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

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

98–11–02 Fokker: Amendment 39–10529. Docket 98–NM–153–AD.

Applicability: All Model F28 Mark 0070 and Mark 0100 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent inadvertent deployment of the liftdumpers during approach for landing, and consequent reduced controllability and performance of the airplane, accomplish the following:

(a) Within 5 days after the effective date of this AD, revise the Limitations and Normal Procedures sections of the FAA-approved Airplane Flight Manual (AFM) in accordance with paragraphs (a)(1) and (a)(2) of this AD. This may be accomplished by inserting a copy of this AD in the AFM.

(1) Add the following information to section 5—NORMAL PROCEDURES, sub-Section APPROACH AND LANDING, after the subject APPROACH:

''BEFORE LANDING

WARNING: DO NOT ARM THE LIFTDUMPER SYSTEM BEFORE LANDING GEAR DOWN SELECTION.

Selecting Landing Gear DOWN after arming the liftdumper system may result in inadvertent deployment of the liftdumpers, because the liftdumper arming test may be partially ineffective.''

(2) Add the following information to the LIMITATIONS section:

''LIFTDUMPER SYSTEM

DO NOT ARM THE LIFTDUMPER SYSTEM BEFORE LANDING GEAR DOWN SELECTION.''

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

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

Note 3: The subject of this AD is addressed in Dutch airworthiness directive 1998–042 (A), dated April 10, 1998.

(d) This amendment becomes effective on June 2, 1998.

Issued in Renton, Washington, on May 11, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–13062 Filed 5–15–98; 8:45 am]

BILLING CODE 4910–13–V

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 95–AWA–10]

RIN 2120–AA66

Establishment of Class C Airspace and Revocation of Class D Airspace, Springfield-Branson Regional Airport; MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes a Class C airspace area and revokes the existing Class D airspace area at the Springfield-Branson Regional Airport, Springfield, MO. The Springfield-Branson Regional Airport is a public-use facility with an operating control tower served by a Level III Terminal Radar Approach Control Facility (TRACON). The establishment of this Class C airspace area will require pilots to maintain two-way radio communications with air traffic control (ATC) while in Class C airspace. The FAA is taking this action to promote the efficient control of air traffic and reduce the risk of midair collision in the terminal area. Additionally, this action corrects several inadvertent editorial errors.

EFFECTIVE DATE: 0901 UTC, June 18, 1998.

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

SUPPLEMENTARY INFORMATION:

Background

On April 22, 1982, the National Airspace Review (NAR) plan was published in the **Federal Register** (47 FR 17448). The plan encompassed a review of airspace use and procedural aspects of the ATC system. Among the main objectives of the NAR was the improvement of the ATC system by increasing efficiency and reducing complexity. In its review of terminal airspace, NAR Task Group 1–2 concluded that Terminal Radar Service Areas (TRSA's) should be replaced. Four types of airspace configurations were considered as replacement candidates, and Model B, the Airport Radar Service Area (ARSA) configuration, was recommended by a consensus of the task group.

The FAA published NAR Recommendation 1–2.2.1, ''Replace

Terminal Radar Service Areas with Model B Airspace and Service'' in Notice 83–9 (48 FR 34286, July 28, 1983) proposing the establishment of ARSA's at the Robert Mueller Municipal Airport, Austin, TX, and the Port of Columbus International Airport, Columbus, OH. ARSA's were designated at these airports on a temporary basis by Special Federal Aviation Regulation No. 45 (48 FR 50038; October 28, 1983) to provide an operational confirmation of the ARSA concept for potential application on a national basis.

Following a confirmation period of more than a year, the FAA adopted the NAR recommendation and, on February 27, 1985, issued a final rule (50 FR 9252; March 6, 1985) defining ARSA airspace and establishing air traffic rules for operation within such an area.

Concurrently, by separate rulemaking action, ARSA's were permanently established at the Austin, TX, Columbus, OH, and the Baltimore/Washington International Airports (50 FR 9250; March 6, 1985). The FAA stated that it would propose ARSA's for other airports at which TRSA procedures were in effect in future notices.

The NAR Task Group also recommended that the FAA develop quantitative criteria for establishing ARSA's at locations other than those which were included in the TRSA replacement program. The task group recommended that these criteria include, among other things, traffic mix, flow and density, airport configuration, geographical features, collision risk assessment, and ATC capabilities to provide service to users. These criteria have been developed and are published via the FAA directives system (Order 7400.2, Procedures for Handling Airspace Matters).

