DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. 26242, SFAR No. 62]

RIN 2120-AD52

Suspension of Certain Aircraft Operations From the Transponder With Automatic Pressure Altitude Reporting Capability Requirement

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Special Federal Aviation Regulation (SFAR) suspends, until December 30, 1993, certain provisions of the regulation which require the installation and use of automatic altitude reporting (Mode C) transponders (Mode C rule). This suspension provides access to specified outlying airports within 30 miles of a terminal control area (TCA) primary airport (Mode C veil) for aircraft without Mode C transponders. The FAA believes that the operation of an aircraft without a Mode C transponder can be safely accommodated provided that the operation is conducted in areas not currently within air traffic control (ATC) radar coverage and not predominantly used by aircraft required to install and use traffic alert and collision avoidance systems (TCAS) equipment. This rule identifies approximately 300 airports at which operations by aircraft not equipped with Mode C transponders can be conducted at and below a specified altitude: (1) Within a 2-nautical mile radius of a listed airport; and (2) along a direct route between that airport and the outer boundary of the Mode C veil. The FAA expects that radar coverage in some Mode C veil airspace will improve as a result of scheduled radar system upgrades. After new radar systems are in service, the FAA may conduct field evaluations to reassess the actual radar coverage in appropriate areas. Based on those reassessments, the FAA, after further rulemaking, may extend the period that the Mode C transponder requirement will be suspended for operations at certain airports on a case-by-case basis.

DATES: December 5, 1990. SFAR No. 62 expires December 30, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. Richard K. Kagehiro, Air Traffic Rules Branch, ATP-230, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 267-8783.

SUPPLEMENTARY INFORMATION:

Background

On June 21, 1988, the FAA published a final rule which requires aircraft operating within Mode C veil airspace to be equipped with an operable Mode C transponder (53 FR 23356). Aircraft not originally certificated with an engine-driven electrical system or not subsequently certified with such a system installed, balloons, and gliders are excluded from this requirement. The Mode C transponder requirement resulted from regulatory proceedings initiated under Notice 88-2 (53 FR 4306; February 12, 1988.)

On May 25, 1990, the FAA published a Notice of Proposed Rulemaking (NPRM) which proposed to suspend, until December 30, 1993, the Mode C transponder equipment requirements for certain aircraft operations in the vicinity of approximately 300 airports in the outlaying area of Mode C veils (55 FR 21722; Notice No. 90-16). The FAA had determined that operations of aircraft without Mode C transponders could be accommodated safely provided such operations are conducted in areas not currently within ATC radar coverage. The proposal identified those airports: (1) At which operations within a 1.5-nautical mile radius of the airport, and along the most direct route between that airport and the outer boundary of the Mode C veil, at or below a specified altitude, cannot be detected by ATC radar; and (2) are not served by aircraft required to be equipped with TCAS.

Comments to the NPRM

The comment period for Notice No. 90-16 expired on July 24, 1990. The FAA received 81 comments to the proposal, the majority of which were favorable. However, most commenters believed that the proposal did not go far enough with regard to providing access to airports and locations within Mode C veil airspace. The Aircraft Owners and Pilots Association (AOPA), the Experimental Aircraft Association (EEA), the Air Line Pilots Association (ALPA), the Soaring Society of America (SSA), the Department of the Air Force, the Ohio Department of Transportation, local aviation organizations and businesses, and private citizens were in general support of the proposal but provided suggestions and comments. The Department of the Army, although generally in support of the concept of providing access for aircraft without Mode C transponder equipment to certain airports within the Mode C veil, opposed the proposal on the basis that Army airports and locations should be included in the list of airports. Seven of the comments to Docket No. 26242 did not address any issue related to the proposal.

Issues

The commenters identified the following issues in response to the proposals:

(a) The relief proposed is not adequate. The commenters favored a general exclusion of aircraft operations from the Mode C transponder equipment requirement in the airspace from the surface up to 2,500 or 3,500 feet above ground level (AGL) underneath Mode C veil airspace.

(b) The specified altitudes should be uniform. These commenters believed that a common altitude should be specified for all of the listed airports.

(c) Other airports within the TCA veil should be listed. A few commenters stated that certain additional airports should be included in the list of airports.

(d) A list of airports for certain TCA's were omitted from the proposal.

(e) Operations between two excluded airports within the same TCA Mode C veil should be permitted.

(f) The specified altitudes and the 1.5-nautical mile radius from excluded airport is too restrictive. Some commenters believed that limiting the exclusion to a 1.5-nautical mile radius from a listed airport would be too restrictive for a pilot and that determining a distance of 1.5 miles from an airport would be difficult. Other commenters were concerned that the specified altitudes, such as 1,000 feet AGL, would not afford pilots sufficient margin for maneuvering.

(g) The proximity of Hernando County Airport (Tampa veil) to a military training route may compromise safety. The Air Force commented that the exclusion of the Mode C transponder equipment requirement for operations in the vicinity of Hernando County Airport, Brooksville, FL, would impact the quality of traffic advisory service its pilots routinely receive from Tampa Approach Control.

Discussion of Issues

(a) The relief proposed is not adequate. Most of the commenters believed that the FAA should provide access for aircraft without Mode C transponders to all airports or locations within Mode C veil airspace, and that the FAA should therefore exclude the airspace from the surface up to 2,500 or 3,500 feet AGL from the Mode C transponder requirement. The FAA has maintained that safety is enhanced by the Mode C rule because the operation of Mode C transponders results in the

display of an enhanced radar target on air traffic controllers' radar scopes; facilities the radar identification of aircraft; facilities computer-assisted tracking of aircraft; and provides altitude information for each aircraft. Further, the availability of associated altitude information for all radar targets and computer-assisted radar identification and tracking reduces the controller workload. Radio communications are also reduced by the use of Mode C transponders since the display of altitude information eliminates unnecessary traffic advisories. Because of the numerous benefits and the increase in safety derived from the use of transponders with automatic altitude reporting equipment, the FAA believes that aircraft operating in the vicinity of TCA primary airports should be equipped with Mode C transponder equipment, to the maximum extent practicable.

In the preamble to Notice No. 90–16, the FAA stated that the issue of access to airports within a Mode C veil would be considered, but only to the extent that the safety of operations within and in the vicinity of a TCA are not compromised. The FAA acknowledged that certain safety benefits derived from the use of Mode C transponders may not be realized if such operations are not detected by ATC radar systems. Therefore, the FAA determined that operation conducted by aircraft without Mode C transponders could be safely accommodated if those operations are limited to areas and are conducted below altitudes that are not within current ATC radar coverage. The FAA further stated that the safety benefits attributed to the use of TCAS equipment should not be derogated. Consequently, the FAA concluded that the applicability of the suspension of the Mode C transponder requirement must be further limited to aircraft operations in the vicinity of airports that are not served by scheduled air carrier operations using aircraft that will be required to install TCAS.

By limiting the applicability of the Mode C transponder suspension to those areas outside ATC radar coverage, the possibility of unenhanced radar targets without associated altitude information being displayed on the radar scopes of air traffic controllers is minimized. A genenral exclusion of the Mode C transponder requirement for operations within a Mode C veil at and below 2,500 or 3,500 feet AGL would be inconsistent with the FAA's desire to limit operations of aircraft without Mode C transponder equipment to areas outside current ATC radar coverage and would derogate the level of safety to be provided to operations to, from, and in the vicinity of the TCA primary airport.

(b) The specified altitudes should be uniform. ATC radar coverage is dependent on a number of variables including terrain, electromagnetic interference, and other obstructions to radar signals. Consequently, radar coverage does not extend down to a uniform altitude throughout Mode C veil airspace. Similar to the discussion regarding a shelf or a general exclusion of the airspace underneath the Mode C veil, a uniform altitude would not be consistent with the requirement that excluded operations be conducted in areas not within ATC radar coverage.

