Issued in Renton, Washington, on November 10, 1998.

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Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AWA–2]

RIN 2120–AA66

Proposed Modification of the Tampa Class B Airspace Area; FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify the Tampa, FL, Class B airspace area. Specifically, this action proposes to rename two existing subareas, reconfigure the boundaries of three subareas, and create an additional subarea within the Tampa Class B airspace area. The FAA is proposing this action to efficiently align the Tampa Class B airspace area as a result of a reduction in flying operations at MacDill Air Force Base (AFB), to enhance safety, and to manage aircraft operations in the Tampa, FL, terminal area.

DATES: Comments must be received on or before January 19, 1999.

ADDRESSES: Send comments on the proposal in triplicate to the Federal Aviation Administration, Office of Chief Counsel, Attention: Rules Docket, AGC–200, Airspace Docket No. 97–AWA–2, 800 Independence Avenue, SW; Washington, DC 20591. Comments may also be sent electronically to the following Internet address: 9-nprm-cmts@faa.dot.gov. The official docket may be examined in the Rules Docket, Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC, 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.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, 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–2.'' 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 avaiable 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 also be filed in the docket.

Availability of NPRM's

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: 703–321–3339) or the **Federal Register**'s electronic bulletin board service (telephone: 202–512–1661).

Internet users may reach the FAA's web page at http://www.faa.gov or the **Federal Register**'s webpage at http://www.access.gpo.gov/nara/index.html 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, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–8783. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should call the FAA's Office of Rulemaking, (202) 267–9677, for a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, that describes the application procedure.

Related Rulemaking Actions

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 Terminal Control Airspace (TCA) areas (now known as Class B airspace areas).

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 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 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 seal 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.

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 TCA (now known as Class B airspace areas) 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 Classification and Terminal Control Area 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.

On December 17, 1991, the FAA published the Airspace Reclassification Final Rule (56 FR 65638). 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 the remainder of the NPRM.

Background

In April 1991, the Defense Base Realignment and Closure Commission recommended the termination of all flight operations at MacDill AFB (situated within the Tampa Class B airspace area) by September 1993. However, in 1995, the Commission amended its findings and recommended that the base continue to have an active flying mission. As a result of the 1995 change, an Air Force unit consisting of 12 KC–135 aircraft was transferred to MacDill AFB. Notwithstanding the return of an active Air Force flying mission and the basing of National Oceanic and Atmospheric Administration aircraft, the level of aircraft operations at MacDill AFB remains significantly lower than the level existing previously. Based on the reduction in the number of operations at MacDill AFB and the FAA's periodic review of Class B airspace areas, in 1992, an ad hoc committee, consisting of representatives from local user groups, was formed to develop recommendations for modifying the Tampa Class B airspace area.

Pre-NPRM Public Input

As announced in the **Federal Register** on January 4, 1993 (58 FR 120), two pre-NPRM informal airspace meetings were held on February 16 and 17, 1993, in Tampa and St. Petersburg, FL, to allow local interested airspace users an opportunity to present input on the design of the proposed alteration of the Tampa Class B airspace area. The response to the proposed Class B airspace area modification from all participants was favorable. One written comment was received during the 60-day comment period, which supported the proposal. Except for the addition of a new subarea C in the vicinity of MacDill AFB, there have been no changes to the proposal since the informal airspace meetings were held in 1993.

Other Public Meetings

Due to the fact that this informal airspace meeting was held in 1993, the FAA will be conducting further meetings on this proposal. The dates and times of these proposed meetings will be announced in the **Federal Register**.

The coordinates for this airspace docket area 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 section 71.1. The Class B airspace area listed in this document would be published subsequently in the Order.

The Proposal

The FAA proposes to amend 14 CFR part 71 by modifying the Tampa, FL, Class B airspace area. Specifically, this action (depicted on the attached chart) proposes to amend one point in the legal description of Area A; reduce the size of Area B; establish a new Area C in the vicinity of MacDill AFB; realign the boundaries and rename the current Area C as Area D; and realign the boundaries and rename the current Area D as Area E. These modifications would provide additional airspace for nonparticipating aircraft operating below the floor of the Tampa Class B airspace area, and enhance the flow of air traffic in the Tampa terminal area.

Area A would be unchanged except for amending the coordinates of the Tampa airport surveillance radar (ASR) to reflect the position of the new ASR–9 radar installed at Tampa.

