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**14 CFR Parts 91, 93, and 137**

[Docket No. 24456; Amendment Nos. 91-227, 93-64, 137-14]

RIN 2120-AB95

**Airspace Reclassification**

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

**ACTION:** Final rule; correction.

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**SUMMARY:** This action corrects the Airspace Reclassification final rule that was promulgated on December 17, 1991, by deleting Class B from the airspace areas where the indicated airspeed of aircraft is restricted to 200 knots; by continuing the special communications requirements currently in effect at Ketchikan International Airport, Alaska; and by deleting Class B and Class C airspace areas from the exception for agricultural aircraft operating to and from dispensing areas. The correction is necessary to ensure the operating rules continue as intended on September 16, 1993, the implementation date of Airspace Reclassification.

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

**FOR FURTHER INFORMATION CONTACT:** Mr. William M. Mosley, Air Traffic Rules Branch, ATP-230, 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 65638) which, among other things, changed the wording of many operating rules by replacing the existing terminology for airspace with the new international classes of airspace that are being adopted by the United States. These actions become effective September 16, 1993.

Two of the existing airspace terms, airport traffic area and control zone, can

have application in four of the five classes of controlled airspace, that is, Class B, Class C, Class D, and Class E. Depending on the specific rule, these applications can be in an individual class, a combination of classes, or in all four classes. During the Airspace Reclassification rulemaking process, over 90 sections of Title 14 of the code of federal regulations (CFR) were revised or amended, and the FAA has found three errors resulting from the changes to the new terminology. This action corrects those errors.

**Discussion**

The first error occurred in section 91.117(b) which imposed a 200 knots speed limitation for operations at or below 2,500 feet above the surface within 4 nautical miles of the primary airport of a Class B, Class C, or Class D airspace area. The error actually occurred in the Airspace Reclassification Notice of Proposed Rulemaking (NPRM) (Notice No. 89-28, 54 FR 42916). That NPRM included Class A and Class B airspace surface areas in the 200 knot speed restriction; the final rule merely adopted the rule as proposed. However, the existing section 91.117(b) states that, "This paragraph (b) [200 knots] does not apply to any operations within a terminal control area." While the inclusion of Classes A and B was proposed, the FAA did not intend to significantly change the operating requirements in Class B airspace from the existing operating requirements in the terminal control area (TCA). And lastly, the United States does not have any current plans to establish any Class A surface areas; this was a misnomer used in the final rule. Therefore, this correction allows the current exemption from the 200 knot restriction in TCA's to continue in Class B airspace areas.

The next error involves the exception for agricultural aircraft, operating to and from dispensing areas, without an authorization from air traffic control (ATC). This error was a case of applying the terms airport traffic area and control zone in three classes when, in fact, the proposal was only for Class D airspace (Notice No. 89-28, 54 FR 42933). An ACT clearance is required for aircraft being operated under visual flight rules (VFR) to operate within Class B airspace. Likewise, establishing and maintaining two-way communications with ATC is required for aircraft being operated under VFR within Class C airspace. Removing these requirements was not proposed for agricultural aircraft and such an exception would be considered a decrease in the level of safety provided by these rules. This

action deletes Class B and Class C airspace areas from the authorization exception and corrects the rule to conform with the amendment as proposed.

The third and final error occurred as a result of simultaneous rulemaking actions. The Airspace Reclassification NPRM (Notice No. 89-28, 54 FR 42916) was published October 18, 1989, and proposed to amend § 93.151 by revising the introductory text. The revision merely replaced the term "control zone" with "the lateral limits of the surface area of controlled airspace." Subsequently, the FAA issued a NPRM (Notice No. 90-15, 55 FR 17564) to modify the communications requirement so that the entire control zone would be included. The Ketchikan International Special Airport Traffic Final Rule was issued September 23, 1991, (56 FR 48092) and adopted the communications requirement as proposed. On December 17, 1991, the FAA promulgated the Airspace Reclassification Final Rule (56 FR 65638) which adopted, effective September 16, 1993, the language in § 93.151 as it was prior to the Ketchikan International Special Airport Traffic Final Rule (56 FR 48092). This inadvertently negated the efforts of the FAA to improve safety to, from, and within the immediate vicinity of the Ketchikan International Airport. This action ensures that the current communications requirements are continued after September 16, 1993.

**List of Subjects**

**14 CFR Part 91**

Agriculture, Air traffic control, Aircraft, Airmen, Airports, Aviation safety, Air transportation, Reporting and recordkeeping requirements.

**14 CFR Part 93**

Air traffic control, Airports, Alaska, Navigation (air) Reporting and recordkeeping requirements, Special air traffic rules.

**14 CFR Part 137**

Agriculture, Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Accordingly, 14 CFR Parts 91, 93, and 137 are amended as follows:

The following correction is made to 14 CFR part 93 currently in effect by making the following correcting amendment:

**PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS**

1. The authority citation for part 93 continues to read as follows:

Authority: 49 U.S.C. app. 1302, 1303, 1348, 1354(a), 1421(a), 1424, 2451 *et seq.*; 49 U.S.C. 106(g).

2. Section 93.151 is corrected by revising paragraph (b) to read as follows:

**§ 93.151 Applicability.**

(b) Within that airspace below 3,000 feet MSL within the lateral boundary of the surface area of the Ketchikan Class E airspace regardless of whether that airspace is in effect.

The following corrections are made to 14 CFR parts 91, 93, and 137 in effect September 16, 1993, by making the following correcting amendments:

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

3. 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 31(a) of the Convention on International Civil Aviation (61 Stat. 1180); 42 U.S.C. 4321 *et seq.*; E.O. 11514, 35 FR 4247, 3CFR, 1966-1970 Comp., p.902; 49 U.S.C. 106(g).

4. Section 91.117 is corrected by revising paragraph (b) to read as follows:

**§ 91.117 Aircraft speed.**

(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 airport at an indicated airspeed of more than 200 knots (230 mph).

**PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS**

5. The authority citation for part 93 continues to read as follows:

Authority: 49 U.S.C. app. 1302, 1303, 1348, 1354(a), 1421(a), 1424, 2451 *et seq.*; 49 U.S.C. 106(g).

6. Section 93.151 is corrected by revising the introductory text to read as follows:

**§ 93.151 Applicability.**

This subpart prescribes special air traffic rules and communications requirements for persons operating aircraft, under VFR—

**PART 137—AGRICULTURAL  
AIRCRAFT OPERATIONS**

7. The authority citation for part 137 continues to read as follows:

Authority: 49 U.S.C. app. 1354(a), 1348(c), 1421, and 1427.

8. Section 137.43 is corrected by revising paragraph (a) to read as follows:

**§ 137.43 Operations in controlled airspace designated for an airport.**

(a) Except for flights to and from a dispensing area, no person may operate an aircraft within the lateral boundaries of the surface area of Class D airspace designated for an airport unless authorization for that operation has been obtained from the ATC facility having jurisdiction over that area.

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Issued in Washington, DC, on May 27, 1993.

**Willis C. Nelson,**

*Acting Manager, Airspace-Rules and  
Aeronautical Information Division.*

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