

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. 26141, SFAR No. 59]

RIN 2120-AD54

Temporary Prohibited Areas; 1990 Goodwill Games in the State of Washington

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Special Federal Aviation Regulation (SFAR) establishes, for the period July 11, 1990, through August 6, 1990, temporary prohibited areas overlying competition sites and other locations during the 1990 Goodwill Games in the State of Washington. The FAA, based on the recommendations of the Department of Defense (DOD) and the Goodwill Games Law Enforcement Joint Operations Committee (JOC), believes these prohibited areas are necessary: (1) For the security and protection of participating athletes, dignitaries, and other persons attending the Goodwill Games; (2) to minimize the possibility of interference with sporting activities, participants, and spectators; (3) for the protection of security and law enforcement aircraft operating within these areas; and (4) to prevent an unsafe congestion of sightseeing and other aircraft over those locations.

DATES: Effective July 11, 1990. SFAR No. 59 expires August 6, 1990.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard K. Kagehiro, Air Traffic Rules Branch, ATO-230, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-8783.

SUPPLEMENTARY INFORMATION:**Availability of Document**

Any person may obtain a copy of this document by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the number of this SFAR. Persons interested in being placed on a mailing list for future rules should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

Background

On February 15, 1990, the FAA issued Notice No. 90-5 (55 FR 6340, February 22, 1990) proposing to establish temporary prohibited areas overlying the Goodwill Games competition sites and other locations. The competitive events of the Goodwill Games will be held from July 20 through August 5, 1990. The FAA believes that the representation of athletes from the Soviet Union and approximately 50 other countries in the Goodwill Games events will generate a high degree of public interest and may, in the absence of these operating restrictions, result in an unsafe congestion of sightseeing and other aircraft over competition sites and other locations. The DOD and the JOC, which are involved in providing for the security and protection of participants and spectators at the Goodwill Games, have requested the FAA to establish operating restrictions within the airspace overlying competition sites, athlete housing, and other venues from July 11 through August 6. The additional time that the restrictions will be in effect, both before and after the scheduled dates of the Goodwill Games competitive events, will accommodate the arrival and departure of the participants. The DOD and the JOC believe these restrictions are necessary to provide a safe environment for security aircraft and to facilitate the monitoring and identification of aircraft operating within airspace overlying the Goodwill Games events. Also, the restrictions will minimize the possibility of interference with sporting activities, participants, and spectators.

Need for Regulatory Action

In proposing the SFAR, the FAA stated that the establishment of temporary restricted areas pursuant to § 91.91 of the Federal Aviation Regulations could not fulfill the security and law enforcement needs of the DOD and the JOC. Although § 91.91(a)(3) provides for the establishment of temporary flight restrictions to prevent an unsafe congestion of aircraft above an incident or event of a high degree of public interest, such restrictions would not apply to: (1) Operations by accredited news media representatives in accordance with a flight plan filed with an appropriate air traffic control (ATC) or Flight Service Station facility; (2) operations under an ATC-approved instrument flight rules flight plan; (3) operations conducted to or from an airport within the temporary flight restriction area and not for the purpose of observing the events; and (4)

operations by incident, event, or law enforcement personnel.

The DOD and the JOC have indicated that, without the establishment of prohibited areas, they would not have the ability to obtain necessary information regarding aircraft that may be operating within the airspace immediately overlying competition sites and housing areas. A means of obtaining this information is not readily available without these prohibited areas since two-way radio communication with ATC is not required in most of these areas. Although the establishment of temporary prohibited areas over the competition sites and other venues will result in the restriction of aircraft operations, access to these areas will be accommodated with an appropriate authorization from the JOC. Air traffic control, under an agreement with the JOC, will retain, for the most part, the ability to direct aircraft through the prohibited areas in accordance with normal traffic flows.

