

Sunshine Act Meetings

Federal Register

Vol. 52, No. 190

Thursday, October 1, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL ELECTION COMMISSION

[Federal Register No. 87-22147]

PREVIOUSLY ANNOUNCED DATE AND TIME: Tuesday, September 29, 1987, 10:00 a.m.

CHANGE IN MEETING: The closed meeting scheduled for this date was cancelled.

DATE AND TIME: Tuesday, October 6, 1987, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.

Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

DATE AND TIME: Thursday, October 8, 1987, 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC. (Ninth Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of Dates for Future Meetings.

Correction and Approval of Minutes.

Eligibility Report for Candidates to Receive Presidential Primary Matching Funds.

FY '88 Management Plan.

1984 Public Financing Reports to the Congress Prepared Pursuant to 26 U.S.C. 9009(a) and 9039(a).

Routine Administrative Matters.

PERSON TO CONTRACT FOR INFORMATION:

Mr. Fred Eiland, Information Officer, Telephone: 202-376-3155.

Marjorie W. Emmons,
Secretary of the Commission.

[FR Doc. 87-22801 Filed 10-29-87; 2:25 pm]

BILLING CODE 6715-01-M

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, October 7, 1987.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: September 29, 1987.

James McAfee

Associate Secretary of the Board.

[FR Doc. 87-22840 Filed 9-29-87; 3:57 pm]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

TIME AND DATE: 2:00 p.m., Wednesday, October 7, 1987.

PLACE: Room 532, (open); Room 540 (closed) Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, DC 20580.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions Open to the Public:

(1) Oral Argument in Tigor Title Insurance Company et al., Docket No. 9190.

Portions closed to the Public:

(2) Executive Session to follow Oral Argument in Tigor Title Insurance Company et al., Docket No. 9190.

CONTACT PERSON FOR MORE INFORMATION:

Susan B. Ticknor, Office

of Public Affairs: (202) 326-2179; Recorded Message: (202) 326-2711.

Emily H. Rock,

Secretary.

[FR Doc. 87-22734 Filed 9-29-87; 9:12 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (52 FR 36494 September 29, 1987).

STATUS: Closed meeting.

PLACE: 450 Fifth Street, NW., Washington, DC.

DATE PREVIOUSLY ANNOUNCED: Tuesday, September 22, 1987.

CHANGE IN THE MEETING: Addition/Deletion.

The following additional item will be considered at a closed meeting on Wednesday September 30, 1987, following the 10:00 a.m. open meeting.

Litigation matter.

The following item will not be considered at a closed meeting on Wednesday, September 30, 1987, following the 10:00 a.m. open meeting.

Report of investigation.

Commissioner Grundfest, as duty officer, determined that Commission business required the above changes.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Kevin Fogarty at (202) 272-3195.

Jonathan G. Katz,

Secretary.

September 29, 1987.

[FR Doc. 87-22772 Filed 9-29-87; 12:48 pm]

BILLING CODE 8010-01-M

Corrections

Federal Register

Vol. 52, No. 190

Thursday, October 1, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 87-120]

Mediterranean Fruit Fly

Correction

In rule document 87-20119 beginning on page 33218 in the issue of Wednesday, September 2, 1987, make the following corrections:

§ 301.78-1 [Corrected]

1. On page 33221, in the third column, in § 301.78-1, in the definition for *Deputy Administrator*, in the third line, insert "Service" after "Inspection".

§ 301.78-6 [Corrected]

2. On page 33223, in the third column, in § 301.78-6(b), in the sixth line, "the" should read "this".

§ 301.78-8 [Corrected]

3. On page 33223, in the third column, in § 301.78-8(a), in the 11th line, insert "or other shipping" after "waybill".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 653

[Docket No. 70616-7183]

Red Drum Fishery of the Gulf of Mexico

Correction

In rule document 87-21388 beginning on page 34918 in the issue of Wednesday, September 16, 1987, make the following correction:

§ 653.23 [Corrected]

On page 34922, in the third column, in § 653.23(a), in the seventh line, "§ 653.2" should read "§ 653.21".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL-3263-1]

Approval and Promulgation of Implementation Plans; New Hampshire; Particulate Emission Standards and Permit Fees

Correction

In rule document 87-21479 beginning on page 35081 in the issue of Thursday, September 17, 1987, make the following correction:

§ 81.330 [Corrected]

On page 35082, in § 81.330, under "New Hampshire--TSP," under "Better than national standards," remove the X's opposite the entries for Metropolitan Manchester and Metropolitan Berlin.

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 58

[Docket No. 83N-0142]

Good Laboratory Practice Regulations

Correction

In rule document 87-20375 beginning on page 33768 in the issue of Friday, September 4, 1987, make the following corrections:

On page 33775, in the second column, in paragraph number 34., in the 3rd and 18th lines, remove the second "§".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 177

[Docket No. 86F-0075]

Indirect Food Additives; Polymers

Correction

In rule document 87-20374 beginning on page 33574 in the issue of Friday, September 4, 1987, make the following correction:

PART 177--[CORRECTED]

On page 33575, in the second column, in paragraph number 3., remove "to" from the first line, and "Subpart B" from the second line.

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 888

[Docket No. 78N-3028]

Orthopedic Devices; General Provisions and Classifications of 77 Devices

Correction

In rule document 87-20194 beginning on page 33686 in the issue of Friday, September 4, 1987, make the following correction:

On page 33694, in the first column, in paragraph b., in the third line, "class II" should read "class I".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committees; Meetings

Correction

In notice document 87-21425 beginning on page 35144 in the issue of Thursday, September 17, 1987, make the following corrections:

1. On page 35144, in the third column, under Cardiovascular and Renal Drugs

Advisory Committee, in the sixth line, "contract" should read "contact". Make the same correction on page 35145, in the first column, in the fifth line under Anti-Infective Drugs Advisory Committee.

2. On page 35145, in the second column, in the third complete paragraph, in the fourth line, "rimantadine" was misspelled.

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 87M-0271]

Premarket Approval of Aerosol Services, Inc., Sterile Unpreserved Aerosol Pressurized Spray

Correction

In notice document 87-21421 appearing on page 35144 in the issue of

Thursday, September 17, 1987, make the following corrections:

1. In the second column, in the second complete paragraph, in the next to last line, "CFRH" should read "CDRH".

2. In the same column, in the third complete paragraph, in the ninth line, after "hearing", insert "under".

BILLING CODE 1505-01-D

Federal Register

Thursday
October 1, 1987

Part II

Department of Transportation

Federal Aviation Administration
14 CFR Part 71

Proposed Establishment of Airport Radar
Service Areas; Notice of Proposed Rule-
making

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71****[Airspace Docket No. 87-AWA-26]****Proposed Establishment of Airport Radar Service Areas****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish an Airport Radar Service Area (ARSA) at Lovell Field, Chattanooga, TN; Monterey Peninsula Airport, CA; Fresno Air Terminal, CA; and Huntsville-Madison County-Carl T. Jones Field, AL. With the exception of Fresno Air Terminal, each location is an airport at which a nonregulatory Terminal Radar Service Area (TRSA) is currently in effect. Establishment of each ARSA would require that pilots maintain two-way radio communication with air traffic control (ATC) while in the ARSA. Implementation of ARSA procedures at each of the affected locations would promote the efficient control of air traffic and reduce the risk of midair collision in terminal areas.

DATES: Comments must be received on or before January 7, 1988. Informal airspace meeting dates are as follows: Lovell Field, Chattanooga, TN—December 3, 1987; Monterey Peninsula Airport, CA—December 3 and 7, 1987; Fresno Air Terminal Airport, CA—December 7, 1987; and Huntsville-Madison County-Carl T. Jones Field, AL—December 2, 1987.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket [AGC-204], Airspace Docket No. 87-AWA-26, 800 Independence Avenue SW., Washington, DC 20591.

The informal airspace meeting places are as follows:

Fresno Air Terminal, CA, ARSA

Date: December 7, 1987

Time: 7:00 p.m.

Location: Holiday Inn, 5090 East Clinton Avenue, Fresno, CA

Huntsville-Madison County-Carl T.

Jones Field, AL, ARSA

Date: December 2, 1987

Time: 7:00 p.m.

Location: Alabama Space and Rocket Center, Government Drive and Bob Wallace Drive, Huntsville, AL

Lovell Field, Chattanooga, TN, ARSA

Date: December 3, 1987

Time: 7:00 p.m.

Location: Tennessee Air National Guard Building, Lovell Field, Chattanooga, TN

Monterey Peninsula Airport, CA, ARSA

Date: December 3, 1987

Time: 7:00 p.m.

Location: Ingersoll Hall, Room 122, Naval Post Graduate School, Third and Sloat Avenues, Monterey, CA and

Date: December 7, 1987

Time: 7:00 p.m.

Location: Board of Supervisor's Chambers, Monterey County Court House, Second Floor, East Wing, Church and Alisal Streets, Salinas, CA

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue SW., Washington, DC.

The informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Joe Gill, Airspace Branch (ATO-240), Airspace—Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-9252.

SUPPLEMENTARY INFORMATION:**Comments Invited**

This notice involves four locations. Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 87-AWA-26." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal

contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) 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 notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

Meeting Procedures

In addition to seeking written comments on this proposal, the FAA will hold informal airspace meetings for the proposed ARSA locations in order to receive additional input with respect to the proposal. The dates, times, and places for these meetings are listed above. Persons who plan to attend the meetings should be aware of the following procedures to be followed:

(a) The meetings will be informal in nature and will be conducted by the designated representative of the Administrator. Each participant will be given an opportunity to make a presentation.