(c) Other airports within the TCA veil should be listed. In response to comments that operations in the vicinity of other airports should be excluded from the Mode C transponder requirement, the extent of ATC radar coverage in the areas that were the subject of the comments was reexamined. As a result, five additional airports will be added to the list of airports at which operations by aircraft without Mode C transponder equipment will be permitted. Those airports are Ziermann Airport, Mayer, MN; Aero Country Airport, McKinney, TX; Kentmorr Airpark Airport, Stevensville, MD; Bay Bridge Airport, Stevensville, MD; and Castle Mariana Airport, Chester, MD.

With regard to the Army's comments about the absence of Army airports on the proposed list of airports, the FAA notes that the proposal did list the following airports: Moore Army Air Field (AAF), Ayer/Fort Devens, MA; Phillips AAF, Aberdeen, MD; and Weide AAF, Edgewood Arsenal, MD.

(d) A list of airports for certain TCA's were omitted from the proposal. The FAA determined that current radar coverage within the Los Angeles, Miami, Pittsburgh, Orlando, San Diego, and San Francisco TCA Mode C veils extends down to an altitude which would preclude the exclusion of operations in the vicinity of airports within these TCA Mode C veil locations from the Mode C transponder equipment requirement. Consequently, airports within the Mode C veils for these TCA's were not listed. However, based on a reevaluation of the radar coverage for the Orlando TCA Mode C veil, the FAA has determined that two airports should be included in the list of airports for that Mode C veil. Those airports are: (1) Arthur Dunn Air Park Airport, Titusville, FL; and (2) Space Center Executive Airport, Titusville, FL. Although there were no specific comments regarding the inclusion of airports for the Orlando TCA Mode C veil received during the comment period, the FAA believes that the exclusion of operations in the vicinity of the two airports from the Mode C transponder equipment requirement can be accommodated safely and is in the public interest.

(e) Operations between two excluded airports within the same TCA Mode C veil should be permitted. The FAA proposed to suspend the Mode C transponder requirement to provide access to and from outlying airports within a Mode C veil for operators of aircraft based at those airports who have no intention or desire of operating within any other airspace having a Mode C transponder requirement. The FAA has maintained that operators desiring or having need to operate within other areas in which Mode C transponders are required, must so equip their aircraft. Permitting operation from point to point within a Mode C veil is inconsistent with the intent of this regulation.

(f) The specified altitudes and the 1.5-nautical mile radius from excluded airport is too restrictive. While the FAA believes that a 1.5-nautical mile radius from a listed airport provides sufficient maneuvering airspace, the FAA concedes that it may be difficult for a pilot to accurately determine a distance of 1.5 nautical miles from an airport and that a 2-nautical mile distance from the airport would be easier to determine. In the interest of simplification and the marginal increase in safety attributable to a more consistent and accurate determination of a distance of 2 miles as opposed to 1.5 miles, the FAA is revising the area surrounding an airport within which operations will be excluded from the Mode C transponder equipment requirement to a 2-nautical-mile radius from a listed airport. Further, the area surrounding a listed airport within which operations by aircraft without Mode C transponders will be permitted is increased to a 5-nautical-mile radius, when directed or instructed by ATC. A 5-nautical-mile radius around a listed airport coincides with established airspace areas within which ATC routinely exercises control jurisdiction at airports with operating control towers. ATC may need to direct aircraft to operate beyond a 2-nautical-mile radius of a listed airport due to traffic or other operating procedures. The 5-nautical-mile provision is intended to eliminate any uncertainty as to whether an operator of an aircraft without a Mode C transponder, operating to or from an airport listed in this SFRA, should comply with any ATC instruction

which would result in an operation beyond a 2-nautical-mile radius of the airport. Similarly, the FAA is adding clarifying language to allow an aircraft operator to proceed on other than the most direct and expeditious routing between a listed airport and the outer boundary of the Mode C veil when so directed by ATC.

With regard to the altitudes for each airport, the FAA believes that the specified altitudes provide sufficient maneuvering room and allow for operation in compliance with the minimum safe altitude provisions of § 91.119. However, should the pilot of an aircraft determine that the operation at or below the specified altitude is unsafe due to meteorological conditions, aircraft operating characteristics, or other factors, then the pilot should seek relief from the Mode C transponder requirement via the ATC authorization process.

(g) The proximity of Hernando County Airport (Tampa veil) to a military training route may compromise safety. The Air Force commented that the exclusion of the Mode C transponder equipment requirement for operations in the vicinity of Hernando County Airport would impact the quality of the traffic advisory service its pilots routinely receive from Tampa Approach Control. The FAA does not agree with this comment because only those operations at, to, and from Hernando County Airport that are: (1) Within 30 miles of Tampa International Airport; and (2) not within ATC radar coverage, will be excluded from the Mode C transponder equipment requirement. Therefore, the FAA does not believe that the Air Force is routinely receiving traffic advisories with respect to these aircraft since such aircraft would not be detected by ATC radar. Excluding operations in the vicinity of Hernando County Airport from the Mode C transponder requirement should have no impact on the quality of traffic advisory service provided by ATC.

ATC Radar System Improvements

The FAA expects the radar coverage in some Mode C veil airspace to improve as a result of the scheduled upgrading of radar systems at each TCA location. After new radar systems are in service, the FAA may conduct field evaluations to reassess actual radar coverage on a site-by-site basis. Those reassessments may result in future proposed rulemaking to: (1) Extend the period that the Mode C transponder requirement is to be suspended if the evaluations indicate that aircraft operations at a designated airport are still not within radar coverage; or (2) designate other airports at which operations may be suspended from the Mode C transponder requirements if those evaluations determine that such operations are not within radar coverage.

Proposed and Future TCA's

A list of airports and specified altitudes below which aircraft operations will be excluded from the Mode C transponder requirement for the proposed Washington Tri-Area TCA Mode C veils is included in this SFAR. Should the proposed Washington Tri-Area TCA be established, the effective date of the suspension of the Mode C transponder requirements for operations in the vicinity of the listed airports will be coincident with the effective date of the establishment of that TCA. The list of airports within the proposed Washington Tri-Area TCA Mode C veil at which operations will be excluded from the Mode C transponder requirement contains a number of airports which are also included in the list of airports for the current Washington TCA Mode C veil. However, should the Washington Tri-Area TCA be adopted, the current Washington TCA would be revoked and replaced by the Washington Tri-Area TCA. The suspension of the Mode C transponder requirement for aircraft operations at the airports specified for the proposed Washington Tri-Area TCA will coincide with the effective date of the Washington Tri-Area TCA, should that TCA become effective.

With regard to future proposed TCA's, a list of airports and specified altitudes below which aircraft operations would be excluded from the Mode C transponder requirement will accompany any notice of proposed rulemaking for each proposed TCA. The inclusion of the list of airports in the NPRM for the proposed TCA will allow the public to fully consider the impact of the proposed TCA and Mode C veil on aircraft operations; provide the public with the opportunity to comment on the list of airports and specified altitudes; and allow for full consideration of such comments along with other comments to the proposed TCA. If the proposed TCA is adopted, then a final rule amending this SFAR will be published with an effective data coincident with the effective date of the new TCA. The final rule amendment to this SFAR will list those airports within the new TCA Mode C veil at which aircraft operations at and below the specified altitude within a 2-nautical mile radius of an airport and along a direct route between that airport and the outer boundary of the Mode C veil will be suspended from the Mode C transponder equipment requirement until December 30, 1993.

The Special Federal Aviation Regulation

This SFAR permits the operation of an aircraft to and from designated airports within the Mode C veil without a Mode C transponder. A list of airports at which operations without a Mode C transponder will be permitted is contained in this SFAR. The Mode C transponder requirement will be reinstated for aircraft operations to and from the designated airports after December 30, 1993. However, the FAA may conduct field evaluations to reassess the radar coverage within certain TCA Mode C veils on a site-by-site basis after new radar systems are in service. Based on those reassessments, the FAA may extend the period that the Mode C transponder requirement will be suspended for operations at certain airports on a case-by-case basis through further rulemaking.

