replacement would be accomplished by incorporating Puritan Bennett Kit No. 280041–00: Lanyard Retrofit Drop Out Box, which contains all the necessary parts and instructions.

Differences Between the Service Information and the Proposed AD

The compliance time presented in Raytheon Service Bulletin SB 35–3233, Issued: December, 1998, is ''as soon as possible after receipt of this Service Bulletin, but no later than 600 hours after receipt of this Service Bulletin.'' The FAA concurs that the action should be accomplished as soon as possible, but has no way of enforcing this compliance time. The FAA also assumes that what Raytheon means by ''600 hours after receipt of this Service Bulletin'' is 600 hours time-in-service (TIS).

In order to assure that the replacement required by the proposed AD is accomplished within a reasonable period of time without inadvertently grounding the affected airplanes, the FAA is proposing a compliance time of ''within the next 200 hours TIS after the effective date of this AD.''

Cost Impact

The FAA estimates that 300 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 4 workhours per airplane to accomplish the proposed replacement, and that the average labor rate is approximately $60 an hour. Parts will be provided at no cost to the owners/operators of the affected airplanes. Based on the figures presented above, the total cost impact of the proposed AD on U.S. operators is estimated to be $72,000, or $240 per airplane.

Raytheon is also offering warranty credit for labor, as well as parts, provided that all paperwork is submitted no later than December 31, 1999.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects 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 this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting 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.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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 a new airworthiness directive (AD) to read as follows:

Raytheon Aircraft Company (Type Certificate No. A24CE formerly held by the Beech Aircraft Corporation): Docket No. 98–CE–127–AD.

Applicability: Model 1900D airplanes, serial numbers UE–1 through UE–338, 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 (d) 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 in the body of this AD after the effective date of this AD, unless already accomplished.

To prevent failure of the oxygen mask lanyard pin to automatically pull and initiate oxygen flow during a loss of airplane pressurization while in-flight, which could result in passenger injury if the lanyard pin is not manually pulled in a timely manner, accomplish the following:

(a) Within the next 200 hours time-in-service after the effective date of this AD, replace the passenger oxygen container and mask assembly, part number 129–384005–3 (or FAA-approved equivalent part number), with an improved design passenger oxygen container and mask assembly, part number 129–384005–5 (or FAA-approved equivalent part number). Accomplish this replacement by incorporating Puritan Bennett Kit No. 280041–00: Lanyard Retrofit Drop Out Box, which contains all the necessary parts and instructions. This kit is referenced in Raytheon Mandatory Service Bulletin SB 35–3233, Issued: December, 1998.

(b) As of the effective date of this AD, no person may install, on any affected airplane, a passenger oxygen container and mask assembly that is not of an improved design, part number 129–384005–5 (or FAA-approved equivalent part number).

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

(d) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office (ACO), 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

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

(e) All persons affected by this directive may obtain copies of the documents referred to herein upon request to the Raytheon Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201–0085; or may examine these documents at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on February 22, 1999.

Marvin R. Nuss,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–4891 Filed 2–26–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AWA–1]

RIN 2120–AA66

Proposed Modification of the San Francisco Class B Airspace Area; CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to modify the San Francisco, CA, Class B airspace area. Specifically, this action proposes to raise the ceiling of the airspace area from 8,000 to 10,000 feet mean sea level (MSL); reconfigure several existing areas; create several new areas; and raise and/or lower the floors of existing areas. The FAA is proposing this action to improve the management of air traffic operations, enhance safety, and reduce the potential for midair collision, in the San Francisco Class B airspace area while accommodating the concerns of airspace users.

DATES: Comments must be received on or before April 30, 1999.

ADDRESSES: Send comments on the proposal in triplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–200, Airspace Docket No. 97–AWA–1, 800 Independence Avenue, SW., Washington, DC 20591. Comments may also be sent to the following Internet address: 9–NPRM–CMTS@faa.dot.gov. The official docket may be examined in the Rules Docket, Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Joseph White, 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:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 97–AWA–1.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will also be filed in the docket.

Availability of NPRM's

An electronic copy of this document may be downloaded from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: 703–321–3339) or the **Federal Register**'s electronic bulletin board service (telephone: 202–512–1161), using a modem and suitable communications software.