The FAA adopted the NAR Task Group recommendation that each Class C airspace area be of the same airspace configuration insofar as is practicable. The standard Class C airspace area consists of that airspace within 5 nautical miles (NM) of the primary airport, extending from the surface to an altitude of 4,000 feet above airport elevation (AAE), and that airspace between 5 and 10 NM from the primary airport from 1,200 feet above ground level to an altitude of 4,000 feet AAE. Proposed deviations from this standard have been necessary at some airports because of adjacent regulatory airspace, international boundaries, topography, or unusual operational requirements.

Related Rulemaking Actions

On December 17, 1991, the FAA published the Airspace Reclassification Final Rule (56 FR 65638). This rule, in part, discontinued the use of the term ''airport radar service area'' and replaced it with the designation ''Class C airspace area.'' This change in terminology is reflected in the remainder of this final rule.

Public Input

As announced in the **Federal Register** on July 21, 1994 (59 FR 37282), a pre-NPRM airspace meeting was held on September 7, 1994, in Springfield, MO. This meeting provided local airspace users an opportunity to present input on the design of the planned establishment of the Springfield, MO, Class C airspace area.

On December 9, 1996, the FAA published an NPRM (61 FR 237, Notice 95–AWA–10) that proposed to establish a Class C airspace area at the Springfield-Branson Regional Airport, MO. Interested parties were invited to participate in this rulemaking effort by submitting comments on the proposal to the FAA. In response to this NPRM, the FAA received twelve written comments. All comments were considered before making any final determination on this final rule. The comments received are analyzed below.

Analysis of Comments

The FAA received several comments from the Air Line Pilots Association and local business operators, which were in support of establishing Class C airspace at Springfield-Branson Regional Airport.

The FAA also received several comments from local businesses recommending the installation of an instrument landing system (ILS) precision approach to runway 20, and lengthening the primary runway at Springfield-Branson Regional Airport. While the FAA appreciates these comments, they are outside of the scope of the Notice, and should be directed to the operator of the Springfield-Branson Regional Airport.

The FAA received several comments stating that the FAA has not used alternate nonrulemaking solutions to address safety issues concerning Springfield-Branson Regional Airport, and disagreed with the use of enplanement numbers as the only criteria to determine the need for Class C airspace.

The FAA does not agree with these commenters. The FAA has exhausted all nonrulemaking alternatives to provide for an acceptable level of safety at Springfield-Branson Regional Airport. For example, over the past several years, the FAA has updated its equipment and improved its radar services. In addition, the FAA has routinely conducted user meetings and safety seminars to address local issues and safety concerns. The FAA held meetings in the Springfield area concerning: (1) potential conflicts between en route visual flight rules (VFR) aircraft using the Springfield Very High Frequency Omnidirectional Range (VOR) navigational aid and arriving traffic; (2) conflicts between aircraft on instrument approach to Runway 20 and the VFR flyway [area] to the southeast; (3) conflicts between aircraft using the localizer procedure and transiting aircraft operating to and from the Springfield Downtown Airport; and, (4) congestion caused by military aircraft operating to and from the Springfield-Branson Regional Airport for practice approaches and training. In addition, Springfield-Branson Regional Airport is the only airport in southwest Missouri that has a radar facility. This capability attracts several aviation flight training schools, thus adding to a mixed traffic environment.

Regarding the criteria used to determine candidacy for Class C airspace areas, an airport must have an operational airport traffic control tower (ATCT) that is serviced by a radar approach control and meet one of the following: (1) 75,000 annual instrument operations count at the primary airport; (2) 100,000 annual instrument operations count at the primary and secondary airport in the terminal area hub; or (3) 250,000 annual enplaned passengers at the primary airport. The Springfield-Branson Regional Airport meets two of the FAA criteria and qualifies as a candidate for a Class C airspace area based on passenger enplanements (326,038 for calendar year 1996), and instrument operations (149,356 for calendar year 1997).

The Aircraft Owners and Pilots Association commented that the FAA should delay establishing a Class C airspace at Springfield-Branson Regional Airport based on: (1) a proposal to establish commercial air service at M. Graham Clark Airport, located approximately 2 miles from Springfield-Branson Regional Airport; and, (2) the potential establishment of a new airport in close proximity to Springfield-Branson Regional Airport.

The FAA does not agree with this commenter, or that the establishment of the Class C airspace area should be delayed. Currently, there are no new airport proposals, private or public, for the Springfield-Branson area.

The FAA is aware that commercial air service at M. Graham Clark is proposed to begin during the summer of 1998. If this operation commences, the FAA will monitor the situation to assess any impact on operations at Springfield-

Branson Regional Airport. Further, the FAA believes that timely establishment of a Class C airspace area will promote the efficient control of air traffic and reduce the risk of midair collision in the terminal area.

