

(1) Replace the shock strut cylinder with a crack-free serviceable part and, thereafter, repeat the inspections required by paragraph (a) of this AD, at the time specified in paragraph (a)(1), (a)(2), or (a)(3) of this AD, as applicable. Or

(2) Replace the shock strut cylinder with a new shock strut cylinder. Accomplishment of the replacement constitutes terminating action for the repetitive inspection requirements of paragraph (a) of this AD.

Note 4: Replacements accomplished prior to the effective date of this AD in accordance with McDonnell Douglas Alert Service Bulletin MD80-32A286, Revision 02, dated October 2, 1997, are considered acceptable for compliance with paragraph (b) of this AD.

(c) As of the effective date of this AD, no person shall install on any airplane an MLG shock strut cylinder or MLG assembly unless that part has been inspected and found to be crack free, in accordance with McDonnell Douglas Alert Service MD80-32A286, Revision 02, dated October 2, 1997, or Revision 03, dated May 28, 1998.

(d)(1) 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, Los Angeles Aircraft Certification Office (ACO), 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, Los Angeles ACO.

Note 5: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(d)(2) Alternative methods of compliance, approved previously in accordance with AD 95-22-06, amendment 39-9413, are approved as alternative methods of compliance with this AD.

(e) Special flight permits may be issued in accordance with §§ 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.

Issued in Renton, Washington, on July 24, 1998.

S. R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 98-20339 Filed 7-29-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97-AWA-4]

RIN 2120-AA66

Proposed Establishment of Class C Airspace, and Revocation of Class D Airspace, Austin-Bergstrom International Airport, TX; and Revocation of Robert Mueller Municipal Airport Class C Airspace; TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to establish a Class C airspace area and revoke the existing Class D airspace area at the Austin-Bergstrom International Airport, Austin, TX. In addition, this notice proposes to revoke the existing Class C airspace area at the Robert Mueller Municipal Airport, Austin, TX. The FAA is proposing this action in support of the planned closure of the Robert Mueller Municipal Airport, and the transfer of airport operations from the Robert Mueller Municipal Airport to the Austin-Bergstrom International Airport. The Austin-Bergstrom International Airport is a public-use facility that will be serviced by a Level IV control tower and 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 airspace, and reduce the risk of midair collision in the terminal area.

DATES: Comments must be received on or before September 17, 1998.

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. 97-AWA-4, 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, Federal Aviation Administration, 2601 Meacham Blvd., Fort Worth, TX 76193-0500.

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:

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. 97-AWA-4." 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

An electronic copy of this document may be downloaded from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: 703-321-3339) or the Federal Register's electronic bulletin board service (telephone: 202-512-1661), using a modem and suitable communications software.

Internet users may reach the FAA's web page at <http://www.faa.gov> or the Federal Register's web page at http://www.access.gpo.gov/su_docs for access to recently published rulemaking documents.

Any person may obtain a copy of this 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 the 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 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 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 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 published via the FAA directives system (Order 7400.2, Procedures for Handling Airspace Matters).

The FAA has established ARSA's at 123 locations under a phased implementation plan to replace TRSA's with ARSA's. 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 a Class C airspace designation at a location which was not identified as a candidate for Class C airspace 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 Austin-Bergstrom International Airport is a public-use airport with an operating Level IV control tower served by Radar Approach Control.

The Proposal

The FAA is proposing an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish a Class C airspace area and revoke the existing Class D airspace area at the Austin-Bergstrom International Airport located in Austin, TX. In addition, this

notice proposes to revoke the existing Class C airspace area at the Robert Mueller Municipal Airport located in Austin, TX. The FAA is proposing this action in support of the planned closure of the Robert Mueller Municipal Airport, and the transfer of airport operations from the Robert Mueller Municipal Airport to the Austin-Bergstrom International Airport. The Austin-Bergstrom International Airport is a public-use facility that will be serviced by a Level IV control tower and a Radar Approach Control. With the airport relocating, the annual volume of instrument operations for the Austin-Bergstrom International Airport will equal or exceed current operations at the Robert Mueller Municipal Airport. This volume of instrument operations meets the FAA criteria for establishing Class C airspace. Implementation of the Class C airspace area would promote the efficient use of airspace and reduce the risk of midair collision in the terminal area.

