

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71****[Airspace Docket No. 95-AWA-6]****RIN 2120-AA66****Establishment of the Myrtle Beach International Airport Class C Airspace Area, SC, and Revocation of the Myrtle Beach AFB Class D Airspace Area, SC****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

SUMMARY: This action establishes a Class C airspace area at Myrtle Beach International Airport, SC, and revokes the Class D airspace area at Myrtle Beach AFB, SC. 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 will require pilots to maintain two-way radio communications with air traffic control (ATC) while in Class C airspace. Implementation of the Class C airspace, at this location promotes the efficient control of air traffic and reduces the risk of midair collision in the terminal area. Additionally, the graphic that accompanied the notice proposing this action incorrectly identified the Grand Strand Airport in North Myrtle Beach, SC. This action corrects that error.

EFFECTIVE DATE: 0901 UTC, March 27, 1997.

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:**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) should be replaced. Four types of airspace configurations were considered as replacement candidates, and Model B, the Airport Radar Service Area (ARSA) configuration, was

recommended by a consensus of the task group.

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

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

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

A number of problems with the TRSA program were identified by the NAR Task Group. The task group stated that because of the different levels of service offered in terminal areas, users are not always sure of what restrictions or privileges exist or how to cope with them. According to the NAR Task Group, there is a shared feeling among users that TRSA's are often poorly defined, are generally dissimilar in dimensions, and encompass more area than is necessary or desirable. There are other users who believe that the voluntary nature of the TRSA does not adequately address the problems associated with nonparticipating aircraft operating in relative proximity to the airport and associated approach and departure courses. The consensus among the user organizations is that within a given standard airspace designation, a terminal radar facility should provide all pilots the same level of service and in the same manner, to the extent feasible.

Additionally, the NAR Task Group recommended that the FAA develop quantitative criteria for establishing ARSA's at locations other than those which were included in the TRSA replacement program. The task group recommended that these criteria include, among other things, traffic mix, flow and density, airport configuration,

geographical features, collision risk assessment, and ATC capabilities to provide service to users. These criteria have been developed and are being published via the FAA directives system (Order 7400.2D, Procedures for Handling Airspace Matters).

Related Rulemaking Actions

Airspace Reclassification which became effective September 16, 1996, discontinued the use of the term "airport radar service area" and replaced it with the designation "Class C airspace area." This change in terminology is reflected in this final rule.

The FAA has established Class C airspace areas at 121 locations under a paced implementation plan to replace TRSA's with Class C airspace areas.

This rule establishes a Class C airspace area at a location which was not identified as a candidate for an ARSA (a Class C airspace area) in the preamble to Amendment No. 71-10 (50 FR 9252).

The Myrtle Beach International Airport is a public-use facility with a Level II control tower serviced by a Radar Approach Control. Passenger enplanements reported at Myrtle Beach International Airport were 316,809, 274,531, and 290,295 for calendar years 1994, 1993, and 1992, respectively. This volume of passenger enplanements meets the FAA criteria for establishing a Class C airspace area to enhance safety. In addition, this action revokes the existing Class D airspace area at Myrtle Beach AFB, SC.

Public Input

As announced in the Federal Register on June 29, 1994 (59 FR 33568), a pre-Notice of Proposed Rulemaking (NPRM) airspace meeting was held on August 16, 1994, in Conway, SC. This meeting provided local airspace users with an opportunity to present input on the design of the proposed establishment of the Myrtle Beach, SC, Class C airspace area.

On August 22, 1996, the FAA published an NPRM (61 FR 43320) that proposed to designate a Class C airspace area at the Myrtle Beach International Airport, SC. Interested parties were invited to participate in this rulemaking effort by submitting comments on the proposal to the FAA. In response to this NPRM, the FAA received two comments, the Air Line Pilots Association and the South Carolina Department of Commerce, Division of Aeronautics. Both commenters supported the proposal.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes a Class C airspace area at the Myrtle Beach International Airport and removes the Class D airspace area at Myrtle Beach AFB, SC. The Myrtle Beach International Airport is a public-use facility with a Level II control tower served by Radar Approach Control. The establishment of this Class C airspace area will require pilots to establish two-way radio communications with the ATC facility providing air traffic services prior to entering the airspace and thereafter maintain those communications while within the Class C airspace area. Implementation of the Class C airspace area will promote the efficient control of air traffic and reduce the risk of midair collision in the terminal area.