Aircraft operations without a Mode C transponder will be permitted within a 2-nautical mile radius of a designated airport from the surface up to a specified altitude. Additionally, aircraft operations without a Mode C transponder will be permitted along the most direct route between that designated airport and the boundary of the Mode C veil, at and below the specified altitude. The routing must be consistent with established traffic patterns, noise abatement procedures, and safety. This SFAR and the designation of altitudes for each airport, however, are not intended to supersede the provisions of § 91.119, Minimum safe altitudes. Routings to and from each airport are intentionally unspecified to permit the pilot, complying with § 91.119, to avoid operating over obstructions, noise-sensitive areas, etc. Further, should the pilot of an aircraft intending to operate into or out of an airport listed in this SFAR determine that the operation at or below the specified altitude is unsafe due to meteorological conditions, aircraft operating characteristics, or other factors, the pilot should seek relief from the Mode C transponder requirement via the ATC authorization process.

Aircraft operations at, to, or from the listed airports will be suspended from the Mode C transponder requirement until December 30, 1993. This time period will accommodate the scheduled upgrading of present ATC radar systems at each TCA airport and an evaluation period to determine the extent of radar coverage within each Mode C veil as a result of radar system enhancements. Based on the results of these

evaluations, the period that the Mode C transponder requirement will be suspended for operations at certain airports may be extended on a site-by-site basis by further rulemaking.

Operations of aircraft without Mode C transponders at airports not listed by this rule will continue to be safely accommodated in accordance with existing provisions for individual ATC authorizations.

Regulatory Evaluation Summary

Introduction

This section summarizes the full regulatory evaluation prepared by the FAA which provides more detailed information on estimates of the potential economic consequences of this final rule. This summary and the full evaluation quantify, to the extent practicable, estimated costs to the private sector, consumers, Federal, State and local governments, as well as anticipated benefits.

Executive Order 12291, dated February 17, 1981, directs Federal agencies to promulgate new regulations or modify existing regulations only if potential benefits to society for each regulatory change outweigh potential costs. The order also requires the preparation of a Regulatory Impact Analysis of all "major" rules except those responding to emergency situations or other narrowly defined exigencies. A "major" rule is one that is likely to result in an annual effect on the economy of $100 million or more, a major increase in consumer costs, a significant adverse effect on competition, or highly controversial.

The FAA has determined that this rule will not be "major" as defined in the executive order. Therefore, a full regulatory analysis, that includes the identification and evaluation of cost reducing alternatives to the final rule, has not been prepared. Instead, the agency has prepared a more concise document termed a regulatory evaluation that analyzes only this rule without identifying alternatives. In addition to a summary of the regulatory evaluation, this section also contains an final regulatory flexibility determination required by the 1980 Regulatory Flexibility Act (Pub. L. 96-354) and an international trade impact assessment. If the reader desires more detailed economic information than this summary contains, then he/she should consult the full regulatory evaluation contained in the docket.

Benefit and Cost Analysis

Costs. This final rule is not expected to impose costs on either the FAA or society. In addition, this rule will not impose significant costs on the aviation community (namely, fixed based operators). This assessment is based on rationale contained in the following discussion for each of these groups.

For the FAA, this rule will not impose additional costs for either personnel or equipment. The acquisition of new radar tracking systems is a routine cost of upgrading FAA equipment and will not occur as a result of this rule. In addition, this rule will not require the FAA to hire additional personnel. This is because the temporary suspension of the Mode C transponder requirement is expected to enhance air traffic control (ATC) operation efficiency by eliminating the need for ATC authorizations at the subject designated airports. This action will reduce the demand on ATC personnel and equipment resources.

This rule will not have an adverse impact on aviation safety. The FAA believes that access to certain outlying GA airports by aircraft without Mode C transponders can be accommodated without diminishing Mode C safety benefits, provided the operation is conducted outside radar coverage. When aircraft operations are confined exclusively to areas of no radar coverage, many of the safety benefits of the Mode C rule cannot be realized. Future enhancement of the radar tracking system is expected to increase radar coverage, thus extending the Mode C benefits to more areas outside of the current radar coverage. The scheduled installation of the new radar tracking systems at all TCA primary airports is expected to be completed in about three years. The Mode C transponder requirement will be reinstated for aircraft operations to and from the designated airports after December 30, 1993. After new radar systems are in service, the FAA may conduct field evaluations to reassess actual radar coverage. Those reassessments may result in future proposed rulemaking to amend the suspension period for operation at certain airports.

For the aviation community, the FAA anticipates no significant costs will be incurred by fixed base operators (FBOs) as the result of this rule. Fixed base operators represent the most likely group to potentially incur costs. These costs will be in the form of lost revenues from the relocation of GA aircraft without Mode C transponders as a result of this action. However, it is the informed opinion of FAA personnel that any potential cost impact on FBOs will be insignificant. The FAA believes that GA aircraft operators based at non-designated airports within a Mode C veil and currently authorized to operate without a Mode C transponder will have little incentive to relocate since: (1) The ATC authorization contains those conditions and provisions necessary for safe operation and the operator has agreed to comply with those provisions; and (2) the renewal process for an existing authorization is less cumbersome than the first-time authorization process. Furthermore, the FAA does not believe that significant numbers of GA aircraft without Mode C transponders will relocate from outside a Mode C veil to a designated airport within a Mode C veil. This is because this rule will only allow aircraft without Mode C transponders to operate from the surface up to a specified altitude within a 2.0 nautical mile radius of a designated airport and along the most direct route between that airport and the boundary of the Mode C veil. Although this rule will provide greater access to a Mode C veil, the FAA believes that this action will not provide much of an incentive for GA aircraft operators to relocate. This assessment is further supported by the belief that the vast majority of GA aircraft operators required to have Mode C transponders will have acquired them by December 30, 1990. This is when the requirement for such equipment at Airport Radar Service Areas goes into effect.

The FAA recognizes the possibility that lost revenues incurred by some FBOs outside of the Mode C veil could be offset by revenue gains on the part of FBOs inside the veil. However, there is much uncertainty associated with this possibility due to a lack of information concerning the level of competition among FBOs inside and outside of the Mode C veils throughout the United States. For example, in any given state, the market structure inside of the Mode C veil could resemble a spatial monopoly, in which unit prices for services rendered by FBOs will be higher than that of a more competitive market structure located outside of the veil. If some aircraft operators were to relocate from areas of higher competition to areas of lower competition among FBOs those operators may incur higher charges for services rendered. For those operators who elect to relocate, it can be assumed to be in their best interest to do so. Thus, any additional higher FBO charges aircraft operators incur as the result of relocating will be at least offset by those factors that prompted their decision to relocate. The net change in revenue among FBOs may not be offsetting because of differences in unit prices charged. While it is not known to what

extent revenue gains and losses will be offset among FBOs. the FAA, nonetheless, believes that the cost impacts on FBOs will not be significant for those reasons stated in the previous paragraphs.

Benefits. This final rule is expected to generate potential benefits in the form of increased convenience to GA aircraft operators (without Mode C transponders) and enhanced operation efficiency to FAA air traffic control.

For GA aircraft operators, this rule is expected to generate potential benefits in the form of increased convenience. Prior to this rule, GA aircraft operators, without Mode C transponders, could operate at an airport within the Mode C veil but outside of ATC radar coverage only after receiving ATC authorization. However, certain aspects of the authorization process are inefficient and time consuming because authorizations can only be granted on a case-by-case basis. This undesirable situation was true for both affected GA operators and the FAA. The convenience of this rule will be the temporary relief from the burden of obtaining ATC authorizations that sometimes confronts GA aircraft operators who wish to fly to and from the designated airports without Mode C transponders.

For FAA air traffic control (ATC), this rule will provide benefits in the form of enhanced operation efficiency. Such enhanced efficiency will be the temporary relief on ATC from assigning authorizations during busy periods. This action will better allow ATC to temporarily allocate its personnel and equipment resources to more productive functions.

Although the benefits of this rule have not been quantified, they are expected to be substantial for both the flying public and the FAA.