The FAA 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 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 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 practicable. The standard Class C airspace area consists of that airspace within 5 nautical miles (NM) 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 NM's 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 § 71.51 of part 71 and §§ 91.1 and 91.130 of part 91 of Title 14 Code of Federal Regulations (14 CFR). 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 7400.9E, dated September 10, 1997, and effective September 16, 1997, 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.

Public Input

Normally, the FAA would hold informal airspace meetings before publication of this NPRM. However, limited time between the issuance of this action and the proposed opening of the Austin-Bergstrom International Airport does not lend time for sufficient notice. The FAA will hold public information sessions where this proposal will be discussed with interested parties. These sessions were announced in the **Federal Register** on June 10, 1998 (63 FR 31678).

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 proposed rule

is not "a significant regulatory action" as defined in the Executive Order and the Department of Transportation Regulatory Policies and Procedures. This proposed rule would not have a significant impact on a substantial number of small entities, would not constitute a barrier to international trade, and does not contain any Federal intergovernmental or private sector mandates. These analyses, available in the docket, are summarized below.

The proposed rule would move the Class C airspace area, presently located at the Robert Mueller Municipal Airport, 5 miles to the south to the Austin-Bergstrom International Airport. This action is to take effect when the Robert Mueller Municipal Airport closes (in April 1999) and all operations are transferred to the Austin-Bergstrom International Airport.

Costs of approximately \$850 would be incurred by the FAA in order to send a Letter to Airmen to pilots within a 50-mile radius of the Austin-Bergstrom International Airport informing them of the airspace change. The FAA would not incur any costs for ATC staffing, training, or equipment. Changes to sectional charts would occur during the chart cycle and would cause no additional costs beyond the normal update of the charts. Public meetings and safety seminars would not result in costs to the aviation community because they would occur regardless of this proposed rulemaking. Aircraft owners and operators would not incur costs for equipment because they are already operating in Class C airspace at the Robert Mueller Municipal Airport.

The FAA has determined that moving the Class C airspace area from the Robert Mueller Municipal Airport to the Austin-Bergstrom International Airport would maintain the level of safety now existing at the Austin-Bergstrom International Airport. The FAA has determined that the proposed rule would be cost-beneficial.

Initial Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) 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 informal requirements to the scale of business, organizations, and governmental jurisdictions subject to regulation." To achieve that principle, the RFA requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions.

All commercial and general aviation operators who presently use the Robert

Mueller Municipal Airport are currently equipped to use the Austin-Bergstrom International Airport. There are only negligible costs associated with this proposed rule in the form of printing and postage of letters to airmen to inform them of the airspace change. Accordingly, the FAA certifies that there is no significant economic impact on a substantial number of small entities as a result of this proposed rulemaking. The FAA solicits comments from affected entities with respect to this finding and determination.

International Trade Impact Assessment

This proposed rule would not constitute a barrier to international trade, including the export of U.S. goods and services to foreign countries or the import of foreign goods and services into the United States.

Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (the Act), enacted as Public Law 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 (when 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 to expend 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 regulatory proposals.

This proposed 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).

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.

§ 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 4000—Subpart C—Class C Airspace

* * * * *

ASW TX C Austin-Bergstrom International Airport, TX [NEW]

Austin-Bergstrom International Airport, TX (lat. 30°11'48"N., long. 97°40'44"W.) BSM

That airspace extending upward from the surface to, and including, 4,500 feet MSL within a 5-mile radius of the Austin-

Bergstrom International Airport, and that airspace extending upward from 2,100 feet MSL to and including 4,500 feet MSL within a 10-mile radius of the Austin-Bergstrom International Airport.