Access to Prohibited Areas

In Notice No. 90-5, the FAA stated that unrestricted access to the airspace within a temporary prohibited area during certain time periods would be considered for those sites at which unrestricted operations would not derogate the security and protection of athletes and other participants. As a result, the JOC evaluated the need for a continuous-use designation for each prohibited area and determined that unrestricted access to the prohibited areas overlying certain Goodwill Games competition sites can be accommodated during the period that those sites will not be in use. However, the availability and use of a facility, particularly an outdoor facility, for practice and training sessions, trials, and competitive events are dependent on weather conditions, scheduling conflicts, and other factors. Such factors may result in the cancellation, postponement, or relocation of a practice session or event. The decision to postpone, reschedule, or relocate an event will be made, by necessity, on a real-time basis and on short notice. As a result, the JOC determined that it must retain the ability and flexibility to impose restrictions within the affected prohibited areas on an equally short time basis to accommodate such unforeseen scheduling changes. Therefore, the restriction of operations within the prohibited areas will be in effect unless it can be determined that a facility will not be used for a definite time period, in which case notification will be given by a Notice to Airmen (NOTAM).

NOTAM's, when issued, will be available at, and disseminated by, flight service stations.

Accordingly, the temporary prohibited areas overlying nine sites that are anticipated as not being used continuously for the duration of the Games are designated as continuous-use unless otherwise specified by NOTAM. The JOC has determined that the prohibited areas overlying the University of Washington, Tacoma Dome, and Cheney Stadium sites will be effective continuously for the duration of the SFAR due to the nearly continuous use of the facilities at these sites and the need for continuous restrictions over the housing facilities.

Requests from aircraft operators for access into the temporary prohibited areas in the Seattle area during the periods that operating restrictions are in effect should be directed to the Goodwill Games Joint Operations Center, Federal Office Building, 909 First Avenue, Room 1300, Seattle, Washington 98174; telephone (206) 554-4800. Request for access into the Spokane and Pasco prohibited areas should be directed to the appropriate address specified for those areas.

Comments on the NPRM

Interested persons were invited to participate in this rulemaking action by submitting written data, views, or arguments. The Air Transport Association of America (ATA) was the only commenter on the proposed rule. It stated that it does not oppose the rulemaking action.

The Rule

The FAA is establishing temporary prohibited areas overlying athlete housing and Goodwill Games competition sites. Aircraft operations through, into, or out of these temporary prohibited areas are not allowed during the effective periods of the prohibited areas unless specifically authorized by the JOC.

The locations and dimensions of the temporary prohibited areas will be charted on the 34th edition of the Seattle VFR Terminal Area Chart (TAC) and the 39th edition of the Seattle Sectional Aeronautical Chart, both to be published on June 28. The Seattle TAC will include special insets of the Spokane and Pasco venues. A description of each prohibited area is contained below. The description of each prohibited area is as proposed except for the Shilshole Marina and Pasco (Vista) areas. The coordinates of the Shilshole Marina prohibited area have been revised to correct an editorial error which would have left part of the

shoreline unprotected. The description of the Pasco (Vista) prohibited area has been revised to exclude the airspace overlying Vista Field Airport.

The designated altitudes for each prohibited area are as proposed in Notice 90-5 except for the Cheney Stadium site. The revised designated altitudes at the Cheney Stadium site are from the surface to 2,000 feet MSL instead of 1,500 feet MSL. The temporary prohibited areas, other than the University of Washington, Tacoma Dome, and Cheney Stadium sites, are designated as continuous-use unless otherwise specified by NOTAM. Requests for access to the airspace within the prohibited areas during designated times of use should be filed with the JOC at the specified address.

Environmental Effects

This SFAR establishes prohibited areas for security purposes and will curtail or limit certain aircraft operations within designated areas rather than require aircraft to operate along specified routings or in accordance with specific procedures. Additionally, this action is temporary in nature and effective only for the time necessary to provide for the security and protection of participants and spectators at the Goodwill Games. Air traffic control, under an agreement with the JOC, will retain the ability to direct aircraft through the prohibited areas in accordance with normal traffic flows. The FAA believes, therefore, that the establishment of temporary prohibited areas will have minimal impact on ATC traffic procedures or routings.