Internet users may reach the FAA's web page at http://www.faa.gov or the **Federal Register**'s webpage at http://www.access.gpo.gov/nara/index.html for access to recently published rulemaking documents.

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Air Traffic Airspace Management, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–8783. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should call the FAA's Office of Rulemaking, (202) 267–9677, for a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, that describes the application procedure.

Related Rulemaking Actions

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

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

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

On December 17, 1991, the FAA published the Airspace Reclassification Final Rule (56 FR 65638). This rule discontinued the use of the term ''Terminal Control Area'' and replaced it with the designation ''Class B airspace area.'' This change in terminology is reflected in the remainder of this NPRM.

Background

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

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

The standard configuration of a Class B airspace area contains three concentric circles centered on the primary airport extending to 10, 20, and 30 NM, respectively. The standard vertical limit of these airspace areas normally should not exceed 10,000 feet MSL, with the floor established at the

surface in the inner area and at levels appropriate to the containment of operations in the outer areas. Variations of these criteria may be utilized contingent on the terrain, adjacent regulatory airspace, and factors unique to the terminal area.

Public Input

As announced in the **Federal Register** on July 22, 1996 (61 FR 37957), pre-NPRM informal airspace meetings were held in 1996 on September 4 and 23 in San Jose, CA; September 10 in Concord, CA; September 17 at the Alameda Coast Guard Station, Alameda, CA; and September 24 in Petaluma, CA. The purpose of these meetings was to provide local airspace users an opportunity to present input on the planned modifications of the San Francisco Class B airspace area, and the Metropolitan Oakland, CA, and San Jose, CA, Class C airspace areas. After further internal FAA review, and in response to input received from the airspace user community, the planned changes for Metropolitan Oakland and San Jose Class C airspace areas were withdrawn from this effort.

As a result of the above informal airspace meetings, the FAA received verbal and written comments from several interested parties. All comments received during the informal airspace meetings and the subsequent comment period were considered and/or incorporated into this notice of proposed modification. Verbal and written comments received by the FAA, and the agency's responses, are summarized below.

Analysis of Comments

One commenter, from the Coalition for Responsible Airport Management and Policy, expressed nonsupport for the planned modification to the San Francisco Class B airspace area. The commenter stated that the planned modification would further restrict GA and does not contain sufficient geographical landmarks to support GA operations.

The FAA agrees that identifiable and prominent landmarks have proven to be extremely useful to pilots operating under VFR in assisting them with identifying the boundaries of a Class B airspace area. During the preliminary planning for the Class B airspace area design and this proposed modification, consideration was given to using Very High Frequency Omnidirectional Range (VOR) radials, latitudes and longitudes, as well as geographical landmarks whenever possible. Since November 1991, the Northern California Airspace Users Working Group (NCAUWG) has been an integral part of the ongoing effort to develop recommendations to modify the San Francisco Class B airspace area. The proposed airspace modification offers several routes and options for GA operators to transit the San Francisco area without requiring entry into Class B airspace. Additional geographic landmarks have been recently identified by the NCAUWG in a proposal to publish VFR flyways on the San Francisco VFR Terminal Area Chart. Although outside the scope of this NPRM, the FAA looks forward to publishing VFR flyways with the additional geographical landmarks shortly after San Francisco Class B airspace area modification decisions have been finalized.

Several commenters recommended that the ceiling of the San Francisco Class B airspace area remain at 8,000 feet MSL. They believe that the current 8,000 feet MSL ceiling is high enough to contain operations.

The FAA does not agree with this recommendation. Currently, 90 percent of aircraft arriving and departing the San Francisco International Airport operate between 8,000 and 10,000 feet MSL. Aircraft operations at San Francisco International Airport are forecast to continue the trend of steadily increasing in response to the transportation needs of local citizens. The FAA believes that raising the ceiling to 10,000 feet MSL is necessary to protect the instrument procedures flight tracks during critical climb and descent profiles. A higher level of overall safety is the key objective. A survey conducted by the Bay Terminal Radar Approach Control facility in August and September of 1996 revealed that this modification, as proposed, would effect only a very small number of aircraft operating under VFR.

Some commenters suggested that the airspace in the vicinity of Mt. Diablo be excluded from the San Francisco Class B airspace area to provide for soaring activity over Mt. Diablo.

