

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Parts 71 and 93

[Docket No. 26968; Amendment Nos. 71-19, 93-67]

RIN 2120-AE32

**Offshore Airspace Reconfiguration; Additional Control Areas; Continental Control Area; Area Low Routes; Control Areas Associated With Jet Routes Outside the Continental Control Area; Reporting Points; Flushing (New York) Airport Traffic Rule; and Valparaiso, Florida Terminal Area**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the Federal Aviation Regulations (FAR) by designating additional control areas as offshore airspace areas or en route domestic airspace areas, as appropriate; revising certain additional control areas; including restricted and prohibited areas in the Continental Control Area; eliminating domestic area low routes; eliminating control areas associated with jet routes outside the Continental Control Area; eliminating domestic high altitude reporting points; eliminating certain domestic low altitude reporting points; eliminating the special air traffic rules for Flushing, New York; and replacing the Valparaiso, Florida terminal area and special air traffic rules with the Eglin, Florida Class D airspace areas. These amendments respond to recommendations from the National Airspace Review (NAR) and meet a goal of the Airspace Reclassification final rule—to simplify airspace assignment and use.

**EFFECTIVE DATES:** The amendments to §§ 71.1 and 71.9 which are currently in effect, become effective April 1, 1993, through September 15, 1993; the removal of § 71.6 become effective April 1, 1993; the removal of subpart P of part 93 becomes effective June 20, 1993; the amendments to §§ 71.1, 71.33 and 71.71 which are effective September 16, 1993, and the removal of § 71.77, become effective September 16, 1993; and the removal of subpart F of part 93 becomes effective December 9, 1993.

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

## SUPPLEMENTARY INFORMATION:

## Background

On December 17, 1991, the final rule on Airspace Reclassification was published (56 FR 65638). The new airspace classes described in that final rule will become effective on September 16, 1993. That final rule amends FAR part 71 (14 CFR part 71) to reclassify U.S. airspace in accordance with the airspace classes adopted by the International Civil Aviation Organization (ICAO).

Under the Airspace Reclassification final rule, effective September 16, 1993, positive control areas (PCA's), jet routes, and area high routes are classified as Class A airspace areas; terminal control areas (TCA's) are classified as Class B airspace areas; airport radar service areas (ARSA's) are classified 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 classified as Class D airspace areas; all other controlled airspace is classified as Class E airspace; and airspace that is not otherwise designated as a controlled airspace area is classified as Class G airspace.

The implementation of the Airspace Reclassification final rule includes two reviews of certain existing airspace areas to ensure that the areas correspond to the new airspace classifications. The first of these reviews, the Terminal Airspace Reconfiguration, addressed control zones, transition areas, certain TCA's, and certain ARSA's. The Terminal Airspace Reconfiguration final rule was published on August 27, 1992 (Amendment Number 71-16; 57 FR 38962).

This final rule, which addresses offshore airspace and other areas related to the reclassification of airspace, is the second rulemaking action.

**Discussion of the Amendments and Public Comments**

This final rule is based on Notice of Proposed Rulemaking (NPRM) No. 92-13 (57 FR 42810; September 16, 1992). The rule amends part 71 by revising certain existing airspace areas designated in FAA Order 7400.7A, Compilation of Regulations, dated November 2, 1992, and effective November 27, 1992, which is incorporated by reference in 14 CFR 71.1. This final rule also revises the corresponding airspace areas designated in FAA Order 7400.9, Airspace Reclassification, effective September 16, 1993, which is also incorporated by reference in 14 CFR 71.1.

This final rule reflects amendments that have been issued since the publication of Notice No. 92-13. On November 27, 1992, Amendment No. 71-18 "Airspace Reclassification; Incorporation by Reference" was published in the Federal Register (57 FR 56246). Amendment No. 71-18 reflected the approval of the Director of the Federal Register for the incorporation by reference of FAA Order 7400.7A, Compilation of Regulations, as of November 27, 1992, through September 15, 1993.

In addition, this final rule reflects Airspace Docket No. 92-ANM-2 "Alteration of VOR Federal Airways" (57 FR 46977; October 14, 1992), which established the Rogue Valley, Oregon reporting point.

Four comments were submitted in response to Notice No. 92-13. The comments were submitted by the Air Line Pilots Association (ALPA), Aircraft Owners and Pilots Association (AOPA), the New York City Economic Development Corporation, and Vandenberg Air Force Base, California.

ALPA stated that the proposed rule is a natural extension of other rulemaking related to airspace reclassification. The other commenters addressed specific proposals in the NPRM; their comments are addressed under the amendment to which they pertain.

The Department of Defense (DOD) expressed concern that, although the FAA consulted with the Department of State and DOD in accordance with Executive Order 10854, Notice No. 92-13 did not include language that explains the impact of this rulemaking action on international and DOD operations. These issues are addressed in this final rule in the portion entitled "ICAO Considerations." Correspondence from DOD to the FAA pertaining to this issue was placed in the docket.

**Additional Control Areas**

In Notice No. 92-13, the FAA proposed to designate additional control areas as either offshore airspace areas or en route domestic airspace areas, as appropriate, and to revise controlled airspace in accordance with Presidential Proclamation No. 5928, "Territorial Sea of the United States," which was signed on December 27, 1988. The proclamation extended the sovereignty of the U.S. Government to 12 nautical miles from the baselines of the United States (including its territories) in accordance with international law. On January 4, 1989, the FAA published Amendment Nos. 71-12 and 91-207, "Applicability of Federal Aviation Regulations in the Airspace Overlying

the Waters Between 3 and 12 Nautical Miles From the United States Coast" (54 FR 264). These amendments extended controlled airspace and the applicability of certain flight rules to the airspace overlying the waters between 3 and 12 nautical miles from the U.S. coast.

Notice No. 92-13 proposed to: (1) Designate additional control areas as offshore airspace areas or en route domestic airspace areas, as appropriate; (2) implement, to the extent practicable, a uniform base altitude of 5,500 feet mean sea level (MSL) for offshore airspace areas; (3) identify offshore airspace areas by name, to the extent possible; (4) classify offshore airspace as Class A or Class E airspace areas, as appropriate; and (5) classify en route domestic airspace areas as Class E airspace areas.

The commander of the 30th Space Wing at Vandenberg Air Force Base, California, questioned the replacement of existing lateral boundaries of offshore airspace areas. These boundaries are currently designated at 3 nautical miles from the U.S. coast and were proposed to be designated at 12 nautical miles from the U.S. coast. The commenter expressed concern that the revision would affect Restricted Areas R-2516 and R-2517, in which missile launches and commercial space launches occur.

The FAA is not altering special use airspace, including the special use airspace near Vandenberg Air Force Base, under this amendment. The current boundaries of warning and restricted areas will remain unchanged under this amendment. Specific proposals in Notice No. 92-13 apply to controlled airspace that is off the U.S. coast and designated by the FAA in FAR part 71 and FAA Order 7400.7A. The proposals do not apply to any special use airspace designated by the FAA in FAR part 73 and FAA Order 7400.8, Special Use Airspace. Examples of special use airspace are warning areas, restricted areas, and prohibited areas.

