increased risk of explosion in the fuselage fuel tank.

EFFECTIVE DATE: March 4, 1998.

ADDRESSES: Information pertaining to this rulemaking action may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Dassault Model Mystere Falcon 200 series airplanes was published in the **Federal Register** on November 26, 1997 (62 FR 63041). That action proposed to require reducing the life limit of the polyurethane foam used in the fuselage fuel tanks.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 20 Model Mystere Falcon 200 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 8 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $4,000 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $89,600, or $4,480 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted 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 final rule does 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) 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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from 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.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

98–03–01 Dassault Aviation: Amendment 39–10293 Docket 97–NM–189–AD.

Applicability: All Model Mystere Falcon 200 series airplanes, 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 (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent fuel contamination or increased risk of explosion in the fuselage fuel tank as a result of degradation of the polyurethane foam used in the fuselage fuel tanks, accomplish the following:

(a) Replace the polyurethane foam in the fuselage fuel tanks with new foam, in accordance with procedures specified in Chapter 5 of the Dassault Falcon 200 Maintenance Manual, at the later of the times specified in paragraph (a)(1) or (a)(2) of this AD. Thereafter, replace the foam with new foam at intervals not to exceed 8 years.

(1) Within 8 years after the last replacement of the foam; or

(2) Within 7 months or 350 flight hours after the effective date of this AD, whichever occurs first.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

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

Note 3: The subject of this AD is addressed in French airworthiness directive (CN) 96–078–021(B), dated April 10, 1996.

(d) This amendment becomes effective on March 4, 1998.

Issued in Renton, Washington, on January 21, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–1971 Filed 1–27–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 95-AWA–1]

RIN 2120–AA66

Modification of the Houston Class B Airspace Area; TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies the Houston, TX, Class B airspace area. Specifically, this action reconfigures two existing subarea boundaries and establishes an additional subarea within the Houston Class B airspace area. The FAA is taking this action to enhance safety, reduce the potential for midair collision, and to improve management of air traffic operations into, out of, and through the Houston Class B airspace area while accommodating the concerns of airspace users. Additionally, the graphic that accompanied the notice proposing this action inadvertently depicted several incorrect mileage points. This action corrects those errors.

EFFECTIVE DATE: 0901 UTC, February 26, 1998.

FOR FURTHER INFORMATION CONTACT: Ms. Sheri A. 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:

Background

On December 17, 1991, the FAA published the Airspace Reclassification Final Rule (56 FR 65655). 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.

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

On May 21, 1970, the FAA published the Designation of Federal Airways, Controlled Airspace, and Reporting Points Final Rule (35 FR 7782). This rule provided for the establishment of Class B airspace areas. To date, the FAA has established a total of 29 Class B airspace areas.

The standard configuration of a Class B airspace area contains three concentric circles centered on the primary airport extending to 10, 20, and 30 nautical miles (NM), respectively. The standard vertical limit of a Class B airspace area 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 for 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.

The coordinates in this docket are based on North American Datum 83. Class B airspace areas are published in paragraph 3000 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997 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.

Related Rulemaking Actions

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

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

Public Input

In June 1992, an ad hoc committee was formed, representing airspace users, to analyze the Houston Class B airspace area and develop recommendations for modifying the existing airspace design. The ad hoc committee met on several occasions and submitted written recommendations for modifying the Houston Class B airspace area.

As announced in the **Federal Register** on January 28, 1994 (59 FR 4134), a pre-NPRM informal airspace meeting was held on April 19, 1994, in Pasadena, TX, to provide local airspace users an opportunity to present input on the design of the planned modifications of the Houston Class B airspace area.

On October 30, 1997, the FAA published an NPRM (62 FR 58694) that proposed to modify the Houston, TX, Class B airspace area. 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 one comment from the Chapter 712 Experimental Aircraft Association. This comment supported the proposal.

The Rule

This amendment to 14 CFR part 71 (part 71) modifies the Houston Class B airspace area. Specifically, this action reconfigures subarea A, expands subarea D, and establishes an additional subarea E southwest of the William P. Hobby Airport within the existing Houston Class B airspace area. The FAA is taking this action to enhance safety, reduce the potential for midair collision, and to improve management of air traffic operations into, out of, and through the Houston Class B airspace area while accommodating the concerns of airspace users.

This action realigns a portion of the eastern boundary of subarea D where it intersects I–10 in the vicinity of Bayton Airport and R.W.J. Airpark, by extending the boundary along the Humble VORTAC 30 NM arc until it intercepts the 20 NM arc of the Hobby VOR/DME. The 4,000 feet MSL floor of subarea D allows nonparticipating aircraft ingress and egress out of the Bayton Airport and R.W.J. Airpark.