(b) There will be no admission fee or other charge to attend and participate. The meetings will be open to all persons on a space-available basis. The FAA representative may accelerate the agenda to enable early adjournment if the progress of the meetings is more expeditious than planned.

(c) The meetings will not be recorded. A summary of the comments made at these meetings will be filed in the docket.

(d) Position papers or other handout material relating to the substance of the meetings may be accepted. Participants submitting handout materials should present an original and two copies to the presiding officer. There should be an adequate number of copies provided for further distribution to all participants.

(e) Statements made by FAA participants at the meetings should not be taken as expressing a final FAA position.

Agenda

Presentation of Meeting Procedures
FAA Presentation of Proposal
Public Presentations and Discussion

Background

On April 22, 1982, the National Airspace Review (NAR) plan was published in the *Federal Register* (47 FR 17448). The plan encompassed a review of airspace use and procedural aspects of the ATC system. Among the main objectives of the NAR was the improvement of the ATC system by increasing efficiency and reducing complexity. In its review of terminal airspace, NAR Task Group 1-2 concluded that TRSA's should be replaced. Four types of airspace configurations were considered as replacement candidates, of which Model B, since redesignated ARSA, was the consensus recommendation.

In response, the FAA published NAR Recommendation 1-2.2.1, "Replace Terminal Radar Service Areas with Model B Airspace and Service" in Notice 83-9 (July 28, 1983; 48 FR 34286) proposing the establishment of ARSA's at the Robert Mueller Municipal Airport, Austin, TX, and the Port of Columbus International Airport, Columbus, OH. ARSA's were designated at these airports on a temporary basis by SPAR No. 45 (October 28, 1983; 48 FR 50038) in order to provide an operational confirmation of the ARSA concept for potential application on a national basis.

Following a confirmation period of more than a year, the FAA adopted the NAR recommendation and, on February 27, 1985, issued a final rule (50 FR 9252; March 6, 1985) defining an ARSA and establishing air traffic rules for operation within such an area. Concurrently, by separate rulemaking action, ARSA's were permanently established at the Austin, TX, and Columbus, OH, airports and also at the Baltimore/Washington International Airport, Baltimore, MD (50 FR 9250; March 6, 1985). The FAA has stated that future notices would propose ARSA's for other airports at which TRSA procedures were in effect.

Additionally, the NAR Task Group recommended that the FAA develop quantitative criteria for proposing to establish ARSA's at locations other than those which are included in the TRSA replacement program. The task group recommended that these criteria take into account, among other things, traffic mix, flow and density, airport configuration, geographical features, collision risk assessment, and ATC capabilities to provide service to users.

This criteria has been developed and is being published via the FAA directives system.

The FAA has established ARSA's at 89 locations under a paced implementation plan to replace TRSA's with ARSA's. This is one of a series of notices to implement ARSA's at locations with TRSA's or locations without TRSA's which warrant implementation of an ARSA.

Related Rulemaking

This notice proposes ARSA designation at four locations identified as candidates for an ARSA in the preamble to Amendment No. 71-10 (50 FR 9252). Other candidate locations will be proposed in future notices published in the *Federal Register*.

The Current Situation at the Proposed ARSA Locations

A TRSA is currently in effect at three of the locations at which ARSA's are proposed in this notice. Fresno Air Terminal is a radar facility currently providing Stage II service. A TRSA consists of the airspace surrounding a designated airport where ATC provides radar vectoring, sequencing, and separation for all aircraft operating under instrument flight rules (IFR) and for participating aircraft operating under visual flight rules (VFR). Stage II service, with the exception of separation provides the same. TRSA airspace and operating rules are not established by regulation, and participation by pilots operating under VFR is voluntary, although pilots are urged to participate. This level of service is known as Stage III and is provided at all locations identified as TRSA's. The NAR task group recommended the replacement of most TRSA's with ARSA's.

A number of problems with the TRSA program were identified by the task group. The task group stated that because there are different levels of service offered within the TRSA, users are not always sure of what restrictions or privileges exist, or how to cope with them. According to the task group, there is a shared feeling among users that TRSA's are often poorly defined, are generally dissimilar in dimensions, and encompass more area than is necessary or desirable. There are other users who believe that the voluntary nature of the TRSA does not adequately address the problems associated with nonparticipating aircraft operating in relative proximity to the airport and associated approach and departure courses. There is strong advocacy among user organizations that terminal radar facilities should provide all pilots the same service, in the same way, and,

to the extent feasible, within standard size airspace designations.

Certain provisions of FAR § 91.87 add to the problem identified by the task group. For example, aircraft operating under VFR to or from a satellite airport and within the airport traffic area (ATA) of the primary airport are excluded from the two-way radio communications requirement of § 91.87. This condition is acceptable until the volume and density of traffic at the primary airport dictates further action.

The Proposal

The FAA is considering an amendment to § 71.501 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish ARSA's at Lovell Field, Chattanooga, TN; Monterey Peninsula Airport, CA; Fresno Air Terminal, CA; and Huntsville-Madison County-Carl T. Jones Field, AL, which are public airports, at three of which nonregulatory TRSA's are currently in effect. The proposed locations are depicted on charts in Appendix 1 to this notice.

FAA regulations, 14 CFR 91.88, define ARSA and prescribe operating rules for aircraft, ultralight vehicles, and parachute jump operations in airspace designated as an ARSA.

The ARSA rule provides in part that, prior to entering the ARSA, any aircraft arriving at any airport in an ARSA or flying through an ARSA must: (1) Establish two-way radio communications with the ATC facility having jurisdiction over the area, and (2) while in the ARSA, maintain two-way radio communications with that ATC facility. For aircraft departing from the primary airport within the ARSA, two-way radio communications must be maintained with the ATC facility having jurisdiction over the area. For aircraft departing a satellite airport within the ARSA, two-way radio communications must be established as soon as practicable after takeoff with the ATC facility having jurisdiction over the area, and thereafter maintained while operating within the ARSA.

All aircraft operating within an ARSA are required to comply with all ATC clearances and instructions and any FAA arrival or departure traffic pattern for the airport of intended operation. However, the rule permits ATC to authorize appropriate deviations to any of the operating requirements of the rule when safety considerations justify the deviation or more efficient utilization of the airspace can be attained. Ultralight vehicle operations and parachute jumps in an ARSA may only be conducted

under the terms of an ATC authorization.

The FAA adopted the NAR task group recommendation that each ARSA be of the same airspace configuration insofar as practicable. The standard ARSA consists of airspace within 5 nautical miles of the primary airport extending from the surface to an altitude of 4,000 feet above that airport's elevation, and that airspace between 5 and 10 nautical miles from the primary airport from 1,200 feet above the surface to an altitude of 4,000 feet above that airport's elevation. Proposed deviation from the standard has been necessary at some airports due to adjacent regulatory airspace, international boundaries, topography, or unusual operational requirements.

Definitions, operating requirements, and specific airspace designations applicable to ARSA may be found in 14 CFR Part 71, §§ 71.14 and 71.501, and Part 91, §§ 91.1 and 91.88.

For the reasons discussed under "Regulatory Evaluation," the FAA has determined that this proposed regulation is not a "major rule" under Executive Order 12291 and is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Regulatory Evaluation

The FAA has conducted a Regulatory Evaluation of the proposed establishment of these additional ARSA sites. The major findings of that evaluation are summarized below, and the evaluation is available in the regulatory docket.

a. Costs

Costs which potentially could result from the establishment of additional ARSA sites fall into the following categories:

- (1) Air traffic controller staffing, controller training, and facility equipment costs incurred by the FAA.
- (2) Costs associated with the revision of charts, notification of the public, and pilot education.
- (3) Additional operating costs for circumnavigating or flying over the ARSA.
- (4) Potential delay costs resulting from operations within the ARSA rather than a TRSA.
- (5) The need for some operators to purchase radio transceivers.
- (6) Miscellaneous costs.

It has been the FAA's experience, however, that these potential costs do not materialize to any appreciable degree, and when they do occur, they are transitional, relatively low in magnitude, or attributable to specific

implementation problems that have been experienced at a very small minority of ARSA sites. The reasons for these conclusions are presented below.

FAA expects that the additional ARSA sites proposed in this notice can be implemented without requiring additional controller personnel above current authorized staffing levels, because participation at these TRSA locations is already quite high, and the reduced separation standards permitted in ARSA's will allow controllers to absorb the slight increase in participating traffic by handling all traffic much more efficiently. Further, because controller training will be conducted during normal working hours, and existing TRSA facilities already operate the necessary radar equipment, FAA does not expect to incur any appreciable implementation costs. Essentially, the FAA will modify its terminal radar procedures at the proposed ARSA sites in a manner that will make more efficient use of existing resources.

No additional costs are expected to be incurred because of the need to revise sectional charts to remove TRSA airspace depictions and incorporate the new ARSA airspace boundaries. Changes of this nature are routinely made during charting cycles, and the planned effective dates for newly established ARSA's are scheduled to coincide with the regular 6-month chart publication intervals.

