DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 93–AWA–5]

RIN 2120–AE97

Establishment of Cincinnati/Northern Kentucky International Airport Class B Airspace Area, and Revocation for Cincinnati/Northern Kentucky International Class C Airspace Area; KY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes a Class B airspace area and revokes the existing Class C airspace area for the Cincinnati/Northern Kentucky International Airport. The Cincinnati Class B airspace area will consist of an area encompassing a 25-mile radius of the Cincinnati/Northern Kentucky International Airport from the surface or higher up to and including 8,000 feet above mean sea level. The current Class C airspace area serving the Cincinnati/Northern Kentucky International Airport will be revoked concurrent with the implementation of this action. The FAA is taking this action to enhance safety, reduce the potential for midair collisions, and to improve the management of air traffic operations in the Cincinnati/Northern Kentucky area while accommodating the concerns of the airspace users.

EFFECTIVE DATE: 0901 UTC, December 31, 1998.

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

SUPPLEMENTARY INFORMATION:

Availability of Final Rule

An electronic copy of this document may be downloaded, using a modem and suitable communications software, from the FAA regulations section of the Fedworld electronic bulletin board service (telephone number: 703–321–3339), or the Government Printing Office's electronic bulletin board service (telephone number: 202–512–1661), or the FAA's Aviation Rulemaking Advisory Committee Bulletin Board service (telephone 800–322–2722 or 202–267–5948).

Internet users may reach the FAA's web page at http://www.faa.gov/avr/arm/nprm/nprm.htm or the Government Printing Office's web page at http://www.access.gpo.gov/nara for access to recently published rulemaking documents.

Any person may obtain a copy of this final rule by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue, SW., Washington, DC 20591, or by calling 202–267–9680. Communications must identify the amendment number or docket number for this final rule.

Persons interested in being placed on the mailing list for future Notices of Proposed Rulemaking and Final Rules should request from the FAA's Office of Rulemaking (address above) a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Small Entity Inquiries

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) requires the FAA to report inquiries from small entities concerning information on, and advice about, compliance with statutes and regulations within the FAA's jurisdiction, including interpretation and application of the law to specific sets of facts supplied by a small entity.

If you are a small entity and have a question, contact your local FAA official. If you do not know how to contact your local FAA official, you may contact Charlene Brown, Program Analyst Staff, Office of Rulemaking, ARM–27, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 1–888–551–1594. Internet users can find additional information on SBREFA in the ''Quick Jump'' section of the FAA's web page at http://www.faa.gov and may send electronic inquiries to the following Internet address: 9-AWA-SBREFA@faa.gov.

Related Rulemaking Actions

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

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

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

Background

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

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

The standard configuration of these airspace areas contains three concentric circles centered on the primary airport extending to 10, 20, and 30 nautical miles (NM), respectively. The standard vertical limit of these airspace areas normally should not exceed 10,000 feet mean sea level (MSL), with the floor established at the surface in the inner area and at levels appropriate to the containment of operations in the outer areas. Variations of these criteria may be utilized contingent on the terrain, adjacent regulatory airspace, and factors unique to the terminal area.

Public Input

On February 10, 1998, the FAA published a notice of proposed rulemaking (NPRM) in the **Federal Register** (Airspace Docket 93–AWA–5;

63 FR 6818; Feb. 10, 1998; correction at 63 FR 9459; Feb. 25, 1998) proposing to establish a Class B airspace area and revoke the existing Class C airspace area for the Cincinnati/Northern Kentucky International Airport (CVG). The comment period for this proposed rulemaking action closed on April 13, 1998. However, the FAA received two petitions to extend the comment period. On May 15, 1998, in response to these petitions, the FAA reopened the comment period for an additional 60 days (63 FR 27160; May 15, 1998). The supplemental comment period closed on July 14, 1998.

In response to the proposal the FAA received 36 comments. All comments received were considered before making a determination on this final rule. An analysis of the comments received and the FAA's responses are summarized below.