In addition, the FAA will continue the current air traffic control (ATC) procedures associated with offshore airspace and warning areas. Specifically, ATC will continue to prohibit any aircraft operating under instrument flight rules (IFR) to be routed through an active warning areas unless the FAA receives approval from the using agency.

AOPA supports the FAA's proposed action to establish a uniform base of 5,500 feet MSL for most of the offshore airspace areas.

The FAA received no other comments on the proposal to revise additional control areas. The amendments to additional control areas are addressed

below the titles "Offshore Airspace Areas" or "En Domestic Airspace Areas."

The separation of additional control areas into offshore airspace areas or en route domestic areas only applies to the airspace areas found in subpart E of FAA Order 7400.9, which is effective September 16, 1993. Specifically, the FAA amends part 71, effective September 16, 1993, by revising § 71.33 to designate Class A offshore airspace areas and § 71.71(e) to designate Class E en route domestic airspace areas and by adding § 71.71(f) to designate Class E offshore airspace areas.

#### Offshore Airspace Areas

The FAA amends the additional control areas in section 71.163 of FAA Order 7400.7A as discussed below. The United States has jurisdiction over these airspace areas through an ICAO regional agreement.

No comments were received on the proposals concerning individual airspace areas. The offshore airspace areas are adopted as proposed in Notice No. 92-13 with the exception of technical corrections to the airspace descriptions, which are discussed below.

Many of the changes to the airspace descriptions are technical corrections of an administrative nature. These changes are based on suggestions from the National Ocean Service (NOS) to help simplify the airspace descriptions and ensure proper depiction on aeronautical charts. For example, these changes include replacing references to geographic positions with references to control area (CTA)/flight information region (FIR) boundaries, ensuring that the areas meet adjacent controlled airspace, amending the airspace descriptions by moving the clause describing the area's floor to the beginning of the airspace description (which is consistent with the format of other airspace descriptions), eliminating unnecessary or redundant geographic positions, and converting geographic positions from the North American Datum (NAD) of 1927 survey to the NAD of 1983 survey. The NAD-83 survey has been adopted as the horizontal geodetic referencing system used in all NOS charts and chart publications. The more accurate geographic locations in NAD-83 are necessary for systems such as the Global Positioning Systems (GPS). Regardless of the number or type of administrative changes made, this final rule does not increase any existing controlled airspace beyond what was proposed in Notice No. 92-13.

The FAA adopts the proposal to eliminate the existing control areas entitled Newport, Oregon; San Francisco, California; and Santa Barbara, California, and to establish the Pacific High and Pacific Low offshore airspace areas. The lateral boundaries of the Pacific High and Pacific Low offshore airspace areas are based upon the existing lateral boundaries of the Newport, Oregon; San Francisco, California; and Santa Barbara, California control areas. The Pacific Low extends upward from 5,500 feet MSL up to, but not including, 18,000 feet MSL. The overlying Pacific High has a floor of 18,000 feet MSL and a ceiling of flight level (FL) 600.

The eastern boundaries for the Pacific High and Pacific Low offshore airspace areas are 12 miles off the U.S. shoreline.

The FAA adopts the proposals to eliminate the existing control areas entitled Barnegat, New Jersey; Brunswick, Maine; North Atlantic; and South Atlantic; to revise the South Florida control area; to designate the South Florida control area as the South Florida Low offshore airspace area; and to establish the Atlantic Low and Atlantic High offshore airspace areas.

The South Florida Low offshore area's lateral boundaries align with the Miami Oceanic CTA/FIR lateral boundaries. This revised boundary includes the existing portion of the South Atlantic control area south of latitude 28°00'00" North. The South Florida Low offshore airspace area extends upward from 2,700 feet MSL up to, but not including, 18,000 feet MSL. The South Florida airspace description is amended by replacing references to geographic positions, which describe the area's lateral boundaries, with references to the lateral boundaries of the Houston Oceanic CTA/FIR, Jacksonville Air Route Traffic Control Center, New York Oceanic CTA/FIR, San Juan Oceanic CTA/FIR, Santo Domingo FIR, Port-Au-Prince CTA/FIR, and Havana CTA/FIR.

The lateral boundaries of the Atlantic Low offshore airspace area are based upon the existing boundaries of the Brunswick, Maine; North Atlantic; and South Atlantic control areas, north of latitude 28°00'00" North except that the western boundary has been changed from 3 miles to 12 miles from and parallel to the U.S. shoreline. The Atlantic Low extends upward from 5,500 feet MSL up to, but not including, 18,000 feet MSL. The Atlantic Low airspace description is amended by replacing references to geographic positions, which describe the area's northern and eastern lateral boundaries, with references to the lateral boundaries

of the Moncton FIR and New York Oceanic CTA/FIR.

The Atlantic High offshore airspace area has a floor of 18,000 feet MSL and a ceiling of FL 600. The lateral boundaries of the Atlantic High are based upon the boundaries of the following control areas: (1) Existing Brunswick, Maine; (2) existing North Atlantic; (3) existing South Atlantic, north of latitude 28°00'00" North; and (4) revised South Florida Low except that the western boundary has been changed from 3 miles to 12 miles from and parallel to the U.S. shoreline. The Atlantic High airspace description is amended by replacing references to geographic positions, which describe the area's northern, eastern, and southern lateral boundaries, with references to the lateral boundaries of the Moncton FIR, New York Oceanic CTA/FIR, San Juan Oceanic CTA/FIR, Santo Domingo FIR, Port-Au-Prince CTA/FIR, Havana CTA/FIR, Houston Oceanic CTA/FIR, and Jacksonville Air Route Traffic Control Center.

The FAA adopts the proposal to revise the existing Gulf of Mexico control area by dividing it into two airspace areas: The Gulf of Mexico Low and Gulf of Mexico High offshore airspace areas. The Gulf of Mexico Low extends upward from 1,200 feet MSL up to, but not including, 18,000 feet MSL. The floor of the Gulf of Mexico Low remains at 1,200 feet MSL due to the high volume of air traffic and the requirement for air traffic control services below 5,500 feet MSL. The Gulf of Mexico High has a floor of 18,000 feet MSL and a ceiling of FL 600.

The lateral boundaries of the areas are based on the existing lateral boundaries for the Gulf of Mexico control area, except the eastern boundaries of the areas are aligned with the Houston Oceanic CTA/FIR. The airspace descriptions for the Gulf of Mexico Low and Gulf of Mexico High areas are amended by replacing references to geographic positions which describe the areas with references to the Jacksonville Air Route Traffic Control Center, Miami Oceanic CTA/FIR, Houston CTA/FIR; by specifying that the line 12 miles offshore and parallel to the U.S. shoreline is off the coast of Texas, Louisiana, Mississippi, Alabama, and Florida; and by ensuring that the lateral boundary off the U.S. shoreline meets the lateral boundaries of the adjoining controlled airspace. The adjoining controlled airspace areas include the Continental Control Area and transition areas.