The Manager of Mountain Grove Memorial Airport commented that only one public meeting had taken place, and another individual said they had not been informed of any public meetings.

The FAA does not agree with these commenters. Prior to issuing the NPRM the FAA held seven public meetings (meeting dates: January 30, February 27, March 17, April 24, June 23, August 25 and September 22, 1997) in the Springfield area to inform the public of its growing safety concerns and the need to change the designation of the airspace area. Further, a Notice of Informal Airspace Meeting was published in the **Federal Register** on July 21, 1994. Also, notices of meetings were sent to pilots with Class 2 medical certificates within a 70-mile radius of Springfield-Branson Regional Airport. The FAA believes that every effort was made to inform and involve the public of this rulemaking effort.

The Manager of Mountain Grove Airport also objected to the establishment of Class C airspace, because it would require pilots to maintain two-way radio communications with ATC.

The FAA does not agree with this objection. The requirement to maintain two-way radio communications with ATC exists in the current Class D airspace, and the establishment of Class C airspace will continue this requirement.

One commenter stated that safety concerns would be mitigated by extending the Class D airspace area to the VOR where it is currently Class E airspace.

The FAA does not agree. In Class D airspace areas there are no separation services provided to VFR aircraft. In contrast, a Class C airspace area will provide a controlled environment where separation services are provided to both VFR and IFR aircraft.

Several commenters expressed a belief that the economic impact of establishing Class C airspace will be greater than the FAA's estimate of $575.00 as stated in the NPRM, and will warrant the establishment of a clearance delivery position.

The FAA does not agree with these commenters. The FAA is confident that it can accommodate any additional increase in air operations caused by the establishment of this Class C airspace area at current authorized staffing levels. There are two positions already in place at the Springfield ATCT that could deliver clearances without an increase of personnel or equipment.

Several individuals suggested that the establishment of Class C airspace would result in a pay raise for the controllers at Springfield ATCT.

The FAA does not agree with these commenters. The purpose of establishing a Class C airspace area at this airport is to promote the efficient control of air traffic and reduce the risk of midair collision in the terminal area.

One commenter believes that many of the aircraft based at airports within 20 miles of Springfield-Branson Regional Airport have no electrical systems, and it would be financially difficult to equip them with radios and transponders required to enter Class C airspace.

Another commenter believes that the cost of circumnavigating the Class C airspace will not be negligible.

The FAA does not agree with this comment. Currently, Title 14 CFR section 91.215 sets out requirements for ATC transponder and altitude reporting equipment and use. This regulation includes procedures whereby aircraft not equipped with the required transponder equipment may get relief from the stipulated requirements. Additionally, those aircraft transiting the area that do not want to establish radio communication with ATC may also choose to circumnavigate the Class C airspace area. As set out in the associated Regulatory Evaluation Summary for this regulatory effort, the FAA believes that any costs associated with circumnavigation will be negligible.

The Rule

This amendment to part 71 of 14 CFR part 71 establishes a Class C airspace area and revokes the Class D airspace area at Springfield-Branson Regional Airport located in Springfield, MO. Springfield-Branson Regional Airport is a public-use facility with an operating control tower served by a Level III TRACON. The establishment of this Class C airspace area will require pilots to establish two-way radio communications with the ATC facility providing air traffic services prior to entering the airspace and thereafter maintain those communications while within the Class C airspace area. Implementation of the Class C airspace area will promote the efficient control of air traffic and reduce the risk of midair collision in the terminal area.

Additionally, this action correctly identifies this Class C airport as the Springfield-Branson Regional Airport. The notice inadvertently listed the airport name incorrectly. This rule also corrects the coordinates for the Springfield-Branson Regional Airport, the Bird Field Airport, and also deletes the reference to the Springfield VORTAC coordinates. Further, this final rule correctly identifies the Class C airspace area as a continuous operation.

Definitions and operating requirements applicable to Class C airspace can be found in section 71.51 of part 71 and sections 91.1 and 91.130 of part 91 of the FAR. The coordinates for this airspace docket are based on North American Datum 83. Class C and Class D airspace designations are published, respectively, in paragraphs 4000 and 5000 of FAA Order 7400.9E dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class C airspace area listed in this document will be published subsequently in the Order and the Class D airspace area listed in this document will be removed subsequently from the Order.