The FAA agrees with this recommendation. The proposed airspace modification has been amended in response to comments received. This proposed modification to the San Francisco Class B airspace area excludes airspace in the vicinity of Mt. Diablo.

A few commenters recommended that the Sunol Gap area to the east, commonly referred to local users as the ''keyhole,'' continue to be excluded from the San Francisco Class B airspace area because they felt the proposed change was restrictive and unnecessary.

The FAA does not agree with this recommendation. Currently, several IFR arrival transition areas/routes traverse this ''keyhole'' area. These routes enter the San Francisco Class B airspace area from the northeast, east, and southeast, and exit via departure transition areas/routes to the east and southeast. The proposed reconfiguration of the San Francisco Class B airspace area to the east of San Francisco would support the normal flow of traffic from the east and northeast into and out of San Francisco International Airport, Hayward Air Terminal, and Metropolitan Oakland Airport. Additionally, when the San Francisco International Airport is operating in an east departure configuration, the proposed Class B airspace within Areas J, K, and M provides Class B coverage for jet departure climb profiles to the east.

Several commenters recommended that VFR routes, corridors, or flyways be identified for entry into and/or through the San Francisco Class B airspace area.

The FAA agrees with these commenters and plans to initiate publication of VFR flyways after the Class B airspace area modification decisions are finalized. This sequence of actions is necessary in order to ensure that published VFR flyways are correctly placed for navigation around the Class B airspace area.

Several commenters recommended that the floor of the San Francisco Class B airspace area in the vicinity of Mt. Tamalpais be made higher than the planned 4,000 feet MSL because they believed the current floor at 4,500 feet was adequate for existing operations.

The FAA does not agree with this recommendation. Presently, IFR arrivals from the northwest predominantly traverse this area in descent for landing at San Francisco International Airport. After a thorough review, the FAA has determined that, due to the continuing increase in aircraft operations, lowering the floor from 4,500 feet to 4,000 feet MSL is necessary in order to adequately contain the flow of air traffic. The proposal to reconfigure this area will generate benefits in the form of enhanced aviation safety and operational efficiency for air carriers and other aircraft operators that arrive and depart the San Francisco International Airport Runways 10 and 19 from the north.

Several commenters expressed concern that the floor of Area F at 2,100 feet MSL is too low.

The FAA does not agree. It should be noted that this action does not propose to reconfigure or modify Area F. The current floor of Area F was established at 2,100 feet MSL to support San Francisco jet departure operations as they transition from the surface to

selected routes. Additionally, Area F allows IFR arrival traffic from the north and southwest to transition from the en route environment in uniform descent to San Francisco International Airport.

One commenter expressed concern that the extension of the Class B airspace area to the west would impede GA aircraft operations along Federal VOR Airway 27 (V–27).

The FAA disagrees with this comment. The choice to navigate along V–27 and still avoid Class B airspace would remain a viable option for aircraft operating underneath Area E below the unchanged 6,000 feet MSL floor currently established.

Several commenters expressed concern regarding adequate ATC staffing to provide Class B services in the proposed expanded areas.

The FAA has determined this proposed modification of the San Francisco Class B airspace area will not require an increase of personnel to provide ATC services.

Other Public Meetings

Due to the fact that the informal airspace meetings were held in 1996, the FAA will conduct additional public meetings on this proposal. The dates and times of these meetings will be announced in the **Federal Register**.

The Proposal

The FAA proposes to amend 14 CFR part 71 by modifying the San Francisco Class B airspace area. Specifically, this proposal (as depicted on the attached chart) would raise the ceiling from 8,000 to 10,000 feet MSL; reconfigure several existing areas; create several new areas; and raise and/or lower the floors in existing areas. The FAA is proposing this action to enhance safety, reduce the potential for midair collision, and better manage air traffic operations into, out of, and through the San Francisco Class B airspace area, while accommodating the concerns of airspace users.