Discussion of Comments

Two commenters suggested that the proposed configuration of the Cincinnati Class B airspace area had changed and was not the same as presented to the public during the informal airspace meetings.

The FAA disagrees with these comments. The proposed configuration for the Class B airspace area presented during the informal meetings held on September 3 and 4, 1992 (57 FR 32835; July 23, 1992) is the same as published in the Notice of Proposed Rulemaking (NPRM) on February 10, 1998.

The Experimental Aircraft Association (EAA), Chapter 174 and several other commenters recommended the adoption of a modified airspace area that would eliminate areas F and G from the FAA's proposal, and that would use a vertical ceiling of 6,000 feet instead of the 8,000-foot ceiling proposed by the FAA. These commenters believe that the elimination of these areas would allow aircraft to operate to and from satellite airports without the need for an altitude encoding transponder.

Several commenters recommended reducing the size of the proposed Class B airspace area to a 15- to 20-mile radius rather than the proposed 25-mile radius. These commenters are of the opinion that a smaller Class B airspace area should be sufficient airspace to accommodate aircraft operations into and out of CVG, would allow more airspace for non-participating aircraft electing to circumnavigate the area, and would reduce the probability of numerous aircraft in a concentrated area.

The FAA does not agree with these comments. Areas F and G of this Class B airspace area support IFR approaches and departure procedures for CVG, and provide optimum use of the airspace to contain aircraft operations and enhance aviation safety. The purpose of a Class B airspace area is to provide for the separation, segregation, and control of aircraft operations, creating a safer environment in congested terminal areas. On March 11, 1970, the FAA published in the **Federal Register** the results of a Midair Collision Study Program (Notice 69–41B). The study found that 97 percent of the terminal area incidents occurred below 8,000 feet above ground level (AGL), and that the vast majority involved conflict between GA aircraft, and either air carriers, military, or another GA aircraft. The study also highlighted that the mix of noncontrolled VFR, and controlled IFR aircraft was a basic causal factor of these air traffic conflicts.

The FAA believes that the proposed vertical 8,000-foot ceiling is necessary to provide greater protection for air traffic in the airspace areas most commonly used by passenger-carrying aircraft and still provide sufficient areas for those aircraft electing to circumnavigate the Class B airspace area. In addition, aircraft transitioning from the outer fixes to final approach courses at satellite airports routinely enter the terminal area at 5,000 feet from the south and southeast. Because of the high volume of arrival and departure aircraft at the primary airport, it is necessary to utilize the area between 20–25 NM, including areas F and G, to transition lower performance aircraft to and from the satellite airports.

Many commenters submitted comments specifically addressing the area commonly known as the Mode C Veil area, which is the 30-mile radius of a Class B airspace area primary airport up to the floor of the Class B airspace, and associated equipment requirements. These commenters are of the opinion that the veil area creates an unnecessary economic burden on aircraft operations within the proposed Class B airspace area. The Aircraft Owners and Pilots Association (AOPA) and others commented that the provisions of Special Federal Aviation Regulations No. 62 (SFAR 62), Suspension of Certain Aircraft Operations From the Transponder With Automatic Pressure Altitude Reporting Capability Requirement, was intended to suspend the altitude encoding capability requirement for certain operations to and from specific outlying airports located within 30 NM of a Class B airspace area.

In response to the Department of Transportation and Related Agencies Appropriation Bill, 1988 (Pub. L. 100–202) and the Airport and Airway Safety and Capacity Expansion Act of 1987 (Pub. L. 100–223), the FAA published in the **Federal Register** the Transponder with Automatic Altitude Reporting Capability Requirement Final Rule (53 FR 23356; June 21, 1988). This rule, commonly referred to as the ''Mode C rule,'' requires all aircraft to have an altitude encoding transponder when operating within 30 NM of any designated Class B airspace area primary airport from the surface up to 10,000 feet MSL. This rule also provides an exclusion for those aircraft that were not originally certificated with an engine-driven electrical system, (or those that have not subsequently been certified with such a system), balloons, or gliders operating outside of the Class B airspace area, but within the 30 NM veil area.