The FAA adopts the proposal to establish the San Juan low, by revising the existing control area for San Juan,

Puerto Rico, in section 71.163 of FAA Order 7400.7A. The floor is raised from 2,000 feet MSL to 5,500 feet MSL. The portion of the San Juan Low offshore airspace area that was proposed to have a floor of 2,700 feet MSL is included in the San Juan transition area that became effective October 15, 1992; therefore, this portion is eliminated from the San Juan Low offshore airspace description. The airspace description is updated by replacing the geographic position for Fernando Luis Ribas Dominicci Airport from "lat. 18°27'33"N., long. 66°05'55"W." to "lat. 18°27'25"N., long. 66°05'53"W."

The FAA adopts the proposal to divide the following additional control areas into two offshore airspace areas: Control 1155, Control 1156, Control 1176, Control 1177, Control 1316, Control 1318, Control 1415, Control 1416, Control 1418, Control 1419, Control 1486, and Control 1487. These areas retain their current lateral boundaries. In each case, one offshore airspace area extends upward from 5,500 feet MSL up to, but not including, 18,000 feet MSL. The other offshore airspace area has a floor at 18,000 feet MSL and a ceiling of FL 450. To distinguish between the offshore airspace areas with the same numerical identification, the titles of those offshore airspace areas that are below 18,000 feet MSL have an "L" suffix and the titles of those that are above 18,000 feet MSL have an "H" suffix.

The airspace descriptions for Control 1176H and Control 1176L are amended to eliminate duplicated descriptions of airspace areas and to ensure that the lateral boundaries continue to meet the adjoining warning areas.

The airspace descriptions for Control 1316H and Control 1316L are amended by replacing "VOR" with "VORTAC."

The airspace descriptions for Control 1318H and Control 1318L are amended by replacing "Elkey Fix" with the "Oakland CTA/FIR."

The airspace descriptions for Control 1415H and Control 1415L are amended by replacing "VOR" with "VORTAC."

The airspace descriptions for Control 1418H and Control 1418L are amended by specifying that the Hoquiam 232° radial is from the Hoquiam, Washington VORTAC.

The airspace descriptions for Control 1419H and Control 1419L are amended by specifying that the Newport 237° radial is from the Newport, Oregon VORTAC.

The airspace descriptions for Control 1486H and Control 1486L are amended by replacing "VOR" with "VORTAC" and by replacing "Seattle Oceanic CTA/FIR" with "Oakland Oceanic CTA/FIR."

The airspace descriptions for Control 1487H and Control 1487L are amended to ensure that lateral boundaries off the U.S. shoreline meet the lateral boundaries of the adjoining controlled airspace. The adjoining controlled airspace areas include the Continental Control Area and transition area.

The FAA adopts the proposal to divide Control 1154 and Control 1173 into two areas each. The western boundaries of the areas are amended to meet the current eastern boundary of the Oakland Oceanic CTA/FIR. The southeast boundaries of Control 1173H and Control 1173L continue to meet Warning Area 283, Warning Area 285A, and Warning Area 285B, which are adjacent special use airspace areas. Control 1154L and Control 1173L have floors of 5,500 feet MSL and ceilings of up to, but not including, 18,000 feet MSL. Control 1154H and Control 1173H have floors at 18,000 feet MSL and ceilings of FL 450.

The airspace description of Control 1154H is amended by replacing references to VOR Federal Airway V-199, which describes the eastern boundary, with references to specific geographic positions.

The airspace descriptions for Control 1154L and Control 1173L are amended by eliminating a reference to controlled airspace below 5,500 feet MSL.

The FAA adopts the proposal to divide Control 1234 into two airspace areas. Control 1234L retains the existing floor of Control 1234, which is 2,000 feet above the surface, so that aircraft operating under IFR at low altitudes over the Alaskan Peninsula, the Aleutian Islands, and the surrounding waters remain within controlled airspace. Control 1234L would extend up to, but not including, 18,000 feet MSL. Control 1234H has a floor at 18,000 feet MSL and a ceiling of FL 450. Both retain the current lateral boundaries of Control 1234. The airspace descriptions are amended by replacing references to certain geographic positions, which describe the lateral boundaries, with references to the boundaries of the Anchorage Air Route Traffic Control Center.

The FAA adopts the proposal to establish the Gulf of Alaska low offshore airspace area. The airspace area retains the current lateral boundaries except the northern boundaries are changed to 12 miles off the U.S. shoreline. The airspace area has a floor at 700 feet MSL, and a ceiling of up to, but not including, 18,000 feet MSL.

The FAA will not adopt the proposed Gulf of Alaska High offshore control area because the same airspace area is within Control 1487H.

The FAA adopts the proposal to divide the control areas for Norton Sound and Woody Island, Alaska, into two offshore airspace areas each. Both areas retain their current lateral boundaries. The Norton Sound and Woody Island Low offshore airspace areas extend upward from 14,500 feet MSL to, but not including, 18,000-foot MSL. The Norton Sound and Woody Island High offshore airspace areas have floors of 18,000 feet MSL and ceilings of FL 450.

The airspace descriptions for the Norton Sound High, Norton Sound Low, Woody Island High, and Woody Island Low are amended to ensure that the lateral boundaries meet the adjoining controlled airspace. The adjoining controlled airspace areas include the Continental Control Area and transition areas. These changes will eliminate the potential for a small corridor of uncontrolled airspace next to the areas.

The FAA adopts the proposal to designate Control 1485 as Control 1485H. The revised airspace area retains its floor of FL 230, its ceiling of FL 450, and its existing lateral boundaries except that the northern boundary has been changed from 3 miles to 12 miles from and parallel to the U.S. shoreline.

The FAA adopts the proposal to designate Control 1141 as Control 1141L; Control 1142 as Control 1142L; Control 1143 as Control 1143L; Control 1144 as Control 1144L; and Control 1146 as Control 1146L. The amended airspace areas retain current lateral boundaries, have floors at 5,500 feet MSL, and ceilings of up to, but not including, 18,000 feet MSL.

The airspace description for Control 1143L is amended by replacing "RBN" with "NDB" and by excluding airspace in Canada.

The FAA amends subparts A and E of FAA Order 7400.9, effective September 16, 1993, by: (1) revising, as described above, the areas that correspond to the offshore airspace areas in section 71.163 of FAA Order 7400.7A; and (2) designating these control areas as Class A or Class E airspace areas as noted below.

The FAA designates those offshore airspace areas listed below, which have a floor of 18,000 feet MSL, or higher, as Class A airspace areas.