Area A. In the reconfiguration of Area A (that area beginning at the surface up to 10,000 feet MSL), the FAA proposes to modify a portion of its southwest boundary from 5 to 6 NM between the San Francisco VOR/DME 137° and 247° radials. The FAA believes modification of Area A would provide additional protected airspace for the critical aircraft operations of landing or takeoff; for low altitude aircraft operations navigating from the north off the Point Reyes VORTAC and into San Francisco International Airport or Oakland Airport from the west; and for radar vectors issued by ATC to parallel Runways 1 and 28. In addition, when the San Francisco International Airport is in a southern configuration, the proposed modification of the 1 NM of airspace to the south and southwest would ensure turboprop as well as other aircraft operations are contained within the San Francisco Class B airspace area during critical phases of flight.

Areas B and C. No lateral changes have been made to the existing Areas B or C boundaries.

Area D. The FAA believes expansion of Area D westward to the San Francisco VOR/DME 247° radial is necessary for better protection of oceanic and southern California jet arrival descent profiles. The FAA proposes to relocate the portion of the existing western boundary of Area D which extends between 5 and 15 NM from the San Francisco VOR/DME; delete the entire current southeast boundary of the Existing Area J; and expand Area D westward to establish the new western boundary of Area D along the existing San Francisco VOR/DME 247° radial between 6 and 15 NM. From that point the FAA proposes to establish the southern boundary of Area D counterclockwise along the San Francisco VOR/DME 15 NM arc to the San Francisco VOR/DME 167° radial. The floor in this reconfigured area, as proposed, would be lowered from 6,000 feet MSL and merged with the existing floor of 4,000 feet MSL. In addition, as proposed in this modification, the existing Area J with a floor of 5,000 feet MSL, located southwest of the San Francisco International Airport in the vicinity of Half Moon Bay Airport, would be incorporated into the reconfigured Area D, lowered and merged with the existing floor of 4,000 feet MSL. The floor proposed at 4,000 feet MSL would support arrival turboprop and other aircraft operations transiting in descent into the San Francisco International Airport from ocean points west and from southern California. The FAA believes there will be little, if any, impact to GA operators, and/or other users of the airspace created by lowering the floor to 4,000 feet MSL in the vicinities of Half Moon Bay Airport, east of El Granda, and northwest of the Woodside VORTAC, as approximately half of the reconfigured Area D will be over water. The San Francisco VFR Terminal Area Chart produced by the National Oceanic and Atmospheric Administration depicts rising terrain contours in the reconfigured area from sea level to approximately 1,500 feet, with one spot elevation exceeding 1,900 feet. The FAA believes there is adequate maneuvering airspace for aircraft operators or others who elect to operate in this area below the 4,000-foot floor of the Class B airspace area. Additionally, pilots, have the option of circumnavigating outside of the San Francisco VOR/DME 15 NM arc and operating under the higher floor of 6,000 feet MSL, or using standard procedures to enter the Class B airspace area.

Area E. The FAA proposes to reconfigure Area E westward. The existing westernmost boundary of Area E, currently described as the Point Reyes 161° radial, would be relocated approximately 10 NM westward. Thence as proposed: bounded on its northern end by the San Francisco VOR/DME 277° radial; its western border, the Point Reyes 178° radial until intercepting the San Francisco VOR/DME 227° radial; on the southern end bounded by the San Francisco VOR/DME 227° radial between 25 and 30 NM and the extended San Francisco VOR/DME 20 NM arc. Expanding this area west would support arrival and departure turboprop aircraft and other aircraft operations transiting in descent from the en route structure into the San Francisco International Airport from ocean points west of San Francisco and from southern California area. This proposed expansion to the west would enhance safety in the form of better management of aircraft operations. In addition, as most of the west expansion is over water and the floor, as proposed, established at 6,000 feet MSL, the FAA believes there will be little if any impact to GA operations.

Area F. No lateral change has been made to the existing Area F boundary.

Area G. Area G extends the San Francisco VOR/DME 15 NM arc counterclockwise until it adjoins the San Francisco VOR/DME 277° radial.

Area H. The FAA proposes to extend Area H to the west uniformly along the respective 15 and 20 NM arcs until they intercept the San Francisco VOR/DME 277° radial. In addition, the FAA proposes to lower the existing floor of Area H from 4,500 to 4,000 feet MSL to provide additional protected airspace for west departures and southeast arrivals into and out of the San Francisco International Airport.

