

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 AD 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), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

Pilatus Britten-Norman (Pilatus): Docket No. 96-CE-33-AD.

Applicability: BN2, BN2A, and BN2B series airplanes (all serial numbers) that have been modified with a 70 amp direct current (DC) Generation System, 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 (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required within the next 50 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

To prevent loss of electrical power to the navigation, communications and light systems, which could impair the pilot's ability to maintain control of the airplane, accomplish the following:

(a) Remove the diodes (quantity 2, part number 340502014, type 10B1 or 10D1) installed on the terminals of the "STBD (RIGHT) GEN" and "PORT (LEFT) GEN" switches (SW2 and SW3), and install new approved diodes (quantity 2, part number NB-81-5873, type 60S6) in accordance with the Accomplishment Instructions section in Pilatus Britten-Norman Service Bulletin BN-2/SB.228, Issue 2, dated January 17, 1996.

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

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Division, FAA, Europe, Africa and the Middle East Office, c/o American Embassy, B-1000, Brussels, Belgium or Mr. Jeffrey Morfitt, Project Officer, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri, 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Division or the Small Airplane Directorate.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Brussels Aircraft Certification Division or the Small Airplane Directorate.

(d) All persons affected by this directive may obtain copies of the document referred to herein upon request Pilatus Britten-Norman, Ltd., Bembridge, Isle of Wight, United Kingdom, PO35 5PR; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on August 15, 1996.

Carolanne L. Cabrini,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96-21373 Filed 8-21-96; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 71

[Airspace Docket No. 95-AWA-6]

Proposed Establishment of Myrtle Beach International Airport Class C Airspace Area, SC; and Revocation of the Myrtle Beach AFB Class D Airspace Area; South Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish a Class C airspace area and revoke the existing Class D airspace area at the Myrtle Beach International Airport, Myrtle Beach, SC. The Myrtle Beach International Airport is a public-use facility with a Level II control tower served by a Radar Approach Control. The establishment of this Class C airspace area would require pilots to maintain two-way radio communications with air traffic control (ATC) while in Class C airspace. Implementation of the Class C airspace area would promote the efficient use of air traffic and reduce the risk of midair collision in the terminal area.

DATES: Comments must be received on or before October 22, 1996.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-200, Airspace Docket No. 95-AWA-6, 800 Independence Avenue, SW., Washington, DC 20591. The official docket may be examined in the Rules Docket, Office of the Chief Counsel, Room 916, 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, P.O. Box 20636, Atlanta, GA 30320.

FOR FURTHER INFORMATION CONTACT: Patricia P. Crawford, 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. 95-AWA-6." 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 be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Air Traffic Airspace Management, Attention: Airspace and Rules Division, ATA-400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3075.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the Federal Aviation Administration, Office of Rulemaking, (202) 267-9677, to request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

Background

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

(ARSA), was recommended by a consensus of the task group.

The FAA published NAR Recommendation 1-2.2.1, "Replace Terminal Radar Service Areas with Model B Airspace and Service" in Notice 83-9 (July 28, 1983; 48 FR 34286) proposing the establishment of ARSA's at the Robert Mueller Municipal Airport, Austin, TX, and the Port of Columbus International Airport, Columbus, OH. ARSA's were designated at these airports on a temporary basis by SFAR No. 45 (October 28, 1983; 48 FR 50038) to provide an operational confirmation of the ARSA concept for potential application on a national basis.

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

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

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

The FAA has established ARSA's at 121 locations under a paced implementation plan to replace TRSA's with ARSA's. This is one of a series of notices to implement ARSA's at locations with TRSA's or locations without TRSA's that warrant implementation of an ARSA. Airspace Reclassification, effective September 16, 1993, reclassified ARSA's as Class C airspace areas. This change in terminology is reflected in the remainder of this NPRM.

This notice proposes Class C airspace designation at a location which was not identified as a candidate for Class C in the preamble to Amendment No. 71-10 (50 FR 9252). Other candidate locations will be proposed in future notices published in the Federal Register.

The Myrtle Beach International Airport is a public-use airport with an operating Level II control tower served by Radar Approach Control. The FAA assumed responsibility from the U.S. Air Force, for providing air traffic services at the airport in December 1992. The number of general aviation and air taxi aircraft operating in the terminal environment at Myrtle Beach International Airport is increasing. The volume of passenger enplanements reported at Myrtle Beach International Airport were 316,809, 274,531, and 290,295, respectively, for calendar years 1994, 1993, and 1992. Myrtle Beach International Airport qualifies as a Class C airspace candidate based on the volume of enplaned passengers.