This rulemaking proceeding and process will satisfy much of the need to notify the public and educate pilots about ARSA operations. The informal public meeting being held at each location where an ARSA is being proposed provides pilots with the best opportunity to learn both how an ARSA works and how it will affect their local operations. The expenses associated with these public meetings are considered costs attributable to the rulemaking process; however, any public information costs following establishment of a new ARSA are strictly attributable to the ARSA. The FAA expects to distribute a Letter to Airmen to all pilots residing within 50 miles of ARSA sites explaining the operating and configuration of the ARSA finally adopted. The FAA also has issued an Advisory Circular on ARSA's. The combined Letter to Airmen and prorated Advisory Circular costs have been estimated to be approximately \$500 for each ARSA site. This cost is incurred only once upon the initial establishment of an ARSA.

Information on ARSA's following the establishment of additional sites will also be disseminated at aviation safety

seminars conducted throughout the country by various district offices. These seminars are regularly provided by the FAA to discuss a variety of aviation safety issues and, therefore, will not involve additional costs strictly as a result of the ARSA program.

Additionally, no significant costs are expected to be incurred as a result of the follow-on user meetings that will be held at each site following implementation of the ARSA which will allow users to provide feedback to the FAA on local ARSA operations. These meetings are being held at public or other facilities which are being provided free of charge or at nominal cost. Further, because these meetings are being conducted by local FAA facility personnel, no travel, per diem, or overtime costs will be incurred by regional or headquarters personnel.

FAA anticipates that some pilots who currently transit a TRSA without establishing radio communications or participating in radar services may choose to circumnavigate the mandatory participation airspace of an ARSA rather than participate. Some minor delay costs will be incurred by these pilots because of the additional aircraft variable operating cost and lost crew and passenger time resulting from the deviation. Other pilots may elect to overfly the ARSA, or transit below the 1,200 feet above ground level (AGL) floor between the 5- and 10-nautical mile rings. Although this will not result in any appreciable delay, a small additional fuel burn will result from the climb portion of the altitude adjustment (which will be offset somewhat by the descent.)

FAA recognizes that the potential exists for delay to develop at some locations following establishment of an ARSA. The additional traffic that the radar facilities will be handling as a result of the mandatory participation requirement may, in some instances, result in minor delays to aircraft operations. FAA does not expect such delay to be appreciable. FAA expects that the greater flexibility afforded controllers in handling traffic as a result of the reduced separation standards will keep delay problems to a minimum. Those that do occur will be transitional in nature, diminishing as facilities gain operating experience with ARSA's and learn how to tailor procedures and allocate resources to take fullest advantage of the increased efficiencies due to the implementation of the ARSA. This has been the experience at most of the locations where ARSA's have been in effect for the longest period of time and is the recurring trend at the

locations that have been more recently designated.

The FAA does not expect that any operator will find it necessary to install radio transceivers as a result of establishing the ARSA's proposed in this notice. Aircraft operating to and from primary airports already are required to have two-way radio communications capability because of existing airport traffic areas and, therefore, will not incur any additional costs as a result of the proposed ARSA's. Further, the FAA has made an effort to minimize these potential costs throughout the ARSA program by providing airspace exclusions, or cutouts, for satellite airports located within 5 nautical miles of the ARSA center where the ARSA would otherwise have extended down to the surface. Procedural agreements between the local ATC facility and the affected airports have also been used to avoid radio installation costs.

At some proposed ARSA locations, special situations might exist where establishment of an ARSA could impose certain costs on users of that airspace. However, exclusions, cutouts, and special procedures have been used extensively throughout the ARSA program to alleviate adverse impacts on local fixed base and airport operators. Similarly, the FAA has eliminated potential adverse impacts on existing flight training practice areas, as well as soaring, ballooning, parachuting, ultralight and banner towing activities, by developing special procedures to accommodate these activities through local agreements between ATC facilities and the affected organizations. For these reasons, the FAA does not expect that any such adverse impact will occur at the candidate ARSA sites proposed in this notice.

b. Benefits

Much of the benefit that will result from ARSA's is nonquantifiable and is attributable to simplification and standardization of ARSA configurations and procedures, which should eliminate much of the confusion currently experienced by pilots when operating in nonstandard TRSA's. Further, once experience is gained in ARSA operations, the air traffic controllers will gain greater flexibility in handling traffic within an ARSA which will enable them to move traffic more efficiently than under the current TRSA's. These expected savings may or may not offset the delay that some sites may experience after the initial establishment of an ARSA, but are expected to eventually provide overall time savings to all traffic, IFR as well as

VFR, as both pilots and controllers become more familiar with ARSA operating procedures.

Some of the benefits of the ARSA cannot be specifically attributed to individual candidate airports, but rather will result from the overall improvements in terminal area ATC procedures realized as ARSA's are implemented throughout the country. ARSA's have the potential of reducing both near and actual midair collisions at the airports where they are established. Based upon the experience at the Austin and Columbus ARSA confirmation sites, FAA estimates that near midair collisions may be reduced by approximately 35 to 40 percent. Further, FAA estimates that implementation of the ARSA program nationally may prevent approximately one midair collision every 1 to 2 years throughout the United States. The quantifiable benefits of preventing a midair collision can range from less than \$100,000, resulting from the prevention of a minor nonfatal accident between general aviation aircraft, to \$300 million or more, resulting from the prevention of a midair collision involving a large air carrier aircraft and numerous fatalities. Establishment of ARSA's at the sites proposed in the notice will contribute to these improvements in safety.

c. Comparison of Costs and Benefits

A direct comparison of the costs and benefits of this proposal is difficult for a number of reasons. Many of the benefits of the rule are nonquantifiable, and it is difficult to specifically attribute the standardization benefits, as well as the safety benefits, to individual candidate ARSA sites.

FAA expects that any adjustment problems that may be experienced at the ARSA locations proposed in this notice will only be temporary, and that once established, the ARSA's will result in an overall improvement in efficiency in terminal area operations. This has been the experience at the vast majority of ARSA sites that have already been implemented. In addition to these operational efficiency improvements, establishment of the proposed ARSA sites will contribute to a reduction in near and actual midair collisions. For these reasons, FAA expects that establishment of the ARSA sites proposed in this notice will produce long term, ongoing benefits that will far exceed their costs, which are essentially transitional in nature.

International Trade Impact Analysis

This proposed regulation will only affect terminal airspace operating procedures at selected airports within

the United States. As such, it will have no effect on the sale of foreign aviation products or services in the United States, nor will it affect the sale of United States aviation products or services in foreign countries.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by government regulations. Small entities are independently owned and operated small businesses and small not-for-profit organizations. The RFA requires agencies to review rules that may have a significant economic impact on a substantial number of small entities.

The small entities that potentially could be affected by implementation of the ARSA program include the fixed-base operators, flight schools, agricultural operators and other small aviation businesses located at satellite airports within 5 nautical miles of the ARSA center. If the mandatory participation requirement were to extend down to the surface at these airports, where under current regulations participation in the TRSA and radio communication with ATC is voluntary, operations at these airports might be altered, and some business could be lost to airports outside of the ARSA core. FAA has proposed to exclude many satellite airports located within 5 nautical miles of the primary airport at candidate ARSA sites to avoid adversely impacting their operations and to simplify coordinating ATC responsibilities between the primary and satellite airports. In some cases, the same purposes will be achieved through Letters of Agreement between ATC and the affected airports that establish special procedures for operating to and from these airports. In this manner, FAA expects to eliminate any adverse impact on the operations of small satellite airports that potentially could result from the ARSA program. Similarly, FAA expects to eliminate potentially adverse impacts on existing flight training practice areas, as well as soaring, ballooning, parachuting, ultralight, and banner towing activities, by developing special procedures that will accommodate these activities through local agreements between ATC facilities and the affected organizations. FAA has utilized such arrangements extensively in implementing the ARSA's that have been established to date.

Further, because the FAA expects that any delay problems that may initially develop following implementation of an

ARSA will be transitory, and because the airports that will be affected by the ARSA program represent only a small proportion of all the public use airports in operation within the United States, small entities of any type that use aircraft in the course of their business will not be adversely impacted.

For these reasons, the FAA certifies that the proposed regulation, if adopted, will not result in a significant economic impact on a substantial number of small entities, and a regulatory flexibility analysis is not required under the terms of the RFA.

List of Subjects in 14 CFR Part 71

Aviation safety, Airport radar service areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g)

(Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.501 [Amended]

2. Section 71.501 is amended as follows:

Fresno Air Terminal, CA [New]

That airspace within a 5-mile radius of the Fresno Air Terminal (lat. 36°46'28" N., long. 119°42'58" W.), extending upward from the surface to and including 4,400 feet MSL; and that airspace within a 10-mile radius of the airport extending upward from 1,600 feet MSL to and including 4,400 feet MSL.

Huntsville-Madison County-Carl T. Jones Field, AL [New]

That airspace within a 5-mile radius of the Huntsville-Madison County-Carl T. Jones Field (lat. 34°38'28" N., long. 86°46'26" W.) extending upward from the surface to and including 4,600 feet MSL; and that airspace within a 10-mile radius of the airport from the 315° T (315° M) bearing from the airport clockwise to the 187° T (187° M) bearing from the airport extending upward from 2,000 feet MSL to and including 4,600 feet MSL; and that airspace within a 10-mile radius of the airport from the 187° T (187° M) bearing from the airport clockwise to the 315° T (315° M) bearing from the airport, extending upward from 1,800 feet MSL to and including 4,600 feet MSL.

