

Sunshine Act Meetings

Federal Register

Vol. 54, No. 33

Tuesday, February 21, 1989

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 COMMUNICATIONS COMMISSION

February 15, 1989.

FCC To Hold a Closed Commission Meeting, Wednesday, February 22, 1989

The Federal Communications Commission will hold a Closed Meeting on the subjects listed below on Wednesday, February 22, 1989, following the Open Meeting, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, DC.

Agenda, Item No., and Subject

Hearing—1—Application for Review in the Fredonia, New York AM renewal proceeding (MM Docket No. 85-92).

This item is closed to the public because it concerns Adjudicatory Matters See 47 CFR 0.603(j)).

The following persons are expected to attend:

Commissioners and their Assistants Managing Director and members of his staff General Counsel and members of her staff Acting Chief, Office of Public Affairs and member of her staff

Action by the Commission February 14, 1989. Commissioners Patrick Chairman; Quello, and Dennis voting to consider this item in Closed Session.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Sarah Lawrence FCC Office of Public Affairs, telephone number (202) 632-5050.

Issued: February 15, 1989.

Federal Communications Commission.

Donna R. Searcy,
Secretary.

[FR Doc. 89-4015 Filed 2-21-89; 11:39 am]

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FEDERAL COMMUNICATIONS COMMISSION

February 15, 1989-G.

FCC To Hold Open Commission Meeting, Wednesday, February 22, 1989

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Wednesday, February 22, 1989, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, DC.

Agenda, Item No., and Subject

Private Radio—1—Title: Trunking Standards for Equipment Operating in the 800 MHz Public Safety Bands. Summary: The Commission will consider action on the proceeding regarding trunking compatibility protocol standards for equipment operating in the 800 MHz public safety bands. (Gen. Docket No. 88-441).

Private Radio—2—Title: Amendment of Part 90 of the Commission's Rules regarding eligibility and shared use criteria for Private Land Mobile Frequencies Below 800 MHz. Summary: The Commission will consider whether to adopt a Notice of Proposed Rule Making concerning eligibility in the Business Radio Service

and direct licensing of third parties to provide communications service to eligible end users within the Part 90 service categories.

Mass Media—1—Title: Policies Regarding Interference Reduction Between AM Broadcast Stations. Summary: The Commission will consider whether to develop a formal procedure for AM licensees to reduce interstation interference and to consider certain changes in the AM processing rules to facilitate such a procedure.

Mass Media—2—Title: Amendment of Parts 73 and 76 of the Commission's Rules Relating to Program Exclusivity in the Cable and Broadcast Industries. Summary: Commission consider action on various petitions for reconsideration of its *Report and Order*, 3 FCC Rcd 5299 (1988).

Mass Media—3—Title: Policies Regarding Detrimental Effects of Proposed New Broadcast Stations on Existing Stations. Summary: The Commission will consider further action in MM Docket No. 87-68 relating to the *Carroll* doctrine.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Sarah Lawrence, Office of Public Affairs, telephone number (202) 632-5050.

Issued: February 15, 1989.

Federal Communications Commission.

Donna R. Searcy,
Secretary.

[FR Doc. 89-4016 Filed 2-16-89; 11:39 am]

BILLING CODE 6712-01-M

Corrections

Federal Register

Vol. 54, No. 33

Tuesday, February 21, 1989

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 COMMERCE

International Trade Administration

Notice of Applications for Duty-Free Entry of Scientific Instruments; Medical University of South Carolina et al.

Correction

In notice document 89-2216 beginning on page 4874 in the issue of Tuesday, January 31, 1989, make the following corrections:

1. On page 4874, in the first column, in the third complete paragraph, in the fourth line, "Electronic" should read "Electron".

2. On the same page, in the second column, in the fifth line, "Electronic" should read "Electron".

3. On the same page, in the third column, in the eighth complete paragraph, in the fifth line, "Electronic" should read "Electron".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Applications for Duty-Free Entry of Scientific Instruments; Pennsylvania State University et al.

Correction

In notice document 89-2218 beginning on page 4876 in the issue of Tuesday, January 31, 1989, make the following corrections:

1. On page 4876, in the 1st column, in the 3rd complete paragraph, in the 20th and 21st lines, "December 11, 1988" should read "August 17, 1988".

2. On page 4877, in the first column, in the first complete paragraph, in the fifth

line, "Isotope-Ration" should read "Isotope-Ratio".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

43 CFR Part 4

Department Hearings and Appeals Procedures

Correction

In rule document 89-3091 beginning on page 6483 in the issue of Friday, February 10, 1989, make the following correction:

§ 4.314 [Corrected]

On page 6486, in the third column, the section heading which reads "§ 4.315 Exhaustion of administrative remedies." should read "§ 4.314 Exhaustion of administrative remedies."

