route.

§ 71.605 Area routes above 18,000 feet MSL.

Each area route designated in § 71.609 consists of a direct course for navigating aircraft at altitudes between 18,000 feet MSL and flight level 450, inclusive, between the waypoints specified for that route.

§ 71.607 Jet route descriptions.

Each jet route description can be found in part 75 of FAA Order 7400.7 (incorporated by reference, see § 71.1).

§ 71.609 Area high route descriptions.

Each area route description can be found in part 75 of FAA Order 7400.7 (incorporated by reference, see § 71.1).

24. Part 71 is revised to read as follows: (Effective September 16, 1993)

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

Subpart A—General; Class A Airspace

Sec.
71.1 Airspace classification.
71.3 [Reserved]
71.5 Reporting points.
71.7 Bearings, radials, and mileages.
71.9 Overlapping airspace designations.
71.31 Class A airspace.
71.33 Class A airspace areas.

Subpart B—Class B Airspace

Sec.
71.41 Class B airspace.

Subpart C—Class C Airspace

Sec.
71.51 Class C airspace.

Subpart D—Class D Airspace

Sec.
71.61 Class D airspace.

Subpart E—Class E Airspace

Sec.
71.71 Class E airspace.
71.73 Classification of Federal airways.
71.75 Extent of Federal airways.
71.77 Extent of area low routes.
71.79 Designation of VOR Federal airways.

Subpart F—[Reserved]

Subpart G—[Reserved]

Subpart H—Reporting Points

Sec.
71.901 Applicability.

Authority: 49 U.S.C. App. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. app. 106(g) 14 CFR 11.69.

Subpart A—General; Class A Airspace

§ 71.1 Airspace classification.

The complete listing of these airspace designations can be found in FAA Order 7400.9, Airspace Reclassification, which is effective September 16, 1993. 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. The approval to incorporate by reference FAA Order 7400.9 is effective as of September 16, 1993, through September 15, 1994. Copies of this order may be obtained from the Document Inspection Facility, APA–220, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591 (202) 267–3484. Copies may be inspected in Docket No. 24456 at the Federal Aviation Administration, Office of the Chief Counsel, AGC–10, room 915G, 800 Independence Avenue, SW., Washington, DC 20591 weekdays between 8:30 a.m. and 5 p.m. or at the Office of the Federal Register, 1100 L Street, NW., room 8401, Washington, D.C.

(a) The airspace assignments described in this subpart are designated as Class A airspace areas.

(b) The airspace assignments described in subpart B are designated as Class B airspace areas.

(c) The airspace assignments described in subpart C are designated as Class C airspace areas.

(d) The airspace assignments described in subpart D are designated as Class D airspace areas.

(e) The airspace assignments described in subpart E are designated as Class E airspace areas.

(f) Airspace not assigned in subpart A, B, C, D, E, or H of this part is uncontrolled airspace and is designated as Class G airspace.

§ 71.3 [Reserved]

§ 71.5 Reporting points.

The reporting points listed in subpart H of FAA Order 7400.9 (incorporated by reference, see § 71.1) consist of geographic locations at which the position of an aircraft must be reported in accordance with part 91 of this chapter.

§ 71.7 Bearings, radials, and mileages.

All bearings and radials in this part are true and are applied from point of origin and all mileages in this part are stated as nautical miles.

§ 71.9 Overlapping airspace designations.

(a) When overlapping airspace designations apply to the same airspace, the operating rules associated with the more restrictive airspace designation apply.

(b) For the purpose of this section—

(1) Class A airspace is more restrictive than Class B, Class C, Class D, Class E, or Class G airspace;

(2) Class B airspace is more restrictive than Class C, Class D, Class E, or Class G airspace;

(3) Class C airspace is more restrictive than Class D, Class E, or Class G airspace;

(4) Class D airspace is more restrictive than Class E or Class G airspace; and

(5) Class E is more restrictive than Class G airspace.

§ 71.31 Class A airspace.

The airspace descriptions contained in § 71.33 and the routes contained in subpart A of FAA Order 7400.9 (incorporated by reference, see § 71.1) are designated as Class A airspace within which all pilots and aircraft are subject to the rating requirements, operating rules, and equipment requirements of Part 91 of this chapter.

§ 71.33 Class A airspace areas.

(a) That airspace of the United States, including that airspace overlying the waters within 12 nautical miles of the coast of the 48 contiguous States, from 18,000 feet MSL to and including FL600 excluding the states of Alaska and Hawaii, Santa Barbara Island, Farallon Island, and the airspace south of latitude 25°04'00" North.

(b) That airspace of the State of Alaska, including that airspace overlying the waters within 12 nautical miles of the coast, from 18,000 feet MSL to and including FL600 but not including the airspace less than 1,500 feet above the surface of the earth and the Alaska Peninsula west of longitude 160°00'00" West.

Subpart B—Class B Airspace

§ 71.41 Class B airspace.

The Class B airspace areas listed in subpart B of FAA Order 7400.9 (incorporated by reference, see § 71.1) consist of specified airspace within which all aircraft operators are subject to the minimum pilot qualification requirements, operating rules, and aircraft equipment requirements of part 91 of this chapter. Each Class B airspace area designated for an airport in subpart B of FAA Order 7400.9 (incorporated by reference, see § 71.1) contains at least one primary airport around which the airspace is designated.

Subpart C Class C Airspace

§ 71.51 Class C airspace.

The Class C airspace areas listed in subpart C of FAA Order 7400.9 (incorporated by reference, see § 71.1) consist of specified airspace within which all aircraft operators are subject to operating rules and equipment requirements specified in part 91 of this chapter. Each Class C airspace area designated for an airport in subpart C of FAA Order 7400.9 (incorporated by reference, see §71.1) contains at least one primary airport around which the airspace is designated

Subpart D—Class D Airspace

§ 71.61 Class D airspace.

The Class D airspace areas listed in subpart D of FAA Order 7400.9 (incorporated by reference, see § 71.1) consist of specified airspace within which all aircraft operators are subject to operating rules and equipment requirements specified in part 91 of this chapter. Each Class D airspace area designated for an airport in subpart D of FAA Order 7400.9 (incorporated by reference, see § 71.1) contains at least one primary airport around which the airspace is designated.

Subpart E—Class E Airspace

71.71 Class E airspace.

Class E Airspace consists of:

(a) The airspace of the United States, including that airspace overlying the waters within 12 nautical miles of the coast of the 48 contiguous states and Alaska, extending upward from 14,500 feet MSL up to, but not including 18,000 feet MSL, and excluding—

(1) The Alaska peninsula west of longitude 160°00'00"W.;

(2) The airspace below 1,500 feet above the surface of the earth; and

(3) Prohibited and restricted areas, other than restricted areas listed in subpart E of FAA Order 7400.9 (incorporated by reference, see §71.1).

(b) The airspace areas designated for an airport in subpart E of FAA Order 7400.9 (incorporated by reference, see § 71.1) within which all aircraft operators are subject to the operating rules specified in part 91 of this chapter.

(c) The airspace areas listed as domestic airspace areas in subpart E of FAA Order 7400.9 (incorporated by reference, see § 71.1) which extend upward from 700 feet or more above the surface of the earth when designated in conjunction with an airport for which an approved instrument approach procedure has been prescribed, or from 1,200 feet or more above the surface of the earth when designated in conjunction with segments of airways or routes. When such areas are designated in conjunction with airways or routes, the extent of such designation has the lateral extent identical to that of a Federal airway and extends upward from 1,200 feet or higher unless otherwise specified.

(d) The Federal airways and area low routes described and listed in subpart E of FAA Order 7400.9 (incorporated by reference, see § 71.1).

(e) The airspace areas listed as offshore airspace areas in subpart E of FAA Order 7400.9 (incorporated by reference, see § 71.1) which are designated in international airspace within areas of domestic radio navigational signal or ATC radar coverage, and within which domestic ATC procedures are applied. When designated in conjunction with a route, the extent of such designation is as follows:

(1) Unless otherwise specified, the airspace centered on each jet route segment listed in subpart E of FAA Order 7400.9 (incorporated by reference, see § 71.1) has a vertical extent identical to that of a jet route and a lateral extent identical to that of a Federal airway. Unless otherwise specified, the place names appearing in the descriptions indicate VOR or VORTAC facilities identified by those names.

(2) Unless otherwise specified, each airspace area has a lateral extent identical to that of a Federal airway and extends upward from 1,200 feet above the surface of the earth.

§ 71.73 Classification of Federal airways.

Federal airways are classified as follows:

(a) Colored Federal airways:
(1) Green Federal airways.
(2) Amber Federal airways.
(3) Red Federal airways.
(4) Blue Federal airways.
(b) VOR Federal airways.

§ 71.75 Extent of Federal airways.

(a) Each Federal airway is based on a center line that extends from one navigational aid or intersection to another navigational aid (or through several navigational aids or intersections) specified for that airway.

(b) Unless otherwise specified:

(1) Each Federal airway includes the airspace within parallel boundary lines 4 miles each side of the center line. Where an airway changes direction, it includes that airspace enclosed by extending the boundary lines of the airway segments until they meet.