The Myrtle Beach Class C airspace area will be effective on March 27, 1997. The effective date for this final rule does not correspond with a scheduled publication date for the appropriate aeronautical chart for this area. The Myrtle Beach Class C airspace area will, therefore, be published on the Charlotte Sectional Aeronautical Chart effective August 14, 1997. In the interim, the FAA will disseminate information regarding the implementation of the Myrtle Beach Class C airspace area in the Notices to Airmen publication and will publish a special notice in the Airport/Facility Directory to ensure that pilots and airspace users are advised of the status. Additionally, the FAA's Southern Regional Office will distribute Letters to Airmen that will advertise the implementation of the airspace area. The revocation of the Class D airspace area coincides with the effective date for the Class C airspace area.

In addition, the graphic included in the NPRM incorrectly identified the Grand Strand Airport in North Myrtle Beach, SC. This action corrects that error. Except for editorial changes and the correction to the airport name on the graphic, this amendment is the same as that proposed in the notice. The coordinates in this document are based on North American Datum 83. Class C and Class D airspace designations are published in paragraphs 4000 and 5000, respectively, of FAA Order 7400.9D dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class C airspace area listed in this document will be published subsequently in the Order and the Class D airspace area listed in this document will be removed subsequently from the Order.

Regulatory Evaluation Summary

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act 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 Final Rule: (1) will 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) will not have a significant impact on a substantial number of small entities; (4) will not constitute a barrier to international trade; and (5) will not contain any Federal intergovernmental or private sector mandate. These analyses are summarized here in the preamble and the full Regulatory Evaluation is in the docket.

Costs-Benefit Analysis

The FAA has determined that the establishment of Myrtle Beach Class C airspace area will enhance operational efficiency (through the implementation of additional air traffic control operating procedures) and aviation safety (in the form of reduced risk of midair collision in the newly established Class C airspace area).

Costs

Cost Impact on Aircraft Operators

This final rule will impose minimal, if any, costs on general aviation aircraft or air carrier operators. This determination is based on data contained in the most recent General Aviation and Avionics Survey Report. The report indicates an estimated 82 percent of all General Aviation (GA) aircraft operators are currently equipped with two-way radios, which 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 International Airport have been required to have a Mode C transponder under Federal Aviation Regulations (14 CFR part 91.215). The FAA assigns no aircraft equipment cost to this final rule because the agency has already

allocated those cost to the Mode C Rule, requiring essentially all aircraft to be equipped with Mode C transponders. The FAA has traditionally accommodated GA aircraft operators without two-way radio communication equipment and operators of aircraft without electrical systems, via letters of agreement, when practical to do so without jeopardizing aviation safety. However, a few aircraft operators will not request or receive letters of agreement, and these operators will be required to utilize circumnavigation procedures. The FAA has determined that operators could circumnavigate around the newly established airspace (5 miles), over, or in certain cases, under the airspace without significantly deviating from their regular flight paths. Therefore, the FAA has determined the final rule will impose minimal, if any, cost impact on any aircraft operators.

Cost Impact on the FAA

The FAA assumed responsibility for ATC at the Myrtle Beach International Airport from the United States Air Force on December 27, 1992. In that same year, the agency conducted a review of the radar system at Myrtle Beach. As a result of that review, the FAA decided to expedite the replacement of the computer system and other radar equipment. Myrtle Beach International Airport installed a new computer system, after the FAA's 1992 review. Consequently, the agency will not incur any additional cost for equipment (such as consoles) with the establishment of Class C airspace. The newly established Class C airspace area will also be able to function effectively with existing personnel resources. Before this final rule becomes effective, the FAA will distribute a Letter To Airmen to pilots residing within 50 miles of the Class C airspace area. This one-time incurred cost of the established rule will be approximately \$535 dollars. The FAA already systematically revises sectional charts every six months; therefore, the final rule will not impose any additional charting cost on the agency.

The FAA recognizes that delays might develop in the Myrtle Beach airspace area following the initial establishment of the Class C airspace area. However, those delays that may occur are typically transitional in nature. Based on past experience at other locations, the FAA concludes that any potential delays will eventually be more than offset by the increased flexibility afforded controllers in handling traffic as a result of Class C separation standards.

Benefits

The number of aircraft operations and operational complexity has been steadily increasing in the Myrtle Beach area. That activity has now reached the level where the increased air traffic control provided in Class C airspace is necessary to maintain safety. The FAA has carefully studied existing and forecast activity in the area and establishes by this rule the extent of Class C airspace necessary to maintain operational safety now and into the foreseeable future. The final rule will also enhance aircraft operational efficiency. Aircraft operators in this type of airspace will receive additional information in the form of traffic advisories and separation and sequencing of arrivals.

Conclusion

In view of the minimal cost of compliance, enhanced aviation safety and operational efficiency, the FAA has determined that the final rule will be cost-beneficial.

Final 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 final rule will 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 final rule are operators of aircraft who do not meet Class C airspace 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 final rule will not incur any additional cost for navigational equipment and more rigorous operating procedures because they routinely fly into airspace where such requirements are already in place. As the result 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 final rule will not have a significant economic impact on a substantial number of small entities.