#### *Offshore Airspace Areas That Become Class A Airspace*

Atlantic High  
Control 1154H  
Control 1155H  
Control 1156H  
Control 1173H  
Control 1176H  
Control 1177H

Control 1234H  
Control 1316H  
Control 1318H  
Control 1415H  
Control 1416H  
Control 1418H  
Control 1419H  
Control 1485H  
Control 1486H  
Control 1487H  
Gulf of Mexico High  
Norton Sound High, Alaska  
Pacific High  
Woody Island High, Alaska

The FAA designates those offshore airspace areas listed below as Class E airspace. These airspace areas have a floor set at a specified altitude and extend up to, but not including, 18,000 feet MSL.

#### *Offshore Airspace Areas That Become Class E Airspace*

Atlantic Low  
Control 1141L  
Control 1142L  
Control 1143L  
Control 1144L  
Control 1146L  
Control 1154L  
Control 1155L  
Control 1156L  
Control 1173L  
Control 1176L  
Control 1177L  
Control 1234L  
Control 1316L  
Control 1318L  
Control 1415L  
Control 1416L  
Control 1418L  
Control 1419L  
Control 1486L  
Control 1487L  
Gulf of Alaska Low, Alaska  
Gulf of Mexico Low  
Norton Sound Low, Alaska  
Pacific Low  
San Juan Low, Puerto Rico  
South Florida Low  
Woody Island Low, Alaska

#### *En Route Domestic Airspace Areas*

In Notice No. 92-13, the FAA proposed to revise the additional control areas in section 71.163 of FAA Order 7400.7A, which are en route domestic airspace areas. Specifically, the FAA proposed to eliminate the additional control areas entitled Kirksville, Missouri, and Ottumwa, Iowa. The airspace described for these areas is encompassed in the statewide transition areas for Iowa and Missouri, which have floors at 1,200 feet above the surface. The FAA also proposed to rename the additional control area entitled Sault Sainte Marie, Michigan, as Upper Peninsula, Michigan. This would distinguish the additional control area entitled Sault Sainte Marie, Michigan, from the transition area entitled Sault Sainte Marie, Michigan.

No comments were received on the proposals concerning individual airspace areas. The FAA amends section 71.163 of FAA Order 7400.7A by eliminating the two additional control areas entitled Kirksville, Missouri, and Ottumwa, Iowa; renaming the Sault Sainte Marie, Michigan additional control area as Upper Peninsula, Michigan; and minor changes to the airspace descriptions, which are discussed below. Many of the changes to the airspace descriptions are technical corrections of an administrative nature. These changes are based on suggestions from the National Ocean Service (NOS) to help simplify the airspace descriptions and ensure proper depiction on aeronautical charts. For example, these changes ensure that the areas meet geographic positions, and convert geographic positions from the North American Datum (NAD) of 1927 survey to the NAD of 1983 survey. Other changes are discussed below.

The Bozeman, Montana additional control area is eliminated. The airspace area is within the Helena, Montana and Livingston, Montana transition areas that became effective October 15, 1992.

The Browerville/Barter Island, Alaska airspace description is amended by deleting a reference to the Lonely, AK NDB, which has been decommissioned, and by replacing "RBN" with "NDB."

The Burley, Idaho additional control area is eliminated. The airspace area is within the Burley, Idaho transition area that became effective October 15, 1992.

The Lakeview, Oregon additional control area is eliminated. The airspace is within the Lakeview, Oregon transition area that became effective October 15, 1992.

The Ogden, Utah additional control area is eliminated. The airspace is within the Ogden, Utah transition area that became effective October 15, 1992.

The Omak, Washington additional control area is eliminated. The airspace area is within the Omak, Washington transition area that became effective October 15, 1992.

The Rattlesnake, Wyoming airspace description is amended by eliminating an unnecessary reference to the Casper ILS west course.

The Reveille, Nevada airspace description is amended by ensuring that the southern lateral boundary meets the adjoining controlled airspace.

The Schloredt, Wyoming airspace description is amended by replacing the geographic position of Ellsworth Air Force Base from "lat. 44°08'45"N., long. 103°06'15"W." to "lat. 44°08'42"N., long. 103°06'13"W." In addition, the references to 53 miles and 5.3 miles,

which are distances in statute miles, are replaced with 4.2 miles and 4.6 miles, which are the nearest equivalent in nautical miles.

The Zuni, New Mexico airspace description is amended by replacing the radial from the St. Johns, AZ, VORTAC from 247° to 248°.

The FAA amends subpart E of FAA Order 7400.9, effective September 16, 1993, by deleting the airspace descriptions that correspond to the airspace areas eliminated in section 71.163 of FAA Order 7400.7A; by revising the airspace descriptions that correspond to the airspace descriptions modified in section 71.163 of FAA Order 7400.7A; and by renaming the area entitled Sault Sainte Marie, Michigan, as Upper Peninsula, Michigan. In addition, the FAA designates the following en route domestic airspace areas as Class E airspace areas.

#### *En Route Airspace Areas That Become Class E Airspace*

Badlands, South Dakota  
Boardman, Oregon  
Boise, Idaho  
Browerville/Barter Island, Alaska  
Colville, Washington  
Olympic Peninsula, Washington  
Rattlesnake, Wyoming  
Revello, Nevada  
Schlosser, Wyoming  
Sidney, Montana  
Upper Peninsula, Michigan  
Zuni, New Mexico

#### **Continental Control Area**

Currently, the Continental Control Area consists of the airspace at and above 14,500 feet MSL overlying the United States, including the waters within 12 nautical miles of the 48 contiguous States and Alaska, excluding the Alaska peninsula west of longitude 160°00'00" West. The Continental Control Area does not include: Airspace less than 1,500 feet above the surface; prohibited areas; or restricted areas other than the restricted areas currently listed in part 71, subpart D. Effective September 16, 1993, the Continental Control Area will be designated as Class E airspace extending upward from 14,500 feet MSL to, but not including, 18,000 feet MSL.

In Notice No. 92-13, the FAA proposed that the Continental Control Area include the airspace in any prohibited area or restricted area that is at or above 14,500 feet MSL.

The FAA adopts the proposal to include the airspace in any prohibited or restricted area that is at or above 14,500 feet MSL in the Continental Control Area. In addition, the FAA: (1) Revises existing § 71.9, "Continental

control area," by deleting the provision to exclude prohibited and restricted areas; (2) revises § 71.71(a), effective September 16, 1993, by deleting the provision to exclude prohibited and restricted areas; (3) removes and reserves section 71.151 in FAA Order 7400.7A, which lists all restricted areas included in the Continental Control Area; and (4) revises subpart E of FAA Order 7400.9, effective September 16, 1993, by eliminating the restricted areas included in the Class E airspace area described in § 71.71(a), effective September 16, 1993.

#### **Area Low Routes**

In Notice No. 92-13, the FAA proposed to remove the provisions for establishing area low routes. No area low routes exist, and the FAA has no plans to create any area low routes. No comments were submitted in response to this proposal and it is adopted by the FAA as proposed.