(2) Where the changeover point for an airway segment is more than 51 miles from either of the navigational aids defining that segment, and—

(i) The changeover point is midway between the navigational aids, the airway includes the airspace between lines diverging at angles of 4.5° from the center line at each navigational aid and extending until they intersect opposite the changeover point; or

(ii) The changeover point is not midway between the navigational aids, the airway includes the airspace between lines diverging at angles of 4.5° from the center line at the navigational aid more distant from the changeover point, and extending until they intersect with the bisector of the angle of the center lines at the changeover point; and between lines connecting these points of intersection and the navigational aid nearer to the changeover point.

(3) Where an airway terminates at a point or intersection more than 51 miles from the closest associated navigational aid, it includes the additional airspace within lines diverging at angles of 4.5° from the center line extending from the associated navigational aid to a line perpendicular to the center line at the termination point.

(4) Where an airway terminates, it includes the airspace within a circle centered at the specified navigational aid or intersection having a diameter equal to the airway width at that point. However, an airway does not extend into an oceanic control area.

(c) Unless otherwise specified—

(1) Each Federal airway includes that airspace extending upward from 1,200 feet above the surface of the earth to, but not including, 18,000 feet MSL, except that Federal airways for Hawaii have no upper limits. Variations of the lower limits of an airway are expressed in digits representing hundreds of feet above the surface or MSL and, unless otherwise specified, apply to the segment of an airway between adjoining navigational aids or intersections; and

(2) The airspace of a Federal airway, within the lateral limits of a Class E airspace area with a lower floor, has a floor coincident with the floor of that area.

(d) A Federal airway does not include the airspace of a prohibited area.

§ 71.77 Extent of area low routes.

(a) Each area low route is based on a center line that extends from one waypoint to another waypoint (or through several waypoints) specified for that area low route. An area low route does not include the airspace of a prohibited area. All mileages specified in connection with area low routes are nautical miles.

(b) Unless otherwise specified in subpart E of FAA Order 7400.9 (incorporated by reference, see § 71.1), the following apply:

(1) Except as provided in paragraph (2) of this section, each area low route includes, and is limited to, that airspace within parallel boundary lines 4 or more miles on each side of the route center line as described in the middle column of the following table, plus that additional airspace outside those parallel lines and within lines drawn outward from those parallel lines at angles of 3.25°, beginning at the distance from the tangent point specified in the right-hand column of the following table:

Miles from reference facility point to tangent point	Miles from center line to parallel lines	Miles from tangent along parallel line to vertices of 3.25° angles
Less than 17	4	51
17 to, but not including 27	4	50
27 to, but not including 33	4	49
33 to, but not including 38	4	48
38 to, but not including 43	4	47
43 to, but not including 47	4	46
47 to, but not including 51	4	45
51 to, but not including 55	4	44
55 to, but not including 58	4	43
58 to, but not including 61	4	42
61 to, but not including 63	4	41
63 to, but not including 66	4	40
66 to, but not including 68	4	39
68 to, but not including 70	4	38
70 to, but not including 72	4	37
72 to, but not including 74	4	36
74 to, but not including 76	4	35
76 to, but not including 78	4	34
78 to, but not including 79	4	33
79 to, but not including 81	4	32
81 to, but not including 83	4	31
83 to, but not including 84	4	30
84 to, but not including 86	4	29
86 to, but not including 87	4	28
87 to, but not including 88	4	27
88 to, but not including 89	4	26
89 to, but not including 91	4	25
91 to, but not including 92	4	24

Miles from reference facility point to tangent point	Miles from center line to parallel lines	Miles from tangent along parallel line to vertices of 3.25° angles
92 to, but not including 93	4	23
93 to, but not including 94	4	22
94 to, but not including 95	4	21
95 to, but not including 96	4	19
96 to, but not including 97	4	18
97 to, but not including 98	4	17
98 to, but not including 99	4	15
99 to, but not including 100	4	13
100 to, but not including 101	4	11
101 to, but not including 102	4	8
102 to, but not including 105	4	0 (i.e., at tangent point).
105 to, but not including 115	4.25	0 (i.e., at tangent point).
115 to, but not including 125	4.50	0 (i.e., at tangent point).
125 to, but not including 135	4.75	0 (i.e., at tangent point).
135 to, but not including 145	5.00	0 (i.e., at tangent point).
145 to, but not including 150	5.25	0 (i.e., at tangent point).

(2) Each area low route, whose center line is at least 2 miles, and not more than 3 miles from the reference facility, includes, in addition to the airspace specified in subparagraph (1) of this paragraph, that airspace on the reference facility side of the center line that is within lines connecting the point that is 4.9 miles from the tangent point on a perpendicular line from the center line through the reference facility, thence to the edges of the boundary lines described in paragraph (b)(1) of this section, intersecting those boundary lines at angles of 5.15°.

(3) Where an area low route changes direction, it includes that airspace enclosed by extending the boundary lines of the route segments until they meet.

(4) Where the widths of adjoining route segments are unequal, the following apply:

(i) If the tangent point of the narrower segment is on the route center line, the width of the narrower segment includes that additional airspace within lines from the lateral extremity of the wider segment where the route segments join, thence toward the tangent point of the narrower route segment, until intersecting the boundary of the narrower segment.

(ii) If the tangent point of the narrower segment is on the route center line extended, the width of the narrower segment includes that additional airspace within lines from the lateral extremity of the wider segment where the route segments join, thence toward the tangent point until reaching the point where the narrower segment terminates or changes direction, or until intersecting the boundary of the narrower segment.

(5) Where an area low route terminates, it includes that airspace within a circle whose center is the terminating waypoint, and whose diameter is equal to the route segment width at that waypoint, except that an area low route does not extend into an oceanic control area.

(6) Each area low route includes that airspace extending upward from 1,200 feet above the surface of the earth to, but not including, 18,000 feet MSL, except that area low routes for Hawaii have no upper limits. Variations of the lower limits of an area low route are expressed in digits representing hundreds of feet above the surface or MSL and, unless otherwise specified, apply to the route segment between adjoining waypoints used in the description of the route.

(7) The airspace of an area low route within the lateral limits of a 700- or 1,200-foot above the surface Class E airspace area has a floor coincident with the floor of that area.

§ 71.79 Designation of VOR Federal airways.

Unless otherwise specified the place names appearing in the descriptions of airspace areas in Subpart E of FAA Order 7400.9 (incorporated by reference, see § 71.1) designated as VOR Federal airways indicate VOR or VORTAC navigational facilities identified by those names.

Subpart F—[Reserved]

Subpart G—[Reserved]

Subpart H—Reporting Points

§ 71.901 Applicability.

Unless otherwise designated:

(a) Each reporting point listed in Subpart H of FAA Order 7400.9 (incorporated by reference, see § 71.1) applies to all directions of flight. In any case where a geographic location is designated as a reporting point for less than all airways passing through that point, or for a particular direction of flight along an airway only, it is so indicated by including the airways or direction of flight in the designation of geographical location.

(b) Place names appearing in the reporting point descriptions indicate VOR or VORTAC facilities identified by those names.

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

25. The part 75 is removed and reserved.

PART 91—GENERAL OPERATING AND FLIGHT RULES

26. The authority citation for part 91 is revised to read as follows:

Authority: 49 U.S.C. app. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 through 1431, 1471, 1472, 1502, 1510, 1522, and 2121 through 2125; articles 12, 29, 31, and 32(a) of the Convention on International Civil Aviation (61 stat. 1180); 42 U.S.C. 4321 *et seq.*; E.O. 11514, 35 FR 4247, 3 CFR, 1966–1970 Comp., p. 902; 49 U.S.C. 106(g).

27. Section 91.117 is amended by revising paragraphs (a), (b), and (c) to read as follows:

§ 91.117 Aircraft speed.

(a) Unless otherwise authorized by the Administrator (or by ATC in the case of operations in Class A or Class B airspace), no person may operate an aircraft below 10,000 feet MSL at an indicated airspeed of more than 250 knots (288 mph).

(b) Unless otherwise authorized or required by ATC, no person may operate an aircraft at or below 2,500 feet above the surface within 4 nautical miles of the primary airport of a Class B, Class C, or Class D airspace area at an indicated airspeed of more than 200 knots (230 mph.).

(c) No person may operate an aircraft in the airspace underlying a Class B airspace area designated for an airport or in a VFR corridor designated through such a Class B airspace area, at an indicated airspeed of more than 200 knots (230 mph).

* * * * *

28. Section 91.123 is amended by revising paragraph (a) to read as follows:

§ 91.123 Compliance with ATC clearances and instructions.

(a) When an ATC clearance has been obtained, a pilot in command may not deviate from that clearance, except in an emergency, unless that pilot obtains an amended clearance. However, except in Class A airspace, this paragraph does not prohibit that pilot from canceling an IFR flight plan if the operation is being conducted in VFR weather conditions. When a pilot is uncertain of an ATC clearance, that pilot must immediately request clarification from ATC.

* * * * *

29. Section 91.126 is added to read as follows:

§ 91.126 Operating on or in the vicinity of an airport in Class G airspace.

(a) *General.* Unless otherwise authorized or required, each person operating an aircraft on or in the vicinity of an airport in a Class G airspace area must comply with the requirements of this section.

(b) *Direction of turns.* When approaching to land at an airport in a Class G airspace area—

(1) Each pilot of an airplane must make all turns of that airplane to the left unless the airport displays approved light signals or visual markings indicating that turns should be made to the right, in which case the pilot must make all turns to the right; and

(2) Each pilot of a helicopter must avoid the flow of fixed-wing aircraft.