Conclusion

This rule is not expected to impose costs on either the FAA or society. In addition, this rule will not impose significant costs on the aviation community (FBOs). The FAA estimates that this rule will potentially generate substantial benefits such as increased convenience to some GA aircraft operators and increased operation efficiency to FAA air traffc control. Thus, the FAA firmly believes that this rule is cost-beneficial.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted to ensure that small entities are not unnecessarily and disproportionately burdened by Government regulations. The RFA requires agencies to review rules that may have "a significant economic impact on a substantial number of small entities." This small entities that could be potentially affected by the implementation of the rule are air taxi operators and fixed based operators (FBOs).

In terms of air taxi operators, no cost impact are anticipated by this rule. This assessment is based on the FAA's estimation that these operators are already equipped with Mode C transponders. They are, in all likelihood, based at airports within the Mode C veil which fall within the radar coverage of ATC.

In terms of FBOs, the FAA estimates that this rule will not impose significant costs. This assessment is based on the belief that GA aircraft operators are not likely to impose lost revenues on FBOs by relocating from airports outside of the Mode C veil or undesignated airports within the Mode C veil to designated airports specified in this rule. Although the rule provides greater access to a Mode C veil, the FAA believes that this rule does not provide GA aircraft operators with much of an incentive to relocate. This assessment is further supported by the belief that the vast majority of those GA aircraft operators required to have Mode C transponders will acquire them by December 30, 1990 (Phase II of the Mode C rule for Airport Radar Service Areas). Therefore, the FAA believes that this rule will not have a significant economic impact on substantial number of small entities.

International Trade Impact Assessment

This rule will not have an effect on the sale of foreign aviation products or services in the United States, nor will it have an effect on the sale of U.S. products or services in foreign countries. This is because this rule will neither impose costs on aircraft operators nor aircraft manufacturers (U.S. or foreign) that will result in a competitive disadvantage to either.

Federalism Determination

The regulations adopted 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 final rule will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Effects

This SFAR relieves the requirement for an aircraft to be equipped with a Mode C transponder when operating at/to/from certain airports within a Mode C veil. This action does not establish specific operating procedures, nor does it limit the operation of an aircraft to a specific route. Routings to and from each airport are intentionally unspecified to permit the pilot to avoid operating over obstructions, noise-sensitive areas, etc. and remain in compliance with § 91.119. Therefore, this SFAR accommodates the operation of an aircraft in compliance with existing safety and environmental requirements and procedures and does not alter or supersede those requirements. The FAA's experience with the granting of authorizations since the adoption of the Mode C transponder requirement indicates that there will not be a large number of aircraft operating at any one airport under the authority of this rule. For these reasons, the FAA concludes that the adoption of this rule is categorically excluded from the requirement for further environmental review or assessment pursuant to FAA Order 1050.1D, Policies and Procedures for Considering Environmental Impacts.

Conclusion

For the reasons discussed in the preamble, and based on the findings in the Regulatory Flexibility Determination and the International Trade Impact Analysis, the FAA has determined that this regulation is not major under Executive Order 12291. In addition, the FAA certifies that this regulation will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This regulation is considered significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

List of Subjects in 14 CFR Part 91

Aircraft, Air traffic control, Automatic altitude reporting equipment, Aviation safety, Mode C veil, Terminal control area, Transponder.

The Amendment

For the reasons set forth in the preamble, the Federal Aviation Administration amends part 91 of the Federal Regulations (14 CFR part 91) as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

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

Authority: 49 U.S.C. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 (as amended by Pub. L. 100-223), 1422 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; Pub. L. 100-202; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

2. By adding Special Federal Aviation Regulation No. 62 to read as follows:

SFAR No. 62—Suspension of Certain Aircraft Operations from the Transponder with Automatic Pressure Altitude Reporting Capability Requirement.

Section 1. For purposes of this SFAR:

(a) The airspace within 30 nautical miles of a terminal control area primary airport, from the surface upward to 10,000 feet MSL, excluding the airspace designated as a terminal control area is referred to as the Mode C veil.

(b) Effective until December 30, 1993, the transponder with automatic altitude reporting capability requirements of FAR § 91.215(b)(2) do not apply to the operation of an aircraft:

(1) In the airspace at or below the specified altitude and within a 2-nautical-mile radius, or, if directed by ATC, within a 5-nautical mile radius, of an airport listed in section 2 of this SFAR, and

(2) In the airspace at or below the specified altitude along the most direct and expeditious routing, or on a routing directed by ATC, between an airport listed in section 2 of this SFAR and the outer boundary of the Mode C veil airspace overlying that airport, consistent with established traffic patterns, noise abatement procedures, and safety.

Section 2. Effective until December 30, 1993. Airports at which the provisions of § 91.215(b)(2) do not apply.

(1) Airports within a 30-nautical-mile radius of The William B. Hartsfield Atlanta International Airport.

Airport name	Arpt ID	Alt. (AGL)
Air Acres Airport, Woodstock, GA.	5GA4	1,500
B & L Strip Airport, Hollonville, GA.	GA29	1,500
Camfield Airport, McDonough, GA.	GA36	1,500
Cobb County-McCollum Field Airport, Marietta, GA.	RYY	1,500
Covington Municipal Airport, Covington, GA.	9A1	1,500
Diamond R Ranch Airport, Villa Rica, GA.	3GA5	1,500
Dresden Airport, Newnan, GA..	GA79	1,500
Eagles Landing Airport, Williamson, GA.	5GA3	1,500
Fagundes Field Airport, Haralson, GA.	6GA1	1,500
Gable Branch Airport, Haralson, GA.	5GA0	1,500
Georgia Lite Flite Ultralight Airport, Acworth, GA.	31GA	1,500
Griffin-Spalding County Airport, Griffin, GA.	6A2	1,500
Howard Private Airport, Jackson, GA.	GA02	1,500
Newnan Coweta County Airport, Newnan, GA.	CCO	1,500
Peach State Airport, Williamson, GA.	3GA7	1,500
Poole Farm Airport, Oxford, GA.	2GA1	1,500
Powers Airport, Hollonville, GA.	GA31	1,500
S & S Landing Strip Airport, Griffin, GA.	8GA6	1,500
Shade Tree Airport, Hollonville, GA.	GA73	1,500

(2) Airports within a 30-nautical-mile radius of the General Edward Lawrence Logan International Airport.

Airport name	Arpt ID	Alt. (AGL)
Berlin Landing Area Airport, Berlin, MA.	MA19	2,500
Hopedale Industrial Park Airport, Hopedale, MA.	1B6	2,500
Larson's SPB, Tyngsboro, MA.	MA74	2,500
Moore AAF, Ayer/Fort Devens, MA.	AYE	2,500
New England Gliderport, Salem, NH.	NH29	2,500
Plum Island Airport, Newburyport, MA.	2B2	2,500
Plymouth Municipal Airport, Plymouth, MA.	PYM	2,500
Taunton Municipal Airport, Taunton, MA.	TAN	2,500
Unknown Field Airport, Southborough, MA.	1MA5	2,500

(3) Airports within a 30-nautical-mile radius of the Charlotte/Douglas International Airport.

Airport name	Arpt ID	Alt. (AGL)
Arant Airport, Wingate, NC	1NC6	2,500
Bradley Outernational Airport, China Grove, NC.	NC29	2,500
Chester Municipal Airport, Chester, SC.	9A6	2,500
China Grove Airport, China Grove, NC.	76A	2,500
Goodnight's Airport, Kannapolis, NC.	2NC8	2,500
Knapp Airport, Marshville, NC..	3NC4	2,500
Lake Norman Airport, Mooresville, NC.	14A	2,500
Lancaster County Airport, Lancaster, SC.	LKR	2,500
Little Mountain Airport, Denver, NC.	66A	2,500
Long Island Airport, Long Island, NC.	NC26	2,500
Miller Airport, Mooresville, NC..	8A2	2,500
U S Heliport, Wingate, NC	NC56	2,500
Unity Aerodrome Airport, Lancaster, SC.	SC76	2,500
Wilhelm Airport, Kannapolis, NC.	6NC2	2,500

(4) Airports within a 30-nautical-mile radius of the Chicago-O'Hara International Airport.