Lovell Field, Chattanooga, TN [New]

That airspace within a 5-mile radius of Lovell Field (lat. 35°02'07" N., long. 85°12'15" W.), extending upward from the surface to and including 4,700 feet MSL; and that

airspace within a 10-mile radius of the airport from the 350° T (351° M) bearing from the airport clockwise to the 058° T (059° M) bearing from the airport extending upward from 2,200 feet MSL to and including 4,700 feet MSL; and that airspace within a 10-mile radius of the airport from the 058° T (059° M) bearing from the airport clockwise to the 234° T (235° M) bearing from the airport extending upward from 2,600 feet MSL to and including 4,700 feet MSL; and that airspace within a 10-mile radius of the airport from the 234° T (235° M) bearing from the airport clockwise to the 350° T (351° M) bearing from the airport extending upward from 3,300 feet MSL to and including 4,700 feet MSL.

Monterey Peninsula Airport, CA [New]

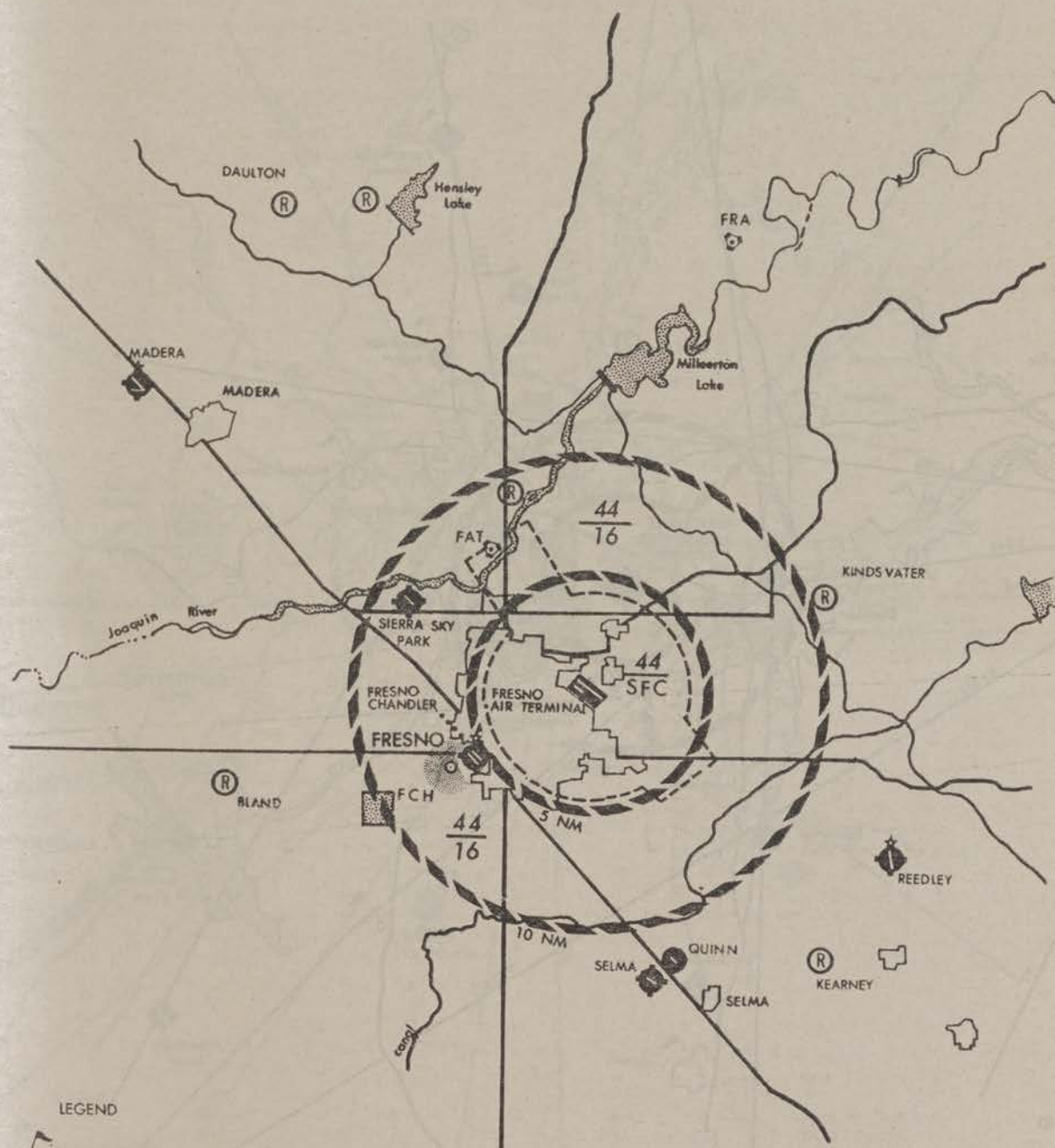
That airspace within a 5-mile radius of the Monterey Peninsula Airport (lat. 36°35'19" N., long. 121°50'52" W.), extending upward from the surface to and including 4,200 feet MSL; and that airspace within a 10-mile radius of the airport beginning at the Pacific Ocean shoreline southwest of the airport clockwise to the 140° T (124° M) bearing from the airport extending upward from 1,500 feet MSL to and including 4,200 feet MSL; and that airspace within a 10-mile radius of the airport beginning at the 140° T (124° M) bearing from the airport clockwise to the Pacific Ocean shoreline, extending upward from 3,200 feet MSL to and including 4,200 feet MSL. The airspace contained within Restricted Area R-2511 is excluded when it is in use.