(c) *Flap settings.* Except when necessary for training or certification, the pilot in command of a civil turbojet-powered aircraft must use, as a final flap setting, the minimum certificated landing flap setting set forth in the approved performance information in the Airplane Flight Manual for the applicable conditions. However, each pilot in command has the final authority and responsibility for the safe operation of the pilot's airplane, and may use a different flap setting for that airplane if the pilot determines that it is necessary in the interest of safety.

30. Section 91.127 is revised to read as follows:

§ 91.127 Operating on or in the vicinity of an airport in Class E airspace.

(a) Unless otherwise required by part 93 of this chapter or unless otherwise authorized or required by the ATC facility having jurisdiction over the Class E airspace area, each person operating an aircraft on or in the vicinity of an airport in a Class E airspace area must comply with the requirements of § 91.126.

(b) *Departures.* Each pilot of an aircraft must comply with any traffic patterns established for that airport in part 93 of this chapter.

31. Section 91.129 is revised to read as follows:

§ 91.129 Operations in Class D airspace.

(a) *General.* Unless otherwise authorized or required by the ATC facility having jurisdiction over the Class D airspace area, each person operating an aircraft in Class D airspace must comply with the applicable provisions of this section. In addition, each person must comply with §§ 91.126 and 91.127. For the purpose of this section, the primary airport is the airport for which the Class D airspace area is designated. A satellite airport is any other airport within the Class D airspace area.

(b) *Deviations.* An operator may deviate from any provision of this section under the provisions of an ATC authorization issued by the ATC facility having jurisdiction over the airspace concerned. ATC may authorize a deviation on a continuing basis or for an individual flight, as appropriate.

(c) *Communications.* Each person operating an aircraft in Class D airspace must meet the following two-way radio communications requirements:

(1) *Arrival or through flight.* Each person must establish two-way radio communications with the ATC facility (including foreign ATC in the case of foreign airspace designated in the United States) providing air traffic services prior to entering that airspace and thereafter maintain those communications while within that airspace.

(2) *Departing flight.* Each person—

(i) From the primary airport or satellite airport with an operating control tower must establish and maintain two-way radio communications with the control tower, and thereafter as instructed by ATC while operating in the Class D airspace area; or

(ii) From a satellite airport without an operating control tower, must establish and maintain two-way radio communications with the ATC facility having jurisdiction over the Class D airspace area as soon as practicable after departing.

(d) *Communications failure.* Each person who operates an aircraft in a Class D airspace area must maintain two-way radio communications with the ATC facility having jurisdiction over that area.

(1) If the aircraft radio fails in flight under IFR, the pilot must comply with § 91.185 of the part.

(2) If the aircraft radio fails in flight under VFR, the pilot in command may operate that aircraft and land if—

(i) Weather conditions are at or above basic VFR weather minimums;

(ii) Visual contact with the tower is maintained; and

(iii) A clearance to land is received.

(e) *Minimum altitudes.* Each pilot of a large or turbine-powered airplane must—

(1) Unless otherwise required by the applicable distance from cloud criteria, enter the traffic pattern at an altitude of at least 1,500 feet above the elevation of the airport and maintain at least 1,500 feet until further descent is required for a safe landing;

(2) When approaching to land on a runway served by an instrument landing system (ILS), if the airplane is ILS-equipped, fly that airplane at an altitude at or above the glide slope between the outer marker (or point of interception of glide slope, if compliance with the applicable distance from clouds criteria requires interception closer in) and the middle marker; and

(3) When operating an airplane approaching to land on a runway served by a visual approach slope indicator, maintain an altitude at or above the glide slope until a lower altitude is necessary for safe landing.

Paragraphs (e)(2) and (e)(3) of this section do not prohibit normal bracketing maneuvers above or below the glide slope that are conducted for the purpose of remaining on the glide slope.

(f) *Approaches.* Except when conducting a circling approach under Part 97 of this chapter or unless otherwise required by ATC, each pilot must—

(1) Circle the airport to the left, if operating an airplane; or

(2) Avoid the flow of fixed-wing aircraft, if operating a helicopter.

(g) *Departures.* No person may operate an aircraft departing from an airport except in compliance with the following:

(1) Each pilot must comply with any departure procedures established for that airport by the FAA.

(2) Unless otherwise required by the prescribed departure procedure for that airport or the applicable distance from clouds criteria, each pilot of a turbine-powered airplane and each pilot of a large airplane must climb to an altitude of 1,500 feet above the surface as rapidly as practicable.

(h) *Noise abatement.* Where a formal runway use program has been established by the FAA, each pilot of a large or turbine-powered airplane assigned a noise abatement runway by ATC must use that runway. However, consistent with the final authority of the pilot in command concerning the safe operation of the aircraft as prescribed in § 91.3(a), ATC may assign a different runway if requested by the pilot in the interest of safety.

(i) *Takeoff, landing, taxi clearance.* No person may, at any airport with an operating control tower, operate an aircraft on a runway or taxiway, or take off or land an aircraft, unless an appropriate clearance is received from ATC. A clearance to "taxi to" the takeoff runway assigned to the aircraft is not a clearance to cross that assigned takeoff runway, or to taxi on that runway at any point, but is a clearance to cross other runways that intersect the taxi route to that assigned takeoff runway. A clearance to "taxi to" any point other than an assigned takeoff runway is clearance to cross all runways that intersect the taxi route to that point.

32. Section 91.130 is revised to read as follow:

§ 91.130 Operations in Class C airspace.

(a) *General.* Each aircraft operation in Class C airspace must be conducted in compliance with this section and § 91.129. For the purpose of this section, the primary airport is the airport for which the Class C airspace area is designated. A satellite airport is any other airport within the Class C airspace area.

(b) *Traffic patterns.* No person may take off or land an aircraft at a satellite airport within a Class C airspace area except in compliance with FAA arrival and departure traffic patterns.

(c) *Communications.* Each person operating an aircraft in Class C airspace must meet the following two-way radio communications requirements:

(1) *Arrival or through flight.* Each person must establish two-way radio communications with the ATC facility (including foreign ATC in the case of foreign airspace designated in the United States) providing air traffic services prior to entering that airspace and thereafter maintain those communications while within that airspace.

(2) *Departing flight.* Each person—

(i) From the primary airport or satellite airport with an operating control tower must establish and maintain two-way radio communications with the control tower, and thereafter as instructed by ATC while operating in the Class C airspace area; or

(ii) From a satellite airport without an operating control tower, must establish and maintain two-way radio communications with the ATC facility having jurisdiction over the Class C airspace area as soon as practicable after departing.

(d) *Equipment requirements.* Unless otherwise authorized by the ATC having jurisdiction over the Class C airspace area, no person may operate an aircraft within a Class C airspace area designated for an airport unless that aircraft is equipped with the applicable equipment specified in § 91.215.

33. Section 91.131 is revised to read as follows:

§ 91.131 Operations in Class B airspace.

(a) *Operating rules.* No person may operate an aircraft within a Class B airspace area except in compliance with § 91.129 and the following rules:

(1) The operator must receive an ATC clearance from the ATC facility having jurisdiction for that area before operating an aircraft in that area.

(2) Unless otherwise authorized by ATC, each person operating a large turbine engine-powered airplane to or from a primary airport for which a Class B airspace area is designated must operate at or above the designated floors of the Class B airspace area while within the lateral limits of that area.

(3) Any person conducting pilot training operations at an airport within a Class B airspace area must comply with any procedures established by ATC for such operations in that area.

(b) *Pilot requirements.*

(1) No person may take off or land a civil aircraft at an airport within a Class B airspace area or operate a civil aircraft within a Class B airspace area unless—

(i) The pilot in command holds at least a private pilot certificate; or

(ii) The aircraft is operated by a student pilot or recreational pilot who seeks private pilot certification and has met the requirements of § 61.95 of this chapter.

(2) Notwithstanding the provisions of paragraph (b)(1)(ii) of this section, no person may take off or land a civil aircraft at those airports listed in section 4 of appendix D of this part unless the pilot in command holds at least a private pilot certificate.

(c) *Communications and navigation equipment requirements.* Unless otherwise authorized by ATC, no person may operate an aircraft within a Class B airspace area unless that aircraft is equipped with—

(1) *For IFR operation.* An operable VOR or TACAN receiver; and

(2) *For all operations.* An operable two-way radio capable of communications with ATC on appropriate frequencies for that Class B airspace area.

(d) *Transponder requirements.* No person may operate an aircraft in a Class B airspace area unless the aircraft is equipped with the applicable operating transponder and automatic altitude reporting equipment specified in paragraph (a) of § 91.215, except as provided in paragraph (d) of that section.

34. Section 91.135 is revised to read as follows:

§ 91.135 Operations in Class A airspace.

Except as provided in paragraph (d) of this section, each person operating an aircraft in Class A airspace must conduct that operation under instrument flight rules (IFR) and in compliance with the following:

(a) *Clearance.* Operations may be conducted only under an ATC clearance received prior to entering the airspace.

(b) *Communications.* Unless otherwise authorized by ATC, each aircraft operating in Class A airspace must be equipped with a two-way radio capable of communicating with ATC on a frequency assigned by ATC. Each pilot must maintain two-way radio communications with ATC while operating in Class A airspace.

(c) *Transponder requirement.* Unless otherwise authorized by ATC, no person may operate an aircraft within Class A airspace unless that aircraft is equipped with the applicable equipment specified in § 91.215.