Airport name	Arpt ID	Alt. (AGL)
Aurora Municipal Airport, Chicago/Aurora, IL.	ARR	1,200
Donald Alfred Gade Airport, Antioch, IL.	IL11	1,200
Dr. Joseph W. Esser Airport, Hampshire, IL.	7IL6	1,200
Flying M. Farm Airport, Aurora, IL.	IL20	1,200
Fox Lake SPB, Fox Lake, IL.....	IS03	1,200
Graham SPB, Crystal Lake, IL.	IS79	1,200
Herbert C. Mass Airport, Zion, IL.	IL02	1,200
Landings Condominium Airport, Romeoville, IL.	C49	1,200
Lewis University Airport, Romeoville, IL.	LOT	1,200
McHenry Farms Airport, McHenry, IL.	44IL	1,200
Olson Airport, Plato Center, IL.	LL53	1,200
Redeker Airport, Milford, IL	IL85	1,200
Reid RLA Airport, Gilberts, IL....	6IL6	1,200
Shamrock Beef Cattle Farm Airport, McHenry, IL.	49LL	1,200
Sky Soaring Airport, Union, IL ..	55LL	1,200
Waukegan Regional Airport, Waukegan, IL.	UGN	1,200
Wormley Airport, Oswego, IL....	85LL	1,200

(5) Airports within a 30-nautical-mile radius of the Cleveland-Hopkins International Airport.

Airport name	Arpt ID	Alt. (AGL)
Akron Fulton, International Airport, Akron, OH.	AKR	1,300
Bucks Airport, Newbury, OH.....	40OH	1,300
Derecsky Airport, Auburn Center, OH.	6OI0	1,300
Hannum Airport, Streetsboro, OH.	69OH	1,300
Kent State University Airport, Kent, OH.	1G3	1,300
Lost Nation Airport, Willoughby, OH.	LNN	1,300
Mills Airport, Mantua, OH.....	OH06	1,300
Portage County Airport, Ravenna, OH.	29G	1,300
Stoney's Airport, Ravenna, OH.	OI32	1,300
Wasdworth Municipal, Airport, Wadsworth, OH.	3G3	1,300

(6) Airports within a 30-nautical-mile radius of the Dallas/Fort Worth International Airport.

Airport name	Arpt. ID	Alt. (AGL)
Beggs Ranch/Aledo Airport, Aledo, TX.	TX15	1,800
Belcher Airport, Sanger, TX	TA25	1,800
Bird Dog Field Airport, Krum, TX.	TA48	1,800
Boe-Wrinkle Airport, Azle, TX	28TS	1,800
Flying V Airport, Sanger, TX	71XS	1,800
Graham Ranch Airport, Celina, TX.	TX44	1,800
Haire Airport, Bolivar, TX	TX33	1,800
Hartlee Field Airport, Denton, TX.	1F3	1,800
Hawkin's Ranch Strip Airport, Rhome, TX.	TA02	1,800
Horseshoe Lake Airport, Sanger, TX.	TE24	1,800
Ironhead Airport, Sanger, TX	T58	1,800
Kezer Air Ranch Airport, Springtown, TX.	61F	1,800
Lane Field Airport, Sanger, TX.	58F	1,800
Log Cabin Airport, Aledo, TX	TX16	1,800
Lone Star Airpark Airport, Denton, TX.	T32	1,800
Rhome Meadows Airport, Rhome, TX.	TS72	1,800
Richards Airport, Krum, TX	TA47	1,800
Tallows Field Airport, Celina, TX.	79TS	1,800
Triple S Airport, Aledo, TX	42XS	1,800
Warshun Ranch Airport, Denton, TX.	4TA1	1,800
Windy Hill Airport, Denton, TX	46XS	1,800
Aero Country Airport, McKinney, TX.	TX05	1,400
Bailey Airport, Midlothian, TX	7TX8	1,400
Bransom Farm Airport, Burleson, TX.	TX42	1,400
Carroll Air Park Airport, De Soto, TX.	F66	1,400
Carroll Lake-View Airport, Venus, TX.	70TS	1,400
Eagle's Nest Estates Airport, Ovilla, TX.	2T36	1,400
Flying B Ranch Airport, Ovilla, TX.	TS71	1,400
Lancaster Airport, Lancaster, TX.	LNC	1,400
Lewis Farm Airport, Lucas, TX.	6TX1	1,400
Markum Ranch Airport, Fort Worth, TX.	TX79	1,400
McKinney Municipal Airport, McKinney, TX.	TKI	1,400
O'Brien Airpark Airport, Waxahachie, TX.	F25	1,400
Phil L. Hudson Municipal Airport, Mesquite, TX.	HQZ	1,400
Plover Heliport, Crowley, TX	82Q	1,400
Venus Airport, Venus, TX	75TS	1,400

(7) Airports within a 30-nautical-mile radius of the Stapleton International Airport.

Airport name	Arpt. ID	Alt. (AGL)
Athanasiou Valley Airport, Blackhawk, CO.	CG07	1,200
Boulder Municipal Airport, Boulder, CO.	1V5	1,200
Bown Farms No. 2 Airport, Strasburg, CO.	3CO5	1,200
Carrera Airpark Airport, Mead, CO.	93CO	1,200
Cartwheel Airport, Mead, CO	0CO8	1,200
Colorado Antique Field Airport, Niwot, CO.	8CO7	1,200
Comanche Airfield Airport, Strasburg, CO.	3CO6	1,200
Comanche Livestock Airport, Strasburg, CO.	59CO	1,200
Flying J Ranch Airport, Evergreen, CO.	27CO	1,200
Frederick-Firestone Airport Strip Airport, Frederick, CO.	CO58	1,200
Frontier Airstrip Airport, Mead, CO.	84CO	1,200
Hoy Airstrip Airport, Bennett, CO.	76CO	1,200
J & S Airport, Bennett, CO	CD14	1,200
Kugel-Strong Airport, Platteville, CO.	27V	1,200
Land Airport, Keenesburg, CO.	CO82	1,200
Lindys Airpark Airport, Hudson, CO.	7CO3	1,200
Marshdale STOL, Evergreen, CO.	CO52	1,200
Meyer Ranch Airport, Conifer, CO.	5CO6	1,200
Parkland Airport, Erie, CO	7CO0	1,200
Pine View Airport, Elizabeth, CO.	02V	1,200
Platte Valley Airport, Hudson, CO.	18V	1,200
Rancho D Aereo Airport, Mead, CO.	05CO	1,200
Spickard Farm Airport, Byers, CO.	5CO4	1,200
Vance Brand Airport, Longmont, CO.	2V2	1,200
Yoder Airstrip Airport, Bennett, CO.	CD09	1,200

(8) Airports within a 30-nautical-mile radius of the Detroit Metropolitan Wayne County Airport.

Airport name	Arpt. ID	Alt. (AGL)
Al Meyers Airport, Tecumseh, MI.	3TE	1,400
Brighton Airport, Brighton, MI	45G	1,400
Cackleberry Airport, Dexter, MI.	2MI9	1,400
Erie Aerodome Airport, Erie, MI.	05MI	1,400
Ham-A-Lot Field Airport, Petersburg, MI.	MI48	1,400
Merillat Airport, Tecumseh, MI.	34G	1,400
Rossettie Airport, Manchester, MI.	75G	1,400
Tecumseh Products Airport, Tecumseh, MI.	0D2	1,400

(9) Airport within a 30-nautical-mile radius of the Honolulu International Airport.

Aiport name	Arpt. ID	Alt. (AGL)
Dillingham Airfield Airport, Mokuleia, HI.	HDH	2,500

(10) Airports within a 30-nautical-mile radius of the Houston Inter-continental Airport.