Area I. The FAA proposes to extend Area I uniformly along the respective 20 and 25 NM arcs until they intercept the San Francisco VOR/DME 277° radial. This reconfiguration would provide protected airspace for aircraft operations that transition to and from the en route structure.

Area J. The FAA believes that the proposed establishment of Area J to the east of San Francisco International Airport would provide additional protected airspace for IFR aircraft arriving from the east in the vicinity of

the SUNOL intersection. The FAA proposes to reclassify that portion of existing Class E airspace to Class B airspace by establishing Area J in the vicinity of Decoto, CA. In this proposal, Area J would be bounded by the San Francisco VOR/DME 067° and 107° radials along the 15 and 20 NM arcs of the San Francisco VOR/DME, with the floor established at 3,500 feet MSL. Establishment of Area J would enhance the protection of aircraft operations into the San Francisco International Airport. The proposed creation of Area J and the reclassification of the airspace in the vicinity of Decoto, CA, may lead some GA operators to consider alternate routes of flight. However, the FAA believes this will not hinder GA operations unduly, and, for those pilots who choose not to circumnavigate or traverse below the Class B airspace area, standard procedures may be used to enter the San Francisco Class B airspace area.

Area K. No lateral change has been made to the existing Area K boundary.

Area L. The FAA believes that the establishment of Area L to the east of the San Francisco International Airport would provide additional protected airspace for those aircraft arriving from the east over the congested CEDES intersection. The FAA proposes to reclassify that portion of existing Class E airspace in the vicinity of Sunol, CA, to Class B airspace by establishing Area L. As proposed, Area L would be bounded by the San Francisco VOR/DME 067° and 107° radials along the 20 and 25 NM arcs of the San Francisco VOR/DME, with the floor established at 5,000 feet MSL. Establishment of this area would enhance the safety of aircraft operations by providing additional protected airspace for IFR arrival traffic operations in transition from the CEDES intersection and vicinity, into San Francisco, Oakland, and Hayward Airports. The 5,000-foot floor would allow adequate room for aircraft operators to choose transiting either below or around the Class B airspace area, or to use standard procedures for entry into the San Francisco Class B airspace area.

Area M. The FAA proposes to establish Area M between the San Francisco VOR/DME 067° and 227° radials, and between the San Francisco VOR/DME 25–30 NM arcs, with a floor of 8,000 feet MSL. The FAA believes establishment of Area M would provide additional protected airspace for arrival and departure operations into and out of the San Francisco International Airport, enhance safety, and aid traffic management in the separation of arrival and departure aircraft.

The coordinates for this airspace docket are based on North American Datum 83. Class B airspace areas are published in Paragraph 3000 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR section 71.1. The Class B airspace area listed in this document would be published subsequently in 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 requires agencies to analyze the economic effect of regulatory changes on small businesses and other 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 proposed rule: (1) would generate benefits that justify its negligible costs and is not a ''significant regulatory action'' as defined in the Executive Order; (2) is not significant as defined in the Department of Transportation's Regulatory Policies and Procedures; (3) would not have a significant impact on a substantial number of small entities; (4) would not constitute a barrier to international trade; and (5) would not contain any Federal intergovernmental or private sector mandate. These analyses are summarized here in the preamble, and the full Regulatory Evaluation is in the docket.

The FAA proposes to modify the San Francisco Class B airspace area by raising the ceiling from 8,000 feet MSL to 10,000 feet MSL, by extending the lateral boundaries of several existing areas, by establishing several new areas, and by modifying base altitudes. This action would increase the overall size of the Class B airspace area thereby increasing the ability of ATC to manage and control air traffic complexity in the San Francisco area. The FAA contends that this proposal would improve operational efficiency and enhance aviation safety in the proposed Class B airspace area. The proposed modifications would also include clearer boundaries defining the Class B airspace subareas.

The proposed rule would impose negligible costs on the FAA or airspace users. Printing of aeronautical charts which reflect the changes to the Class B airspace would be accomplished during a scheduled chart printing, and would result in no additional costs for plate modification and updating of charts. Notices would be sent to pilots within a 100-mile radius of San Francisco International Airport at a total cost of $200.00 for postage. No staffing changes would be required to maintain the modified Class B airspace area.

