

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 93-AWA-5]

RIN 2120-AE97

Establishment of the Cincinnati/Northern Kentucky International Airport Class B Airspace Area, and Revocation of the Cincinnati/Northern Kentucky International Airport Class C Airspace Area; KY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; confirmation of effective date.

SUMMARY: On December 14, 1998, the FAA issued a rule that delayed the effective date of a rule establishing the Cincinnati/Northern Kentucky International Airport Class B airspace area, and revoking the Cincinnati/Northern Kentucky International Airport Class C airspace area. The establishment and revocation of these airspace areas was originally scheduled for implementation on December 31, 1998. However, the FAA delayed the effective date of the airspace action, to conduct an administrative airspace review of the Cincinnati/Northern Kentucky International Airport terminal area. The FAA completed the administrative review and this action confirms the effective date for establishment and revocation of these airspace areas.

EFFECTIVE DATES: The final rule published in the **Federal Register** on November 30, 1998 (63 FR 65972), and delayed on December 14, 1998 (63 FR 68675), is effective 0901 UTC, July 15, 1999.

FOR FURTHER INFORMATION CONTACT: 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:**Regulatory History***Pre-Notice of Proposed Rulemaking Public Input*

In 1992 the FAA began the public process of briefing those affected by proposed airspace changes for the Cincinnati/Northern Kentucky International Airport. As announced in the **Federal Register** (57 FR 32835; July 23, 1992) informal airspace meetings were held on September 3 and 4, 1992,

in the Ohio and Kentucky area. Owners and managers of the local general aviation airports, members of the aviation industry, fixed-base operators, and concerned airspace users provided input. An Ad Hoc User Group Advisory Committee, established by the FAA and composed of local aviation users, submitted seven recommendations and a Class B airspace design proposal. All comments received during the informal airspace meetings and the subsequent comment period were considered and/or incorporated in the notice of proposed rulemaking.

Notice of Proposed Rulemaking (NPRM)

On February 10, 1998, the FAA published a NPRM in the **Federal Register** (63 FR 6818) proposing to establish a Class B airspace area and revoke the existing Class C airspace area at CVG. The 60-day comment period for this proposed rulemaking action closed on April 13, 1998. However, the FAA received two petitions to extend the comment period and reopened the comment period on May 15, 1998, for an additional 60 days (63 FR 27160). The supplemental comment period closed on July 14, 1998. The FAA received 36 comments in response to this NPRM and they were addressed in the final rule.

Final Rule

On November 30, 1998, the FAA published a final rule in the **Federal Register** (63 FR 65972) establishing a Class B airspace area and revoking the Class C airspace area for CVG. The CVG Class B airspace area consists of an area encompassing a 25-mile radius of CVG from the surface or higher up to and including 8,000 feet above mean sea level. The FAA took this action to enhance safety, reduce the potential for midair collisions, and to improve the management of air traffic operations in the Cincinnati/Northern Kentucky area. The effective date of the rule was December 31, 1998.

Delay of Final Rule Implementation Date

On December 14, 1998, the FAA issued a rule (63 FR 68675) that delayed the effective date of the rule establishing the CVG Class B airspace area, and revoking the Class C airspace area.

After issuance of the final, but prior to the December 31, 1998, effective date, the FAA delayed the implementation date to evaluate whether this airspace action continued to be necessary to enhance the safety of air navigation, and whether there was new information that should have been considered prior to

promulgating the final rule. The rule delaying the effective date was effective immediately to allow the FAA sufficient time to conduct an administrative airspace review.

Administrative Airspace Review

The FAA conducted a review of the rule that established the Cincinnati/Northern Kentucky International Airport Class B Airspace Area, and revoked the Cincinnati/Northern Kentucky International Airport Class C Airspace Area; KY. The FAA revalidated the data and analysis used in formulating the airspace action. The FAA also reviewed the need for and configuration of the CVG Class B airspace area; the simulation modeling of the airspace area and analysis of air traffic in the Cincinnati terminal airspace area; and the analysis of comments received after the final rule establishing the Class B airspace area had been issued. It also considered whether there were any new issues not previously addressed in the NPRM or final rule.

The results of the administrative airspace review confirm the FAA findings in the final rule. Many of the post final rule comments repeated those previously received in response to the NPRM, and addressed by the FAA in the final rule.

Those commenting did not provide the FAA with any new information that would cause the FAA to change its determination concerning the need for the CVG Class B airspace area and its published configuration. The review also indicated that the level of current aircraft operations in the terminal area support establishment of the Cincinnati/Northern Kentucky International Airport Class B airspace area, and revocation of the Class C airspace area as published. The review found that the published design is the minimum airspace required to protect enplaned passengers and manage aircraft operations into, out of, and through the Cincinnati terminal airspace area.

A copy of the Administrative Airspace Review has been placed in the official docket for this airspace effort. The official docket may be examined in the Office of the Chief Counsel, Room 915G, weekdays, between 8:30 a.m. and 5:00 p.m., except on Federal holidays.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation (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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Effective Date

The effective date of Airspace Docket 93-AWA-5, as published in the **Federal Register** on November 30, 1998 (63 FR 65972), is 0901 UTC, July 15, 1999. This effective date coincides with the scheduled publication date for the appropriate aeronautical chart for this area. Except for the change in the effective date, the preamble and final rule establishing the CVG Class B

airspace area, and revoking the CVG Class C airspace area, as published in the **Federal Register** on November 30, 1998 (63 FR 65972), remains the same.

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

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