Airport name	Arpt. ID	Alt. (AGL)
Ainsworth Airport, Cleveland, TX.	0T6	1,200
Biggin Hill Airport, Hockley, TX.	0TA3	1,200
Cleveland Municipal Airport, Cleveland, TX.	6R3	1,200
Fay Ranch Airport, Cedar Lane, TX.	0T2	1,200
Freeman Property Airport, Katy, TX.	61T	1,200
Gum Island Airport, Dayton, TX.	3T6	1,200
Harbican Airpark Airport, Katy, TX.	9XS9	1,200
Harold Freeman Farm Airport, Katy, TX.	8XS1	1,200
Hoffpauir Airport, Katy, TX	59T	1,200
Horn-Katy Hawk International Airport, Katy, TX.	57T	1,200
Houston-Hull Airport, Houston, TX.	SGR	1,200
Houston-Southwest Airport, Houston, TX.	AXH	1,200
King Air Airport, Katy, TX	55T	1,200
Lake Bay Gall Airport, Cleveland, TX.	0T5	1,200
Lake Bonanza Airport, Montgomery, TX.	33TA	1,200
R W J Airpark Airport, Baytown, TX.	54TX	1,200
Westheimer Air Park Airport, Houston, TX.	5TA4	1,200

(11) Airports within a 30-nautical-mile radius of the Kansas City International Airport.

Airport name	Arpt. ID	Alt. (AGL)
Amelia Earhart Airport, Atchison, KS.	K59	1,000
Booze Island Airport, St. Joseph, MO.	64MO	1,000
Cedar Air Park Airport, Olathe, KS.	51K	1,000
D'Field Airport, McLouth, KS	KS90	1,000
Dorei Airport, McLouth, KS	K69	1,000
East Kansas City Airport, Grain Valley, MO.	3GV	1,000
Excelsior Springs Memorial Airport, Excelsior Springs, MO.	3EX	1,000
Flying T Airport Oskaloosa, KS.	7KS0	1,000
Hermon Farm Airport, Gardner, KS.	KS59	1,000
Hillside Airport, Stilwell, KS	63K	1,000
Independence Memorial Airport, Independence, MO.	3IP	1,000
Johnson County Executive Airport, Olathe, KS.	OJC	1,000
Johnson County Industrial Airport, Olathe, KS.	IXD	1,000
Kimray Airport, Plattsburg, MO.	7MO7	1,000
Lawrence Municipal Airport, Lawrence, KS.	LWC	1,000
Martins Airport, Lawson, MO	21MO	1,000
Mayes Homestead Airport, Polo, MO.	37MO	1,000
McComas-Lee's Summit Municipal Airport, Lee's Summit, MO.	K84	1,000
Mission Road Airport, Stilwell, KS.	64K	1,000
Northwood Airport, Holt, MO	2MO2	1,000

Airport name	Arpt ID	Alt. (AGL)
Plattsburg Airpark, Airport, Plattsburg, MO.	MO28	1,000
Richards-Gebaur Airport, Kansas City, MO.	GVW	1,000
Rosecrans Memorial Airport, St. Jospeh, MO.	STJ	1,000
Runway Ranch Airport, Kansas City, MO.	2MO9	1,000
Sheller's Airport, Tonganoxie, KS.	11KS	1,000
Shomin Airport, Oskaloosa, KS.	0KS1	1,000
Stonehenge Airport, Williamstown, KS.	71KS	1,000
Threshing Bee Airport, McLouth, KS.	41K	1,000

(12) Airport within a 30-nautical-mile radius of the McCarran International Airport.

Airport name	Arpt ID	Alt. (AGL)
Sky Ranch Estates Airport, Sandy Valley, NV.	3L2	2,500

(13) Airports within a 30-nautical-mile radius of the Memphis International Airport.

Airport name	Arpt ID	Alt. (AGL)
Bernard Manor Airport, Earle, AR.	M65	2,500
Holly Springs-Marshall County Airport, Holly Springs, MS.	M41	2,500
McNeely Airport, Earle, AR	M63	2,500
Price Field Airport, Joiner, AR	80M	2,500
Tucker Field Airport, Hughes, AR.	78M	2,500
Tunica Airport, Tunica, MS	30M	2,500
Tunica Municipal Airport, Tunica, MS.	M97	2,500

(14) Airports within a 30-nautical-mile radius of the Minneapolis-St. Paul International Wold-Chamberlain Airport.

Airport name	Arpt ID	Alt. (AGL)
Belle Plaine Airport, Belle Plaine, MN.	7Y7	1,200
Carleton Airport, Stanton, MN	SYN	1,200
Empire Farm Strip Airport, Bongards, MN.	MN15	1,200
Flying M Ranch Airport, Roberts, WI.	78WI	1,200
Johnson Airport, Rockford, MN.	MY86	1,200
River Falls Airport, River Falls, WI.	Y53	1,200
Rusmar Farms Airport, Roberts, WI.	WS41	1,200
Waldref SPB, Forest Lake, MN.	9Y6	1,200
Ziermann Airport, Mayer, MN	MN71	1,200

(15) Airports within a 30-nautical-mile radius of the New Orleans International/Moisant Field Airport.

Airport name	Arpt ID	Alt. (AGL)
Bollinger SPB, Larose, LA	L38	1,500
Clovelly Airport, Cut Off, LA	LA09	1,500

(16) Airports within a 30-nautical-mile radius of the John F. Kennedy International Airport, the La Guardia Airport, and the Newark International Airport.

Airport name	Arpt ID	Alt. (AGL)
Allaire Airport, Belmar/Farmingdale, NJ.	BLM	2,000
Cuddihy Landing Strip Airport, Freehold, NJ.	NJ60	2,000
Ekdahl Airport, Freehold, NJ	NJ59	2,000
Fla-Net Airport, Netcong, NJ	ONJ5	2,000
Forrestal Airport, Princeton, NJ.	N21	2,000
Greenwood Lake Airport, West Milford, NJ.	4N1	2,000
Greenwood Lake SPB, West Milford, NJ.	6NJ7	2,000
Lance Airport, Whitehouse Station, NJ.	6NJ8	2,000
Mar Bar L Farms, Englishtown, NJ.	NJ46	2,000
Peekskill SPB, Peekskill, NY	7N2	2,000
Peters Airport, Somerville, NJ	4NJ8	2,000
Princeton Airport, Princeton/Rocky Hill, NJ.	39N	2,000
Solberg-Hunterdon Airport, Readington, NJ.	N51	2,000

(17) Airports within a 30-nautical-mile radius of the Orlando International Airport.

Airport name	Arpt ID	Alt. (AGL)
Arthur Dunn Air Park Airport, Titusville, FL.	X21	1,400
Space Center Executive Airport, Titusville, FL.	TIX	1,400

(18) Airports within a 30-nautical-mile radius of the Philadelphia International Airport.

Airport name	Arpt ID	Alt. (AGL)
Ginns Airport, West Grove, PA.	78N	1,000
Hammonton Municipal Airport, Hammonton, NJ.	N81	1,000
Li Calzi Airport, Bridgeton, NJ	N50	1,000
New London Airport, New London, PA.	N01	1,000
Wide Sky Airpark Airport, Bridgeton, NJ.	N39	1,000

(19) Airports within a 30-nautical-mile radius of the Phoenix Sky Harbor International Airport.

Airport name	Arpt ID	Alt. (AGL)
Ak Chin Community Airfield Airport, Maricopa, AZ.	E31	2,500
Boulais Ranch Airport, Maricopa, AZ.	9E7	2,500
Estrella Sailport, Maricopa, AZ.	E68	2,500
Hidden Valley Ranch Airport, Maricopa, AZ.	AZ17	2,500
Millar Airport, Maricopa, AZ	2AZ4	2,500
Pleasant Valley Airport, New River, AZ.	AZ05	2,500
Serene Field Airport, Maricopa, AZ.	AZ31	2,500b
Sky Ranch Carefree Airport, Carefree, AZ.	E18	2,500
Sycamore Creek Airport, Fountain Hills, AZ.	0AS0	2,500
University of Arizona, Maricopa Agricultural Center Airport, Maricopa, AZ.	3AZ2	2,500

(20) Airports within a 30-nautical-mile radius of the Lambert/St. Louis International Airport.