On December 5, 1990, the FAA issued SFAR 62. The intent of the SFAR was to provide temporary relief for approximately 300 airports at which operations by aircraft not equipped with a transponder with altitude encoding capability could be conducted at or below a specified altitude (1) within a 2 NM radius of a listed airport; and (2) along a direct route between that airport and the outer boundary of the veil area. The SFAR expired in December of 1993. Comments relating to the expired SFAR are beyond the scope of this rulemaking effort.

The commenters are correct that the proposed airspace area will have a veil area wherein a transponder with altitude encoding capability will be required. Section 91.215 of title 14 of the Code of Federal Regulations (CFR) sets out requirements for air traffic control (ATC) transponder and altitude reporting equipment and use; however, this regulation also includes procedures whereby aircraft not equipped with the required transponder equipment may get relief from the stipulated requirements.

In the preamble of the Mode C rule, the FAA assessed the economic impact on aircraft operators complying with the rule. The FAA acknowledged that the rule would impose an additional cost component for transponder maintenance. The FAA also projected the cost for obtaining transponder and altitude encoding equipment, and estimated at the time of rulemaking that some aircraft operators would incur a one-time acquisition and installation cost ranging between $900 and $2,000, depending on whether or not they had a transponder. However, the FAA still finds that the potential benefits, primarily in the form of enhanced safety to the aviation community and flying

public, far outweigh the economic factors. Additionally, those aircraft transiting the area that do not want to establish radio communication with ATC may also choose to circumnavigate the Class B airspace area. As set out in the regulatory evaluation for this rule (see ''Economic Evaluation'' below), the FAA believes that any costs associated with circumnavigation will be negligible.

The FAA received several comments concerning accessibility to satellite airports located within the lateral boundaries of the Class B airspace area. Some of the comments recommended a cutout for Hamilton-Fairfield, Hickory Grove, Blue Ash, and Clermont Airports to ensure that these airports remain accessible. These commenters are of the opinion that cutouts should be utilized to remove satellite airports from the Class B airspace area and, consequently, the requirements of the Mode C Veil.

The FAA does not agree with these comments. Providing a cutout would remove these satellite airports from the Class B airspace area; however, the satellite airports would remain within the Mode C Veil and continue to be subject to the Class B airspace equipment requirements. The FAA notes that 14 CFR 91.215(d) provides for ATC-authorized deviations under certain conditions. An ATC deviation may require, among other conditions, two-way radio communication with ATC or a restriction of that operation to certain altitudes or areas.

The Air Line Pilots Association (ALPA) supported the proposed establishment of a Class B airspace area, but suggested that the ceiling for the airspace area should be at 10,000 feet rather than the proposed 8,000 feet. ALPA believes that this would eliminate a perceived a 2,000-foot gap of airspace where aircraft without an altitude encoding transponder can fly and not have to contact an ATC facility.

The FAA does not agree with this comment, and believes that a ceiling of 8,000 feet will be sufficient to control aircraft operations within the Class B airspace. Raising the ceiling to 10,000 feet would result in unnecessary restrictions to that airspace. In addition, aircraft operating within a 30-mile radius of CVG are already required to be equipped with an operational altitude encoding transponder from the surface to 10,000 feet MSL (14 CFR 91.215).

Several pilots commented on the FAA's limited utilization of geographical landmarks to define the lateral boundaries of the Class B airspace area. One pilot commended the FAA for proposing to utilize I–275 and I–74 as identifiable landmarks, but questioned whether pilots could see the powerlines as a prominent landmark at altitudes of 5,000 to 6,000 feet.