(d) *ATC authorizations.* An operator may deviate from any provision of this section under the provisions of an ATC authorization issued by the ATC facility having jurisdiction of the airspace concerned. In the case of an inoperative transponder, ATC may immediately approve an operation within a Class A airspace area allowing flight to continue, if desired, to the airport of ultimate destination, including any intermediate stops, or to proceed to a place where suitable repairs can be made, or both. Requests for deviation from any provision of this section must be submitted in writing, at least 4 days

before the proposed operation. ATC may authorize a deviation on a continuing basis or for an individual flight.

35. Section 91.155 is revised to read as follows:

§ 91.155 Basic VFR weather minimums.

(a) Except as provided in paragraph (b) of this section and § 91.157, no person may operate an aircraft under VFR when the flight visibility is less, or at a distance from clouds that is less, than that prescribed for the corresponding altitude and class of airspace in the following table:

Airspace	Flight visibility	Distance from clouds
Class A	Not Applicable	Not Applicable.
Class B	3 statute miles	Clear of Clouds.
Class C	3 statute miles	500 feet below. 1,000 feet above. 2,000 feet horizontal.
Class D	3 statute miles	500 feet below. 1,000 feet above. 2,000 feet horizontal.
Class E:		
Less than 10,000 feet MSL	3 statute miles	500 feet below. 1,000 feet above. 2,000 feet horizontal
At or above 10,000 feet MSL	5 statute miles	1,000 feet below. 1,000 feet above. 1 statute mile horizontal.
Class G:		
1,200 feet or less above the surface (regardless of MSL altitude).		
Day, except as provided in § 91.155(b).	1 statute mile	Clear of clouds.
Night, except as provided in § 91.155(b).	3 statute miles	500 feet below. 1,000 feet above. 2,000 feet horizontal.
More than 1,200 feet above the surface but less than 10,000 feet MSL		
Day	1 statute mile	500 feet below. 1,000 feet above. 2,000 feet horizontal.
Night	3 statute miles	500 feet below. 1,000 feet above. 2,000 feet horizontal.
More than 1,200 feet above the surface and at or above 10,000 feet MSL.	5 statute miles	1,000 feet below. 1,000 feet above. 1 statute mile horizontal.

(b) *Class G Airspace.* Notwithstanding the provisions of paragraph (a) of this section, the following operations may be conducted in Class G airspace below 1,200 feet above the surface:

(1) *Helicopter.* A helicopter may be operated clear of clouds if operated at a speed that allows the pilot adequate opportunity to see any air traffic or obstruction in time to avoid a collision.

(2) *Airplane.* When the visibility is less than 3 statute miles but not less than 1 statute mile during night hours, an airplane may be operated clear of clouds if operated in an airport traffic pattern within one-half mile of the runway.

(c) Except as provided in § 91.157, no person may operate an aircraft, under VFR, within the lateral boundaries of the surface areas of Class B, Class C, Class D, or Class E airspace designated for an airport when the ceiling is less than 1,000 feet.

(d) Except as provided in § 91.157 of this part, no person may take off or land an aircraft, or enter the traffic pattern of an airport, under VFR, within the lateral boundaries of the surface areas of Class B, Class C, Class D, or Class E airspace designated for an airport—

(1) Unless ground visibility at that airport is at least 3 statute miles; or

(2) If ground visibility is not reported at that airport, unless flight visibility during landing or takeoff, or while operating in the traffic pattern is at least 3 statute miles.

(e) For the purpose of this section, an aircraft operating at the base altitude of a Class E airspace area is considered to be within the airspace directly below that area.

36. Section 91.157 is revised to read as follows:

§ 91.157 Special VFR weather minimums.

Except as provided in appendix D, section 3 of this part, the following special weather minimums and requirements apply to operations conducted to or from an airport in controlled airspace:

(a) Operations may be conducted only under an ATC clearance—

(1) Within the lateral boundaries of the surface areas of Class B, Class C, Class D, or Class E airspace designated for an airport; and

(2) Except for helicopters, between sunrise and sunset (or in Alaska, when the sun is 6° or more above the horizon) unless—

(i) That person meets the applicable requirements for instrument flight under part 61 of this chapter; and

(ii) The aircraft is equipped as required in § 91.205(d).

(b) Operations may only be conducted clear of clouds.

(c) Except for helicopters, operations may be conducted only when flight visibility is at least 1 statute mile.

(d) No person may take off or land an aircraft (other than a helicopter)—

(1) Unless ground visibility is at least 1 statute mile; or

(2) If ground visibility is not reported, unless flight visibility during landing and takeoff is at least 1 statute mile.

37. Section 91.215 is amended by revising paragraphs (b) and (d) to read as follows:

§ 91.215 ATC transponder and altitude reporting equipment and use.

* * * * *

(b) *All airspace.* Unless otherwise authorized or directed by ATC, no person may operate an aircraft in the airspace described in paragraphs (b)(1) through (b)(5) of this section, unless that aircraft is equipped with an operable coded radar beacon transponder having either Mode 3/A 4096 code capability, replying to Mode 3/A interrogations with the code specified by ATC, or a Mode S capability, replying to Mode 3/A interrogations with the code specified by ATC and intermode and Mode S interrogations in accordance with the applicable provisions specified in TSO C–112, and that aircraft is equipped with automatic pressure altitude reporting equipment having a Mode C capability that automatically replies to Mode C interrogations by transmitting pressure altitude information in 100-foot increments. This requirement applies—

(1) *All aircraft.* In Class A, Class B, and Class C airspace areas;

(2) *All aircraft.* In all airspace within 30 nautical miles of an airport listed in appendix D, section 1 of this part from the surface upward to 10,000 feet MSL;

(3) Notwithstanding paragraph (b)(2) of this section, any aircraft which was not originally certificated with an engine-driven electrical system or which has not subsequently been certified with such a system installed, balloon or glider may conduct operations in the airspace within 30 nautical miles of an airport listed in appendix D, section 1 of this part provided such operations are conducted—

(i) Outside any Class A, Class B, or Class C airspace area; and

(ii) Below the altitude of the ceiling of a Class B or Class C airspace area designated for an airport or 10,000 feet MSL, whichever is lower; and

(4) All aircraft in all airspace above the ceiling and within the lateral boundaries of a Class B or Class C airspace area designated for an airport upward to 10,000 feet MSL; and

(5) All aircraft except any aircraft which was not originally certificated with an engine-driven electrical system or which has not subsequently been certified with such a system installed, balloon, or glider——

(i) In all airspace of the 48 contiguous states and the District of Columbia at and above 10,000 feet MSL, excluding the airspace at and below 2,500 feet above the surface; and

(ii) In the airspace from the surface to 10,000 feet MSL within a 10-nautical-mile radius of any airport listed in appendix D, section 2 of this part, excluding the airspace below 1,200 feet outside of the lateral boundaries of the surface area of the airspace designated for that airport.

* * * * *

(d) *ATC authorized deviations.* Requests for ATC authorized deviations must be made to the ATC facility having jurisdiction over the concerned airspace within the time periods specified as follows:

(1) For operation of an aircraft with an operating transponder but without operating automatic pressure altitude reporting equipment having a Mode C capability, the request may be made at any time.

(2) For operation of an aircraft with an inoperative transponder to the airport of ultimate destination, including any intermediate stops, or to proceed to a place where suitable repairs can be made or both, the request may be made at any time.

(3) For operation of an aircraft that is not equipped with a transponder, the request must be made at least one hour before the proposed operation.

38. Section 91.303 is amended by revising paragraphs (c), (d), and (e) and by adding paragraph (f) to read as follows:

§ 91.303 Aerobatic flight.

* * * * *

(c) Within the lateral boundaries of the surface areas of Class B, Class C, Class D, or Class E airspace designated for an airport;

(d) Within 4 nautical miles of the center line of any Federal airway;

(e) Below an altitude of 1,500 feet above the surface; or

(f) When flight visibility is less than 3 statute miles.

* * * * *

39. Section 91.309 is amended by revising paragraph (a)(4) to read as follows:

§ 91.309 Towing: Gliders.

(a) * * *

(4) Before conducting any towing operation within the lateral boundaries of the surface areas of Class B, Class C, Class D, or Class E airspace designated for an airport, or before making each towing flight within such controlled airspace if required by ATC, the pilot in command notifies the control tower. If a control tower does not exist or is not in operation, the pilot in command must notify the FAA flight service station serving that controlled airspace before conducting any towing operations in that airspace; and

* * * * *

40. Section 91.703 is amended by revising paragraph (a)(1) to read as follows:

§ 91.703 Operations of civil aircraft of U.S. registry outside of the United States.

(a) * * *

(1) When over the high seas, comply with annex 2 (Rules of the Air) to the Convention on International Civil Aviation and with §§ 91.117(c), 91.127, 91.129, and 91.131;

* * * * *

41. Section 91.711 is amended by revising paragraph (c)(1)(i) to read as follows:

§ 91.711 Special rules for foreign civil aircraft.

* * * * *

(c) * * *

(1) * * *

(i) Radio equipment allowing two-way radio communication with ATC when it is operated in controlled airspace; and

* * * * *

42. Section 91.905 is amended by adding § 91.126 and revising §§ 91.127, 91.129, 91.130, 91.131, and 91.135 to read as follows:

§ 91.905 List of rules subject to waivers.