Additionally, this action reconfigures a portion of subarea A around William P. Hobby Airport by reconfiguring its eastern boundary. This modification provides aircraft operators utilizing Ellington Airport approximately 1 ½-miles of additional airspace for aircraft operations west of Ellington Airport.

This action also creates a new subarea E in the vicinity of Southwest Airport with a floor of 2,500 feet MSL. This modification provides additional airspace for nonparticipating aircraft operating below the floor of the Houston Class B airspace area.

The graphic included in the NPRM inadvertently depicted several incorrect mileage points. The 15 and 20-mile arcs were depicted with incorrect mileage, and the 8-mile arc surrounding the George Bush Intercontinental Airport did not depict mileage. Except for mileage corrections made to the graphic, this amendment is the same as that proposed in the notice.

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 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 its 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. Therefore, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply. These analyses are summarized here in the preamble and in the full Regulatory Evaluation in the docket.

The regulatory evaluation analyzes the potential costs and benefits of the final rule to amend part 71. This final rule reconfigures several subareas and establishes a subarea within the Houston, TX, Class B airspace area. Specifically, this final rule reconfigures subarea A, expands subarea D, and establishes a subarea E with a floor of 2,500 feet MSL.

The FAA has determined that this rule will generate benefits for system users and the agency by enhancing aviation safety and operational efficiency. Operational efficiency will increase through the enhanced capability of Houston Air Traffic Control Tower (ATCT) to provide sequencing and separation of arrivals and departures for IFR and VFR operations in areas of higher complexity by releasing airspace in that portion of subarea A where there is less traffic.

The FAA has determined that aircraft operators will not incur any additional navigational or equipment costs as a result of this rule. The modification of subarea D slightly expands the overall size of the Class B airspace area, and will not impose any additional avionics equipment or circumnavigation cost onto operators. The reconfiguration of subarea A will move the lateral boundary inward (west), subsequently reducing the overall size of the subarea. The FAA contends that the reduction of the subarea lateral boundary may reduce circumnavigation cost for GA operations.

The final rule will not impose any additional administrative costs onto the FAA for personnel, facilities, or equipment. This action provides additional ATC participation in subarea D with higher operations complexity, but will not expand the Class B airspace area lateral boundaries beyond the 30 NM arc.

In view of the potential benefits of enhanced aviation safety and increased operational efficiency and the negligible cost of compliance, the FAA has determined that this rule will be cost-beneficial.

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 regulatory agencies to review rules which may have ''a significant economic impact on a substantial number of small entities.''

The FAA certifies that the final rule will not have an adverse effect on a substantial number of small entities. This assessment is based on the premise that potentially impacted operators regularly fly into airports where radar approach control services have already been established. In addition, increasing the overall size of the Class B airspace area by such a small area will not impose any additional cost on circumnavigating operators for time and fuel. The FAA contends that the final rule will not result in a significant economic impact on a substantial number of small entities, in view of the negligible cost of compliance. Therefore, a regulatory flexibility analysis is not required under the terms of the RFA.

International Trade Impact Assessment

The final rule will not constitute a barrier to international trade to either the export of American goods and services to foreign countries, or to the import of foreign goods and services into the United States. This modification will not impose costs on aircraft operators or aircraft manufacturers in the U.S. or foreign countries. The modifications of the Houston Class B airspace area will only affect U.S. terminal airspace operating procedures in the vicinity of Houston. The modification will not have international trade ramifications because it is a domestic airspace matter that will not impose additional costs or requirements on affected entities.

Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (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, 203 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 regulatory proposals.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

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. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

Paragraph 3000—Subpart B—Class B Airspace

* * * * *

ASW TX B Houston, TX [Revised]

George Bush Intercontinental Airport (IAH) (Primary Airport)
(lat. 29°58′50″ N., long. 95°20′23″ W.)
William P. Hobby Airport (Secondary Airport)
(lat. 29°38′44″ N., long. 95°16′44″ W.)
Ellington Field (lat. 29°38′27″ N., long. 95°09′32″ W.)
Humble VORTAC (IAH) (lat. 29°57′25″ N., long. 95°20′45″ W.)
Hobby VOR/DME (HUB) (lat. 29°39′01″ N., long. 95°16′45″ W.)