To accomplish removal of the area low route provisions, the FAA: (1) Removes and reserves existing § 71.6, "Extent of area low routes;" (2) removes and reserves section 71.301 in FAA Order 7400.7A which, if any existed, would list the airspace descriptions for area low routes; (3) removes and reserves § 71.77, "Extent of area low routes," effective September 16, 1993; (4) revises subpart E of FAA Order 7400.9, effective September 16, 1993, by deleting the provision that would list the airspace descriptions for area low routes; and (5) revises § 71.71(d), effective September 16, 1993, by eliminating the reference to area low routes.

#### **Control Areas Associated with Jet Routes Outside the Continental Control Area**

In Notice No. 92-13, the FAA proposed to eliminate control areas associated with jet routes outside the Continental Control Area. Control areas associated with jet routes outside of the Continental Control Area duplicate controlled airspace encompassed by the other airspace areas off the U.S. coast and over Alaska that extend upward from 18,000 feet MSL to FL 450.

No comments were received in response to this proposal. The proposal is adopted by the FAA. The FAA removes and reserves section 71.161, "Designation of control areas associated with jet routes outside the Continental Control Area," of FAA Order 7400.7A. In addition, the FAA revises subpart A of FAA Order 7400.9, effective September 16, 1993, by eliminating the corresponding airspace descriptions for

control areas associated with jet routes outside the Continental Control Area.

#### **Reporting Points**

In Notice No. 92-13, the FAA proposed to eliminate domestic high altitude and domestic low altitude compulsory reporting points. Because of extensive domestic radar coverage, pilots are seldom required to report passing these points.

AOPA agreed with the FAA's proposal to let air traffic control retain the option of requiring pilots to make position reports because of radar system limitations or as circumstances warrant.

Individual FAA regions have stated that certain domestic low altitude reporting points are necessary. Most of these reporting points are necessary because of a lack of complete radar coverage to the minimum en route altitude (MEA) or because of a lack of overlapping radar coverage in mountainous regions. The FAA revises section 71.203, "Domestic low altitude reporting points," of FAA Order 7400.7A and subpart H of FAA Order 7400.9, effective September 16, 1993, by eliminating all of the domestic low altitude reporting points except the 72 points listed below.

#### *FAA Region: Central*

Fort Dodge, IA  
Goodland, KS  
Hill City, KS  
Ainsworth, NE  
O'Neill, NE  
Pawnee City, NE  
Sidney, NE

#### *FAA Region: Eastern*

Pulaski, VA

#### *FAA Region: Great Lakes*

MILTO: INT Eau Claire, WI, 134° and  
Nodina, MN, 055° radials  
Pellston, MI  
White Cloud, MI  
Alexandria, MN  
Humboldt, MN  
Mankato, MN  
Bismarck, ND  
Dickinson, ND  
Dupree, SD  
Yankton, SD  
Wausau, WI

#### *FAA Region: Northwest Mountain*

GARRI: INT Drummond, MT, 092° and Butte, MT, 002° radials  
TITON: INT Yakima, WA 284° and  
Ellensburg, WA 191° radials  
Akron, CO  
Alamosa, CO  
Blue Mesa, CO  
Grand Junction, CO  
Gunnison, CO  
Hayden, CO  
Kremmling, CO  
Pueblo, CO

Thurman, CO  
 Burley, ID  
 Twin Falls, ID  
 Bozeman, MT  
 Cut Bank, MT  
 Lewistown, MT  
 Miles City, MT  
 Rogue Valley, OR  
 Rome, OR  
 Bryce Canyon, UT  
 Delta, UT  
 Hanksville, UT  
 Lucin, UT  
 Yakima, WA  
 Cherokee, WY  
 Crazy Woman, WY  
 Sheridan, WY

**FAA Region: Southern**

HEFIN: INT Talladega, AL, 087° and La  
 Grange, GA, 342° radials  
 Barretts Mountain, NC  
 Greensboro, NC  
 Sugarloaf Mountain, NC  
 Holston Mountain, TN

**FAA Region: Southwest**

Carlsbad, NM  
 Columbus, NM  
 Corona, NM  
 Deming, NM  
 Farmington, NM  
 Pinon, NM  
 Roswell, NM  
 Santa Fe, NM  
 Zuni, NM  
 Sayre, OK  
 Childress, TX  
 Dalhart, TX  
 Fort Stockton, TX  
 Pecos, TX  
 Salt Flat, TX

**FAA Region: Western Pacific**

Mendocino, CA  
 Saint Johns, AZ  
 Winslow, AZ  
 Battle Mountain, NV  
 Coaldale, NV  
 Sod House, NV

No comments were received on the proposal to eliminate all domestic high altitude reporting points. Therefore, the FAA removes and reserves section 71.207, "Domestic high altitude reporting points," in FAA Order 7400.7A and revises subpart H of FAA Order 7400.9, effective September 16, 1993, by deleting domestic high altitude reporting points.

**Flushing (New York) Airport Traffic Rule**

In Notice No. 92-13, the FAA proposed to eliminate the special air traffic rules for the Flushing, New York airport. The Flushing, New York airport is closed and no immediate plans exist to reopen it. One commenter responded to this proposal.

The New York City Economic Development Corporation supports the proposal. However, the commenter

stated that its support is based on the premise that eliminating the special air traffic rules will not adversely affect the Flushing Airport airspace exclusion from the LaGuardia Airport TCA.

The elimination of the Flushing (New York) special air traffic rules will not affect other airspace. Currently, the FAA does not intend to revise the New York TCA, including the portion for LaGuardia Airport. However, if in the future, the FAA decides to revise the New York TCA, the revision would be addressed under a separate rulemaking action.

The New York City Economic Development Corporation disagreed with the FAA's statement that no known plans exist to reopen Flushing Airport in the immediate future. The commenter noted that the City of New York is conducting an Airport Feasibility/Master Plan Study and preparing an associated Environmental Impact Statement to establish a vertiport at Flushing Airport.

As stated in Notice No. 92-13, Flushing Airport is closed. The possibility of reopening the airport as a vertiport remains uncertain. If plans to reopen Flushing Airport as a vertiport, or in any other capacity, are finalized and approved, the surrounding airspace would be reviewed.

The FAA adopts the proposal to eliminate the Flushing (New York) special air traffic rules and removes and reserves subpart P of part 93. The amendment becomes effective June 20, 1993, and will appear on the next sectional aeronautical chart for New York.

**Valparaiso, Florida Terminal Area**

In Notice No. 92-13, the FAA proposed to replace the Valparaiso, Florida Terminal Area with the Eglin, Florida Class D airspace areas. The proposal provided for one airspace area for the north-south corridor and one for the east-west corridor.