BILLING CODE 4910-13-M

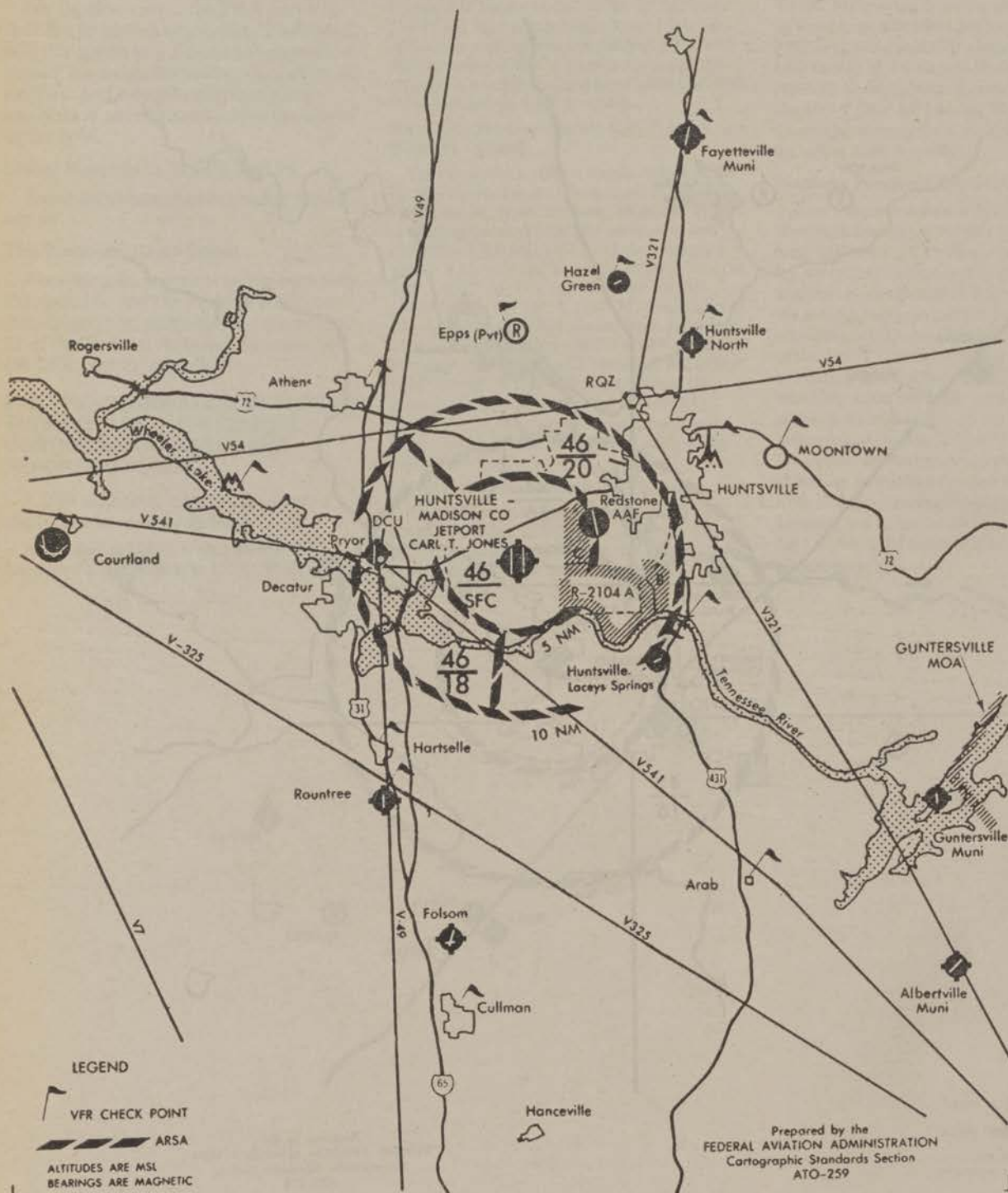
AIRPORT RADAR SERVICE AREA

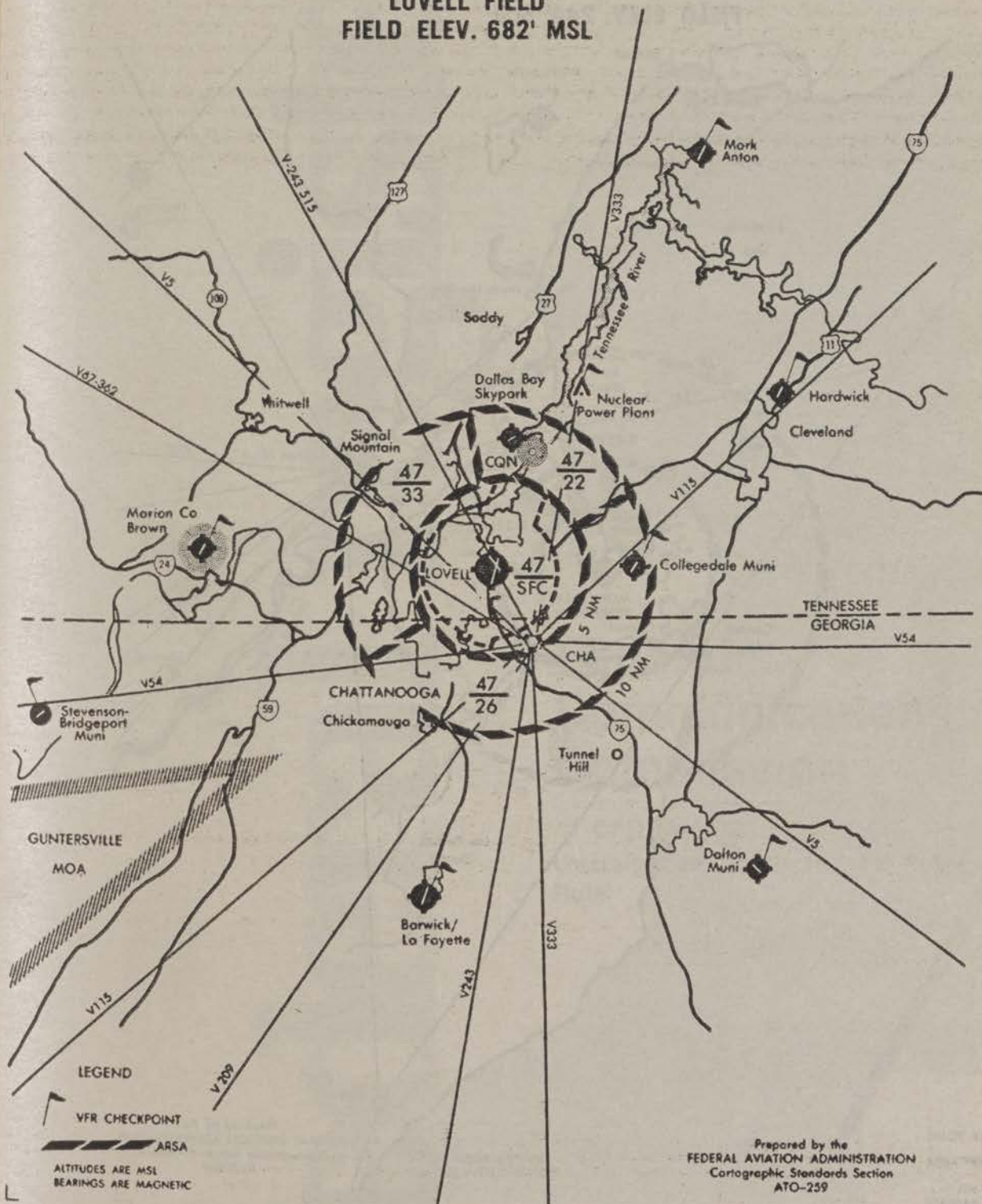
(NOT TO BE USED FOR NAVIGATION)

FRESNO, CALIFORNIA
FRESNO AIR TERMINAL
FIELD ELEV. 332' MSL



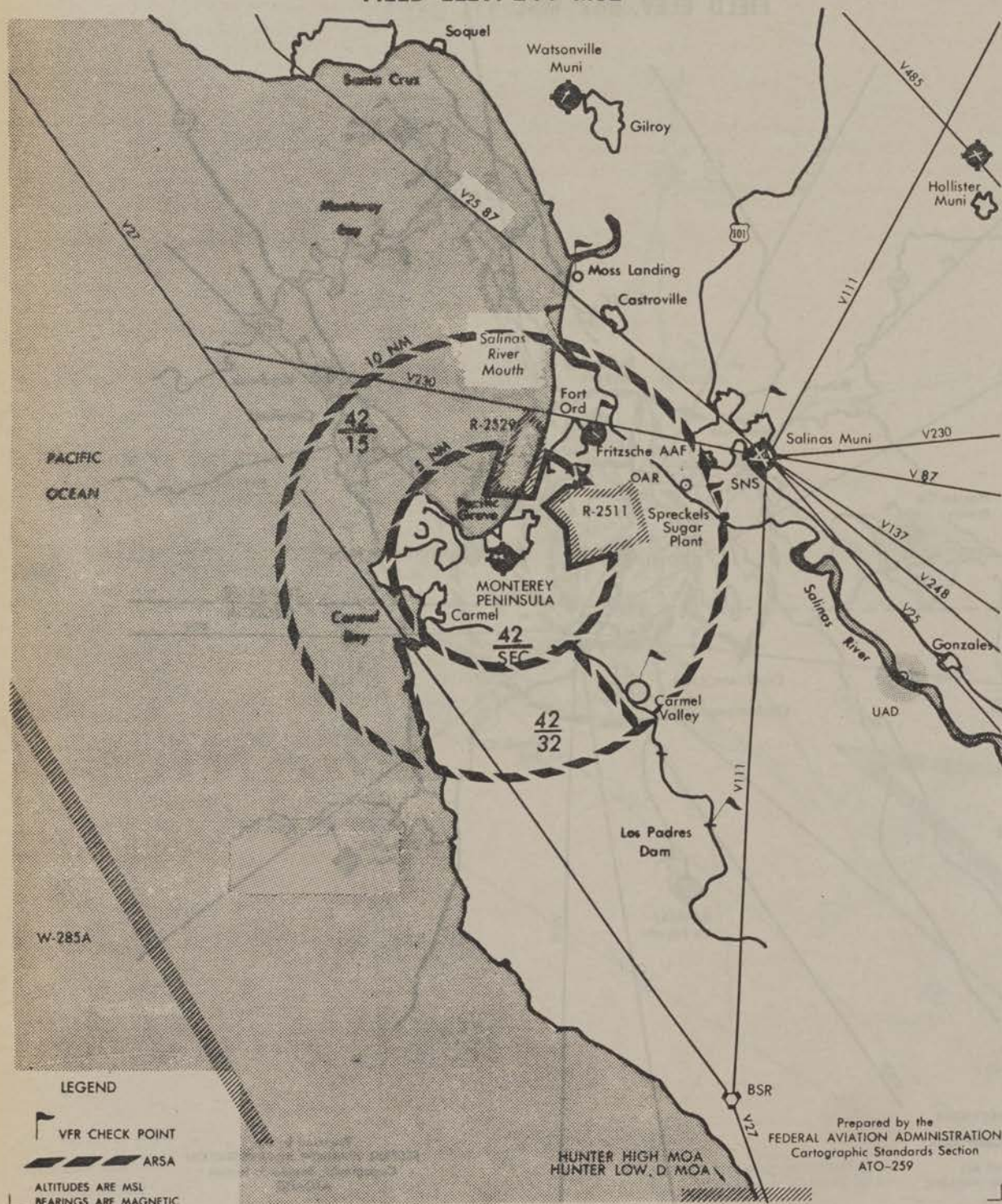
Prepared by the
FEDERAL AVIATION ADMINISTRATION
Cartographic Standards Section
ATO-259

AIRPORT RADAR SERVICE AREA
(NOT TO BE USED FOR NAVIGATION)**HUNTSVILLE, ALABAMA**
HUNTSVILLE-MADISON CO-CARL T JONES FLD
FIELD ELEV. 630' MSL

AIRPORT RADAR SERVICE AREA
(NOT TO BE USED FOR NAVIGATION)**CHATTANOOGA, TENNESSEE**
LOVELL FIELD
FIELD ELEV. 682' MSL

AIRPORT RADAR SERVICE AREA

(NOT TO BE USED FOR NAVIGATION)

MONTEREY, CALIFORNIA**MONTEREY PENINSULA AIRPORT****FIELD ELEV. 244' MSL**

Issued in Washington, DC, on September 25, 1987.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 87-22717 Filed 9-30-87; 8:45 am]

BILLING CODE 4910-13-C

Estimote

Thursday
October 1, 1987

Part III

Federal Communications Commission

47 CFR Part 73

Oversight of Radio and TV Rules; Final
Rule

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

Oversight of Radio and TV Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Order amends broadcast regulations in 47 CFR Part 73. Amendments are made to correct, clarify or update certain technical equations, formulas and tables in the broadcast regulations.

EFFECTIVE DATE: October 1, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Steve Crane, Policy and Rules Division, Mass Media Bureau, (202) 632-5414.

SUPPLEMENTARY INFORMATION: In this Order, rule revisions are made to update, clarify and correct regulations in Title 47, Code of Federal Regulations. Adopted September 3, 1987; released September 15, 1987.

Order

Adopted: September 3, 1987.

Released: September 15, 1987.

In the matter of oversight of the Radio and TV Broadcast Rules.

By the Chief, Mass Media Bureau.