Boundaries

Area A. That airspace extending upward from the surface to and including 10,000 feet MSL bounded by a line beginning at the intersection of the Humble VORTAC 8-mile arc and the 090° radial; thence clockwise along the Humble VORTAC 8-mile arc to the Humble VORTAC 069° radial; thence east along the Humble VORTAC 069° radial to the 10-mile arc of Humble VORTAC; thence clockwise along the 10-mile arc to the Humble VORTAC 090° radial; thence west to the point of beginning; and that airspace bounded by a line beginning at lat. 29°45′37″ N., long. 95°21′58″ W.; to lat. 29°45′46″ N., long. 95°11′47″ W.; thence clockwise along the Hobby VOR/DME 8-mile DME arc **to intercept the** Hobby VOR/DME **056° radial; thence southwest along the Hobby VOR/DME 056° radial to the 5.1 NM fix, thence direct to the Hobby VOR/DME 131°/005.8 NM fix; thence southeast along the Hobby VOR/DME 131° radial to intercept the Hobby VOR/DME 7 NM arc; thence** clockwise on the 7 NM arc to the Hobby VOR/DME 156° radial; thence north along the Hobby VOR/DME 156° radial to the Hobby VOR/DME 6-mile fix; thence clockwise along the Hobby VOR/DME 6 NM arc to the Hobby VOR/DME 211° radial; thence south along the Hobby VOR/DME 211° radial to the Hobby VOR/DME 8-mile arc clockwise to the point of beginning.

Area B. That airspace extending upward from 2,000 feet MSL to and including 10,000 feet MSL bounded by a line beginning at the intersection of State Highway 59 (SH 59) and the Hobby VOR/DME 15-mile arc; **thence counterclockwise along the Hobby VOR/DME 15-mile arc to the intersection of the Hobby VOR/DME 15-mile arc and State Road 6 (SR 6); thence southeast along SR 6 to the intersection of SR 6 and Farm Road 521 (FR 521); thence south along FR 521 to the intersection of FR 521 and the Hobby VOR/DME 15-mile arc; thence counterclockwise along the Hobby VOR/DME 15-mile arc to the Hobby VOR/DME 211° radial; thence northeast along the Hobby VOR/DME 211° radial to the Hobby VOR/DME 10-mile arc; thence east along the Hobby VOR/DME 10-mile arc to the Hobby VOR/DME 156° radial; thence southeast along the Hobby VOR/DME 156°radial to the Hobby VOR/DME 15-mile arc; thence counterclockwise on the Hobby VOR/DME 15-mile arc to the intersection of the Hobby VOR/DME 15-mile arc and the Humble VORTAC 15-mile arc; thence counterclockwise along the Humble VORTAC 15-mile arc to the intersection of the Hobby VOR/DME 15-mile arc and Westheimer Road lat. 29°44′07″ N., long. 95°28′47″ W.; thence southwest to and along SH 59 to the point of beginning, excluding Area A.**

Area C. That airspace extending upward from 3,000 feet MSL to and including 10,000 feet MSL bounded by a line beginning at the intersection of SH 59 and the Humble VORTAC 20-mile DME arc; thence clockwise along the Humble VORTAC 20-mile DME arc to the intersection of the Humble VORTAC 20-mile DME arc and Interstate 10 (I–10), west on I–10 to the Hobby VOR/DME 15-mile arc; thence counterclockwise along the Hobby VOR/DME 15-mile arc to the Humble VORTAC 15-mile DME arc; thence counterclockwise along the Humble VORTAC 15-mile DME arc to the intersection of the Humble VORTAC 15 NM DME arc and Westheimer Road; thence southwest to and along SH 59 to the point of beginning; and that airspace beginning at the intersection of the Hobby VOR/DME 15-mile arc and 156° radial; thence north along the Hobby VOR/DME 156° radial to the Hobby VOR/DME 10-mile arc clockwise along the Hobby VOR/DME 10-mile arc to the Hobby VOR/DME 211° radial; thence south along the Hobby VOR/DME 211° radial to intersect the 15-mile arc to the point of beginning.

Area D. That airspace extending upward from 4,000 feet MSL to and including 10,000 feet MSL bounded by a line beginning at the intersection of SH 59 and the Humble VORTAC 30-mile DME arc; thence clockwise along the Humble VORTAC 30-mile DME arc to **the intersection of the Humble VORTAC 30 NM arc and the Hobby VOR/DME 20 NM arc;** thence clockwise along the Hobby VOR/DME 20-mile arc to SH 59; thence southwest on SH 59 to the point of beginning, excluding Areas B, C, and E.

Area E. **That airspace extending upward from 2,500 feet MSL to and including 10,000 feet MSL bounded by a line beginning at the intersection of the Hobby VOR/DME 15 NM arc and State Road 6 (SR 6); thence southeast along SR 6 to the intersection of SR 6 and Farm Road 521 (FR 521); thence south along FR 521 to the intersection of FR 521 and the Hobby VOR/DME 15 NM arc; thence counterclockwise along the Hobby VOR/DME 15 NM arc to the point of the beginning.**

* * * * *

Issued in Washington, DC, on January 14, 1998.