The FAA agrees with the concept of these comments. Identifiable and prominent landmarks have proven to be extremely useful to pilots operating under VFR in assisting them with identifying the boundaries of a Class B airspace area. During the preliminary planning for the Class B airspace area design, consideration was given to utilizing Very High Frequency Omnidirectional Range (VOR) radials, latitudes and longitudes, as well as geographical landmarks wherever possible. This site-specific design is an effort to utilize as many landmarks (i.e., I–275, I–74, and the powerlines to the east of CVG), as feasible to identify the boundaries of the Class B airspace area. The FAA will continue to work with the airspace users to further identify any additional landmarks.

Several commenters recommended that the FAA establish VFR corridors or VFR flyways for the Cincinnati/Covington area. The FAA agrees with the concept of these comments. Identifiable and prominent landmarks have proven to be extremely useful to pilots operating under VFR in assisting them with identifying the boundaries of a Class B airspace area. During the preliminary planning for the Class B airspace area design, consideration was given to utilizing Very High Frequency Omnidirectional Range (VOR) radials, latitudes and longitudes, as well as geographical landmarks wherever possible. However, the issue of VFR flyways and corridors was not addressed. The FAA will continue to work with the airspace users to determine the feasibility of VFR flyways and corridors and to further identify any additional landmarks to assist general aviation operators with identifying the Class B airspace area.

One commenter suggested that the areas F and G, designated with floors at 5,000 or 6,000 feet, should be reduced to a minimum of 7 miles east of the airport to allow sufficient airspace for operations outside the Class B airspace area. In addition, this commenter suggested that the floor designated at 3,000 feet (area C) does not appear to interfere with operations, but the floor at 2,100 feet (area B) will not provide enough room to transition under the shelf of the area and above the tallest obstacle.

The FAA does not agree with this comment. The floors of areas F and G are necessary to support IFR approaches and departure procedures for CVG. Furthermore, the 2,100-foot floor of Area B is necessary to provide optimum safety to enplaned passengers and to contain aircraft operations in the Class B airspace area.

AOPA commented that the FAA ignored the guidelines in FAA Order 7400.2D, *Procedures for Handling Airspace Matters*, when developing the proposed Class B airspace area between the 10 to 20-mile radius. AOPA also recommended changing the Runway 27 glidescope to 3.5 degrees thereby raising the floor of area D to 4,000 feet.

The FAA does not agree with this comment. In order to effectively design a safe and efficient airspace area, it is necessary to tailor the airspace configuration to the particular needs of that area, taking into consideration the local terrain, noise abatement, and adjacent airspace. The FAA made every effort to comply with the guidelines as published in FAA Order 7400.2D. FAA Order 7400.2D states that the floor of the area between ''10 and 20 NM shall be predicated on a 300-foot per NM gradient for 10 NM.'' It also states that ''this segment will normally have a floor between 2,800 feet and 3,000 feet above the airport elevation.'' However, the order also states that, to the extent practicable, the vertical and lateral limits of the airspace should be designed to retain all published instrument procedures once their flight track enters the Class B airspace area. The national standard for the angle of a glidescope is 3 degrees as published in FAA Order 8260.36A. Any angle above 3.1 degrees would raise the minimums for Category C aircraft, and preclude the authorization of approaches for Category D and E aircraft. The FAA complied with FAA Order 8260.36A in establishing the 3-degree glidescope angle to accommodate Category C, D, and E aircraft operations.

The Board of Aviation Commissioners for the City of Madison, IN, submitted comments regarding operations at the Madison Municipal Airport and proposed Class B airspace area. The Board raised the possibility of pilots departing that airport on an IFR flight plan and encountering delays when receiving a clearance on the ground. The Board explained to the FAA that many pilots may have to travel substantially longer distances to get their clearances because of the proposed establishment of a Class B airspace area. The Board recommended that the FAA: (1) change the size or ceiling of the proposed Class B airspace to make it feasible to depart Madison Municipal Airport eastbound; (2) adjust the airspace to allow at least a 10-mile area between the existing restricted area and the western edge of Class B airspace area; and (3) install

equipment to allow pilot to receive his or her clearance on the ground.