Regulatory Evaluation Summary

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic effect of regulatory changes on small entities. Third, the Office of Management and Budget directs agencies to assess the effect of regulatory changes on international trade. In conducting these analyses, the FAA has determined that this final rule is not ''a significant regulatory action'' as defined in the Executive Order and by the Department of Transportation Regulatory Policies and Procedures. This rule will not have a significant impact on a substantial number of small entities; will not constitute a barrier to international trade and does not contain any Federal intergovernmental or private sector mandate. These analyses, available in the docket, are summarized below.

The FAA has determined that the establishment of the Springfield, MO, Class C airspace area at the Springfield-Branson Regional Airport will impose a one-time FAA administrative cost of $600 (1997 dollars). The FAA has also determined that this rule will impose a negligible cost on the aviation community (aircraft operators and fixed based operators).

The FAA will distribute a ''Letter To Airmen'' to all pilots residing within 50 miles of the Class C airspace site that

will explain the operation and airspace configuration of the Class C airspace area. The ''Letter to Airmen'' costs will be about $600 (1997 dollars). This one-time negligible cost will be incurred upon the establishment of the Class C airspace area.

To establish a Class C airspace area at Springfield-Branson Regional Airport, MO, the FAA does not expect to incur any additional costs for ATC staffing, training, or facility equipment. The FAA can accommodate participating traffic with current staffing levels. The FAA will train its controller force in Class C airspace procedures during regularly scheduled briefing sessions routinely held at the airport. Thus, no additional training costs or equipment requirements are anticipated.

The establishment of Class C airspace throughout the country has required sectional charts to be revised by removing existing airspace configurations and incorporating the new Class C airspace boundaries. The FAA currently revises sectional charts every 6 months to reflect changes to the airspace environment. Those changes required to depict Class C airspace are made routinely during these charting cycles. The periodic changes to these charts are considered routine operating expenses of the FAA. Thus, the FAA does not expect to incur any additional charting costs as the result of the Springfield-Branson Regional Airport Class C airspace area.

Most aircraft operating in the vicinity of the Springfield-Branson Regional Airport Class C airspace area already have an altitude encoding transponder and two-way radio communications capability. Therefore, there will be no equipment costs to aircraft operators as a result of this rule.

The FAA anticipates that some pilots who currently transit the terminal area without establishing radio communications may choose to circumnavigate the Springfield-Branson Regional Airport Class C airspace area. However, the FAA contends that these operators could circumnavigate the Class C airspace area without significantly deviating from their regular flight paths. The operators who choose to fly beyond the lateral boundaries will be required to navigate an additional 1 to 6 nautical miles, adding an additional 2 to 12 minutes of flight time per trip. For aircraft costing approximately $75 per hour to operate, the circumnavigation cost amounts to an additional $2.50 to $15.00 per flight. Operators could remain clear of the Class C airspace area by flying above the ceiling of 5,300 feet mean sea level (MSL), beneath the outer floor of 2,500 feet MSL, or beyond the lateral boundaries. Thus, the FAA believes that any circumnavigation costs due to this rulemaking will be negligible.

The establishment of the Springfield-Branson Regional Airport Class C airspace area is not expected to have any adverse impacts on the operations at Bird Field. Bird Field is a satellite airport, approximately 5 nautical miles north of Springfield-Branson Regional Airport. The Class C airspace area will exclude the airspace encompassing a 1-mile radius around Bird Field. Most pilots using this airport will probably circumnavigate the Class C airspace area.

The benefits of the Springfield-Branson Regional Airport, MO, lass C airspace area are enhanced aviation safety and improved operational efficiency. The Springfield-Branson Regional Airport Class C airspace area will lower the risk of midair collisions as a result of increased positive control of airspace around the Springfield-Branson Regional Airport.

The establishment of the Springfield-Branson Regional Airport Class C airspace area will impose a negligible, if any, cost on the aviation community and a cost of about $600 on the FAA. The FAA has determined that in view of the negligible cost of compliance, enhanced aviation safety and operational efficiency, establishment of the Springfield-Branson Regional Airport Class C airspace area will be cost-beneficial.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small businesses and other small entities are not unnecessarily or disproportionately burdened by Federal regulations. The RFA requires a Regulatory Flexibility analysis if a rule will have a significant economic impact on a substantial number of small entities.

The FAA certifies that this final rule will impose negligible additional costs upon some operators in the Springfield-Branson Regional Airport Class C airspace area, therefore, the rule will not have a significant economic impact on a substantial number of small entities.

Initial Trade Impact Assessment

The rule will not constitute a barrier to international trade, including the export of U.S. goods and services to foreign countries or the import of foreign goods and services into the United States.

Unfunded Mandate Assessment

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

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the

Federal Aviation Administration Order 7400.9E, Airspace Designations

and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

Paragraph 4000 Subpart C—Class C Airspace.