BILLING CODE 1505-01-D

federal register

Tuesday
February 21, 1989

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Part 71

**Proposed Establishment and Alteration of
Airport Radar Service Area; California;
Notice of Proposed Rulemaking**

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 88-AWA-7]

Proposed Establishment and Alteration of Airport Radar Service Area; California

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish an Airport Radar Service Area (ARSA) at John Wayne Airport/Orange County, Santa Ana, CA, and would adjust the lateral limits of the El Toro Marine Corps Air Station (MCAS) ARSA to accommodate the adjoining Santa Ana ARSA. John Wayne Airport/Orange County is a public airport with an operating control tower served by a Level V Radar Approach Control Facility and Limited Approach Control Facility. Establishment of this ARSA would require that pilots maintain two-way radio communication with air traffic control (ATC) while in the ARSA. Implementation of ARSA procedures at 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 April 21, 1989.

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. 88-AWA-7, 800 Independence Avenue SW., Washington, DC 20591.

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 that Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Alton Scott, 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**

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. 88-AWA-7." 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. 11-2A which describes the application procedure.

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 recommended by a consensus.

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 SFAR 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; Columbus, OH; and the Baltimore/Washington International Airports (50 FR 9250; March 6, 1985). The FAA has stated that future notices would propose ARSA's for other airports at which TRSA procedures are 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 125 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. This notice proposes ARSA designation at one of the 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 Location

John Wayne Airport/Orange County is a public airport with an operating control tower served by a Level V Radar Approach Control Facility and a Limited Approach Control Facility. The airport operations at this airport are quite varied as to the mix of aircraft. Speeds range from the extremely slow to the maximum speed allowed under regulations with maneuverability varying from the extremely maneuverable to the slower maneuvering aircraft. Although most aircraft landing at John Wayne Airport/Orange County are sequenced with the aid of radar, airspace and operating rules are not established by regulation. Participation by pilots operating under visual flight rules (VFR) is voluntary, although pilots are urged to participate. This level of service is known as Stage II and is provided at some locations not identified as TRSA's. The NAR Task Group recommended and the FAA adopted the establishment of numerical criteria to allow airports having particular safety, traffic, and other needs to become ARSA candidates regardless of whether such airports were encompassed by TRSA's. John Wayne Airport/Orange County is in this category of airports.

John Wayne Airport/Orange County is rapidly becoming more heavily used by numerous air carriers and air taxis. The number of passengers boarded annually far surpasses the number necessary for ARSA candidacy.

The NAR Task Group stated that, due to the different levels of service offered in terminal areas such as John Wayne Airport/Orange County, users are not always sure of what restrictions or privileges exist, or how to cope with them. Stage II services offered at John Wayne Airport/Orange County include traffic advisories and sequencing to the runway but do not include conflict resolution in the terminal airspace. Participation in this program is strictly voluntary. The only service available outside the airport traffic area (ATA) is separation for instrument flight rules (IFR) traffic and VFR traffic advisories as an additional service. Some believe that the voluntary nature of Stage II at airports with moderate traffic levels does not adequately address the problems associated with nonparticipating aircraft operating in relative proximity to the airport and its associated approach and departure courses. There is strong advocacy among user organizations that, within a given standard airspace designation, a terminal radar facility should provide all

pilots with the same level of service, and in the same manner, to the extent that this is feasible.

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 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 Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would adjust the lateral limits of the El Toro MCAS ARSA to accommodate the adjoining Santa Ana ARSA and establish an ARSA at John Wayne Airport/Orange County, Santa Ana, CA. This location is a public airport with an operating control tower served by a Level V Radar Approach Control Facility and a Limited Approach Control Facility.

The FAA has published a final rule (50 FR 9252; March 6, 1985) which defines ARSA and prescribes operating rules for aircraft, ultralight vehicles, and parachute jump operations in airspace designated as an ARSA.

The final rule provides in part that all aircraft arriving at any airport in an ARSA or flying through an ARSA, prior to entering the 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 from 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 is 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 deviations from this standard have been necessary at some airports due to adjacent regulatory airspace, international boundaries, topography, or unusual operational requirements.

This proposal deviates from the standard ARSA ceiling southwest of John Wayne Airport/Orange County. As a result of user comments and recommendations along with documented incident reports, the increasing operations in this area above 4,000 feet have mandated raising the ceiling by 1,000 feet. This would provide for a safer transition of aircraft landing at John Wayne Airport/Orange County while not designating an unnecessary amount of airspace.

Definitions, operating requirements, and specific airspace designations applicable to ARSA's may be found in §§ 71.14 and 71.501 of Part 71 and §§ 91.1 and 91.88 of Part 91 of the Federal Aviation Regulations (14 CFR Parts 71, 91).

For the reasons discussed under "Regulatory Evaluation," the FAA has determined that this proposed regulation (1) is not a "major rule" under Executive Order 12291; and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Regulatory Evaluation

The FAA conducted a Regulatory Evaluation of the proposed establishment of an ARSA at John Wayne Airport/Orange County. The major findings of that evaluation are summarized below, and the full evaluation is available in the regulatory docket.

a. Costs

Costs which potentially could result from the ARSA program 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 an ARSA.

(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.