International Trade Impact Assessment

The final rule will 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 final rule will neither impose costs on aircraft operators nor aircraft manufacturers (U.S. or foreign).

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

Adoption of the Amendment

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

PART 71—[AMENDED]

1. The authority citation for 14 CFR 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 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

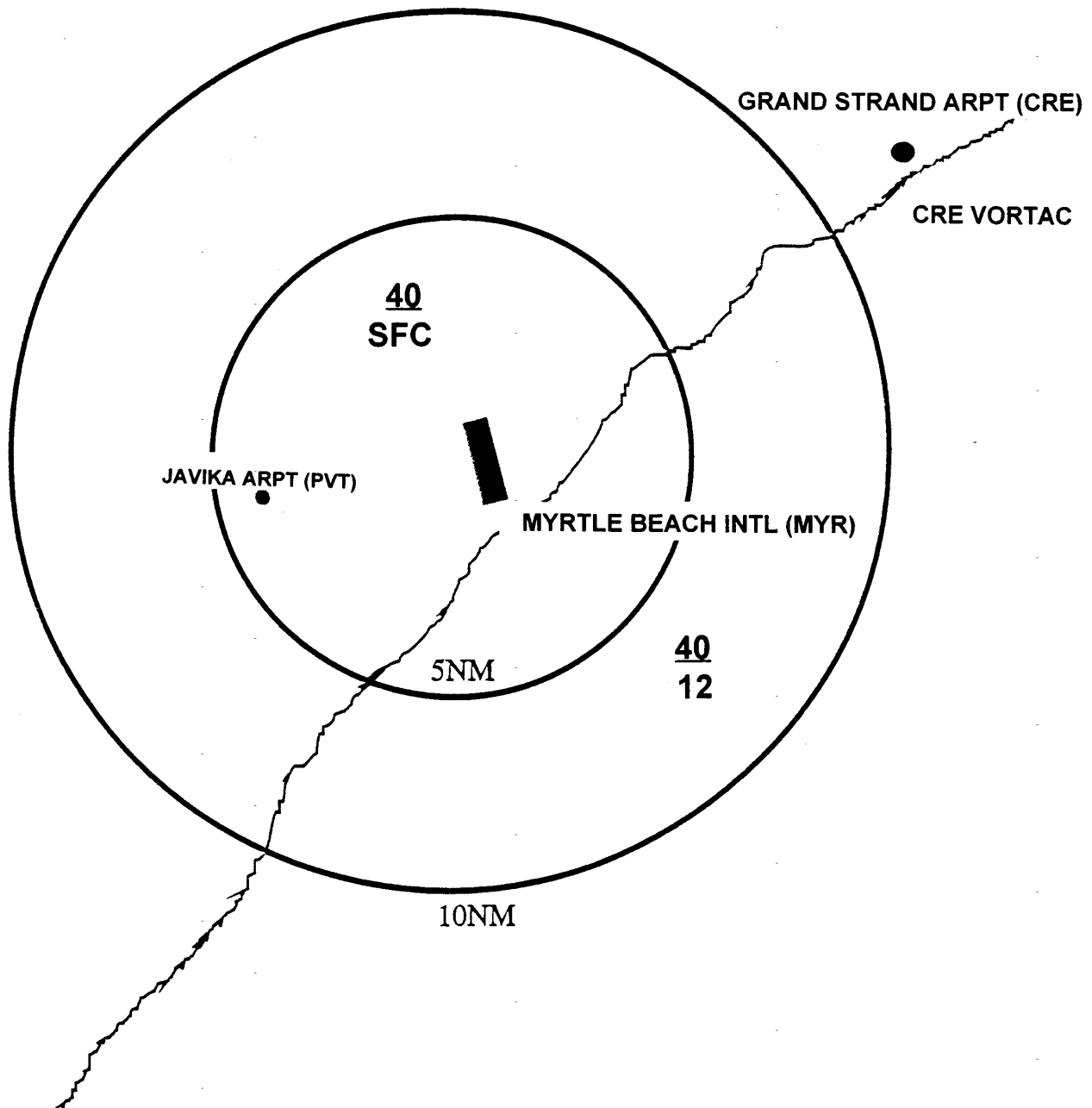
Paragraph 4000—Subpart C-Class C Airspace
* * * * *

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 February 6, 1997.
Jeff Griffith,
Program Director for Air Traffic Airspace Management.

MYRTLE BEACH, SOUTH CAROLINA
CLASS "C" AIRSPACE AREA
(EFFECTIVE MARCH 27, 1997)



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
Air Traffic Airspace Management Program