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**14 CFR Part 91**

**[Docket No. 24456; Amendment No. 91-233]**

**Airspace Reclassification**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; correcting amendment.

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**SUMMARY:** This action corrects the Airspace Reclassification Final Rule effective September 16, 1993. The Airspace Reclassification Rule inadvertently assigned the authority to air traffic controllers to allow aircraft operators to deviate from the maximum airspeed restriction below 10,000 feet. The authority to approve deviation from the speed limits contained in the Federal Aviation Regulations (FAR) rests with the Administrator, and the FAA did not intend to amend the approving authority. This action reestablishes the Administrator as the proper authority to permit waivers of aircraft speed. This action also corrects the inadvertent inclusion of Class B airspace in the maximum airspeed restriction effected by the Airspace Reclassification Final Rule.

**EFFECTIVE DATE:** This correcting amendment is effective as of September 16, 1993.

**FOR FURTHER INFORMATION CONTACT:** Messieurs Aaron I. Boxer or Joseph C. White, Air Traffic Rules Branch (ATP-230), Airspace-Rules and Aeronautical Information Division, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-8783.

**SUPPLEMENTARY INFORMATION:**

**Background**

On October 18, 1989, the FAA published a Notice of Proposed Rulemaking on Airspace Reclassification (54 FR 42916) which proposed, among other things, that the nomenclature of various airspace areas be renamed to conform with agreements with the International Civil Aviation Organization. On December 17, 1991, the FAA published a final rule on Airspace Reclassification (56 FR 65638) which becomes effective on September 16, 1993. Section 91.117 of the Federal Aviation Regulations (FAR) (14 CFR 91.117) was amended as part of this process.

Section 91.117(a) requires that any aircraft operated below 10,000 feet be flown no faster than 250 knots (288 m.p.h.) unless otherwise authorized by the Administrator of the FAA. Section 91.117(b) provides that, unless authorized or required by ATC, no person may operate an aircraft within an airport traffic area faster than 200 knots (230 m.p.h.), except for operations within a terminal control area. The preamble to the proposed airspace reclassification rule included a discussion of several recommendations received from the National Airspace Review (NAR) task group. NAR 1-2.1.3 recommended several changes to operating requirements in Terminal Control Areas (Class B airspace). Included in NAR 1-2.1.3 was a recommendation to delegate the authority to approve deviation from the 250 knot speed restriction in Class B airspace to air traffic control. The FAA had adopted other portions of NAR 1-2.2.3 through separate actions, but had not intended to incorporate the recommended delegation of authority or include Class B airspace in the 200 knot rule. However, the rule language amending § 91.117(a) inadvertently included such redelegation, and that amending § 91.117(b) inadvertently included the Class B airspace area. This action establishes the Administrator as the sole approving authority for deviations from the aircraft speed restrictions contained in § 91.117(a) and excludes the Class B airspace area from

the speed restrictions contained in § 91.117(b).

**List of Subjects in 14 CFR Part 91**

Air traffic control, Air transportation, Airmen, Airports, Aviation safety.

**The Amendment**

Accordingly, 14 CFR part 91 in effect as of September 16, 1993, is amended by making the following correcting amendments:

**PART 91—GENERAL OPERATING AND FLIGHT RULES**

1. The authority citation for part 91 continues to read as follows:

**Authority:** 49 U.S.C. app. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 through 1431, 1471, 1472, 1502, 1510, 1522, and 2121 through 2125; articles 12, 29, 31, and 32(a) of the Convention on International Civil Aviation (61 stat. 1180); 42 U.S.C. 4321 et seq; E.O. 11514, 35 FR 4247, 3 CFR, 1966-1970 Comp., p. 902; 49 U.S.C. 106(g).

2. Section 91.117 is corrected by revising paragraphs (a) and (b) to read as follows:

**§ 91.117 Aircraft speed.**

(a) Unless otherwise authorized by the Administrator, no person may operate an aircraft below 10,000 feet MSL at an indicated airspeed of more than 250 knots (288 m.p.h.).

(b) Unless otherwise authorized or required by ATC, no person may operate an aircraft at or below 2,500 feet above the surface within 4 nautical miles of the primary airport of a Class C or Class D airspace area at an indicated airspeed of more than 200 knots (230 mph.). This paragraph (b) does not apply to any operations within a Class B airspace area. Such operations shall comply with paragraph (a) of this section.

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Issued in Washington, DC, on August 10, 1993.

Harold W. Becker,

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 93-19663 Filed 8-16-93; 8:45 am]

BILLING CODE 4910-13-M

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