The proposed Eglin, Florida Class D airspace areas would revise existing vertical limits and the lateral boundaries, which separate the existing north-south and east-west corridors. The lateral boundaries between the corridors would be moved from north of Eglin Air Force Base to south of the base. This would ensure restricted access to the north-south corridor during military testing without constraining access to the east-west corridor.

The FAA also proposed to revise the current vertical limits of the area. The existing east-west corridor extends upward from the surface up to, but not including 8,500 feet MSL. The FAA proposed that the corresponding portion

of the Eglin, Florida Class D airspace area also have a ceiling of 8,500 feet MSL, except that the portion of the existing corridor that does not underlie Restricted Areas R-2915C, R-2919B, and R-2914B was proposed to extend upward from the surface to, but not including, 18,000 feet MSL. The existing north-south corridor does not have a specified ceiling; the FAA proposed that the corresponding portion of the Eglin, Florida Class D airspace area have a vertical limit up to, but not including, 18,000 feet MSL.

No comments were received on these proposals. The FAA adopts the proposal by removing and reserving subpart F of part 93, "Valparaiso, Florida, Terminal Area" and revising subpart D of FAA Order 7400.9, and by establishing the Eglin, Florida Class D airspace areas. The airspace descriptions for the Eglin, Florida Class D airspace areas are revised by incorporating the airspace formerly contained in subpart F to part 93 and ensuring that the lateral boundaries of the areas continue to meet the lateral boundaries of the adjoining restricted areas. This amendment becomes effective December 9, 1993, which is when the New Orleans sectional aeronautical chart is issued.

The FAA revises subpart D of FAA Order 7400.9, effective September 16, 1993, by deleting the Eglin Air Force Base and Eglin AF Aux No. 3 Duke Field, Florida Class D airspace areas, which are encompassed by the Eglin, Florida Class D airspace areas. The airspace descriptions for these areas are amended by converting geographic positions from the NAD-27 to the NAD-83 survey.

The FAA revises subpart D and subpart E of FAA Order 7400.9, effective September 16, 1993, by modifying the Hurlburt Field, Florida Class D airspace area and the Crestview, Florida Class E airspace area. The revised airspace areas exclude the portion of each airspace area that extends into the Eglin, Florida Class D airspace areas.

**Incorporation by Reference**

The FAA amends the airspace descriptions of certain additional control areas and control zones; eliminates certain domestic low altitude reporting points; includes restricted and prohibited areas in the Continental Control Area; and eliminates all domestic high altitude reporting points, area low routes, and control areas associated with jet routes outside the Continental Control Area. The descriptions of these airspace areas, reporting points, and routes are not listed in the Code of Federal Regulations (CFR) and are not set forth in the full

text of this final rule. The full listings for all additional control areas, restricted areas included in the Continental Control Area, control areas associated with jet routes outside the Continental Control Area, domestic low altitude reporting points, domestic high altitude reporting points, and area low routes are contained in sections 71.151, 71.161, 71.163, 71.203, 71.207, and 71.301 of FAA Order 7400.71, Compilation of Regulations, dated November 2, 1992, and effective November 27, 1992, which is incorporated by reference in 14 CFR 71.1. The amended descriptions will subsequently be published in FAA Order 7400.7A—Supplement. Copies of FAA Order 7400.7A and FAA Order 7400.7A—Supplement may be obtained from the Document Inspection Facility, APA-220, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, (202) 267-3485. Copies of FAA Order 7400.7A and FAA Order 7400.7A—Supplement may be inspected in Docket Number 26968 at the Federal Aviation Administration, Office of the Chief Counsel, AGC-10, room 915G, 800 Independence Avenue, SW., Washington, DC, weekdays between 8:30 a.m. and 5 p.m. or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Under the Airspace Reclassification final rule, descriptions of additional control areas, restricted areas included in the Continental Control Area, area low routes, and control areas associated with jet routes outside the Continental Control Area are set forth as Class E airspace areas in subpart E of FAA Order 7400.9, and descriptions of domestic low altitude reporting points and domestic high altitude reporting points are set forth in subpart H of FAA Order 7400.9. Class D airspace areas are set forth in subpart D of FAA Order 7400.9. FAA Order 7400.9, Airspace Reclassification, effective September 16, 1993, is also incorporated by reference in 14 CFR 71.1. The amended airspace descriptions are not listed in the CFR and are not set forth in the full text of this final rule but will subsequently be published in FAA Order 7400.9—Supplement. Copies of FAA Order 7400.9 and FAA Order 7400.9—Supplement may be obtained from the Document Inspection Facility, APA-220, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, (202) 267-3485. Copies of FAA Order 7400.9 and FAA Order 7400.9—Supplement may be inspected in Docket Number 26968 at the Federal Aviation Administration,

Office of the Chief Counsel, AGC-10, room 916G, 800 Independence Avenue, SW., Washington, DC, weekdays between 8:30 a.m. and 5 p.m. or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

#### ICAO Considerations

Because a portion of this amendment relates to navigable airspace outside the United States, this amendment is subject to, and complies with, the ICAO International Standards and Recommended Practices.

The application of International Standards and Recommended Practices by the FAA Air Traffic Rules and Procedures Service in areas outside U.S. domestic airspace is governed by the Convention on International Civil Aviation. Specifically, the FAA is governed by Article 12 and Annex 11, which pertain to the establishment of necessary air navigational facilities and services to promote the safe, orderly, and expeditious flow of civil air traffic. The purpose of the documents is to ensure that civil aircraft operations on international air routes are performed under uniform conditions.

The International Standards and Recommended Practices in Annex 11 apply in those portions of airspace under the contracting state's jurisdiction, which is granted by ICAO, wherein air traffic services are provided and where a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices in a manner that is consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, a state's aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Because these amendments involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

#### Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511),

no requirements for information collection are associated with this rule.

#### Regulatory Evaluation Summary

Executive Order 12291 established the requirement that, within the extent permitted by law, a Federal regulatory action may be undertaken only if the potential benefits to society for the regulations outweigh the potential costs to society. In response to this requirement, and in accordance with Department of Transportation policies and procedures, the FAA has estimated the anticipated benefits and costs of this rulemaking action. The results are summarized in this section. For more detailed economic information, see the full regulatory evaluation contained in the docket.

#### Costs

The costs of the Offshore Airspace Reclassification final rule are a part of the \$1.9 million cost of the Airspace Reclassification final rule because the costs, which include modification of manuals, charts, and training materials, have already been accounted for in that final rule. For a detailed discussion of how the FAA derived these costs, the reader is directed to the final regulatory analysis of the Airspace Reclassification final rule (56 FR 65638). A brief discussion explaining each of these costs is presented below.

#### Revisions to Aeronautical Charts

The cost of modifying the aeronautical charts to reflect the new offshore airspace areas is part of the estimated \$1.2 million cost of making all revisions necessitated by airspace reclassification. The National Ocean Service (NOS), which publishes and distributes aeronautical charts, provided this cost estimate. The estimate represents the cost of changing the airspace dimensions and symbols on the plates from which aeronautical charts are printed.