The FAA does not agree with the assessment of the Madison Board of Aviation Commissioners. The Madison County Airport is located approximately 41 miles southwest of CVG. The proposed Class B airspace area boundary will be approximately 16 miles from the Madison County Airport. VFR aircraft departing Madison eastbound can remain below 5,000 feet and would have ample time to contact the approach control facility and receive the required clearance to enter the Class B airspace area. Additionally, IFR aircraft may contact the approach control facility on the ground by radio or telephone before departure to receive a clearance.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), there are no requirements for information collection associated with this final rule.

The Rule

This amendment to 14 CFR part 71 establishes a Class B airspace area at CVG and revokes the CVG Class C airspace area. The FAA is taking this action to enhance safety, reduce the potential for midair collision, and to improve the management of air traffic operations in the Cincinnati/Northern Kentucky area.

The coordinates for this airspace docket are based on North American Datum 83. Class B airspace areas are published in paragraph 3000 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class B airspace area listed in this document will be published subsequently in the order.

Economic Evaluation

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic effect of regulatory changes on small entities. Third, the Office of Management and Budget directs agencies to assess the effect of regulatory changes on international trade. In conducting these analyses, the FAA has determined that this final rule (1) will generate benefits that justify the minimal costs of the rule and is not ''a significant regulatory action'' as defined in the Executive Order; (2) is not significant as defined in the Department of Transportation's Regulatory Policies and Procedures; (3) 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. Therefore, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply. These analyses are summarized in this preamble, and the full Regulatory Evaluation is contained in the docket.

The final rule will provide benefits to participating and non-participating aircraft operators primarily in the form of enhanced safety by increasing ATC's authority and capability to monitor and to separate aircraft in the terminal airspace around CVG.

The FAA has determined that this final rule will impose minimal additional cost on the agency and aircraft operators. The FAA has determined this final rule will impose a one-time cost on the agency for the revision of aeronautical charts for CVG because of the changes to the plates used to print those charts on which the Class B airspace area will be depicted. The National Oceanic Service, the agency responsible for the publication and distribution of aeronautical charts, estimates that the total one-time cost of these changes will be approximately $75,480 (1997 dollars). The final rule will not impose any additional administrative costs on the FAA for either personnel or equipment. The additional ATC operations workload generated by the final rule will be absorbed by current ATC personnel and equipment resources at CVG. The final rule will not require any additional air traffic controllers or any additional radar control or hand-off positions. Last, those few operators without the required aircraft equipment (Mode C transponder and two-way radio) will incur only negligible cost for circumnavigating the Class B airspace area.

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

Regulatory Flexibility Determination

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

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the determination is that it will, the agency must prepare a regulatory flexibility analysis (RFA) as described in the Act. If an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the Act provides that the head of the agency may so certify and an RFA is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

The FAA believes that the vast majority of affected unscheduled aircraft operators are already equipped to operate under IFR requirements. This is because such operators routinely fly into CVG airspace and other airspace where radar approach control services have been established. The few operators who do not have the required equipment will only incur negligible costs for circumnavigating the Class B airspace area.

The FAA has also determined that other local airspace users, such as balloonists, parachutists, ultralight and sailplane owners, and fixed base operators, will only have to circumnavigate a portion of the Class B airspace area. Cincinnati Approach Control will accommodate these users on a case-by-case basis and use letters of agreement and cutouts, where advisable, to ensure as little adverse impact as possible on these users.

The FAA conducted the required review of this proposal and determined that it will not have a significant economic impact on a substantial number of small entities. Accordingly, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Federal Aviation Administration certifies that this rule will not have a significant economic impact on a substantial number of small entities.