The Proposal

The FAA is proposing an amendment to Title 14, Code of Federal Regulations (14 CFR part 71) to establish a Class C airspace area at the Myrtle Beach International Airport and revoke the Class D airspace area at the Myrtle Beach AFB, SC. Myrtle Beach International Airport is a public airport with a Level II operating control tower served by a Radar Approach Control.

The FAA previously has published a final rule (50 FR 9252; March 6, 1985) that defines Class C airspace, and prescribes operating rules for aircraft, ultralight vehicles, and parachute jump operations in Class C airspace areas. The final rule provides, in part, that all aircraft arriving at any airport in Class C airspace or flying through Class C airspace must: (1) prior to entering the Class C airspace, establish two-way radio communications with the ATC facility having jurisdiction over the area; and (2) while in Class C airspace, maintain two-way radio communications with that ATC facility. For aircraft departing from the primary airport within Class C airspace, or a satellite airport with an operating control tower, two-way radio communications must be established and maintained with the control tower and thereafter as instructed by ATC while operating in Class C airspace. For aircraft departing a satellite airport without an operating control tower and within Class C airspace, two-way radio communications must be established with the ATC facility having jurisdiction over the area as soon as practicable after takeoff and thereafter maintained while operating within the Class C airspace area (14 CFR section 91.130).

Pursuant to Federal Aviation Regulations section 91.130 (14 CFR part 91) all aircraft operating within Class C airspace are required to comply with

sections 91.129 and 91.130. Ultralight vehicle operations and parachute jumps in Class C airspace areas may only be conducted under the terms of an ATC authorization.

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

Definitions and operating requirements applicable to Class C airspace may be found in section 71.51 of part 71 and sections 91.1 and 91.130 of part 91 of the Federal Aviation Regulations (14 CFR parts 71, 91). The coordinates for this airspace docket are based on North American Datum 83. Class C and Class D airspace designations are published, respectively, in paragraphs 4000 and 5000 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class C airspace designation listed in this document would be published subsequently in the Order and the Class D airspace designation listed in this document would be removed subsequently from the Order.

Regulatory Evaluation Summary

Proposed 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 entities. Third, the Office of Management and Budget directs agencies to assess the effect of regulatory changes on small entities changes on international trade. In conducting these analyses, the FAA has determined that this NPRM: (1) would generate benefits that justify its minimal costs and is not "a significant regulatory action" as defined in the Executive Order; (2) is not significant as defined

in Department of Transportation's Regulatory Policies and Procedures; (3) would not have a significant impact on a substantial number of small entities; and (4) would not constitute a barrier to international trade. These analyses are summarized below in the docket.

Cost-Benefit Analysis

The FAA has determined the proposed establishment of the Myrtle Beach Class C airspace area would enhance operational efficiency (through the promotion of additional ATC operating procedures) and aviation safety (in the form of reduced risk of midair collision in the proposed Class C airspace area).

Costs

Those potential cost components (navigational equipment for aircraft operators and operations support equipment for the FAA, including additional cost for air traffic controllers) that could be imposed by the proposed rule are discussed as follows:

Cost Impact on Aircraft Operators

Aircraft operators would incur minimal, if any, cost with compliance from the proposed rule. The assessment is based on the most recent General Aviation and Avionics Survey Report. The report indicates an estimated 82 percent of all General Aviation (GA) aircraft operators are already equipped with two-way radios that are required to enter Class C airspace. As of December 30, 1990, all aircraft (except those without an electrical system, balloons and gliders) flying in the vicinity of the Myrtle Beach Airport have been required to have a Mode C transponder under Federal Aviation Regulations (14 part 91.215). The FAA has traditionally accommodated GA aircraft operators without two-way radio communication equipment and operators of aircraft without electrical systems, via ATC authorized deviations or letters of agreement, when practical to do so without jeopardizing aviation safety. There would be no additional cost for transponder equipage, as a result of the proposed rule, because the regulatory evaluation prepared for the Mode C transponders rule estimated the cost of such equipment for the affected operators. Not all GA aircraft operators may receive authorized deviations or letters of agreement, these operators would be required to circumnavigate the Class C airspace area. The FAA has determined operators could circumnavigate around the proposed airspace (5 miles), over, or in certain cases, under the proposed airspace without significantly deviating from

their regular flight paths. Therefore, the FAA has determined the proposed rule would impose minimal, if any, cost impact on aircraft operators.