* * * * *

91.126 Operating on or in the vicinity of an airport in Class G airspace.
91.127 Operating on or in the vicinity of an airport in Class E airspace.
91.129 Operations in Class D airspace.
91.130 Operations in Class C airspace.
91.131 Operations in Class B airspace.

* * * * *

91.135 Operations in Class A airspace.

* * * * *

43. Appendix D of part 91 is revised to read as follows:

Appendix D—Airports/Locations: Special Operating Restrictions

Section 1. Locations at which the requirements of § 91.215(b)(2) apply.

The requirements of § 91.215(b)(2) apply below 10,000 feet above the surface within a 30-nautical-mile radius of each location in the following list:

Atlanta, GA (The William B. Hartsfield Atlanta International Airport)
Baltimore, MD (Baltimore Washington International Airport)
Boston, MA (General Edward Lawrence Logan International Airport)
Chantilly, VA (Washington Dulles International Airport)
Charlotte, NC (Charlotte/Douglas International Airport)
Chicago, IL Chicago-O'Hare International Airport)
Cleveland, OH (Cleveland-Hopkins International Airport)
Dallas, TX (Dallas/Fort Worth Regional Airport)
Denver, CO (Stapleton International Airport)
Detroit, MI (Metropolitan Wayne County Airport)
Honolulu, HI (Honolulu International Airport)
Houston, TX (Houston Intercontinental Airport)
Kansas City, KS (Mid-Continent International Airport)
Las Vegas, NV (McCarran International Airport)
Los Angeles, CA (Los Angeles International Airport)
Memphis, TN (Memphis International Airport)
Miami, FL (Miami International Airport)
Minneapolis, MN (Minneapolis-St. Paul International Airport)
Newark, NJ (Newark International Airport)
New Orleans, LA (New Orleans International Airport-Moisant Field)
New York, NY (John F. Kennedy International Airport)
New York, NY (LaGuardia Airport)
Orlando, FL (Orlando International Airport)
Philadelphia, PA (Philadelphia International Airport)
Phoenix, AZ (Phoenix Sky Harbor International Airport)
Pittsburgh, PA (Greater Pittsburgh International Airport)
St. Louis, MO (Lambert-St. Louis International Airport)

Salt Lake City, UT (Salt Lake City International Airport)
San Diego, CA (San Diego International Airport)
San Francisco, CA (San Francisco International Airport)
Seattle, WA (Seattle-Tacoma International Airport)
Tampa, FL (Tampa International Airport)
Washington, DC (Washington National Airport)

Section 2. Airports at which the requirements of § 91.215(b)(5)(ii) apply.

The requirements of § 91.215(b)(5)(ii) apply to operations in the vicinity of each of the following airports:

Billings, MT (Logan International Airport)

Section 3. Locations at which Special VFR operations are prohibited.

The Special VFR weather minimums of § 91.157 do not apply to the following airports:

Atlanta, GA (The William B. Hartsfield Atlanta International Airport)
Baltimore, MD (Baltimore/Washington International Airport)
Boston, MA (General Edward Lawrence Logan International Airport)
Buffalo, NY (Greater Buffalo International Airport)
Chicago, IL (Chicago-O'Hare International Airport)
Cleveland, OH (Cleveland-Hopkins International Airport)
Columbus, OH (Port Columbus International Airport)
Covington, KY (Greater Cincinnati International Airport)
Dallas, TX (Dallas/Fort Worth Regional Airport)
Dallas, TX (Love Field)
Denver, CO (Stapleton International Airport)
Detroit, MI (Metropolitan Wayne County Airport)
Honolulu, HI (Honolulu International Airport)
Houston, TX (Houston Intercontinental Airport)
Indianapolis, IN (Indianapolis International Airport)
Los Angeles, CA (Los Angeles International Airport)
Louisville, KY (Standiford Field)
Memphis, TN (Memphis International Airport)
Miami, FL (Miami International Airport)
Minneapolis, MN (Minneapolis-St. Paul International Airport)
Newark, NJ (Newark International Airport)
New York, NY (John F. Kennedy International Airport)
New York, NY (LaGuardia Airport)
New Orleans, LA (New Orleans International Airport-Moisant Field)
Philadelphia, PA (Philadelphia International Airport)
Pittsburgh, PA (Greater Pittsburgh International Airport)
Portland, OR (Portland International Airport)
San Francisco, CA (San Francisco International Airport)
Seattle, WA (Seattle-Tacoma International Airport)
St. Louis, MO (Lambert-St. Louis International Airport)
Tampa, FL (Tampa International Airport)
Washington, DC (Washington National Airport)

Section 4. Locations at which solo student pilot activity is not permitted.

Pursuant to § 91.131(b)(2), solo student pilot operations are not permitted at any of the following airports.

Atlanta, GA (The William B. Hartsfield Atlanta International Airport)
Boston, MA (General Edward Lawrence Logan International Airport)
Chicago, IL (Chicago-O'Hare International Airport)
Dallas, TX (Dallas/Fort Worth Regional Airport)
Los Angeles, CA (Los Angeles International Airport)
Miami, FL (Miami International Airport)
Newark, NJ (Newark International Airport)
New York, NY (John F. Kennedy International Airport)
New York, NY (LaGuardia Airport)
San Francisco, CA (San Francisco International Airport)
Washington, DC (Washington National Airport)
Andrews Air Force Base, MD

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

44. The authority citation for part 93 is revised to read as follows:

Authority: 49 U.S.C. app. 1302, 1303, 1348, 1354(a), 1421(a), 1424, 2451 *et seq.* 49 U.S.C. 106(g).

45. Section 93.1 is amended by revising paragraph (b) to read as follows:

§ 93.1 Applicability.

* * * * *

(b) Unless otherwise authorized by ATC, each person operating an aircraft shall do so in accordance with the special air traffic rules in this part in addition to other applicable rules in Part 91 of this chapter.

Subparts I, N, O, Q, and R [Removed and Reserved]

46. Part 93 is amended by removing and reserving subparts I(§§ 93.111–93.113), N(§§ 93.161–93.163), O(§§ 93.171–93.175), Q(§§ 93.195–93.199), and R§§ 93.200–93.208).

47. Section 93.151 is amended by revising the introductory text to read as follows:

§ 93.151 Applicability.

This subpart prescribes special air traffic rules and communications requirements for persons operating aircraft, under VFR, below 2,500 feet MSL within the lateral boundaries of the surface area of the Class E airspace area designated for Ketchikan International Airport, Alaska, excluding that airspace below 600 feet MSL and—

* * * * *

PART 101—MOORED BALLOONS, KITES, UNMANNED ROCKETS AND UNMANNED FREE BALLOONS

48. The authority citation for part 101 is revised to read as follows:

Authority: 49 U.S.C. app. 1348, 1354, 1372, 1421, 1442, 1443, 1472, 1510, and 1522.

49. Section 101.33(a) is revised to read as follows:

§ 101.33 Operating limitations.

* * * * *

(a) Unless otherwise authorized by ATC, below 2,000 feet above the surface within the lateral boundaries of the surface areas of Class B, Class C, Class D, or Class E airspace designated for an airport;

* * * * *

PART 103—ULTRALIGHT VEHICLES

50. The authority citation for part 103 is revised to read as follows:

Authority: 49 U.S.C. app. 1348, 1354(a), 1421(a), 1422, and 1423; 49 U.S.C. 1655(c).

51.–52. Section 103.17 is revised to read as follows:

§ 103.17 Operations in certain airspace.

No person may operate an ultralight vehicle within Class A, Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport unless that person has prior authorization from the ATC facility having jurisdiction over that airspace.

53. Section 103.23 is revised to read as follows:

§ 103.23 Flight visibility and cloud clearance requirements.

No person may operate an ultralight vehicle when the flight visibility or distance from clouds is less than that in the table found below. All operations in Class A, Class B, Class C, and Class D airspace or Class E airspace designated for an airport must receive prior ATC authorization as required in § 103.17 of this part.

Airspace	Flight visibility	Distance from clouds
Class A	Not applicable	Not Applicable.
Class B	3 statute miles	Clear of Clouds.
Class C	3 statute miles	500 feet below. 1,000 feet above. 2,000 feet horizontal.
Class D	3 statute miles	500 feet below. 1,000 feet above. 2,000 feet horizontal.

Airspace	Flight visibility	Distance from clouds
Class E:		
Less than 10,000 feet MSL.	3 statute miles....	500 feet below. 1,000 feet above. 2,000 feet horizontal.
At or above 10,000 feet MSL.	5 statute miles....	1,000 feet below. 1,000 feet above. 1 statute mile horizontal.
Class G:		
1,200 feet or less above the surface (regardless of MSL altitude).	1 statute mile.....	Clear of clouds.
More than 1,200 feet above the surface but less than 10,000 feet MSL.	1 statute mile.....	500 feet below. 1,000 feet above. 2,000 feet horizontal.
More than 1,200 feet above the surface and at or above 10,000 feet MSL.	5 statute miles....	1,000 feet below. 1,000 feet above. 1 statute mile horizontal.

PART 105—PARACHUTE JUMPING

54. The authority citation for part 105 is revised to read as follows:

Authority: 49 U.S.C. App. 1348, 1354, and 1421; 49 U.S.C. 106(g).

55.–56. Section 105.19 is revised to read as follows:

§ 105.19 Jumps in or into Class A, Class B, Class C, and Class D airspace.