International Trade Impact Statement

The FAA has determined that the final rule will neither have an effect on the sale of foreign aviation products or services in the United States, nor will it have an effect on the sale of U.S.

products or services in foreign countries. This is because the final rule will impose, at most, only negligible costs on aircraft operators and no costs on aircraft manufacturers (U.S. or foreign).

Federalism Implications

The regulations 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, it is determined that this rule will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Unfunded Mandates

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

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

2. In § 71.1, Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference, is amended as follows:

Paragraph 3000—Subpart B-Class B Airspace

* * * * *

ASO KY B Cincinnati/Northern Kentucky International Airport, KY [NEW]

* * * * *

Cincinnati/Northern Kentucky International Airport (Primary Airport)
(Lat. 39°02′46″ N., long. 84°39′44″ W.).
Cincinnati VORTAC (CVG)
(Lat. 39°00′57″ N., long. 84°42′12″ W.).

Boundaries

Area A. That airspace extending upward from the surface to and including 8,000 feet MSL within a radius of 5 miles from the Cincinnati/Northern Kentucky International Airport.

Area B. That airspace extending upward from 2,100 feet MSL to and including 8,000 feet MSL beginning at the 5-mile arc of the airport and the Kentucky bank of the Ohio River northeast of the airport; northeast along the Kentucky bank of the Ohio River to the 10-mile arc of the airport; thence clockwise along the 10-mile arc to the Kentucky bank of the Ohio River southwest of the airport, north along the Kentucky bank of the Ohio River to the Indiana-Ohio State line (long. 84°49′00″ W); thence north to Interstate 275; follow Interstate 275 northeast to Interstate 74; thence east on Interstate 74 to CVG VORTAC 040° radial; thence southwest on the CVG VORTAC 040° radial to the 5-mile arc of the airport; thence counterclockwise on the 5-mile arc to the point of beginning.

Area C. That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL beginning at the intersection of Interstate 275 and the Indiana-Ohio State line (long. 84°49′00″ W); thence north on the Indiana Ohio State line, to intersect the 15-mile arc of the airport; thence clockwise on the 15-mile arc to long. 84°30′00″ W; thence south on long. 84°30′00″ W to the 10-mile arc of the airport; thence clockwise on the 10-mile arc to the Kentucky bank of the Ohio River; proceed along the Kentucky bank the Ohio River west to the 5-mile arc of the airport; thence counterclockwise along the 5-mile arc to the CVG VORTAC 040° radial; thence northeast along the CVG VORTAC 040° radial to Interstate 74; proceed west along Interstate 74 to Interstate 275; thence west along Interstate 275 to the point of beginning. That airspace beginning at the 10-mile arc southeast of the airport and long. 84°30′00″ W; thence south along long. 84°30′00″ W to the 15-mile arc of the airport; thence clockwise along the 15-mile arc to the Kentucky bank of the Ohio River; thence north along the Kentucky bank of the Ohio River to the 10-mile arc of the airport; thence counterclockwise along the 10-mile arc to the point of beginning.

Area D. That airspace extending upward from 3,500 feet MSL to and including 8,000 feet MSL beginning at lat. 39°09′18″ N and the 10-mile arc northeast of the airport; thence east to the 15-mile arc of the airport; thence clockwise on the 15-mile arc to lat. 38°56′15″ N; thence west on lat. 38°56′15″ N to intersect the 10-mile arc of the airport; thence counterclockwise along the 10-mile arc to the point of beginning. That airspace beginning at the intersection of the Kentucky bank of the Ohio River and lat. 38°56′15″ N southwest of the airport; thence west along lat. 38°56′15″ N to the 15-mile arc of the airport; clockwise on the 15-mile arc to lat. 39°09′18″ N; thence east to the Indiana-Ohio State line; thence South along the Indiana-Ohio State line to the Kentucky bank of the Ohio River; thence south along the Kentucky bank of the Ohio River to point of beginning. That airspace beginning at the intersection of the 15-mile arc of the airport and the Indiana-Ohio State line; thence proceeding north to the 20-mile arc of the airport; thence clockwise along the arc to long. 84°30′00″ W; thence south to the 15-mile arc of the airport; thence counterclockwise along the 15-mile arc to point of beginning. That airspace beginning at the intersection of the 15-mile arc southeast of the airport and long. 84°30′00″ W; thence south to the 20-mile arc of the airport; thence clockwise along the 20-mile arc to long. 84°49′00″ W; thence north to the Kentucky bank of the Ohio River; thence proceeding north along the Kentucky bank of the Ohio River to the 15-mile arc of the airport; thence counterclockwise on the 15-mile arc to the point of beginning.