Further, the FAA believes that this action is likely to result in a reduction in aircraft activity in the vicinity of the Goodwill Games events by eliminating the means and the opportunity for sightseeing aircraft to overfly and view those events. Since the incentive to overfly areas of high-interest will be removed, the FAA believes that the number of aircraft operations in the vicinity of the Goodwill Games events and the noise levels associated with aircraft activity will be lower than would have occurred if the prohibited areas were not in place. Additionally, aircraft avoiding the prohibited areas will not be routed over any particular area or confined to operate within certain airspace. This action will, therefore, not result in any long-term action that will routinely route aircraft over noise-sensitive areas. For the reasons stated above, the FAA concludes that further environmental assessment is unnecessary and finds that no significant impact would result from this rule.

Federalism Implications

The regulations herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this regulation will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Conclusion

This SFAR establishes prohibited areas for the security and protection of participants and spectators at the Goodwill Games. The SFAR is temporary in nature and is limited to the minimum time necessary at each location. The SFAR will have a minimal effect on exiting air traffic procedures or aircraft flight rules. For these reasons, the FAA has determined that this SFAR is not major under Executive Order 12291, is not significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979), and does not warrant the preparation of a regulatory evaluation as the anticipated impact is temporary and minimal. The FAA certifies that this SFAR will not have a significant economic impact, positive or negative, on a substantial number of small entities under the meaning of the Regulatory Flexibility Act. Additionally, since the SFAR will not result in any long-term action that will routinely route aircraft over noise-sensitive areas, the FAA has determined that this action will have no significant impact on the environment.

List of Subjects in 14 CFR Part 73

Aircraft flight, Airspace, Air traffic control, Aviation safety, Security measures.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends part 73 of the Federal Aviation Regulations (14 CFR part 73) as follows:

PART 73—SPECIAL USE AIRSPACE

1. The authority citation for part 73 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510, 1522; Executive Order 10854; 49 U.S.C. 106(g) [Revised pub. L. 97-449, January 12, 1983]; 14 CFR 11.69.

2. By adding Special Federal Aviation Regulation No. 59 to read as follows:

SFAR No. 59—Temporary Prohibited Areas; 1990 Goodwill Games in the State of Washington

1. *Marymoor*. Effective July 11, 1990, until August 6, 1990.

Boundaries. That airspace within a 1-nautical mile radius of lat. 47°40'09" N., long. 122°07'11" W.

Designated altitudes. Surface to 2,000 feet MSL.

Time of designation. Continuous, unless otherwise specified by NOTAM.

Using agency. Goodwill Games Law Enforcement Joint Operations Committee (JOC), Seattle, Washington; and Air Traffic Manager, Seattle-Tacoma International Airport Traffic Control Tower, Federal Aviation Administration, Seattle, Washington.

Requests for access should be directed to the Joint Operations Center, Federal Office Building, 909 First Avenue, Room 1300, Seattle, Washington 98174; telephone (206) 554-4800.

2. *Shilshole Marina*. Effective July 11, 1990, until August 6, 1990.

Boundaries. That airspace bounded by a line beginning at lat. 47°38'39" N., long. 122°24'25" W.; thence clockwise along a 3-nautical mile radius of lat. 47°41'35" N., long. 122°24'09" W.; to lat. 47°43'52" N., long. 122°21'15" W.; to lat. 47°42'20" N., long. 122°22'50" W.; thence clockwise along a 1-nautical mile radius of lat. 47°41'35" N., long. 122°24'09" W.; to lat. 47°40'36" N., long. 122°24'28" W.; to the point of beginning.

Designated altitudes. Surface to 2,000 feet MSL.

Time of designation. Continuous, unless otherwise specified by NOTAM.