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ASW TX C Austin, Robert Mueller Municipal Airport, TX [Removed]

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Paragraph 5000—Subpart D—Class D Airspace

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ASW TX D Austin-Bergstrom, TX [Removed]

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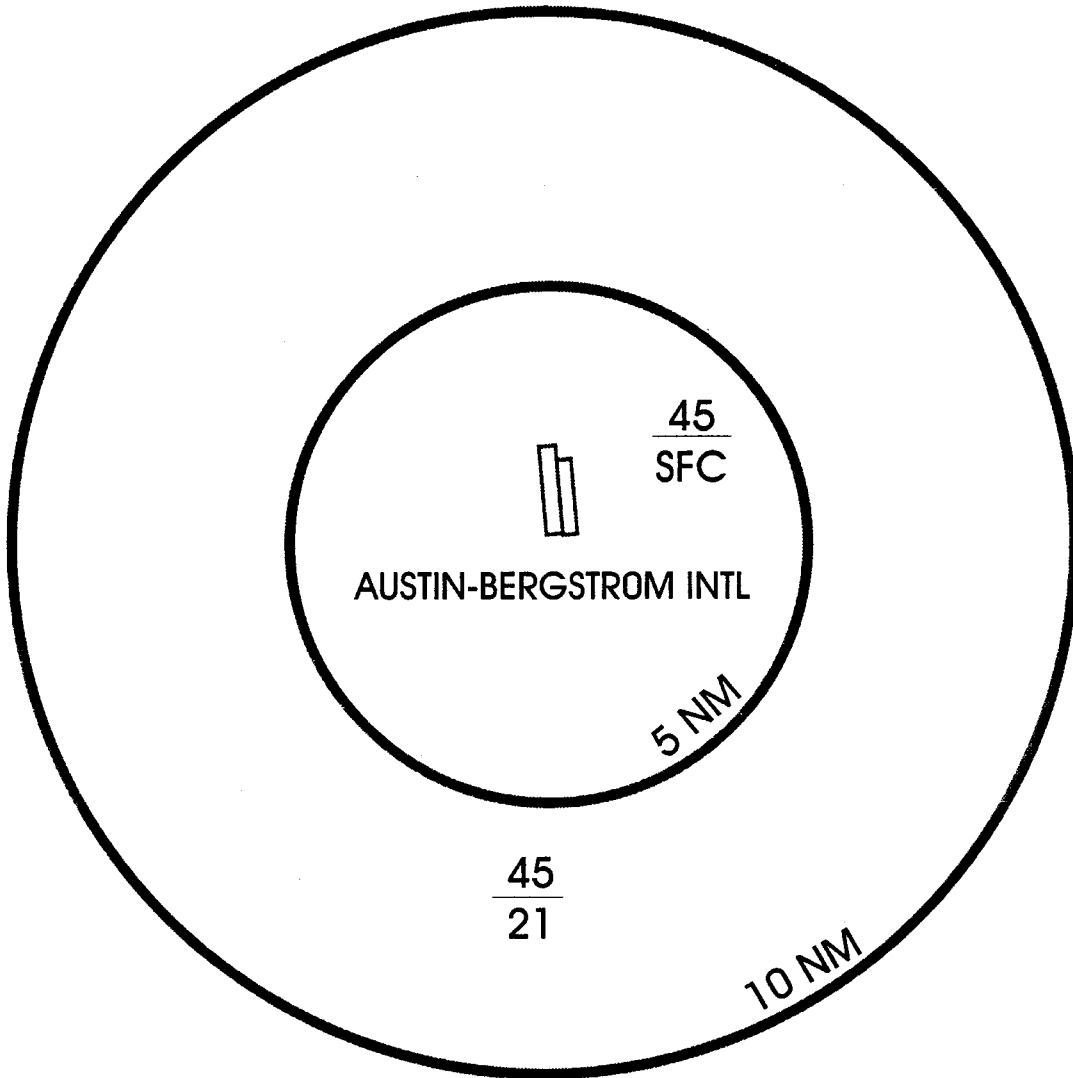
Issued in Washington, DC, on July 24, 1998.

Reginald C. Matthews,
*Acting Program Director for Air Traffic
Airspace Management.*

BILLING CODE 4910-13-U

AUSTIN-BERGSTROM INTERNATIONAL AIRPORT, TX CLASS C AIRSPACE AREA

(Not to be used for navigation)



Prepared by the

FEDERAL AVIATION ADMINISTRATION

AIR Traffic Publications
ATA-10