Area E. That airspace extending upward from 4,000 feet MSL to and including 8,000 feet MSL beginning at the 20-mile arc of the airport and the Indiana-Ohio State line; thence north to the 25-mile arc of the airport; thence clockwise along the 25-mile arc to long. 84°30′00″ W; thence south to the 20-mile arc of the airport; thence counterclockwise on the 20-mile arc to the point of beginning. That airspace extending beginning at the 20-mile arc of the airport and long. 84°30′00″ W south of the airport; thence south along the long. 84°30′00″ W to the 25-mile arc of the airport; thence clockwise along the 25-mile arc to long. 84°49′00″ W; thence north along long. 84°49′00″ W to the 20-mile arc of the airport;

thence counterclockwise along the 20-mile arc to the point of beginning.

Area F. That airspace extending upward from 5,000 feet MSL to and including 8,000 feet MSL beginning at the 25-mile arc north of the airport and long. 84°30′00″ W; thence clockwise on the 25-mile arc of the airport to Route 28; thence southwest along Route 28 3-miles to the power line; thence south along the power line to the Ohio River; thence south-southeast along the Ohio bank of the Ohio River to the 25-mile arc of the airport southeast; thence clockwise on the 25-mile arc of the airport to long. 84°30′00″ W south of the airport; thence north to the 10-mile arc of the airport at lat. 38°56′15″ N; thence east along lat. 38°56′15″ N to the 15-mile arc of the airport; thence north along the 15-mile arc of the airport to lat. 39°09′18″ N; thence west to the 10-mile arc of the airport and long. 84°30′00″ W; thence north to the point of beginning. That airspace beginning at the 25-mile arc of the airport and the Indiana-Ohio State line; thence counterclockwise along the 25-mile arc to long. 84°49′00″ W south of the airport; thence north to the Kentucky bank of the Ohio River; thence north along the Kentucky bank of the Ohio River to lat. 38°56′15″ N; thence west to the 15-mile arc of the airport; thence clockwise on the 15-mile arc of the airport to lat. 39°09′18″ N; thence east to the Indiana-Ohio State line; thence north to the point of beginning.

Area G. That airspace extending upward from 6,000 feet MSL to and including 8,000 feet MSL beginning at the intersection of Route 28 and the 25-mile arc of the airport; thence southwest along Route 28 3 miles to the powerline; thence south along the powerline to the Ohio River; thence south-southeast along the Ohio bank of the Ohio River to the 25-mile arc southeast of the airport; thence counterclockwise along the 25-mile arc of the airport to the point of beginning.

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Paragraph 4000—Subpart C—Class C Airspace

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ASO KY C Cincinnati/Northern Kentucky International Airport, KY [Revoked]