Cost Impact on the FAA

The FAA assumed responsibility for ATC at the Myrtle Beach AFB from the United States Air Force on December 27, 1992. In that same year, a review of the radar system at Myrtle Beach was conducted. As a result of that review, the FAA decided to expedite the replacement of the computer system in conjunction with the radar scope. Myrtle Beach AFB installed a new computer system, after the FAA's 1992 review; therefore, the agency would not incur any additional cost for equipment (such as consoles) with the proposed establishment of Class C airspace. The proposed Class C airspace area would also be able to function effectively with existing personnel resources. Once an NPRM becomes final, the FAA distributes a Letter to Airmen to pilots residing within 50 miles of the proposed established Class C airspace area. This one-time incurred cost of the established rule would be approximately \$535. The FAA systematically revises sectional charts every 6 months; therefore, the proposed rule would not impose any additional charting costs to the agency. The FAA holds an informal public meeting at each proposed Class C airspace area location. These meetings provide pilots with the best opportunity to learn both how a Class C airspace area works and how it would affect their local operations. The expenses associated with these public meetings are incurred regardless of whether a Class C airspace area is ultimately established. Thus, they are more appropriately considered routine FAA costs. If the proposed Class C airspace area becomes a final rule, any subsequent public information costs would be strictly attributed to the proposal. The FAA recognizes that delays might develop at Myrtle Beach following the initial establishment of the Class C airspace area. However, those delays that do occur are typically transitional in nature. The FAA contends that any potential delays that do occur are typically transitional in nature. The FAA contends that any potential delays would eventually be more than offset by the increased flexibility afforded controllers in handling traffic as a result of Class C separation standards. This has been the experience at other Class C airspace areas. Thus, the FAA has determined that the Myrtle Beach facility is already equipped with the necessary personnel, capability, and equipment to provide

Class C services to the maximum extent at minimal cost.

Benefits

Those potential benefit components (enhanced aviation safety and operational efficiency) that are expected to be generated by the proposed rule are discussed as follows:

Impact on Aviation Safety

The proposed rule would enhance aviation safety. The enhancement in aviation safety would be in the form of a reduced probability of midair collisions. The FAA has increased the controlled airspace around Myrtle Beach, due to the increase in passenger enplanements and complexity of operations in that area. The enhancement to aviation safety is based on the fact that the proposed rule would impose equipment (i.e., two-way radio and Mode C transponders) and operational requirements (i.e., separation procedures and safety alerts) on aircraft operators in the proposed Class C airspace area. The FAA Office of Aviation Safety conducted a study of the occurrences of near-midair collisions (NMAC), the byproduct of the study, was that 15 percent of reported NMAC's occur in airspace similar to that at Myrtle Beach.

Impact on Operational Efficiency

The proposed rule would enhance aircraft operational efficiency. This assessment is based on the enhancement in operational efficiency that would accrue from increased operational requirements in the proposed Class C airspace area. Aircraft operators in this type of airspace would receive additional information in the form of traffic advisories and separation and sequencing of arrivals. The proposed rule would not have an adverse impact on satellite airports located within the surface area of the Class C airspace area.

Conclusion

In view of the minimal cost of compliance, enhanced aviation 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 (RFA) was enacted by Congress to ensure that small entities are not

unnecessarily and disproportionately burdened by Federal regulations. The RFA requires a Regulatory Flexibility Analysis if a proposed rule would have "significant economic impact on a substantial number of small entities." FAA Order 2100.14A outlines the FAA's procedures and criteria for implementing the RFA.

The small entities that may potentially incur minimal, if any, cost with the implementation of the proposed rule are operators of aircraft who do not meet Class C navigational equipment standards (primarily parts 91, 121 and 135 aircraft without two-way radios and Mode C transponders). The small entities potentially impacted by the proposed rule would not incur any additional cost for navigational equipment and more stringent operating procedures because they routinely fly into airspace where such requirements are already in place. As the result of the Mode C rule, all of these commercial operators are assumed to have Mode C transponders. The FAA has traditionally accommodated GA and other aircraft operators without two-way radio communication equipment and Mode C transponders, via letters of agreement, when practical to do so without jeopardizing safety. Therefore, the FAA has determined that the proposed rule would not have a significant economic impact on a substantial number of small entities.

International Trade Impact Assessment

The proposed rule would not constitute a barrier to international trade, including the export of American goods and services to foreign countries and the import of foreign goods and services into the United States. This assessment is based on the fact that the proposed rule would neither impose costs on aircraft operators nor aircraft manufacturers (U.S. or foreign).

Federalism Implications

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national Government and 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 proposed rule would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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—[AMENDED]

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

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

Paragraph 4000—Subpart C—Class C Airspace

* * * * *

ASO SC C Myrtle Beach, SC [New]
Myrtle Beach International Airport
(Lat. 33°40'47" N., long. 78°55'42" W.)