#### Revisions of Air Traffic Training Courses

The cost of revising the courses used to instruct air traffic controllers in offshore airspace areas is part of an estimated \$53,000 (discounted) in controller training costs noted in the Airspace Reclassification final rule. This includes developing and conducting a one-week seminar for FAA student controllers (\$10,000) and revising lesson plans, visual aids, handouts, laboratory exercises, and tests (\$43,000).

#### Re-education of Pilot Community

The cost of re-educating the pilot community on the modifications in the

Offshore Airspace Reconfiguration final rule is part of an estimated \$625,000 (discounted) total cost of re-educating the pilot community specified in the Airspace Reclassification final rule. This includes the publication and mailing of an advisory circular (\$550,000) and the production of a video tape documenting the new airspace classifications (\$75,000).

#### Conversion of Statute Miles to Nautical Miles

The statute mile designations in part 71 and FAA Order 7400.7A, Compilation of Regulations, and FAA Order 7400.9, Airspace Reclassification, are being converted to nautical miles as part of the Airspace Reclassification final rule. The Offshore Airspace Reconfiguration final rule will share some of the \$1.2 million (discounted) cost to complete the revision to aeronautical charts.

#### Revising Offshore Airspace Areas

The current base levels of offshore areas range from 700 feet MSL to FL 240. Most of the base levels, however, are below 5,500 feet MSL so the final rule will, in effect, raise them. Raising the base levels will convert controlled airspace into uncontrolled airspace and consequently lower the minimum visibility and cloud clearance requirements. The volume of air traffic offshore and the need for air traffic control services are minimum below 5,500 feet MSL. Thus, the FAA contends that raising the base levels will not result in a decrease in safety or impose any costs on the FAA or on the flying public.

#### Deletion of Area Low Routes

Since the FAA has not established any area low routes and because there is no need to create any, there will be no monetary cost or decrease in safety when their reference is removed from the FAR.

#### Removal of High and Low Altitude Reporting Points

Advances in radar technology have increased domestic radar coverage so extensively that most compulsory reporting points have become an unnecessary redundancy in the air traffic control system. Therefore, there will be no reduction in safety when domestic high altitude reporting points and most domestic low altitude reporting points are removed.

#### Continental Control Area

The provision to include prohibited and restricted areas above 14,500 feet MSL in the Continental Control Area

will not impose costs or decrease safety. Restricted airspace and prohibited airspace will be released to air traffic control only with the permission of the using agency, and then IFR aircraft operators will be allowed in only with a clearance from air traffic control.

#### Benefits

The Offshore Airspace Reconfiguration final rule will share benefits of enhanced aviation safety and operational efficiency with the Airspace Reclassification final rule. Like the costs, most of the benefits of this final rule have already been attributed to the Airspace Reclassification final rule. However, there are some additional safety and efficiency benefits that this final rule will generate apart from the Airspace Reclassification final rule. All of these benefits are discussed below.

#### Offshore Airspace Reconfiguration

This final rule will reclassify certain airspace areas that were not specifically addressed in the Airspace Reclassification final rule. However, these changes will be carried out in conjunction with that rule. The areas that would be reclassified by the Offshore Airspace Reconfiguration final rule are as follows:

- Offshore airspace areas from 18,000 feet MSL to FL 600 will be reclassified as Class A airspace; and
- Offshore airspace areas designated between 5,500 feet MSL, or other specified altitudes, and 18,000 feet MSL will be reclassified as Class E airspace.

These new offshore airspace classifications will enhance aviation safety by simplifying the airspace classifications and reducing airspace complexity. The airspace areas affected by the final rule will be designated on aeronautical charts with fewer airspace names, terms, and symbols. Furthermore, the new airspace classifications will mirror those established by ICAO, thus making U.S. airspace more standardized and more familiar to foreign pilots. All of these changes will generate benefits of easier and more precise navigation and safer operation in offshore airspace areas.

#### Uniform Base Levels

Establishing a uniform base of 5,500 feet MSL for offshore areas will, in effect, convert controlled offshore airspace into uncontrolled and, consequently, lower the minimum visibility and cloud clearance requirements. This will benefit pilots because they can operate in more uncontrolled offshore airspace with less stringent requirements.

#### Continental Control Area

By eliminating the automatic exclusion of prohibited and restricted areas from the Continental Control Area, these areas automatically revert to controlled airspace when released to air traffic control by the using agency. This action benefits aircraft operators and air traffic control because it promotes real time use of joint use airspace by allowing air traffic control to route IFR aircraft through the special use airspace.

#### Simplification of U.S. Airspace

The Offshore Airspace Reconfiguration final rule will also generate benefits in the form of a simpler and more efficient airspace system. This will be accomplished by deleting several airspace designations that have become obsolete or redundant due to advances in radar technology, expansion of radar and radio coverage, and changes in air traffic control and aircraft operator's airspace requirements. The deletions and their specific benefits are discussed below.

#### High and Low Altitude Reporting Points

Advances in radar technology have increased domestic radar coverage so extensively that most domestic compulsory reporting points have become an unnecessary redundancy in the air traffic control system. Because of extensive radar coverage, pilots are seldom required to inform air traffic control when passing reporting points. Therefore, there will be no reduction in safety when all domestic high altitude reporting points and most domestic low altitude reporting points are removed.

#### Area Low Routes

Deleting area low routes will not reduce aviation safety because no routes were ever established.

#### Conclusion

The costs of the Offshore Airspace Reconfiguration final rule are part of an estimated \$1.9 million cost (discounted, 1990 dollars), which has already been accounted for in the Airspace Reclassification final rule. The benefits of the final rule will be a simpler, more efficient, and more uniform airspace system, ultimately resulting in increased safety to the aviation community. Thus, the FAA contends that the final rule is cost beneficial.

#### International Trade Impact Analysis

Because the Offshore Airspace Reconfiguration final rule will only affect U.S. airspace and airspace over which the United States has jurisdiction, it will not impose any adverse operating requirements on



foreign aircraft operators. By September 16, 1993, virtually all foreign aircraft operators will be operating under requirements similar to those contained in this final rule and the Airspace Reclassification final rule. The requirements in this Final Rule are based on those established by ICAO's airspace reclassification. Thus this final rule will have no effect on the sale of foreign aviation products or services in the U.S., 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 to ensure that small entities are not unnecessarily and disproportionately burdened by Government regulations. The RFA requires agencies to review rules that may have "a significant economic impact on a substantial number of small entities." The small entities that the final rule will affect are pilot schools (SIC 8299).

Training materials used in the courses offered by the pilot schools will have to be modified to reflect the changes in airspace classification. However, pilot schools will not incur any cost impact since the documents they use must be regularly updated as a normal cost of doing business. Thus, the final rule will not have a significant cost impact on them.

#### Federalism Implications

The regulation herein will 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, the FAA has determined that this regulation will not have sufficient federalism implications to warrant the preparation of the Federalism Assessment.