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BILLING CODE 4910–13–P

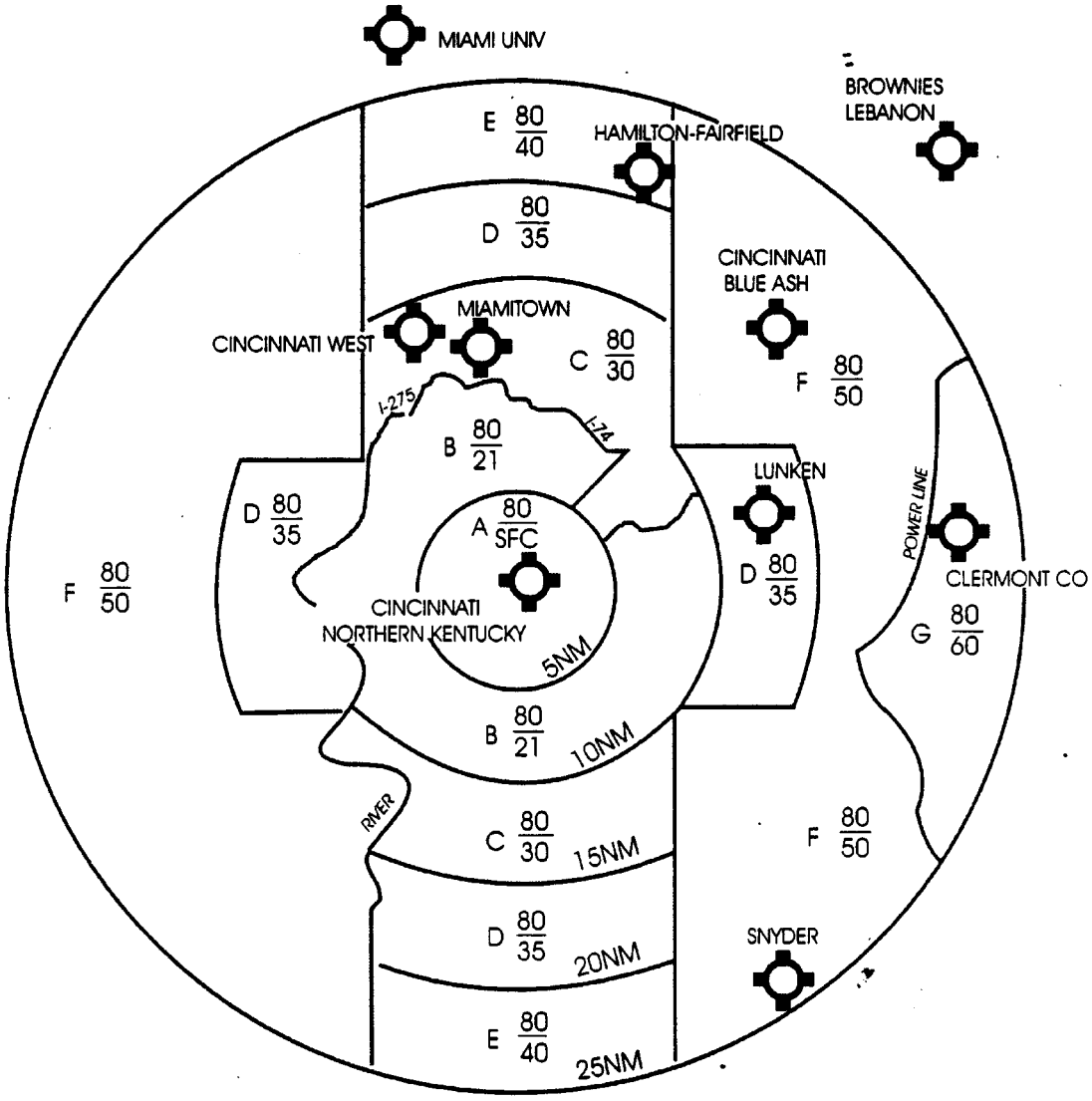
COVINGTON, KENTUCKY

Cincinnati Class B Airspace Area

COVINGTON/CINCINNATI/NORTHERN KENTUCKY INTERNATIONAL AIRPORT

AIRPORT ELEVATION - 897 - FEET

(Not to be used for navigation)



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Air Traffic Publications

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Jane Garvey,

Administrator.

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