1. In this Order, the Commission focuses its attention on the oversight of its radio and TV broadcast rules. Modifications are made herein to update, clarify or correct certain equations, formulas and tables in the broadcast regulations as described in the following amendment summaries:

(a) In § 73.150, Directional antenna systems, paragraph (b)(1)(i) contains a number of errors and omissions in the equations and definitional text presented there. These discrepancies have been implanted or text has been lost through inadvertence or printing error. Corrections and restorations are made herein via the following amendments:

- (i) Revising the incorrectly stated mathematical expressions for the theoretical radiation pattern and the standard radiation pattern;
- (ii) Adding the missing definitional text pertaining to the method of computing Q;
- (iii) Adding the missing Equation 3; and
- (iv) Remedying certain discrepancies such as removing the square brackets in Equation 1 and replacing with vertical lines correctly signifying "absolute value"; adding the entire horizontal line

which establishes the extent of the "angle" portion of the vector in Equation 1; replacing the horizontal line which establishes the extent of the square root in Equation 2; returning the horizontal line to the square root symbol missing in the definition of Q and in Equation 4; and correcting the definition of E_{rss} , just preceding Equation $4E(\Phi, \Theta)_{th}$. (See rule amendment paragraph 2).

(b) There are three equations in paragraph (d) of § 73.184 which are corrected here. The designations Equation 1 and Equation 2 are repositioned to the right of the Equations instead of their present incorrect positioning, and the designation Equation 3, which is missing from the rule, is replaced and appropriately positioned to the right of that equation. Other corrections to this paragraph include adding $\frac{1}{3}$ to the mileage formula 50/f, and revising field intensity to read field strength in the instructional text which follows the Equations. (See rule amendment paragraph 3).

(c) In the Report and Order in Mass Media Docket 84-752, Changes in Technical Rules to Reflect New International Agreements, a new paragraph (d) was adopted in § 73.190, Engineering charts and related formulas. In making the transposition from the document, as adopted by the Commission, to the Code of Federal Regulations, several inaccuracies were implanted into the new rule section. Amendments are made herein to correct these errors. (See rule amendment paragraph 4).

(d) Regulations pertaining to prediction of coverage for TV stations, § 73.684, require the use of certain field strength charts in predicting distances to the field strength contours. These charts are designated as Figures 9 and 10 in § 73.699, TV engineering charts. The rule states that "To use the charts for other powers, the sliding scale associated with the charts should be trimmed and used as the ordinate scale."

With the development of contemporary calculation procedures (i.e., calculators and computers), use of the sliding scale to predict TV coverage has come to an end. Also, the sliding scale, sometime in the past several years, has inadvertently been dropped from the Code of Federal Regulations. The lack of comment regarding its disappearance gives further proof that it is no longer used.

In using the charts to predict the distance to a given contour, we have prepared a new procedure to be used in the future. It may be used in place of the missing sliding scale directions.

Two other amendments are made to this rule via this Order: in paragraph (c),

two references are made to millivolts per meter which are corrected to read microvolts per meter. And, the equation following paragraph (c)(1) is revised to include the square root sign over the letter H (Height of antenna). (See rule amendment paragraph 5).

(e) In an Order adopted September 10, 1985, the Commission amended its rules to clarify protection provisions for the Commerce Department's Table Mountain Radio Receiving Zone at Boulder County, Colorado. FCC 85-497; 50 FR 39000, September 26, 1985.

Amendments were made to paragraph (b) of § 73.1030. This paragraph contains a Table of values of field strength and power flux densities as they pertain to certain frequency ranges. The power flux density values must be expressed in negative term (-), and each value should be shown with a negative sign preceding it. In printing the Order in the Federal Register, the negative signs were inadvertently dropped. As consequence, the Table also appeared in the Code of Federal Regulations without the negative signs. Correction is made herein to restore the negative signs to the power flux density values.

Also, in paragraph (c)(1) of this rule section, a parenthetical expression makes reference to " * * * a free space characteristic impedance of 120 Ohms." The symbol pi, which belongs between 120 and Ohms, is missing. It is inserted here so that the impedance is properly stated as " * * * impedance of 120 π Ohms * * * " (See rule amendment paragraph 6).

2. No substantive changes are made herein which impose additional burdens or remove provisions relied upon by licensees or the public. We conclude, for the reasons set forth above, that these revisions will serve the public interest.

3. These amendments are implemented by authority delegated by the Commission to the Chief, Mass Media Bureau. Inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose, prior notice of rulemaking, effective date provisions and public procedure thereon are inapplicable pursuant to the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B).

(4) Since a general notice of rulemaking is not required, the Regulatory Flexibility Act does not apply.

(5) Accordingly, it is ordered, That pursuant to sections 4(i), 303(r) and 5(c)(1) of the Communications Act of 1934, as amended, and §§ 0.61 and 0.283 of the Commission's Rules, Part 73 is amended as set forth in the attached

Appendix, effective on the date of publication in the **Federal Register**.

(6) For further information on this Order, contact Steve Crane, Mass Media Bureau, (202) 632-5414.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

William H. Johnson,

Acting Chief, Mass Media Bureau.

Appendix

Rule Changes

47 CFR is amended to read as follows:

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

Authority: 47 U.S.C. 154 and 303.

2. Section 73.150 (b)(1)(i) is amended by revising introductory text for equation 1 and equation 1, introductory text for equation 2 and equation 2, introductory texts for equations 3 and 4, equations 3 and 4 and definitional terms to read as follows:

§ 73.150 Directional antenna systems.

(b) * * *

(1) * * *

(i) The standard radiation pattern shall be based on the theoretical radiation pattern. The theoretical radiation pattern shall be calculated in accordance with the following mathematical expression:

$$E(\phi, \theta)_{th} = \left| k \sum_{i=1}^n F_i f_i(\theta) / S_i \cos \theta \cos(\phi_i - \phi) + \psi_i \right| \quad (\text{Eq. 1})$$

where: * * *

The standard radiation pattern shall be constructed in accordance with the following mathematical expression:

$$E(\phi, \theta)_{std} = 1.05 \sqrt{[E(\phi, \theta)_{th}]^2 + Q^2} \quad (\text{Eq. 2})$$

where: * * *

using the metric system. For all situations prior to January 4, 1982, Q is the greater of the following quantities:

The method of computing Q will be by

$$0.025 g(\theta) E_{rss}$$

or

$$6.0 g(\theta) \sqrt{P_{kw}}$$

For all situations on or after January 4, 1982, Q is the greater of the following quantities:

$$0.025 g(\theta) E_{rss}$$

or

$$10.0 g(\theta) \sqrt{P_{kw}}$$

where.

$g(\theta)$ is the vertical plane distribution factor, $f(\theta)$, for the shortest element in the array (see Eq. 2, above; also see

§ 73.190, Figure 5). If the shortest element has an electrical height in excess of 0.5 wavelength, $g(\theta)$ shall be computed as follows:

$$g(\theta) = \frac{\sqrt{\{f(\theta)\}^2 + 0.0625}}{1.030776} \quad (\text{Eq. 3})$$

E_{rss} is the root sum square of the amplitudes of the inverse fields of the elements of the array in the horizontal

plane, as used in the expression for $E(\phi, \theta)_{th}$ (see Eq. 1, above), and is computed as follows:

$$E_{rss} = k \sqrt{\sum_{i=1}^n F_i^2} \quad (\text{Eq. 4})$$

P_{kw} is the nominal station power expressed in kilowatts, see § 73.14. If the nominal power is less than one kilowatt, $P_{kw} = 1$.

(ii) * * *

3. Section 73.184 is amended by revising the text in paragraph (d) to read as follows: (the note to paragraph (d) remains unchanged):

§ 73.184 Groundwave field strength graphs.

(d) Provided the value of the dielectric constant is near 15, the curves of Graphs 1 to 19 may be compared with experimental data to determine the appropriate values of the ground conductivity and of the inverse distance field strength at 1 kilometer. This is accomplished simply by plotting the measured fields on transparent log-log graph paper similar to that used for Graphs 1 to 19 and superimposing this chart over the graph corresponding to the frequency involved. The log-log graph sheet is then shifted vertically until the best fit is obtained with one of the curves on the graph; the intersection of the inverse distance line on the graph with the 1 kilometer abscissa on the chart determines the inverse distance field strength at 1 kilometer. For other

values of dielectric constant, the following procedure may be used for a determination of the dielectric constant of the ground, conductivity of the ground and the inverse distance field strength at 1 mile. Before the results of such determinations are submitted to the

$$\chi \cong \frac{\pi}{p} \cdot \left(R/\lambda \right)_1 \cdot \cos b \quad \text{Eq. 1}$$

$(R/\lambda)_1 =$ Number of wavelengths in 1 mile.

$$\delta_{e.m.u.} = \frac{\chi f_{MHz}}{17.9731} \cdot 10^{-14} \quad \text{Eq. 2}$$

$\delta_{e.m.u.}$ = Conductivity of the ground expressed in electromagnetic units.

f_{MHz} = frequency expressed in megahertz.

$$\epsilon \cong \chi \tan b - 1 \quad \text{Eq. 3}$$

FCC, they must be converted to equivalent metric units. Graph 20 gives the relative values of groundwave field strength over a plane earth as a function of the numerical distance p and phase angle b . On graph paper with coordinates similar to those of Graph 20, plot the measured values of field strength as ordinates versus the corresponding distances from the antenna in miles as abscissae. The data should be plotted only for distances greater than one wavelength (or, when this is greater, five times the vertical height of the antenna in the case of a single element, i.e., nondirectional antenna or 10 times the spacing between the elements of a directional antenna) and for distances of less than $50f_{MHz}$ miles (i.e., 50 miles at 1 MHz). Then, using a light box, place the sheet with the data plotted on it over the sheet with the curves of Graph 20 and shift the data sheet vertically and horizontally (making sure that the vertical lines on both sheets are parallel) until the best fit with the data is obtained with one of the curves on Graph 20. When the two sheets are properly lined up, the value of the field strength corresponding to the intersection of the inverse distance line of Graph 20 with the 1 mile abscissa on the data sheet is the inverse distance field strength at 1 mile, and the values of p and b are also determined. Knowing the values of b and p , (the numerical distance at one mile), we may substitute in the following approximate values of the ground conductivity and dielectric constant.