The FAA contends that the proposed rule would not impose any additional costs on general aviation aircraft operators. Since the proposed San Francisco Class B airspace area would reside within the existing Mode C Veil, no additional avionics equipment would be required for an aircraft operating in the vicinity of the Class B airspace area. Even with the establishment of new subareas and the expansion of existing subareas, VFR aircraft operators should not have difficulty circumnavigating the Class B airspace area. There is adequate room for these aircraft users who elect to operate below the floors of the San Francisco Class B airspace area.

In view of the negligible cost of compliance, enhanced safety, and operational efficiency, the FAA has determined that the proposed rule would be cost-beneficial.

Initial Regulatory Flexibility Determination

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

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

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

for this determination, and the reasoning should be clear.

The FAA has determined that the proposed rule would have a minimal impact on small entities. This determination is based on the premise that potentially impacted aircraft operators regularly fly into airports where radar approach control services have been established such as the San Francisco Class B airspace area. These operators already have the required equipment, and, therefore, there would be no additional cost to these entities. Accordingly, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Federal Aviation Administration certifies that this rule would not have a significant economic impact on a substantial number of small entities. The FAA solicits comments from affected entities with respect to this finding and determination.

International Trade Impact Assessment

The proposed rule would 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 Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (the Act), enacted as Pub. L. 104–4 on March 22, 1995, requires each Federal agency, to the extent permitted by law, to prepare a written assessment of the effects of any Federal mandate in a proposed or final agency rule that may result in the expenditure of $100 million or more (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, which, among other things, must provide for notice to potentially affected small governments, if any, and for a meaningful and timely opportunity for these small governments to provide input in the development of regulatory proposals.

This proposed 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).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 3000—Subpart B—Class B Airspace

* * * * *

AWP CA B San Francisco, CA

San Francisco International (SFO) Airport (Primary Airport)
(lat. 37°37′09″ N., long. 122°22′30″ W.)
San Francisco (SFO) VOR/DME
(lat. 37°37′10″ N., long. 122°22′26″ W.)
Oakland (OAK) VORTAC
(lat. 37°43′33″ N., long. 122°13′25″ W.)

Boundaries

Area A. That airspace extending upward from the surface to and including 10,000 feet MSL within a 7-mile radius arc of the SFO VOR/DME extending clockwise from the SFO VOR/DME 247° radial to the SFO VOR/DME 127° radial, excluding that airspace west of the Pacific coast shoreline (Area K), and excluding that airspace within a 3-mile radius of the OAK VORTAC, thence northwest along the 127° radial to the 5 NM radius of the SFO VOR/DME, thence clockwise along the 5 NM radius to the SFO VOR/DME 167° radial, thence southeast along the 167° radial to the 6 NM radius of the SFO VOR/DME, thence clockwise along the 6 NM radius to the SFO VOR/DME 247° radial, to the point of the beginning.

Area B. That airspace extending upward from 1,500 feet MSL to and including 10,000 feet MSL beginning at the intersection of the SFO VOR/DME 7 NM radius and the SFO VOR/DME 107° radial, thence clockwise along the 7 NM radius to the SFO VOR/DME 127° radial, thence northwest along the 127° radial to the 5 NM radius of the SFO VOR/DME, thence clockwise along the 5 NM radius to the SFO VOR/DME 137° radial, thence southeast along the 137° radial to the SFO VOR/DME 10 NM radius, thence counterclockwise along the 10 NM radius to the SFO VOR/DME 107° radial, thence northwest along the 107° radial, to the point of the beginning.

Area C. That airspace extending upward from 2,500 feet MSL to and including 10,000 feet MSL bounded by the SFO VOR/DME on the northwest by the 10-mile radius arc, and on the southeast by a 15-mile radius arc, on the northeast by the SFO VOR/DME 214° radial, and on the southwest by the SFO VOR/DME 154° radial.

Area D. That airspace extending upward from 4,000 feet MSL to and including 10,000 feet MSL bounded by a line beginning at the 5-mile DME point and the intersection of the SFO VOR/DME 137° radial thence southeast along the 137° radial to and counterclockwise along a 15-mile DME arc of the SFO VOR/DME; to and east along the SFO VOR/DME 107° radial; to and clockwise along the 20-mile radius DME arc of the SFO VOR/DME; to and northwest along the SFO VOR/DME 167° radial; to and counterclockwise along the 15-mile radius DME arc of the SFO VOR/DME; to and northeast along the SFO VOR/DME 247; to and counterclockwise along the SFO VOR/DME 6-mile radius; to and northwest along the SFO VOR/DME 167°; to and counterclockwise along the SFO VOR/DME 5-mile radius to the point of beginning.