(a) No person may make a parachute jump, and no pilot in command may allow a parachute jump to be made from that aircraft, in or into Class A, Class B, Class C, and Class D airspace without, or in violation of, the terms of an ATC authorization issued under this section.

(b) Each request for an authorization under this section must be submitted to the nearest FAA air traffic control facility or FAA flight service station and must include the information prescribed by § 105.25(a).

§ 105.20 [Removed and Reserved]

57. Section 105.20 is removed and reserved.

§ 105.21 [Removed and Reserved]

58. Section 105.21 is removed and reserved.

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

59. The authority citation for part 121 is revised to read as follows:

Authority: 49 U.S.C. app. 1354(a), 1355, 1356, 1357, 1401, 1421–1430, 1472, 1485, and 1502; 49 U.S.C. 106(g).

60. Section 121.347 is amended by revising paragraph (a)(2) to read as follows:

§ 121.347 Radio equipment for operations under VFR over routes navigated by pilotage.

(a) * * *

(2) Communicate with appropriate traffic control facilities from any point within the lateral boundaries of the surface areas of Class B, Class C, Class D, or Class E airspace designated for an airport in which flights are intended.

* * * * *

61. Section 121.649 is amended by revising paragraph (c) to read as follows:

§ 121.649 Takeoff and landing weather minimums: VFR: Domestic air carriers.

* * * * *

(c) The weather minimums in this section do not apply to the VFR operation of fixed-wing aircraft at any of the locations where the special weather minimums of § 91.157 of this chapter are not applicable (See part 91, appendix D, section 3 of this chapter). The basic VFR weather minimums of § 91.155 of this chapter apply at those locations.

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

62. The authority citation for part 127 is revised to read as follows:

Authority: 49 U.S.C. app. 1354(a), 1421, 1422, 1423, 1424, 1425, 1430; 49 U.S.C. 106(g).

63. Section 127.125 is amended by revising paragraph (b) to read as follows. The introductory text of the section is republished for the convenience of the reader.

§ 127.125 Radio equipment for operations over routes navigated by pilotage.

No person may operate a helicopter over a route that can be navigated by pilotage, unless the helicopter is equipped with the radio equipment needed to perform the following functions under normal operating conditions:

* * * * *

(b) Communicate with ATC towers from any point within the lateral boundaries of the surface areas of Class B, Class D, Class C, or Class D airspace designated for an airport in which flights are intended.

* * * * *

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

64. The authority citation for part 135 is revised to read as follows:

Authority: 49 U.S.C. app. 1354(a), 1355(a), 1421 through 1431, and 1502; 49 U.S.C. 106(g).

65. Section 135.205 is amended by revising paragraph (b) introductory text to read as follows:

§ 135.205 VFR: Visibility requirements.

* * * * *

(b) No person may operate a helicopter under VFR in Class G airspace at an altitude of 1,200 feet or less above the surface or within the lateral boundaries of the surface areas of Class B, Class C, Class D, or Class E airspace designated for an airport unless the visibility is at least—

* * * * *

PART 137—AGRICULTURAL AIRCRAFT OPERATIONS

66. The authority citation for part 137 is revised to read as follows:

Authority: 49 U.S.C. app. 1354(a), 1348(c), 1421, and 1427.

67. Section 137.43 is revised to read as follows:

§ 137.43 Operations in controlled airspace designated for an airport.

(a) Except for flights to and from a dispensing area, no person may operate an aircraft within the lateral boundaries of the surface area of Class B, Class C, or Class D airspace designated for an airport unless authorization for that operation has been obtained from the ATC facility having jurisdiction over that area.

(b) No person may operate an aircraft in weather conditions below VFR minimums within the lateral boundaries of a Class E airspace area that extends upward from the surface unless authorization for that operation has been obtained from the ATC facility having jurisdiction over that area.

(c) Notwithstanding § 91.157(a)(2) of this chapter, an aircraft may be operated under the special VFR weather minimums without meeting the requirements prescribed therein.

PART 139—CERTIFICATION AND OPERATIONS: LAND AIRPORTS SERVING CERTAIN AIR CARRIERS

68. The authority citation for part 139 is revised to read as follows:

Authority: 49 U.S.C. app. 1354(a) and 1432; 49 U.S.C. 106(g).

69. Section 139.323 is amended by revising paragraph (a) to read as follows:

§ 139.323 Traffic and wind direction indicators.

* * * * *

(a) A wind cone that provides surface wind direction information visually to pilots. For each airport in a Class B airspace area, supplemental wind cones must be installed at each runway end or at least at one point visible to the pilot while on final approach and prior to takeoff. If the airport is open for air carrier operations during hours of darkness, the wind direction indicators must be lighted.

* * * * *

PART 171—NON-FEDERAL NAVIGATION FACILITIES

70. The authority citation for part 171 is revised to read as follows:

Authority: 49 U.S.C. app. 1343, 1346, 1348, 1354(a), 1355, 1401, 1421–1430, 1472(c), 1502, and 1522; 49 U.S.C. 106(g).

71. Section 171.9 is amended by revising paragraphs (e)(1) and (e)(2) to read as follows:

§ 171.9 Installation requirements.

* * * * *

(e) * * *

(1) At facilities outside of and not immediately adjacent to controlled airspace, there must be ground-air communications from the airport served by the facility. Separate communications channels are acceptable.

(2) At facilities within or immediately adjacent to controlled airspace, there must be the ground-air communications required by paragraph (e)(1) of this section and reliable communications (at least a landline telephone) from the airport to the nearest FAA air traffic control or communication facility. Paragraphs (e) (1) and (2) of this section are not mandatory at airports where an adjacent FAA facility can communicate with aircraft on the ground at the airport and during the entire proposed instrument approach procedure. In addition, at low traffic density airports within or immediately adjacent to controlled airspace and where extensive delays are not a factor, the requirements of paragraphs (e) (1) and (2) of this section may be reduced to reliable communications (at least a landline telephone) from the airport to the nearest FAA air traffic control or communication facility, if an adjacent FAA facility can communicate with aircraft during the proposed instrument approach procedure, at least down to the minimum en route altitude for the controlled airspace area.

* * * * *

72. Section 171.29 is amended by revising paragraphs (d)(1) and (d)(2) as follows:

§ 171.29 Installation requirements.

* * * * *

(d) * * *

(1) At facilities outside of and not immediately adjacent to controlled airspace, there must be ground-air communications from the airport served by the facility. Voice on the aid controlled from the airport is acceptable.

(2) At facilities within or immediately adjacent to controlled airspace, there must be the ground-air communications required by paragraph (d)(1) of this section and reliable communications (at least a landline telephone) from the airport to the nearest FAA air traffic control or communication facility. Paragraphs (d) (1) and (2) of this section are not mandatory at airports where an adjacent FAA facility can communicate with aircraft on the ground at the airport and during the entire proposed instrument approach procedure. In addition, at low traffic density airports within or immediately adjacent to controlled airspace, and where extensive delays are not a factor, the requirements of paragraphs (d) (1) and (2) of this section may be reduced to reliable communications (at least a landline telephone) from the airport to the nearest FAA air traffic control or communications facility, if an adjacent FAA facility can communicate with aircraft during the proposed instrument approach procedure, at least down to the minimum en route altitude for the controlled airspace area.

73. Section 171.49 is amended by revising paragraph (e) to read as follows:

§ 171.49 Installation requirements.

* * * * *

(e) The facility must have, or be supplemented by (depending on the circumstances) the following ground-air or landline communications services:

(1) At facilities outside of and not immediately adjacent to controlled airspace, there must be ground-air communications from the airport served by the facility. The utilization of voice on the ILS frequency should be determined by the facility operator on an individual basis.

(2) At facilities within or immediately adjacent to controlled airspace, there must be the ground-air communications required by paragraph (e)(1) of this section and reliable communications (at least a landline telephone) from the airport to the nearest FAA air traffic control or communications facility. Paragraphs (e)(1) and (e)(2) of this section are not mandatory at airports where an adjacent FAA facility can communicate with aircraft on the ground at the airport and during the entire proposed instrument approach procedure. In addition, at low traffic density airports within or immediately adjacent to controlled airspace, and where extensive delays are not a factor, the requirements of paragraphs (e)(1) and (e)(2) of this section may be reduced to reliable communications (at least a landline telephone) from the airport to the nearest FAA air traffic control or communications facility, if an adjacent FAA facility can communicate with aircraft during the proposed instrument approach procedure down to the airport surface or at least to the minimum approach altitude.

74. Section 171.113 is amended by revising paragraph (f) to read as follows:

§ 171.113 Installation requirements.

* * * * *

(f) The facility must have the following ground-air or landline communication services:

(1) At facilities outside of and not immediately adjacent to controlled airspace, there must be ground-air communications from the airport served by the facility. The utilization of voice on the SDF should be determined by the facility operator on an individual basis.

(2) At facilities within or immediately adjacent to controlled airspace, there must be ground/air communications required by paragraph (b)(1) of this section and reliable communications (at least a landline telephone) from the airport to the nearest Federal Aviation Administration air traffic control or communications facility. Compliance with paragraphs (f) (1) and (2) of this section need not be shown at airports where an adjacent Federal Aviation Administration facility can communicate with aircraft on the ground at the airport and during the entire proposed instrument approach procedure. In addition, at low traffic density airports within or immediately adjacent to controlled airspace, and where extensive delays are not a factor, the requirements of paragraphs (f) (1) and (2) of this section may be reduced to

reliable communications (at least a landline telephone) from the airport to the nearest Federal Aviation Administration air traffic control or communications facility, if an adjacent Federal Aviation Administration facility can communicate with aircraft during the proposed instrument approach procedure down to the airport surface or at least down to the minimum approach altitude.