Area B, which encompasses that Class B airspace extending upward from 1,200 feet MSL to and including 10,000 feet MSL, would be reduced in size. The modified Area B would be bounded by Interstate 75 (I–75) on the east, a new subarea C (with a floor of 1,700 feet MSL) in the vicinity of MacDill AFB to the south, and by the Tampa 10 NM arc. The remaining section of the current Area B (i.e., that portion located to the south of MacDill AFB, east of Albert Whitted Airport, and southward to the 10 NM arc of the Sarasota-Bradenton Class C airspace area), would be removed from Area B and incorporated into the modified Area D and the modified Area E. This proposed change would raise the floor of Class B airspace in the realigned segment from the current 1,200 feet MSL. The floor of Class B airspace was originally set at 1,200 feet MSL in that area to accommodate the extensive high performance, low altitude jet traffic transiting between MacDill AFB and the offshore training areas. With the termination of the fighter training mission at MacDill AFB, there is no longer a requirement to retain Class B airspace below 3,000 feet MSL over that portion of Tampa Bay extending from MacDill AFB southward to the 10 NM arc of the Sarasota-Bradenton Class C airspace area, as exists in the current configuration. The proposed higher floor of the Class B airspace area would result in more efficient use of the airspace and provide additional altitudes for use by GA aircraft transitioning over Tampa Bay between the Orlando/Lakeland area, and Albert Whitted and St. Petersburg-Clearwater Airports. Further, this change would reduce the amount of air traffic transitioning over Tampa International Airport and lessen air traffic congestion around the St. Petersburg Very High Frequency Omnidirectional Range/Tactical Air Navigation station.

The FAA proposes to create a new Area C, extending upward from 1,700 feet MSL to and including 10,000 feet MSL, in the vicinity of MacDill AFB. The new Area C would allow for nonparticipating aircraft operations in the MacDill AFB traffic pattern, below the floor of the Tampa Class B airspace area.

The current Area C, consisting of that airspace extending upward from 3,000 feet MSL to and including 10,000 feet MSL, would be renamed Area D. As described above, the modified Area D would absorb most of the airspace over Tampa Bay to the south of MacDill AFB that is currently part of Area B. This action would raise the floor of the Class B airspace in that area from 1,200 feet MSL to 3,000 feet MSL.

The current Area D, consisting of that airspace extending upward from 6,000 feet MSL to and including 10,000 feet MSL, would be renamed Area E. The modified Area E would generally retain the same lateral dimensions of the current Area D, except that the segment of the existing boundary line, which runs northward from Anna Maria Island to lat. 27°40′42″N., long. 82°44′21″W., would be moved to the east and realigned along the Skyway Bridge/I–275. As described above, this

modification would merge a portion of the current Area B airspace into the renamed Area E. The effect of this modification would be to raise the floor of the Class B airspace between Skyway Bridge and Anna Maria Island from the current 1,200 feet MSL, to 6,000 feet MSL. This change would benefit aircraft navigating along the coastline and transiting that airspace located between Egmont Key and the Skyway Bridge. Class B airspace clearance would no longer be required for aircraft operating below 6,000 feet MSL in that area. This proposal to modify the Tampa Class B airspace area would enhance safety and improve the flow of air traffic in the Tampa Class B airspace area. Further, the proposal would benefit nonparticipating VFR operations by providing higher altitudes for use by aircraft transitioning over Tampa Bay.

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 businesses and other 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: (1) Would generate benefits that justify its minimal costs and is not a ''significant regulatory action'' as defined in the Executive Order; (2) is not significant as defined in the Department of Transportation's Regulatory Policies and Procedures; (3) would not have a significant impact on a substantial number of small entities; (4) would not constitute a barrier to international trade; and (5) would 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.

The FAA has determined that modification of the Tampa Class B airspace area would increase the operational efficiency of the Class B airspace while maintaining aviation safety in the terminal area. Also, clearer boundary definition and changes to lateral limits of the subareas would leave more available airspace for transitioning VFR aircraft. The proposed rule would impose only negligible costs on some airspace users and would potentially reduce circumnavigation costs to some operators. The proposed rule would not impose additional administrative costs on the FAA, since any potential increased operations workload could be absorbed by current personnel and equipment. Changes to aeronautical charts would occur during the chart cycle and would cause no additional costs beyond normal updates of charts.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96–511), there are no requirements for information collection associated with this proposed rule.

Initial Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 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 regualtory proposals and to explain the rationale 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 would have a significant economic impact on a substantial nuber of small entities. If the determination is that it would, the agency must prepare a regulatory flexibility analysis (RFA) as described in the Act.

However, 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 1980 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.

This proposed rule may impose some negligible circumnavigation costs only upon individuals operating in the Tampa Class B airspace. Therefore, the FAA does not anticipate any adverse impacts to occur as a result of the modified Class B airspace area.