Area E. That airspace extending upward from 6,000 feet MSL to and including 10,000 feet MSL bounded by a line beginning at the 5-mile DME point on the SFO VOR/DME 167° radial thence southeast along the 167° radial to and counterclockwise along the 20-mile DME arc of the SFO VOR/DME to and east along the SFO VOR/DME 107° radial to and clockwise along the 25-mile DME arc of the SFO VOR/DME to and southwest along the SFO VOR/DME 227°, to and northwest along the PYE VORTAC 178° radial; to and east along the SFO VOR/DME 277° radial; to and counterclockwise along the SFO VOR/DME 15-mile radius to the point of beginning.

Area F. That airspace extending upward from 2,100 feet MSL to and including 10,000 feet MSL bounded by a line beginning at the 10-mile DME point on the SFO VOR/DME 247° radial thence clockwise along the 10-mile DME arc to and west along the SFO VOR/DME 107° radial to and counterclockwise along the 7-mile DME arc of the SFO VOR/DME to and clockwise along the 3-mile DME arc of the OAK VORTAC to and counterclockwise along the 7-mile DME arc of the SFO VOR/DME to and southwest along the SFO VOR/DME 247° radial to the point of beginning.

Area G. That airspace extending upward from 3,000 feet MSL to and including 10,000

feet MSL bounded by a line beginning at the 10-mile DME point on the SFO VOR/DME 247° radial thence clockwise along the 10-mile DME arc to and east along the SFO VOR/DME 107° radial to and counterclockwise along the 15-mile DME arc of the SFO VOR/DME; to and northeast along the SFO VOR/DME 247° radial to the point of beginning.

Area H. That airspace extending upward from 4,000 feet MSL to and including 10,000 feet MSL bounded by a line beginning at the SFO VOR/DME 15-mile DME point on the SFO VOR/DME 067° radial, thence counterclockwise along the 15-mile DME arc of the SFO VOR/DME; to and west along the SFO VOR/DME 277° radial; to and clockwise along the SFO VOR/DME 20-mile radius; to and southwest along the SFO VOR/DME 067° radial to the point of beginning.

Area I. That airspace extending upward from 6,000 feet MSL to and including 10,000 feet MSL bounded by a line beginning at the SFO VOR/DME 20-mile DME point on the SFO VOR/DME 067° radial; thence counterclockwise along the 20-mile DME arc of the SFO VOR/DME; to and west along the SFO VOR/DME 277° radial; to and clockwise along the SFO VOR/DME 25-mile radius; to and southwest along the SFO VOR/DME 067° radial to the point of the beginning.

Area J. That airspace extending upward from 3,500 feet MSL to and including 10,000 feet MSL bounded by a line beginning at the SFO VOR/DME 15-mile DME point on the SFO VOR/DME 067° radial; to and clockwise along the 20-mile DME arc of the SFO VOR/DME; to and west along the SFO VOR/DME 107° radial; to and counterclockwise along the SFO VOR/DME 15-mile radius; to the point of the beginning.

Area K. That airspace extending upward from 1,500 feet MSL to and including 10,000 feet MSL bounded on the west by a 7-mile radius arc of the SFO VOR/DME and on the east by the Pacific coast shoreline.

Area L. That airspace extending upward from 5,000 feet MSL to and including 10,000 feet MSL bounded by a line beginning at the SFO VOR/DME 20-mile DME point on the SFO VOR/DME 067° radial; to and clockwise along the 25-mile DME arc of the SFO VOR/DME; to and west along the SFO VOR/DME 107° radial; to and counterclockwise along the SFO VOR/DME 20-mile radius; to the point of the beginning.