ϵ =dielectric constant of the ground referred to air as unity.

First solve for χ by substituting the known values of p_1 , $(R/\lambda)_1$ and $\cos b$ in Equation 1. Equation 2 may then be solved for δ and Equation 3 for ϵ . At distances greater than $50/f^{1/3}/\text{mHz}$ miles the curves of Graph 20 do not give the correct relative values of field strength since the curvature of the earth weakens the field more rapidly than these plane earth curves would indicate. Thus, no attempt should be made to fit experimental data to these curves at the larger distances.

$$\theta^\circ = \tan^{-1} \left(k_n \cot \frac{d}{444.54} \right) - \frac{d}{444.54}$$

Where:

d =distance in kilometers
 $n=1$ for 50% field strength values
 $n=2$ or 3 for 10% field strength values
 and where
 $K_1=0.00752$
 $K_2=0.00938$
 $K_3=0.00565$

Note: Computations using these formulas should not be carried beyond 0.1 degree.

5. Section 73.684 is amended by revising paragraphs (c) introductory text and (c)(1) to read as follows:

§ 73.684 Prediction of coverage.

(c) In predicting the distance to the field strength contours, the F (50,50) field strength charts (Figures 9 and 10 of § 73.699) shall be used. If the 50% field strength is defined as that value exceeded for 50% of the time, these F (50,50) charts give the estimated 50% field strengths exceeded at 50% of the locations in dB above 1 $\mu\text{V/m}$. The charts are based on an effective power of 1 kW radiated from a half-wave dipole in free space, which produces an unattenuated field strength at 1.61 kilometers (1 mile) of about 103 dB above 1 $\mu\text{V/m}$. To use the charts to predict the distance to a given contour, the following procedure is used: Convert the effective radiated power in kilowatts for the appropriate azimuth into decibel value referenced to 1 kW (dBu). If necessary, convert the selected contour to the decibel value (dBu) above 1 microvolt per meter (1 $\mu\text{V/m}$). Subtract the power value in dBk from the contour

Note. * * *

4. Section 73.190 is amended by revising paragraph (d) to read as follows:

§ 73.190 Engineering charts and related formulas.

(d) Figure 6a depicts angles of departure versus transmission range. These angles may also be computed using the following formulas:

terrain of the 3.2–16.1 kilometers (2–10 miles) sector of the pertinent radial.

This formula is empirically derived for the limited purpose specified here. Its use for any other purpose may be inappropriate.

6. Section 73.1030 is amended by revising paragraphs (b) introductory text and (c) introductory text to read as follows:

§ 73.1030 Notifications concerning interference to radio astronomy, research and receiving installations.

(b) *Radio receiving installations.*

Protection for Table Mountain Radio Receiving Zone, Boulder County, Colorado: Applicants for a station authorization to operate in the vicinity of Boulder County, Colorado under this Part are advised to give due consideration, prior to filing applications, to the need to protect the Table Mountain Radio Receiving Zone from harmful interference. These are the research laboratories of the Department of Commerce, Boulder County, Colorado. To prevent degradation of the present ambient radio signal level at the site, the Department of Commerce seeks to ensure that the field strengths of any radiated signals (excluding reflected signals) received on this 1800 acre site (within the area bounded by 40 09 10 N Latitude on the north, 105 13 31 W Longitude on the east, 40 07 05 N Latitude on the south and 105 15 13 W Longitude on the west) resulting from new assignments (other than mobile stations) or from the modification of relocation of existing facilities do not exceed the following values:

Frequency range	Field strength ¹	Power flux density* ²
Below 540 kHz	10	–65.8
540 to 1600 kHz..	20	–59.8
1.6 to 470 MHz....	10	**–65.8
470 to 890 MHz....	30	**–56.2
Above 890 MHz....	1	**–85.8

¹ (mV/m) in authorized bandwidth of service.

² (dBW/m²) in authorized bandwidth of service.

*Equivalent values of power flux density are calculated assuming free space characteristic impedance of $376.7 = 120 \pi$ ohms.

**Space stations shall conform to the power flux density limits at the earth's surface specified in appropriate parts of the FCC rules, but in no case should exceed the above

value in dBu. Note that for power less than 1 kW, the difference value will be greater than the contour value because the power in dBk is negative. Locate the difference value obtained on the vertical scale at the left edge of the chart. Follow the horizontal line for that value into the chart to the point of intersection with the vertical line above the height of the antenna above average terrain for the appropriate azimuth located on the scale at the bottom of the chart. If the point of intersection does not fall exactly on a distance curve, interpolate between the distance curves below and above the intersection point. The distance values for the curves are located along the right edge of the chart.

(1) In predicting the distance to the Grade A and Grade B field strength contours, the effective radiated power to be used is that radiated at the vertical angle corresponding to the depression angle between the transmitting antenna center of radiation and the radio horizon as determined individually for each azimuthal direction concerned. The depression angle is based on the difference in elevation of the antenna center of radiation above the average terrain and the radio horizon, assuming a smooth spherical earth with a radius of 8,495.5 kilometers (5,280 miles) and shall be determined by the following equation:

$$A = 0.0277\sqrt{H}$$

Where:

A is the depression angle in degrees.

H is the height in meters of the transmitting antenna radiation center above average

levels in any 4 kHz band for all angles of arrival.

* * * * *

(c) Protection for Federal Communications Commission

monitoring stations. (1) Applicants in the vicinity of a FCC monitoring station for a radio station authorization to operate new transmitting facilities or changed transmitting facilities which would increase the field strength produced over the monitoring station in excess of that previously authorized are

advised to give consideration, prior to filing applications, to the possible need to protect the FCC stations from harmful interference. Geographical coordinates of the facilities which require protection are listed in § 0.121(c) of the FCC rules. Applications for stations (except mobile stations) which will produce on any frequency a direct wave fundamental field strength of *greater than 10 mV/m* in the authorized bandwidth of service (-65.8 dBW/m^2 power flux density assuming a free space characteristic

impedance of 120π ohms) at the referenced coordinates, may be examined to determine extent of possible interference. Depending on the theoretical field strength value and existing root-sum-square or other ambient radio field signal levels at the indicated coordinates, a clause protecting the monitoring station may be added to the station authorization.

* * * * *

[FR Doc. 87-22003 Filed 9-30-87; 8:45 am]

BILLING CODE 6712-01-M

5010 Federal Register

Thursday
October 1, 1987

Part IV

Department of Health and Human Services

Food and Drug Administration

21 CFR Part 884

Obstetrical and Gynecological Devices;
Contraceptive Tubal Occlusion Device
(TOD) and Introducer; Final Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 884

[Docket No. 85N-0223]

Obstetrical and Gynecological Devices; Effective Date of Requirement for Premarket Approval; Contraceptive Tubal Occlusion Device (TOD) and Introducer**AGENCY:** Food and Drug Administration.
ACTION: Final rule.**SUMMARY:** The Food and Drug Administration (FDA) is requiring the filing of a premarket approval application or a notice of completion of a product development protocol for the contraceptive tubal occlusion device (TOD) and introducer, a medical device. This action is being taken under the Medical Device Amendments of 1976.
EFFECTIVE DATE: December 30, 1987.**FOR FURTHER INFORMATION CONTACT:** Raju G. Kammula, Center for Devices and Radiological Health (HFZ-470), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7555.**SUPPLEMENTARY INFORMATION:****I. Background**

In the *Federal Register* of February 26, 1980 (45 FR 12712), FDA published a final rule classifying into class III (premarket approval) the TOD and introducer (21 CFR 884.5380). Section 884.5380 applies to any TOD and introducer that was in commercial distribution before May 28, 1976, the date of enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94-295) and to any device that FDA has found to be substantially equivalent to the TOD and introducer and that has been marketed on or after May 28, 1976. For the sake of convenience, both the devices that were on the market before May 28, 1976, and the substantially equivalent devices that were marketed on or after that date are referred to as "preamendments devices."

In the *Federal Register* of October 7, 1985 (50 FR 40950), FDA published a proposed rule to require the filing under section 515(b) of the Federal Food, and Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(b)) of a premarket approval application (PMA) or a notice of completion of a product development protocol (PDP) for the TOD and introducer. In accordance with section 515(b)(2)(H) of the act, FDA included in

the preamble to the proposal the agency's proposed findings with respect to the degree of risk of illness or injury designed to be eliminated or reduced by requiring the device to meet the premarket approval requirements of the act, and on the benefits to the public from use of the device (50 FR 40951). The agency provided an opportunity for interested persons to submit comments on the proposed rule and on the agency's proposed findings. Under section 515(b)(2)(B) of the act, FDA also provided an opportunity for interested persons to request a change in classification of the device based on new information relevant to its classification. Any petition requesting a change in the classification of the TOD and introducer was required to be submitted by October 22, 1985. The comment period closed on December 6, 1985.