* * * * *

75. Section 171.159 is amended by revising paragraphs (e) (1) and (e)(2) as follows:

§ 171.159 Installation requirements.

* * * * *

(e) * * *

(1) At facilities outside of and not immediately adjacent to controlled airspace, there must be ground-air communications from the airport served by the facility. Separate communications channels are acceptable.

(2) At facilities within or immediately adjacent to controlled airspace, there must be the ground-air communications required by paragraph (e)(1) of this section and reliable communications (at least a landline telephone) from the airport to the nearest Federal Aviation Administration air traffic control or communications facility. Separate communications channels are acceptable.

Compliance with paragraphs (e) (1) and (2) of this section need not be shown at airports where an adjacent Federal Aviation Administration facility can communicate with aircraft on the ground at the airport and during the entire proposed instrument approach procedure. In addition, at low traffic density airports within or immediately adjacent to controlled airspace, and where extensive delays are not a factor, the requirements of paragraphs (e) (1) and (2) of this section may be reduced to reliable communications (at least a landline telephone) from the airport to the nearest Federal Aviation Administration air traffic control or communications facility, if an adjacent Federal Aviation Administration facility can communicate with aircraft during the proposed instrument approach procedure, at least down to the minimum en route altitude for the controlled airspace area.

76. Section 171.209 is amended by revising paragraph (d) to read as follows:

§ 171.209 Installation requirements.

* * * * *

(d) At facilities within or immediately adjacent to controlled airspace and that are intended for use as instrument approach aids for an airport, there must be ground-air communications or reliable communications (at least a landline telephone) from the airport to the nearest Federal Aviation Administration air traffic control or communication facility. Compliance with this paragraph need not be shown at airports where an adjacent Federal Aviation Administration facility can communicate with aircraft on the ground at the airport and during the entire proposed instrument approach procedure. In addition, at low traffic density airports within or immediately adjacent to controlled airspace, and where extensive delays are not a factor, the requirements of this paragraph may be reduced to reliable communications (at least a landline telephone) from the airport to the nearest Federal Aviation Administration air traffic control or communications facility, if an adjacent Federal Aviation Administration facility can communicate with aircraft during the proposed instrument approach procedure, at least down to the minimum en route altitude for the controlled airspace area.

77. Section 171.271 is amended by revising paragraph (e) to read as follows:

§ 171.271 Installation requirements.

(e) The facility must have, or be supplemented by, ground-air or landline communications services. At facilities within or immediately adjacent to controlled airspace and that are intended for use as instrument approach aids for an airport, there must be ground-air communications or reliable communications (at least a landline telephone) from the airport to the nearest Federal Aviation Administration air traffic control or communication facility. Compliance with this paragraph need not be shown at airports where an adjacent Federal Aviation Administration facility can communicate with aircraft on the ground at the airport and during the entire proposed instrument approach procedure. In addition, at low traffic density airports within or immediately adjacent to controlled airspace, and where extensive delays are not a factor, the requirements of this paragraph may be reduced to reliable communications (at least a landline telephone) from the airport to the nearest Federal Aviation Administration air traffic control or communications facility, if an adjacent Federal Aviation Administration facility can communicate with aircraft during the proposed instrument approach procedure, at least down to the minimum en route altitude for the controlled area.

* * * * *

78. Section 171.323 is amended by revising paragraph (i) to read as follows:

§ 171.323 Fabrication and installation requirements.

* * * * *

(i) The facility must have, or be supplemented by, ground, air, or landline communications services. At facilities within or immediately adjacent to controlled airspace, that are intended for use as instrument approach aids for an airport, there must be ground air communications or reliable communications (at least a landline telephone) from the airport to the nearest FAA air traffic control or communication facility. Compliance with this paragraph need not be shown at airports where an adjacent FAA facility can communicate with aircraft on the ground at the airport and during the entire proposed instrument approach procedure. In addition, at low traffic density airports within or immediately adjacent to controlled airspace, and where extensive delays are not a factor, the requirements of this paragraph may be reduced to reliable communications from the airport to the nearest FAA air traffic control or communications facility. If the adjacent FAA facility can communicate with aircraft during the proposed instrument approach procedure down to the airport surface or at least down to the minimum en route altitude, this would require at least a landline telephone.

* * * * *

Issued in Washington, DC on November 14, 1991.

James B. Busey,

Administrator.

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federal register

Tuesday
December 17, 1991

Part VI

Department of the Interior

Minerals Management Service

New Alternatives to the Proposed Comprehensive Outer Continental Shelf Natural Gas and Oil Resource Management Program for 1992–1997; Notice of Request for Comments

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Request for Comments on New Alternatives to the Proposed Comprehensive Outer Continental Shelf (OCS) Natural Gas and Oil Resource Management Program for 1992–1997

AGENCY: Minerals Management Service (MMS), Department of the Interior.

SUMMARY: Comments are requested on the alternative of expanding the area proposed for consideration of leasing and the renaming of the planning area for the Proposed OCS Oil and Gas Lease Sale 149, Cook Inlet.

Additionally, comments are requested on the alternative of selecting St. George Basin and Hope Basin as the two areas for leasing consideration among the five lower potential Alaska planning areas being considered in the Proposed Final 5-Year Comprehensive Program (1992–1997).

DATES: Comments and information must be received within 45 days of the publication of this Notice.

ADDRESS: Comments and information on the above alternatives should be mailed to: Director, Minerals Management Service (MS–4230), 1849 C Street, NW., Washington, DC 20240. Hand deliveries to the Department of the Interior may be made at 1849 C Street, NW., room 2525, Washington, DC. Envelopes or packages should be marked "Comments on Proposed 5-Year Comprehensive Program—Cook Inlet, Hope Basin, and St. George Basin Planning Areas." If any privileged or proprietary information which the respondent wishes to be treated as confidential is submitted, the envelope should be marked "Contains Confidential Information." Under section 18(c)(1) of the OCS Lands Act and 30 CFR 256.19(b), any suggestions from the executive of any affected local government in an affected State should also be submitted to the Governor of such State.

FOR FURTHER INFORMATION CONTACT: For information on the above alternatives telephone Paul Stang or Jan Arbegast, Branch of Program Development and Planning, at (202) 208–3072 or Robert Brock, Regional Supervisor, Leasing and Environment, Alaska OCS Region, at (907) 271–6045.

SUPPLEMENTARY INFORMATION: The MMS has received comments on the Proposed 5-Year Comprehensive Program (1992–1997) and the Request for Interest and Comments for the Proposed Oil and Gas Lease Sale 149, Cook Inlet. Several industry commentors requested that the area proposed for consideration of leasing in Cook Inlet be enlarged based on new geologic and geophysical information.

Consequently, as part of the 5-year program, we are considering enlarging the area to be considered for leasing in Cook Inlet to include approximately 761 blocks consisting of approximately 3.7 million acres, but limiting the number of leases which can be issued in lease Sale 149 to 250 or possibly less. Enlargement of the area for consideration of leasing would provide an opportunity for continuing new and innovative analysis of hydrocarbon potential which is important to the discovery of new domestic reserves. Map 1 shows the area included in the Proposed 5-Year Comprehensive Program and the enlarged area now being considered for inclusion in the Proposed Final 5-Year Comprehensive Program.

Based on comments received on, and industry interest in planning areas of, the Proposed Comprehensive Natural Gas and Oil Resource Management Program for 1992–1997, we are considering narrowing the five lower potential Alaskan planning areas (Norton Basin, Navarin Basin, St. Matthew-Hall, Hope Basin, and St. George Basin) to two planning areas, the Hope Basin and St. George Basin, for leasing consideration in the Proposed Final 5-Year Comprehensive Program (1992–1997). The area proposed for leasing consideration in this alternative, the St. George Basin and the Hope Basin, would be as configured in the Proposed Comprehensive Program (1992–1997), announced in the **Federal Register**, Vol. 56, No. 158, on August 1, 1991, and as depicted on Map 2. Sales in these two areas would be proposed for 1994 and 1997, respectively.

Some local area residents have asked that the planning area be renamed Cook Inlet/Shelikof Strait so that it is clear that Shelikof Strait is part of the planning area. The MMS is considering this request.

Additional comments and recommendations were received on the Proposed Comprehensive Program and Draft Environmental Impact Statement announced in the **Federal Register**, Vol. 56, No. 158, on August 1, 1991. A decision on whether to adopt any or all of these recommendations will be made in conjunction with the Department of the Interior's announcement of the Proposed Final Comprehensive Program in spring 1992.

Comments are requested from States, local governments, other interested individuals and groups, the oil and gas industry, and Federal agencies to assist in determining if the area proposed for consideration of leasing for the proposed oil and gas lease Sale 149—Cook Inlet—should be enlarged; if the planning areas should be renamed; and if both the St. George Basin and Hope Basin should be considered for leasing in the Proposed Final Comprehensive Program (1992–1997). In particular, comments are solicited on any geological, biological, or physical characteristics of the areas; potential for discovery of oil and gas in the areas; potential environmental or socioeconomic impacts; potential for effects on the coastal zone if any or all of the alternatives are adopted; or other relevant information.