Area M. That airspace extending upward from 8,000 feet MSL to and including 10,000 feet MSL bounded by a line beginning at the SFO VOR/DME 25-mile DME point on the SFO VOR/DME 067° radial; to and clockwise along the 30-mile DME arc of the SFO VOR/DME; to and northeast along the SFO VOR/DME 227° radial; to and counterclockwise along the SFO VOR/DME 25-mile radius; to the point of the beginning.

* * * * *

Issued in Washington, DC, on February 23, 1999.

Reginald C. Matthews,

Acting Program Director for Air Traffic Airspace Management.

Appendix—San Francisco Class B Airspace Area.

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

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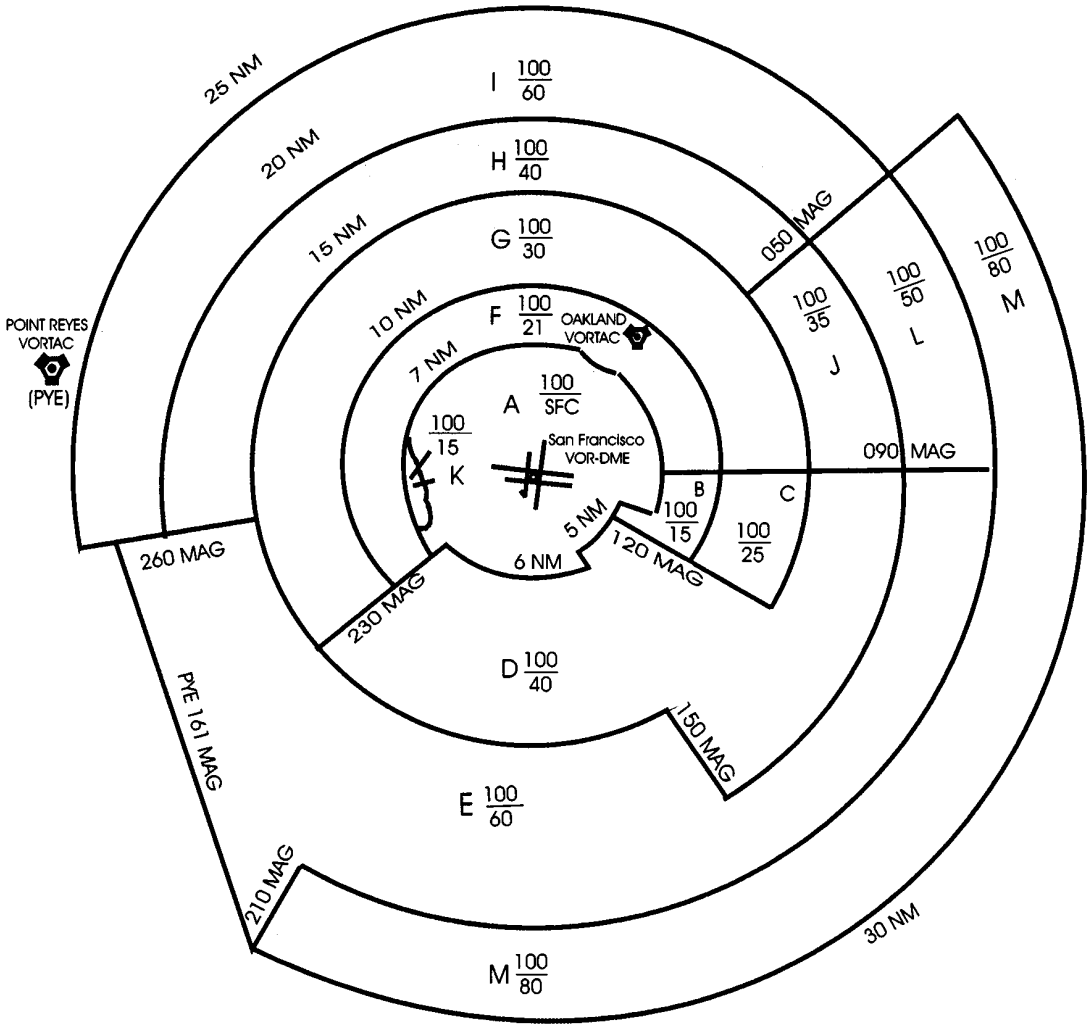
PROPOSED

SAN FRANCISCO

CLASS B AIRSPACE AREA

(Not to be used for navigation)
(Not to scale)



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