Airport name	Arpt ID	Alt. (AGL)
Blackhawk Airport, Old Monroe, MO.	6MO0	1,000
Lebert Flying L Airport, Lebanon, MO.	3H5	1,000
Shafer Metro East Airport, St. Jacob, IL.	3K6	1,000
Sloan's Airport, Elsberry, MO	0MO8	1,000
Wentzville Airport, Wentzville, MO.	MO50	1,000
Woodliff Airpark Airport, Foristell, MO.	98MO	1,000

(21) Airports within a 30-nautical-mile radius of the Salt Lake City International Airport.

Airport name	Arpt ID	Alt. (AGL)
Bolinder Field-Tooele Valley Airport, Tooele, UT.	TVY	2,500
Cedar Valley Airport, Cedar Fort, UT.	UT10	2,500
Morgan County Airport, Morgan, UT.	42U	2,500
Tooele Municipal Airport, Tooele, UT.	U26	2,500

(22) Airports within a 30-nautical-mile radius of the Seattle-Tacoma International Airport.

Airport name	Arpt ID	Alt. (AGL)
Firstair Field Airport, Monroe, WA.	WA38	1,500
Gower Field Airport, Olympia, WA.	6WAZ	1,500
Harvey Field Airport, Snohomish, WA.	S43	1,500

(23) Airports within a 30-nautical-mile radius of the Tampa International Airport.

Airport name	Arpt ID	Alt. (AGL)
Hernando County Airport, Brooksville, FL.	BKV	1,500
Lakeland Municipal Airport, Lakeland, FL.	LAL	1,500
Zephyrhills Municipal Airport, Zephyrhills, FL.	ZPH	1,500

(24) Effective until the establishment of the Washington Tri-Area TCA or December 30, 1993, whichever occurs first: Airports within a 30-nautical-mile radius of the Washington National Airport and Andrews Air Force Base Airport.

Airport name	Arpt ID	Alt. (AGL)
Barnes Airport, Lisbon, MD.....	MD47	2,000
Bay Bridge Airport, Stevensville, MD.	W29	2,000
Castle Marina Airport, Chester, MD.	0W6	2,000
Davis Airport, Laytonsville, MD.	W50	2,000
Fremont Airport, Kemptown, MD.	MD41	2,000
Kentmorr Airpark Airport, Stevensville, MD.	3W3	2,000
Montgomery County Airpark Airport, Gaithersburg, MD.	GAI	2,000
Waredaca Farm Airport, Brookeville, MD.	MD16	2,000
Aqua-Land/Cliffton Skypark Airport, Newburg, MD.	2W8	1,000
Buds Ferry Airport, Indian Head, MD.	MD39	1,000
Burgess Field Airport, Riverside, MD.	3W1	1,000
Chimney View Airport, Fredericksburg, VA.	5VA5	1,000
Holly Springs Farm Airport, Nanjemoy, MD.	MD55	1,000
Lanseair Farms Airport, La Plata, MD.	MD97	1,000
Nyce Airport, Mount Victoria, MD.	MD84	1,000
Parks Airpark Airport, Nanjemoy, MD.	MD54	1,000
Pilots Cove Airport, Tompkinsville, MD.	MD06	1,000
Quantico MCAF, Quantico, VA.	NYG	1,000
Stewart Airport, St. Michaels, MD.	MD64	1,000
U.S. Naval Weapons Center, Dahlgren Lab Airport, Dahlgren, VA.	NDY	1,000

(25) Effective upon the establishment of the Washington Tri-Area TCA: Airports within a 30-nautical-mile radius of the Washington National Airport, Andrews Air Force Base Airport, Baltimore-Washington International Airport, and Dulles International Airport.

Airport name	Arpt ID	Alt. (AGL)
Albrecht Airstrip Airport, Long Green, MD.	MD48	2,000
Armacost Farms Airport, Hampstead, MD.	MD38	2,000
Barnes Airport, Lisbon, MD.....	MD47	2,000
Bay Bridge Airport, Stevensville, MD.	W29	2,000
Carroll County Airport, Westminster, MD.	W54	2,000
Castle Marina Airport, Chester, MD.	OW6	2,000
Clearview Airpark Airport, Westminster, MD.	2W2	2,000
Davis Airport, Laytonsville, MD.	W50	2,000
Fallston Airport, Fallston, MD....	W42	2,000
Faux-Burhans Airport, Frederick, MD.	3MD0	2,000
Forest Hill Airport, Forest Hill, MD.	MD31	2,000
Fort Detrick Helipad Heliport, Fort Detrick (Frederick), MD.	MD32	2,000
Frederick Municipal Airport, Frederick, MD.	FDK	2,000
Fremont Airport, Kemptown, MD.	MD41	2,000
Good Neighbor Farm Airport, Unionville, MD.	MD74	2,000
Happy Landings Farm Airport, Unionville, MD.	MD73	2,000
Harris Airport, Still Pond, MD....	MD69	2,000
Hybarc Farm Airport, Chestertown, MD.	MD19	2,000
Kennersley Airport, Church Hill, MD.	MD23	2,000
Kentmorr Airpark Airport, Stevensville, MD.	3W3	2,000
Montgomery County Airpark Airport, Gaithersburg, MD.	GAI	2,000
Phillips AAF, Aberdeen, MD.....	APG	2,000
Pond View Private Airport, Chestertown, MD.	OMD4	2,000
Reservoir Airport, Finksburg, MD.	1W8	2,000
Scheeler Field Airport, Chestertown, MD.	OW7	2,000
Stolcrest STOL, Urbana, MD....	MD75	2,000
Tinsely Airstrip Airport, Butler, MD.	MD17	2,000
Walters Airport, Mount Airy, MD.	OMD6	2,000
Waredaca Farm Airport, Brookeville, MD.	MD16	2,000
Weide AAF, Edgewood Arsenal, MD.	EDG	2,000
Woodbine Gliderport, Woodbine, MD.	MD78	2,000
Wright Field Airport, Chestertown, MD.	MD11	2,000
Aviacres Airport, Warrenton, VA.	3VA2	1,500
Birch Hollow Airport, Hillsboro, VA.	W60	1,500
Flying Circus Aerodrome Airport, Warrenton, VA.	3VA3	1,500
Fox Acres Airport, Warrenton, VA.	15VA	1,500
Hartwood Airport, Somerville, VA.	8W8	1,500
Horse Feathers Airport, Midland, VA.	53VA	1,500
Krens Farm Airport, Hillsboro, VA.	14VA	1,500
Scott Airpark Airport, Lovettsville, VA.	VA61	1,500
The Grass Patch Airport, Lovettsville, VA.	VA62	1,500
Wainut Hill Airport, Calverton, VA.	58VA	1,500
Warrenton Air Park Airport, Warrenton, VA.	9W0	1,500
Warrenton-Fauquier Airport, Warrenton, VA.	W66	1,500
Whitman Strip Airport, Manassas, VA.	OV5	1,500
Aqua-Land/Cliffton Skypark Airport, Newburg, MD.	2W8	1,000
Buds Ferry Airport, Indian Head, MD.	MD39	1,000
Burgess Field Airport, Riverside, MD.	3W1	1,000
Chimney View Airport, Fredericksburg, VA.	5VA5	1,000
Holly Springs Farm Airport, Nanjemoy, MD.	MD55	1,000
Lanseair Farms Airport, La Plata, MD.	MD97	1,000
Nyce Airport, Mount Victoria, MD.	MD84	1,000
Parks Airpark Airport, Nanjemoy, MD.	MD54	1,000
Pilots Cove Airport, Tompkinsville, MD.	MD06	1,000
Quantico MCAF, Quantico, VA.	NYG	1,000
Stewart Airport, St. Michaels, MD.	MD64	1,000
U.S. Naval Weapons Center, Dahlgren Lab Airport, Dahlgren, VA.	NDY	1,000

Issued in Washington, DC on November 29, 1990.

James B. Busey,

Administrator.