Dated: December 13, 1991.

Scott Sewell,

Director, Minerals Management Service.

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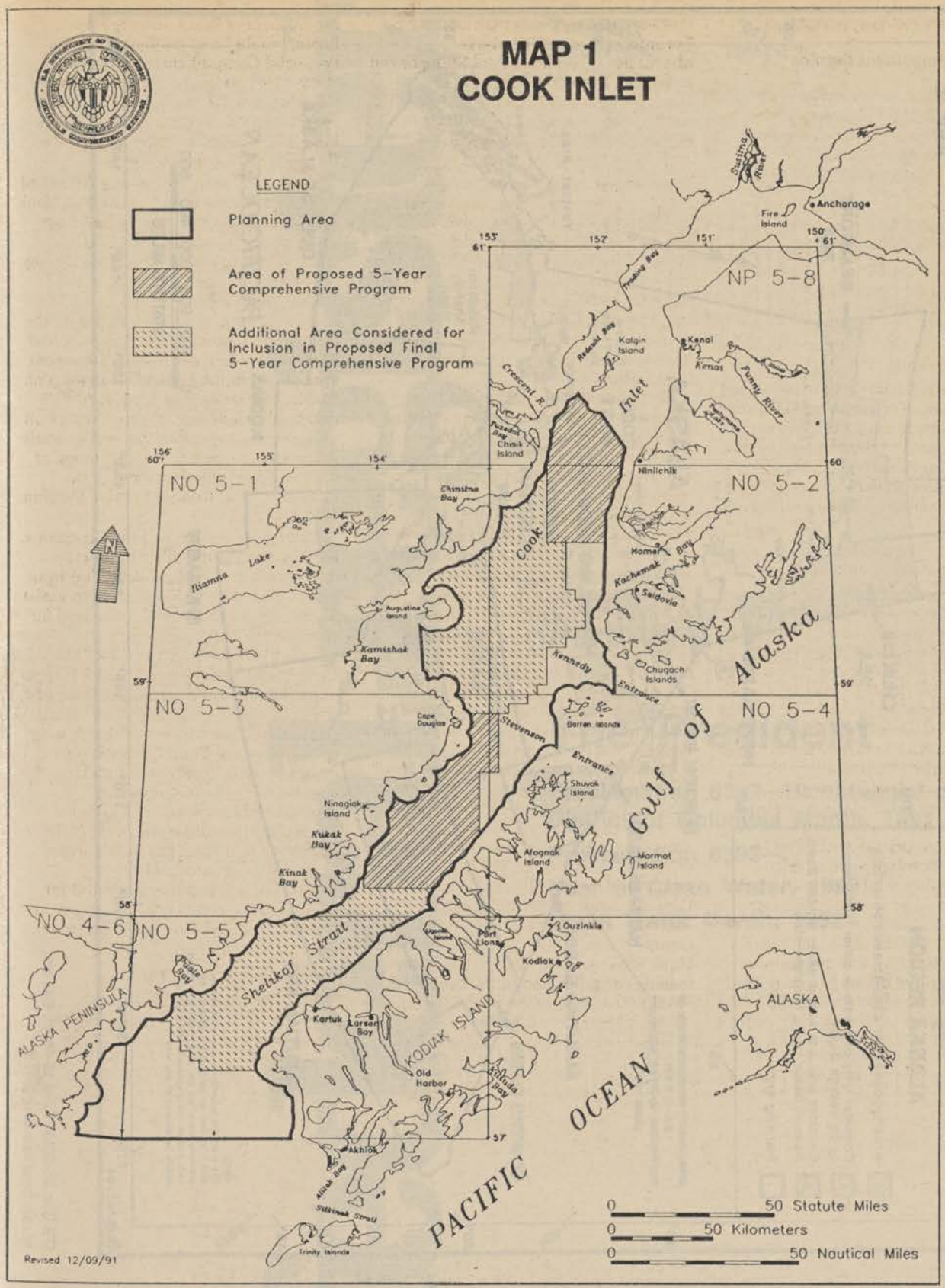
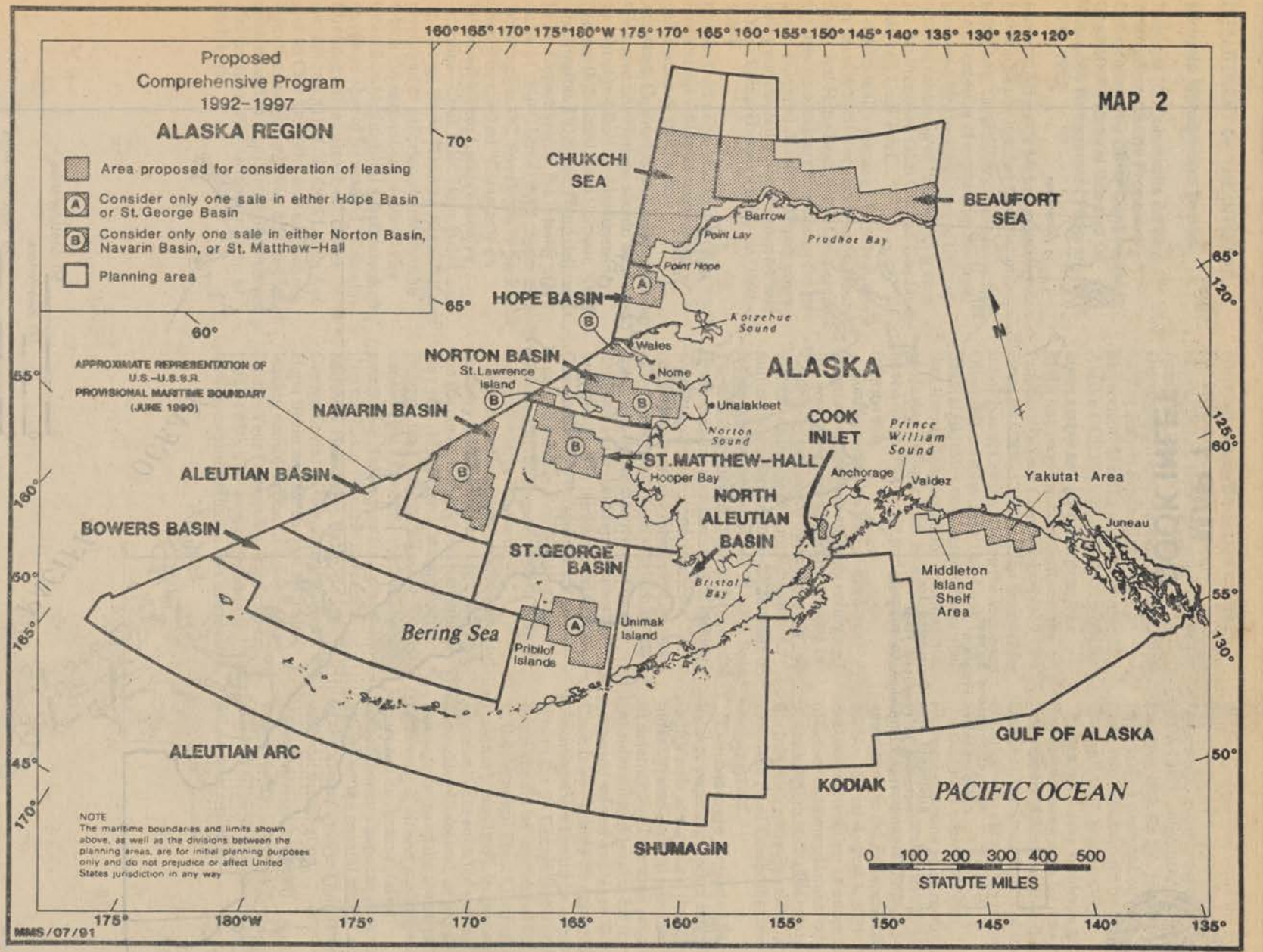

MAP 1
COOK INLET
LEGEND
Planning Area
Area of Proposed 5-Year Comprehensive Program
Additional Area Considered for Inclusion in Proposed Final 5-Year Comprehensive Program
NP 5-8
NO 5-1
NO 5-2
NO 5-3
NO 5-4
NO 4-6
NO 5-5
Anchorage
Fire Island
Kalgin Island
Kenai
Kenai River
Kasilof River
Ninilchik
Homer
Kachemak Bay
Seldovia
Chugach Islands
Kennedy Entrance
Barren Islands
Shuyak Island
Afognak Island
Marmot Island
Ouzinkie
Kodiak
Port Lions
Chisik Island
Chinitna Bay
Iliamna Lake
Augustine Island
Kamishak Bay
Cape Douglas
Stevenson Entrance
Ninagiak Island
Kukak Bay
Kinak Bay
Cook Inlet
Gulf of Alaska
Shelikof Strait
ALASKA PENINSULA
KODIAK ISLAND
Kartuk
Larsen Bay
Old Harbor
Akhiok
Alitak Bay
Sitkinak Strait
Trinity Islands
PACIFIC OCEAN
ALASKA
0 50 Statute Miles
0 50 Kilometers
0 50 Nautical Miles
Revised 12/09/91



[FR Doc. 91–30156 Filed 12–16–91; 8:45 am]

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