#### Conclusion

For the reasons discussed in the preamble, and based on the findings in the Regulatory Flexibility Determination and the International Trade Impact Analysis, the FAA has determined that this regulation is not major under Executive Order 12291. In addition, the FAA certifies that this regulation 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. This regulation is not considered significant under DOT Regulatory Policies and Procedures (44 FR 11034,

February 26, 1979). A final regulatory evaluation of the regulation, including a final Regulatory Flexibility Determination and International Trade Impact Analysis, has been placed in the docket. A copy may be obtained by contacting the person identified under **FOR FURTHER INFORMATION CONTACT**.

#### List of Subjects

##### 14 CFR Part 71

Airspace, Airways, Incorporation by reference.

##### 14 CFR Part 93

Special air traffic rules.

#### The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends parts 71 and 93 of the Federal Aviation Regulations (14 CFR parts 71 and 93) as follows:

The following amendments are to part 71 currently in effect:

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

1. The authority citation for part 71 continues 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.

2. Section 71.1 is revised to read as follows:

##### **§ 71.1 Applicability.**

The complete listing of all jet routes, area high routes, Federal airways, control areas, control area extensions, area low routes, control zones, transition areas, terminal control areas, airport radar service areas, positive control areas, reporting points, and other controlled airspace can be found in FAA Order 7400.7A, Compilation of Regulations, dated November 2, 1992, and effective November 27, 1992. Superseding portions of FAA Order 7400.7A, the descriptions of additional control areas, domestic low altitude reporting points, and control zones can be found in FAA Order 7400.7A—Supplement. The incorporation by reference of FAA Order 7400.7A 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 7400.7A and 7400.7A—Supplement is effective November 27, 1992, through September 15, 1993. During the incorporation by reference period, proposed individual changes to the

listings of jet routes, area high routes, Federal airways, control areas, control area extensions, control zones, transition areas, terminal control areas, airport radar service areas, positive control areas, reporting points, and other controlled airspace will be published in full text as proposed rule documents in the **Federal Register**. Amendments to the listings of jet routes, area high routes, Federal airways, control areas, control area extensions, control zones, transition areas, terminal control areas, airport radar service areas, positive control areas, reporting points, and other controlled airspace will be published in full text as final rules in the **Federal Register**. Periodically, the final rule amendments will be integrated into a revised edition of the FAA Order and submitted to the Director of the Federal Register for approval for incorporation by reference in this section. Copies of FAA Order 7400.7A and FAA Order 7400.7A—Supplement may be obtained from the Document Inspection Facility, APA-220, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, (202) 267-3485. Copies of FAA Order 7400.7A and FAA Order 7400.7A—Supplement may be inspected in Docket Number 26968 at the Federal Aviation Administration, Office of the Chief Counsel, AGC-10, room 915G, 800 Independence Avenue, SW., Washington, DC, weekdays between 8:30 a.m. and 5 p.m. or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. This section is effective from April 1, 1993, through September 15, 1993.

##### **§ 71.6 [Removed and reserved]**

3. Section 71.6 is removed and reserved.

4. Section 71.9 is revised to read as follows:

##### **§ 71.9 Continental control area.**

The Continental Control Area consists of the airspace at and above 14,500 feet MSL overlying the 48 contiguous States, including the waters within 12 nautical miles from the coast of the 48 contiguous States; the District of Columbia; Alaska, including the waters within 12 nautical miles from the coast of Alaska; excluding the Alaska peninsula west of longitude 160°00'00"W. The Continental Control Area does not include the airspace less than 1,500 feet above the surface of the earth.

The following amendments are to part 71 in effect as of 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**

1. The authority citation for part 71 continues 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.

2. Section 71.1 is amended by revising the introductory text to read as follows:

**§ 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. Superseding portions of subparts A, D, E, and H of FAA Order 7400.9, the descriptions of Class A, Class D, and Class E airspace areas and reporting points can be found in FAA Order 7400.9—Supplement. The incorporation by reference of FAA Order 7400.9 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 and 7400.9—Supplement is effective as of September 16, 1993, through September 15, 1994. During the incorporation by reference period, proposed individual changes to the listings of Class A, Class B, Class C, Class D, and Class E airspace areas, airways, routes, and reporting points will be published in full text as proposed rule documents in the *Federal Register*. Amendments to the listings of Class A, Class B, Class C, Class D, and Class E airspace areas, airways, routes, and reporting points will be published in full text as final rules in the *Federal Register*. Periodically, the final rule amendments will be integrated into a revised edition of the FAA Order and submitted to the Director of the Federal Register for approval for incorporation by reference in this section. Copies of FAA Order 7400.9 and FAA Order 7400.9—Supplement may be obtained

from the Document Inspection Facility, APA-220, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, (202) 267-3485. Copies of FAA Order 7400.9 and FAA Order 7400.9—Supplement may be inspected in Docket Number 26968, 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, 800 North Capitol Street, NW., suite 700, Washington, DC.

3. Section 71.33 is amended by adding paragraph (c) to read as follows:

**§ 71.33 Class A airspace areas.**

(c) The airspace areas listed as offshore airspace areas in subpart A of FAA Order 7400.9 (incorporated by reference, see § 71.1) that are designated in international airspace within areas of domestic radio navigational signal or ATC radar coverage, and within which domestic ATC procedures are applied.

4. Section 71.71 is amended by revising paragraphs (a), (d), and (e), and by adding paragraph (f) to read as follows:

**§ 71.71 Class E airspace.**

(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 to, but not including, 18,000 feet MSL, and excluding—

- (1) The Alaska peninsula west of longitude 160°00'00"W.; and
- (2) The airspace below 1,500 feet above the surface of the earth.

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

(e) The airspace areas listed as en route domestic airspace areas in subpart

E of FAA Order 7400.9 (incorporated by reference, see § 71.1). 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 to the overlying or adjacent controlled airspace.

(f) The airspace areas listed as offshore airspace areas in subpart E of FAA Order 7400.9 (incorporated by reference, see § 71.1) that are designated in international airspace within areas of domestic radio navigational signal or ATC radar coverage, and within which domestic ATC procedures are applied. Unless otherwise specified, each airspace area extends upward from a specified altitude up to, but not including, 18,000 feet MSL.

**§ 71.77 [Removed and reserved]**

5. Section 71.77 is removed and reserved.

**PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS**

6. The authority citation for part 93 continues 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).

**Subpart F—§§ 93.81, 93.83 [Removed and Reserved]**

7. Part 93 is amended by removing and reserving subpart F (§§ 93.81 and 93.83).

8. Part 93 is amended by removing and reserving subpart P (§§ 93.181, 93.183, 93.185, 93.187, 93.189, 93.191 and the map at the end of the subpart).

Issued in Washington DC, on February 24, 1993.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 93-4715 Filed 3-1-93; 8:45 am]

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