Using agency. Goodwill Games Law Enforcement Joint Operations Committee (JOC), Seattle, Washington; and Air Traffic Manager, Seattle-Tacoma International Airport Traffic Control Tower, Federal Aviation Administration, Seattle, Washington.

Requests for access should be directed to the Joint Operations Center, Federal Office Building, 909 First Avenue, Room 1300, Seattle, Washington 98174; telephone (206) 554-4800.

3. *Seattle Center*. Effective July 11, 1990, until August 6, 1990.

Boundaries. That airspace within a 1-nautical mile radius of lat. 47°37'00" N., long. 122°21'21" W.

Designated altitudes. Surface to 1,800 feet MSL.

Time of designation. Continuous, unless otherwise specified by NOTAM.

Using agency. Goodwill Games Law Enforcement Joint Operations Committee (JOC), Seattle, Washington; and Air Traffic Manager, Seattle-Tacoma International Airport Traffic Control Tower, Federal Aviation Administration, Seattle, Washington.

Requests for access should be directed to the Joint Operations Center, Federal Office Building, 909 First Avenue, Room 1300, Seattle, Washington 98174; telephone (206) 554-4800.

4. *University of Washington*. Effective July 11, 1990, until August 6, 1990.

Boundaries. That airspace within a 2-nautical mile radius of lat. 47°39'15" N., long. 122°17'55" W.

Designated altitudes. Surface to 2,000 feet MSL.

Time of designation. Continuous.

Using agency. Goodwill Games Law Enforcement Joint Operations Committee (JOC), Seattle, Washington; and Air Traffic Manager, Seattle-Tacoma International Airport Traffic Control Tower, Federal Aviation Administration, Seattle, Washington.

Requests for access should be directed to the Joint Operations Center, Federal Office Building, 909 First Avenue, Room 1300, Seattle, Washington 98174; telephone (206) 554-4800.

5. *Connelly Center*. Effective July 11, 1990, until August 6, 1990.

Boundaries. That airspace within a 1-nautical mile radius of lat. 47°36'42" N., long. 122°19'08" W.

Designated altitudes. Surface to 1,800 feet MSL.

Time of designation. Continuous, unless otherwise specified by NOTAM.

Using agency. Goodwill Games Law Enforcement Joint Operations Committee (JOC), Seattle, Washington; and Air Traffic Manager, Seattle-Tacoma International Airport Traffic Control Tower, Federal Aviation Administration, Seattle, Washington.

Requests for access should be directed to the Joint Operations Center, Federal Office Building, 909 First Avenue, Room 1300, Seattle, Washington 98174; telephone (206) 554-4800.

6. *Stan Sayres*. Effective July 11, 1990, until August 6, 1990.

Boundaries. That airspace within a 1-nautical mile radius of lat. 47°34'25" N., long. 122°16'55" W.

Designated altitudes. Surface to 1,500 feet MSL.

Time of designation. Continuous, unless otherwise specified by NOTAM.

Using agency. Goodwill Games Law Enforcement Joint Operations Committee (JOC), Seattle, Washington; and Air Traffic Manager, Seattle-Tacoma International Airport Traffic Control Tower, Federal Aviation Administration, Seattle, Washington.

Requests for access should be directed to the Joint Operations Center, Federal Office Building, 909 First Avenue, Room 1300, Seattle, Washington 98174; telephone (206) 554-4800.

7. *Federal Way*. Effective July 11, 1990, until August 6, 1990.

Boundaries. That airspace within a 1-nautical mile radius of lat. 47°18'14" N., long. 122°20'22" W.

Designated altitudes. Surface to 1,600 feet MSL.

Time of designation. Continuous, unless otherwise specified by NOTAM.

Using agency. Goodwill Games Law Enforcement Joint Operations Committee (JOC), Seattle, Washington; and Air Traffic Manager, Seattle-Tacoma International Airport Traffic Control Tower, Federal Aviation Administration, Seattle, Washington.

Requests for access should be directed to the Joint Operations Center, Federal Office Building, 909 First Avenue, Room 1300, Seattle, Washington 98174; telephone (206) 554-4800.