That airspace extending upward from the surface to and including 4,000 feet MSL within a 5-mile radius of the Myrtle Beach International Airport, and that airspace extending upward from 1,200 feet MSL to and including 4,000 feet MSL within a 10-mile radius of the Myrtle Beach International Airport. This Class C airspace area is effective during the specific dates and times of operation of the Myrtle Beach Approach Control facility, as established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in Airport/Facility Directory.

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Paragraph 5000—Subpart D—Class D Airspace

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ASO SC D Myrtle Beach AFB, SC [Removed]
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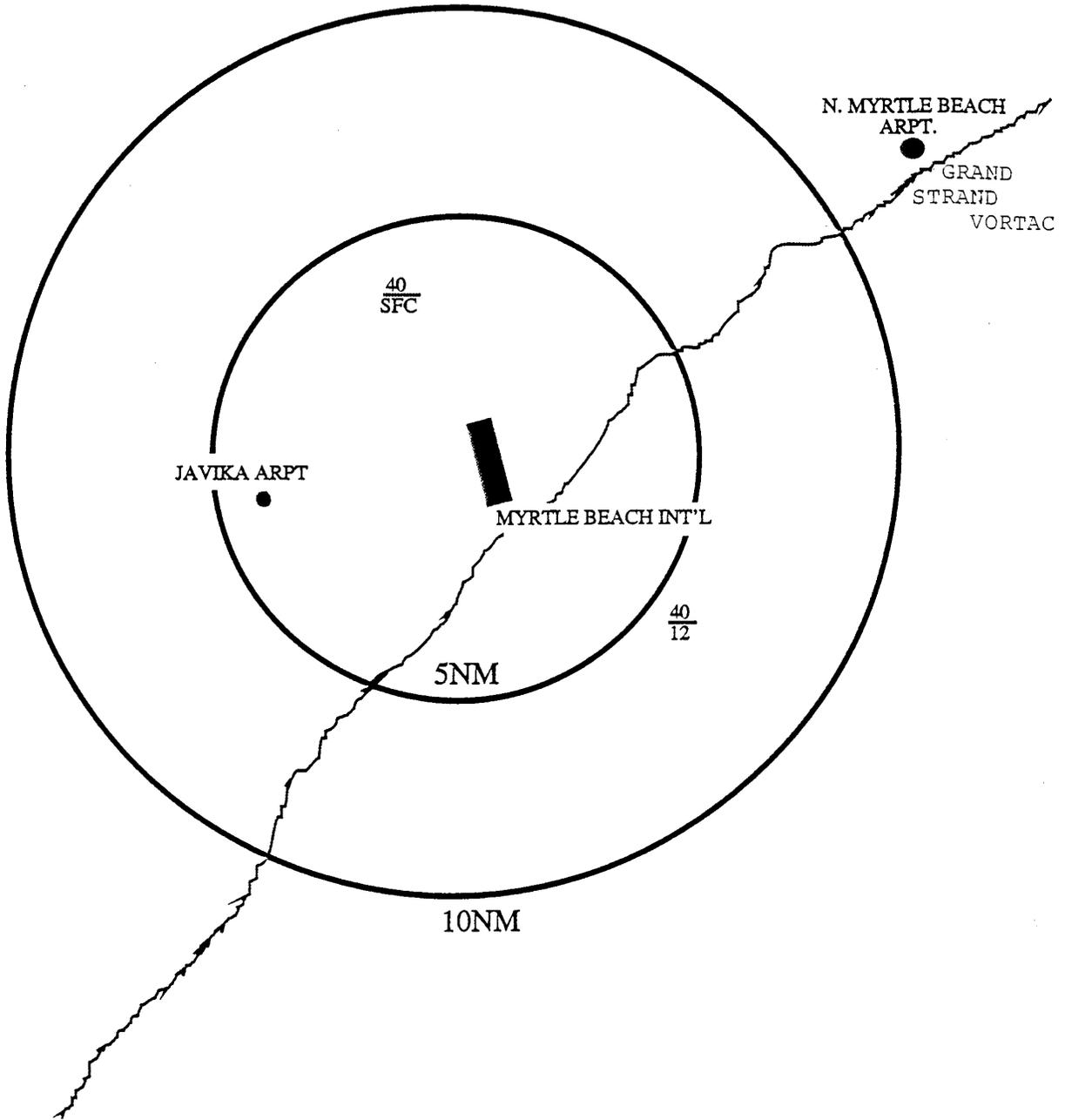
Issued in Washington, DC, on August 15, 1996.

Jeff Griffith,

Program Director for Air Traffic Airspace Management.

BILLING CODE 4910-13-P

MYRTLE BEACH AIRPORT, SC CLASS "C" AIRSPACE AREA



Prepared by the
FEDERAL AVIATION ADMINISTRATION
Air Traffic Publications
ATX-420