The FAA conducted the required review of this proposal and determined that it would 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 proposed rule would not have a significant economic impact on a substantial number of small entities. The FAA solicits comments from affected entities with respect to this finding and determination.

International Trade Impact Assessment

The 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 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 (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 mandates.'' 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 plan, among other things, must provide 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.

Conclusion

In view of the minimal or zero cost of compliance of the proposed rule and the

enhancements to operational efficiency that do not reduce aviation safety, the FAA has determined that the proposed rule would be cost-beneficial.

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—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 for reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, Airspace Designations and reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 3000—Subpart B—Class B Airspace

* * * * *

ASO FL B Tampa, FL [Revised]

Tampa International Airport (Primary Airport)
(Lat. 27°58′32″N., long. 82°32′00″W.)
Tampa ASR (lat. 27°59′16″N., long. 82°32′42″W.)
MacDill AFB (MCF) (lat. 27°51′00″N., long. 82°31′18″W.)
St. Petersburg VORTAC (PIE)
(Lat. 27°54′28″N., long. 82°41′04″W.)
Saratoga-Bradenton International Airport
(Lat. 27°23′43″N., long. 82°33′14″.)

Boundaries

Area A. That airspace extending upward from the surface to and including 10,000 feet MSL bounded by an area beginning at lat. 27°54′30″N., long. 82°30′56″W., then clockwise along the 5-mile arc of the Tampa ASR to lat. 27°57′44″N., long. 82°27′17″W., to the point of beginning.

Area B. That airspace extending upward from 1,200 feet MSL to and including 10,000 feet MSL beginning at the intersection of the Tampa ASR 10-mile arc and the PIE VORTAC 132° radial, then clockwise along the Tampa ASR 10-mile arc to US Highway 301, then south along US Highway 301 to Interstate 75, then south along Interstate 75 to the Tampa ASR 12.5-mile arc, then clockwise along the Tampa ASR 12.5-mile arc to the PIE VORTAC 132° radial, then northwest via the PIE VORTAC 132° radial to the point of beginning.

Area C. That airspace extending upward from 1,700 feet MSL to and including 10,000 feet MSL bounded by a line beginning at the intersection of the Tampa ASR 10-mile arc and the PIE VORTAC 132° radial, then northeast along the line 1.5 miles from the parallel to Runway 04/22 at MCF AFB until intercepting the 4.5-mile arc from the MCF AFB airport reference point, then direct to the intersection of Interstate 75 and the Tampa ASR 12.5-mile arc, then clockwise along the Tampa ASR 12.5-mile arc until intercepting the PIE VORTAC 132° radial, then northwest via the PIE VORTAC 132° radial to the point of beginning.

Area. D. That airspace extending upward from 3,000 feet MSL up to and including 10,000 feet MSL bounded by a line beginning at the shoreline due west of and to the intersection of Highway 19 and Highway 52, at Hudson, FL, then east along Highway 52 to Interstate 75, then south along the eastern edge of Interstate 75 to Highway 54, then east along Highway 54 to Highway 39–301 at Zephyrhills, FL, then south on Highway 39 to Highway 60, then west on Highway 60 to lat. 27°56′16″N., long. 82°10′59″W., then south along the railroad to Highway 301 at Parrish, FL, then southwest along Highway 301 to the 10-mile arc of the Sarasota-Bradenton, FL, Class C airspace area, then counterclockwise along the 10-mile arc of the Sarasota-Bradenton Class C airspace area to U.S. Route 19, then northwest along U.S. Route 19 to Interstate 275, then north along Interstate 275 to lat. 27°42′26″N., long. 82°40′45″W. (the north end of the Skyway Bridge), then north along the mainland shoreline to the point of beginning.

Area E. That airspace extending upward from 6,000 feet MSL to and including 10,000 feet MSL bounded by a line beginning at the intersection of U.S. Route 19 and the 10-mile arc of the Sarasota-Bradenton Class C airspace area, then counterclockwise along the 10-mile arc of the Sarasota-Bradenton Class C airspace area to intercept the 30-mile arc of the Tampa ASR, then clockwise along the Tampa ASR 30-mile arc to long. 82°59′59″W., then north along long. 82°59′59″W., to the 30-mile arc to the Tampa ASR, then clockwise along the Tampa ASR 30-mile arc to intercept Highway 39–301, then south on Highway 39–301 to Highway 54 at Zephyrhills, Fl.; and that airspace bounded by a line beginning at Highway 60 and Highway 39, then south along Highway 39 to the Tampa ASR 30-mile arc, then clockwise along the Tampa ASR 30-mile arc to the 10-mile arc of the Sarasota-Bradenton Class C airspace area, then counterclockwise along the 10-mile arc of the Sarasota-Bradenton Class C airspace area to intercept Highway 301.