8. *Tacoma Dome*. Effective July 11, 1990, until August 6, 1990.

Boundaries. That airspace within a 1-nautical mile radius of lat. 47°14'41" N., long. 122°20'02" W.

Designated altitudes. Surface to 2,000 feet MSL.

Time of designation. Continuous.

Using agency. Goodwill Games Law Enforcement Joint Operations Committee (JOC), Seattle, Washington; and Air Traffic Manager, Seattle-Tacoma International Airport Traffic Control Tower, Federal Aviation Administration, Seattle, Washington.

Requests for access should be directed to the Joint Operations Center, Federal Office Building, 909 First Avenue, Room 1300, Seattle, Washington 98174; telephone (206) 554-4800.

9. *Cheney Stadium*. Effective July 11, 1990, until August 6, 1990.

Boundaries. That airspace within a 1-nautical mile radius of lat. 47°14'16" N., long. 122°29'37" W.

Designated altitudes. Surface to 2,000 feet MSL.

Time of designation. Continuous.

Using agency. Goodwill Games Law Enforcement Joint Operations Committee (JOC), Seattle, Washington; and Air Traffic Manager, Seattle-Tacoma International Airport Traffic Control Tower, Federal Aviation Administration, Seattle, Washington.

Requests for access should be directed to the Joint Operations Center, Federal Office Building, 909 First Avenue, Room 1300, Seattle, Washington 98174; telephone (206) 554-4800.

10. *Enumclaw*. Effective July 11, 1990, until August 6, 1990.

Boundaries. That airspace within a 1-nautical mile radius of lat. 47°11'44" N., long. 121°57'58" W.

Designated altitudes. Surface to 2,000 feet MSL.

Time of designation. Continuous, unless otherwise specified by NOTAM.

Using agency. Goodwill Games Law Enforcement Joint Operations Committee (JOC), Seattle, Washington; and Air Traffic Manager, Seattle-Tacoma International Airport Traffic Control Tower, Federal Aviation Administration, Seattle, Washington.

Requests for access should be directed to the Joint Operations Center, Federal Office Building, 909 First Avenue, Room 1300, Seattle, Washington 98174; telephone (206) 554-4800.

11. *Spokane*. Effective July 11, 1990, until August 6, 1990.

Boundaries. That airspace within a 1-nautical mile radius of lat. 47°40'06" N., long. 117°24'05" W.

Designated altitudes. Surface to 3,700 feet MSL.

Time of designation. Continuous, unless otherwise specified by NOTAM.

Using agency. Goodwill Games Law Enforcement Joint Operations Committee (JOC), Seattle, Washington; and Air Traffic Manager, Spokane International Airport Traffic Control Tower, Federal Aviation Administration, Spokane, Washington.

Requests for access should be directed to the Goodwill Games Command Center, Attn: Captain John Sullivan, West 1000 Mallon, Spokane, Washington 99260; telephone (509) 456-2318.

12. *Pasco (Vista)*. Effective July 11, 1990, until August 6, 1990.

Boundaries. That airspace within a 1-nautical mile radius of lat. 46°14'00" N., long. 119°12'00" W., excluding the airspace within a ¼-nautical mile radius of lat. 46°13'15" N., long. 119°12'15" W.

Designated altitudes. Surface to 2,000 feet MSL.

Time of designation. Continuous, unless otherwise specified by NOTAM.

Using agency. Goodwill Games Law Enforcement Joint Operations Committee (JOC), Seattle, Washington; and Air Traffic Manager, Tri-Cities Airport Traffic Control

Tower, Federal Aviation Administration, Pasco, Washington.

Requests for access should be directed to the Chief of Police, City of Kennewick, P.O. Box 6108, Kennewick, Washington 99336; telephone (509) 582-5141.

Issued in Washington, DC on May 9, 1990.

Harold W. Becker,

Acting Director, Air Traffic Rules and Procedures Service.

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