John S. Walker,

Program Director for Air Traffic Airspace Management.

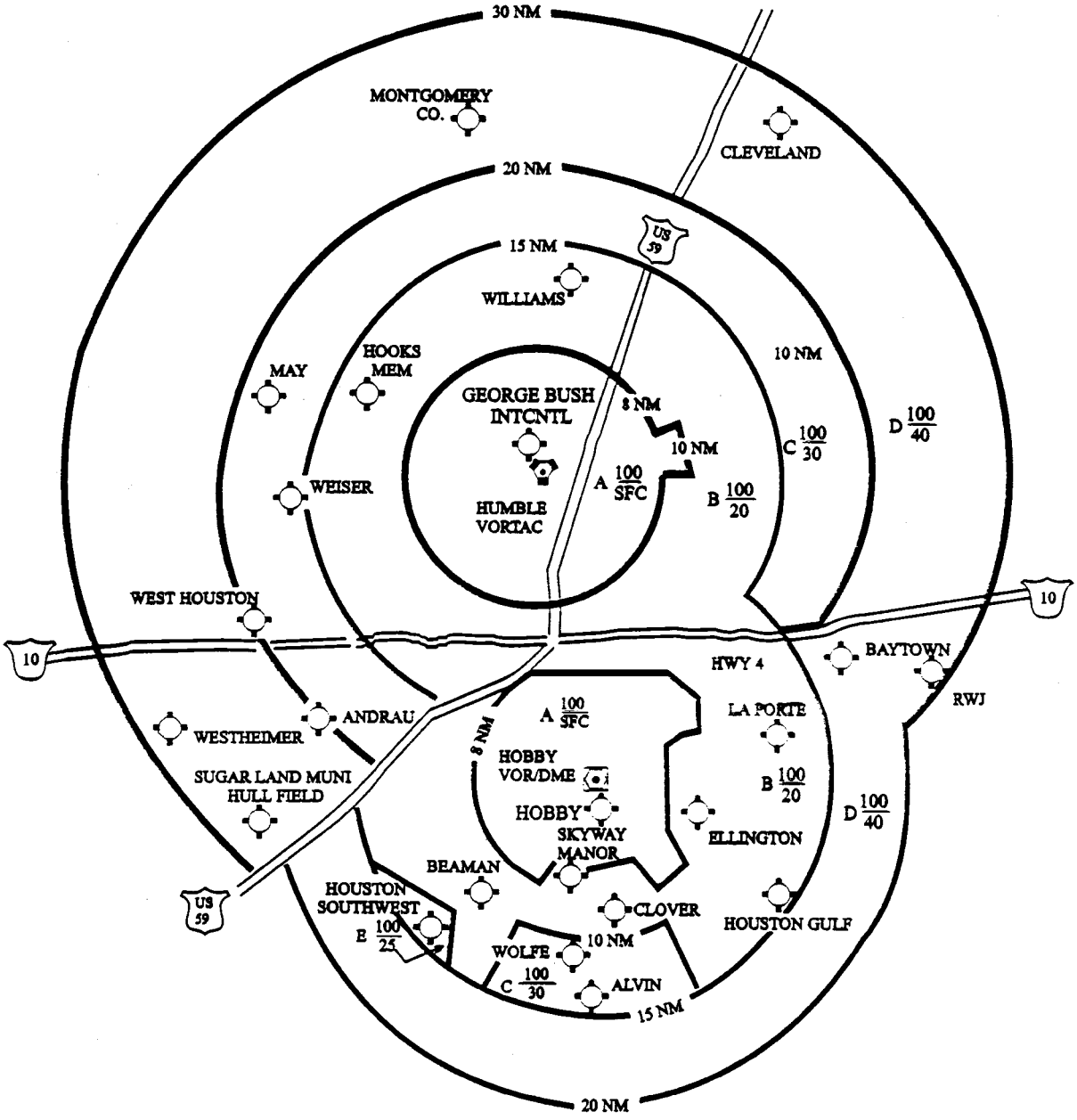
Note: This Appendix will not appear in the Code of Federal Regulations.

Appendix—Houston, TX, Class B Airspace Area.

BILLING CODE 4910–13–P

HOUSTON, TEXAS
CLASS B AIRSPACE AREA

(Not to be used for navigation)



Prepared by the
FEDERAL AVIATION ADMINISTRATION
Air Traffic Publications
ATA-10

[FR Doc. 98–1624 Filed 1–27–98; 8:45 am]
BILLING CODE 4910–13–C