* * * * *

ACE MO C Springfield-Branson Regional Airport, MO [New]

Springfield-Branson Regional Airport, MO
(Lat. 37°14′40″ N., long. 93°23′13″ W.)
Bird Field Airport
(Lat. 37°19′12″ N., long. 93°25′12″ W.)

That airspace extending upward from the surface to, and including, 5,300 feet MSL within a 5-mile radius of Springfield-Branson Regional Airport, excluding that airspace within a 1-mile radius of the Bird Field Airport and that airspace extending upward from 2,500 feet MSL to, and including, 5,300 feet MSL within a 10-mile radius of Springfield-Branson Regional Airport.

* * * * *

Paragraph 5000 Subpart D-Class D Airspace.

* * * * *

ACE MO D Springfield, MO [Removed]

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

John S. Walker,

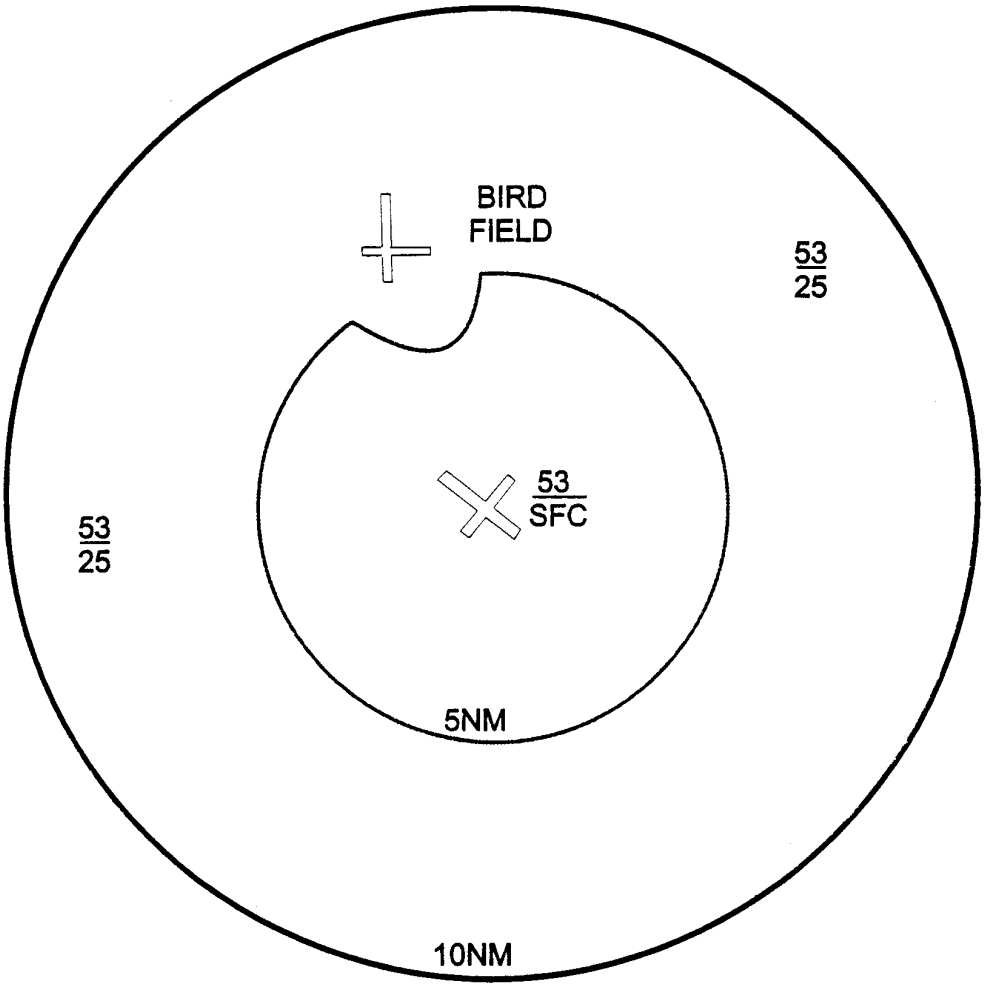
Program Director for Air Traffic Airspace Management.

BILLING CODE 4910–13–P

SPRINGFIELD-BRANSON REGIONAL

CLASS C AIRSPACE AREA

(NOT TO BE USED FOR NAVIGATION)



Prepared by the

FEDERAL AVIATION ADMINISTRATION

Air Traffic Publications

ATA-10

[FR Doc. 98–13139 Filed 5–15–98; 8:45 am]
BILLING CODE 4910–13–C