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Issued in Washington, DC, on October 30, 1998.

Reginald C. Matthews,

Acting Program Director for Air Traffic Airspace Management.

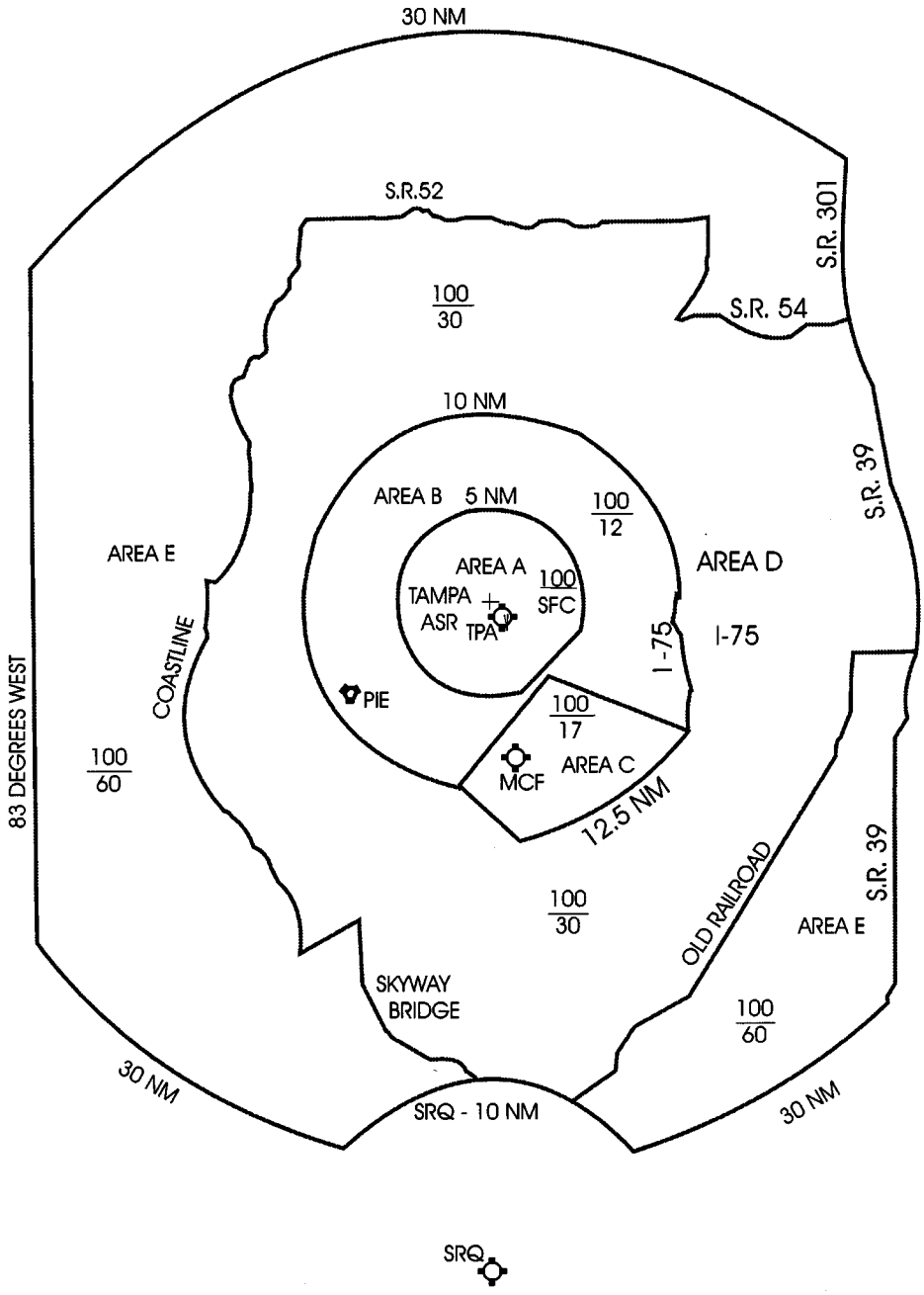
Note: This Appendix will not appear in the Code of Federal Regulations.

Appendix—Tampa, FL, Class B Airspace Area

BILLING CODE 4910–13–M

TAMPA, FL CLASS B

(Not to be used for navigation)



Prepared by the
FEDERAL AVIATION ADMINISTRATION
Air Traffic Publications
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