[FR Doc. 90-28502 Filed 11-30-90; 4:05 pm]

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61-89

DEPARTMENT OF TRANSPORTATION

14 CFR Part 61

[Docket No. 24695; Amdt. No. 61-89]

RIN 2120-AA54

Amendment of Compliance Date for Annual Flight Review Requirements for Recreational Pilots and Non-Instrument-Rated Private Pilots With Fewer Than 400 Hours of Flight Time

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This final rule extends, until August 31, 1991, the compliance date for the requirement that recreational pilots and non-instrument-rated private pilots with fewer than 400 hours of flight time receive an annual flight review consisting of a minimum of 1 hour each of flight and ground instruction. This amendment is necessary to provide the Federal Aviation Administration adequate time in which to evaluate the petitions of the Aircraft Owners and Pilots Association and the Experimental Aircraft Association requesting deletion of the annual flight review. This amendment suspends the annual flight review requirement during the petition review period. It also precludes the necessity for large numbers of pilots to conduct this additional ground and flight instruction while the FAA conducts its review.

EFFECTIVE DATE: This final rule is effective November 30, 1990. Comments must be received on or before January 4, 1991.

ADDRESSES: Comments on this final rule may be delivered to the Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 24695, 800 Independence Avenue SW., room 915G, Washington, DC 20591. Comments submitted on the final rule must be marked: Docket No. 24695. Comments may be inspected in room 915G between 8:30 a.m. and 5 p.m., weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Thomas Glista, Regulations Branch (AFS-850), General Aviation and Commercial Division, 800 Independence Ave. SW., Washington, DC 20591; Telephone: (202) 267-8150.

SUPPLEMENTARY INFORMATION:

Availability of Final Rule

Any person may obtain a copy of this final rule by submitting a request to the Federal Aviation Administration, Office of Public Affairs, ATTN: APA-230, 800 Independence Avenue SW., Washington, DC 20591, or by calling the Office of Public Affairs at (202) 267-3484. Communications must identify the docket number (Docket No. 24695) of this final rule. Persons interested in being placed on a mailing list for future notices should request a copy of Advisory Circular 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

The requirement for an annual flight review for recreational and non-instrument-rated private pilots with fewer than 400 hours of flight time was issued in the final rule entitled "Certification of Recreational Pilots and Annual Flight Review Requirements for Recreational Pilots and Non-Instrument-Rated Private Pilots With Fewer Than 400 Flight Hours" (54 FR 13028, March 29, 1989). That final rule resulted, in part, from a petition for rulemaking submitted by the National Association of Flight Instructors (NAFI) (47 FR 11026; March 15, 1982). The final rule was based upon Notice of Proposed Rulemaking No. 85-13 (50 FR 26286; June 25, 1985).

The effective date for the recreational pilot final rule, which contains the annual flight review requirement, at § 61.56(d), was August 31, 1989. This would mean that as of August 31, 1990, those affected recreational pilots and non-instrument-rated private pilots would have to complete the additional ground and flight instruction.

By letter dated May 22, 1989, the Aircraft Owners and Pilots Association (AOPA) petitioned the FAA to revise § 61.56(d) of the Federal Aviation Regulations (FAR) by deleting the annual flight review requirement. AOPA based its request for deletion of the annual flight review requirement on accident data which accompanied its petition.

By letter dated July 25, 1989, the Experimental Aircraft Association (EAA) also petitioned the FAA to delete the annual flight review requirement for recreational pilots and non-instrument-rated private pilots with fewer than 400 hours of flight time as a pilot.

On July 30, 1989, Secretary of Transportation Samuel Skinner spoke at EAA's annual convention at Oshkosh, WI. In response to requests from the aviation community, he promised that the FAA would review the data that was the basis for issuing the annual flight review rule.

As a result of these and other numerous inquiries questioning the sufficiency of the data used to justify the annual flight review requirement, the FAA initiated a review of the documents and data that were used to justify adoption of the requirement. On March 27, 1990, the FAA completed a preliminary study of these documents and data. As a result of this review the FAA has determined that the documents and data sources used by the agency in the development of the annual flight review requirement may have been insufficient.

In further consideration of the data presented in the AOPA petition, representatives of AOPA and EAA met with FAA representatives July 13, 1990. In that meeting AOPA representatives stated that the annual flight review requirement singles out one particular segment for training that, for various reasons, they do not believe the safety data supports. EAA noted the continuing decline in general aviation and commented that the public feels burdened by additional rules. At the conclusion of the meeting, the FAA agreed that an extension of the compliance period for the annual flight review is warranted to allow additional time to consider the data presented by AOPA and EAA and to evaluate the need for the annual flight review. A copy of the record of this meeting is located in Docket No. 24695.

For the reasons stated above, the FAA is extending the compliance date for the annual flight review requirement until a satisfactory determination can be made as to the need for it. Additional time is required to update and analyze the data pertinent to the annual flight review requirement and to consider other related factors.

General Discussion of this Final Rule

Upon preliminary review of the documents and data used in development of the annual flight review requirement, the FAA recognizes the need for further analysis. Therefore, the FAA has determined that it is in the public interest to delay the compliance date of the requirement for an annual flight review under § 61.56(d) of the FAR until August 31, 1991.

Economic Statement

This final rule extends, until August 31, 1991, the compliance date for the requirement that recreational pilots and non-instrument-rated private pilots with fewer than 400 hours of flight time recieve an annual flight review consisting of a minimum of 1 hour each of flight and ground instruction.

The FAA has not been able to identify any economic impact of this action on either society or pilots because the data

relied upon to promulgate the original annual flight review requirement may have been insufficient. The FAA does not desire to impose the annual flight review requirement until additional data and analysis support its need.

Reason for No Notice and Immmediate Adoption

This amendment is being adopted without notice and public comment procedure because delay would have a significant economic impact on the general aviation community. Large numbers of recreational and private pilots would be required to receive 2 hours, at a minimum, of ground and flight instruction on a yearly basis at an estimated annual cost of $6.4 million. Because the FAA needs more time to determine if this additional requirement for instruction is warranted or should be modified in some manner, requiring these persons to complete an annual review in the interim would constitute an undue burden.

The FAA finds that notice and public comment for this amendment are impracticable and contrary to the public interest because compliance with the current rule may be an undue burden on the general aviation public. In addition, because the date has already passed on which the one-year requirement would have taken effect, the FAA finds that good cause exists to make this rule effective in fewer than 30 days.

If the FAA determines that the annual review is not necessary or that it should be modified in some manner, a period of time will be required to draft a revision to the recreational pilot rule, to allow time for comment, and then to respond to those comments in a final rule.

Interested persons are invited to submit such comments as they may desire regarding this amendment. Communications should identify the docket number and be submitted in duplicate to the address above. All communciations received on or before the close of the comment period will be considered by the Administrator, and this amendment may be changed in light of the comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested parties.

Federalism Impact

The amendment adopted herein does 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 amendment does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Conclusion

This amendment delays the compliance date, until August 31, 1991, of the annual flight review requirement for recreational pilots and non-instrument-rated private pilots with fewer than 400 hours of flight time as a pilot that was established in the "Certification of Recreational Pilots and Annual Flight Review Requirements for Recreational Pilots and Non-Instrument-Rated Pilots with Fewer than 400 Hours" final rule. (FAR 61.56(d))

The FAA has determined that this amendment is not a major regulation under the criteria of Executive Order No. 12291 but is significant, because of the number of persons affected and public interest in this issue, under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034; February 26, 1979).

List of Subjects in 14 CFR Part 61

Aviation safety, Student pilots, Eligibility requirements, Aeronautical knowledge, Operational experience, Cross-country flight privileges, Limitations.

The Amendment

Accordingly, part 61 of the Federal Aviation Regulations (14 CFR part 61) is amended as follows:

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

1. The authority citation for part 61 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1355, 1421, 1422, and 1427; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449; January 12, 1983).

2. By amended § 61.56 by revising the introductory text of paragraph (d) to read as follows:

§ 61.56 Flight review.

* * * * *

(d) Except as provided in paragraph (e) of this section, after August 31, 1991—* * *

* * * * *

Issued in Washington, DC, on November 30, 1990.

James B. Busey,

Administrator.

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