FDA did not receive any petitions requesting a change in the classification of the device. FDA received two letters of comment on the proposed rule. One comment was from a manufacturer of the device, and the other comment was from a trade association.

Both comments focused on FDA's proposal to require carcinogenicity data for the TOD. In the proposed rule, FDA stated that, because the TOD is intended to be implanted, the long-term material integrity and safety must be established to avoid the potential risk of carcinogenicity.

1. One comment stated that TOD's are made from materials that are generally regarded as nontoxic and nontissue reactive, and that any risk of a TOD as a potential carcinogen is highly speculative and cannot be confirmed or denied. Manufacturers of TOD's should, therefore, be allowed the opportunity to address the issue on a more scientific basis. The comment suggested that a reasonable approach would be the convening of the Obstetrics and Gynecological Devices Panel (the Panel) to discuss the probable risks of TOD's as a carcinogen. If the Panel were to conclude that an unacceptably high risk of carcinogenicity is posed by TOD's, the Panel could address the issue of the proper study design to assess the carcinogenicity risk. The comment also observed that the risks associated with TOD's are no greater than those associated with other tubal sterilization procedures.

FDA disagrees with the comment. Although TOD's are made of materials that are generally thought to be biocompatible, some of the materials used in the various versions of this generic type of device may cause long-term adverse tissue reactions. TOD's are

intended to be implanted in young healthy women and remain implanted during their lifetimes. FDA believes that data should be submitted showing the long-term safety of the materials used in the TOD. FDA notes that the Panel has already discussed the overall biocompatibility of TOD's and did not find any conclusive data demonstrating that materials used in preamendments TOD's have no long-term adverse effect, such as an adverse tissue reaction (see 44 FR 19961; April 3, 1979).

2. The other comment stated that FDA's proposal to require data showing that the TOD does not present a potential for carcinogenicity is inconsistent with FDA's decision on similar devices, such as the contraceptive intrauterine device (IUD) (21 CFR 884.5360) (see 50 FR 33500, August 19, 1985; 51 FR 16648, May 5, 1986).

FDA believes that its regulatory decisions are consistent. The preamendments IUD had a material safety history from clinical use greater than 20 years. Thus, the final rule establishing an effective date of the requirement for premarket approval of the IUD (51 FR 16648; May 5, 1986), did not require submission of more data than was already available on the long-term biocompatibility of the IUD. On the other hand, little data on long-term use of the TOD are available. Under the circumstances, manufacturers of the TOD are required to provide data on long-term safety of the device.

FDA has reexamined, and finds appropriate, its proposed findings and conclusions with respect to the degree of risk of illness or injury designed to be eliminated or reduced by requiring the TOD and introducer to meet the act's PMA requirements. Accordingly, FDA is promulgating a final rule requiring premarket approval for the TOD and introducer under section 515(d)(3) of the act and is summarizing its findings with respect to: (1) The degree of risk of illness or injury designed to be eliminated or reduced by requiring the TOD and introducer to have an approved PMA or declared completed PDP, and (2) the benefits to the public from the use of the device.

II. Findings With Respect to Risks and Benefits**A. Degree of Risk Pregnancy—Ectopic Pregnancy**

1. *Pregnancy rate.* Failure of the device to close the fallopian tube completely could result in an unwanted pregnancy. The reported data indicate that the overall risk of pregnancy for

TOD's ranges from 1 to 27 pregnancies per 100 women.

2. *Ectopic pregnancy.* The cumulative lifetime risk of ectopic pregnancy for a woman undergoing a tubal sterilization is only 2.1 per 1,000 women (which is less than the risk of ectopic pregnancy for nonsterilized women). However, 16 percent of all pregnancies occurring after tubal sterilization are ectopic.

3. *Abnormal menstrual patterns.* Recently, concern has been expressed that sterilization may be related to disturbances in menstrual patterns requiring hysterectomy or other surgical treatment. However, the published data on this subject are contradictory and inconclusive.

4. *Infections.* Infections appear to be one of the common complications associated with TOD's. Infections occur most often at the incision site and in the pelvis.

5. *Pain.* Pain is one of the most frequent complications of sterilization by TOD's.

6. *Trauma—Bleeding.* Transection of the fallopian tubes associated with mesosalpingeal bleeding is a well-known traumatic complication of female sterilization. The frequency of this complication has not been reported for tubal occlusion clips, but has been reported as 2.6 percent for the Falope Ring.

7. *Tissue toxicity.* Implanted TOD devices may contain materials which are not biocompatible, thereby producing adverse tissue reaction. Although the tubal occlusion bands and clips are made of materials that are generally thought to be biocompatible, it is possible that contaminants may be introduced during the manufacture of the device or that some of the materials may cause adverse tissue reactions that are not recognized immediately after implantation.

FDA concludes that these risks could be eliminated or reduced by requiring the TOD and introducer to undergo premarket approval.

B. Benefits of the Device

Female sterilization is the most popular method of fertility control for women in the United States. Female sterilization by TOD's has been reported to be relatively safe and shown to have failure rates of less than 1 per 100 women. Female sterilization by electrocoagulation, though as effective as female sterilization by TOD's, reportedly presents potential risks to health of skin, bowel, and bladder burns (see 50 FR 40952 and 40953, October 7, 1985). Many women who have completed their desired family size prefer sterilization by TOD's over

contraception from use of IUD's, oral contraceptives, or vaginal barrier contraceptives.

III. Final Rule

Under section 515(b)(3) of the act, FDA is adopting the proposed findings as published in the preamble to the proposed rule and is issuing a final rule to require premarket approval of the generic type of device, the TOD and introducer.

Under the final rule, a PMA or a notice of completion of a PDP is required to be filed on or before December 30, 1987, for any TOD and introducer that was in commercial distribution before May 28, 1976, or that has been found by FDA to be substantially equivalent to such a device on or before December 30, 1987. An approved PMA or a declared completed PDP is required to be in effect for any such device on or before June 28, 1988. (If FDA finds that continued availability of a device for which a PMA has been timely filed is necessary for the public health, FDA may, under section 515(d)(1)(B)(i) of the act, extend the 180-day period for taking action on the PMA.) Any TOD and introducer that was not in commercial distribution before May 28, 1976, or that has not on or before December 30, 1987, been found by FDA to be substantially equivalent to a TOD and introducer that was in commercial distribution before May 28, 1976, is required to have an approved PMA or a declared completed PDP in effect before it may be marketed.

If a PMA or a notice of completion of a PDP for a TOD and introducer is not filed on or before December 30, 1987, that device will be deemed adulterated under section 501(f)(1)(A) of the act (21 U.S.C. 351(f)(1)(A)), and commercial distribution of the device will be required to cease. The device may, however, be distributed for investigational use, if the requirements of the investigational device exemption (IDE) regulations (21 CFR Part 812) are met.

Under § 812.2(d) of the IDE regulations, FDA hereby stipulates that the exemptions from the IDE requirements in § 812.2(c) (1) and (2) will no longer apply to clinical investigations of the TOD and introducer. Further, FDA concludes that investigational TOD's and introducers are significant risk devices as defined in § 812.3(m), and advises that as of the effective date of § 884.5380(c) the requirements of the IDE regulations regarding significant risk devices will apply to any clinical investigation of a TOD and introducer. For any such device, therefore, an IDE submitted to FDA, under § 812.20, is required to be in effect under § 812.30

before an investigation is initiated or continued on or after December 30, 1987. FDA advises all persons who intend to sponsor any clinical investigation involving the TOD and introducer to submit an IDE application to FDA no later than November 30, 1987, to avoid the interruption of ongoing investigations.

IV. Environmental Impact

The agency has determined under 21 CFR 25.24(a)(8) and (e) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

V. Economic Impact

FDA has examined the economic consequences of this final rule in accordance with the criteria in section 1(b) of Executive Order 12291 and found that the rule will not be a major rule as specified in the Order. The agency believes that only four or five small firms will be affected by this rule. Therefore, the agency certifies under the Regulatory Flexibility Act (Pub. L. 96-354) that the rule will not have a significant economic impact on a substantial number of small entities. An assessment of the economic impact of this final rule has been placed on file in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 884

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 884 is amended as follows:

PART 884—OBSTETRICAL AND GYNCOLOGICAL DEVICES

1. The authority citation for 21 CFR Part 884 continues to read as follows:

Authority: Secs. 501(f), 510, 513, 515, 520, 701(a), 52 Stat. 1055, 76 Stat. 794-795 as amended, 90 Stat. 540-546, 552-559, 565-574, 576-577 (21 U.S.C. 351(f), 360, 360c, 360e, 360j, 371(a)); 21 CFR 5.10.

2. In § 884.5380 by revising paragraph (c), to read as follows:

§ 884.5380 Contraceptive tubal occlusion device (TOD) and introducer.

* * * * *

(c) Date premarket approval application (PMA) or notice of

completion of a product development protocol (PDP) is required. A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 30, 1987, for any TOD and introducer that was in commercial distribution before May 28, 1976, or that has on or before December 30, 1987, been found to be substantially equivalent to a TOD and introducer that was in commercial distribution before May 28, 1976. Any other TOD and introducer shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

Dated: September 9, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

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