Participation in Stage II at John Wayne Airport/Orange County is already quite high, and the separation standards permitted in ARSA's will allow controllers to absorb the slight increase in participating traffic by handling all traffic more efficiently. Thus, the FAA expects that the ARSA program can be implemented without requiring additional controller personnel above currently authorized staffing levels. Further, because controller training will be conducted during normal working hours, and John Wayne Airport/Orange County already operates the necessary radar equipment, the FAA does not expect to incur any appreciable implementation costs. Essentially, the FAA is modifying its terminal radar procedures in the ARSA program 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 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.

Much of the need to notify the public and educate pilots about ARSA operations will be met as a part of this rulemaking proceeding. The informal public meeting being held at each location where an ARSA is proposed provides pilots with the best opportunity to learn both how an ARSA works and how it will affect their local operations. Because the expenses associated with these public meetings will be incurred regardless of whether or not an ARSA is ultimately established at any given site, they are more appropriately considered sunken costs attributable to the rulemaking process rather than costs of

the ARSA program. Once the decision has been made to establish an ARSA through a final rule issued in this proceeding, however, any public information costs which follow are strictly attributable to the ARSA program. The FAA expects to distribute a Letter to Airmen to all pilots residing within 50 miles of each ARSA site explaining the operation and configuration of the ARSA that is being adopted. The FAA has also issued an Advisory Circular on ARSA's. The combined Letter to Airmen and prorated Advisory Circular costs for the airport at which an ARSA is being proposed in this notice is estimated to be about \$450. This cost will be incurred only once upon the initial establishment of this ARSA.

Information on ARSA's following implementation of the program will also be disseminated at aviation safety seminars conducted throughout the country by various district offices. These seminars are provided regularly by the FAA to discuss a variety of aviation safety issues; therefore, they 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 to 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.

The FAA anticipates that some pilots who currently transit the terminal area 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).

The FAA recognizes that the potential exists for delays to develop at some locations following the 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. The FAA does not expect such delay to be appreciable. The FAA expects that the flexibility afforded controllers in handling traffic as a result of the separation standards allowed in an ARSA will keep delay problems to a minimum. Those delays 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 efficiencies permitted by ARSA's. This has been the experience at the three locations where ARSA's have been in effect for the longest period of time; it is also the trend at most of the locations that have been designated more recently.

The FAA does not expect that any operators will find it necessary to install radio transceivers as a result of establishing the ARSA 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; therefore, these operators 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. Most non-radio equipped (NORDO) aircraft in the vicinity of John Wayne Airport/Orange County are located outside of the 5-nautical-mile ring and therefore will not be affected by the mandatory participation requirements.

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 soaring, ballooning, parachuting, ultralight and banner towing activities, as well as on existing flight training practice areas, 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 impacts will occur at the candidate ARSA site proposed in this notice.

The adjustment of the El Toro MCAS ARSA will not result in any additional cost. The proximity of the John Wayne Airport/Orange County to the El Toro MCAS necessitates the overlapping of the 5- and 10-nautical-mile rings of each ARSA. The meshing of these two rings constitutes the modification to the El Toro MCAS ARSA; thus, there are no costs associated with the modification.

b. Benefits

Much of the benefit that will result from ARSA's is nonquantifiable and attributable to simplification and standardization of ARSA configurations and procedures. Further, once experience is gained in ARSA operations, the flexibility allowed air traffic controllers in handling traffic within an ARSA will enable them to move traffic as efficiently as at present but with increased safety.

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, the FAA estimates that near midair collisions may be reduced by approximately 35 to 40 percent. Further, the 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, due to the prevention of a minor nonfatal accident between general aviation aircraft, to \$300 million or more, due to the prevention of a midair collision involving a large air carrier aircraft resulting in numerous fatalities. Establishment of an ARSA at the site proposed in this 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.

The FAA expects that any adjustment problems that may be experienced at new ARSA locations will only be temporary, and that once established, the ARSA program will result in efficient terminal area operations at those airports where ARSA's are established. This has been the experience at the vast majority of ARSA sites that have already been implemented. In addition, establishment of this proposed ARSA will contribute to a reduction in near and actual midair collisions. For these reasons, the FAA expects that the establishment of the ARSA proposed in this notice will produce long term, ongoing benefits that will far exceed 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 radar services and radio communication with ATC is voluntary, operations at these airports (inside the core) might be altered, and some business could be lost to airports outside of the ARSA core. The 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 the coordination of 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, the FAA expects to eliminate any adverse impact on the operations of small satellite airports that potentially could result from the ARSA program.

Similarly, the FAA expects to eliminate potentially adverse impacts on soaring, ballooning, parachuting, ultralight, and banner towing activities, as well as on existing flight training practice areas, by developing special procedures that will accommodate these activities through local agreements between ATC facilities and the affected organizations. The FAA has utilized such arrangements extensively in implementing the ARSA's that have been established to date.

The FAA expects that any delay problems that may initially develop following the implementation of an ARSA will be transitory. Furthermore, 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.

Federalism Implications

This proposed regulation will not have a substantial direct effect 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, preparation of a Federalism assessment is not warranted.

For the reasons discussed above, the FAA has determined that this proposed regulation (1) is not a "major rule" under Executive Order 12291; and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

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:

Santa Ana, CA [New]

That airspace extending upward from the surface to and including 4,400 feet MSL within a 5-mile radius of the John Wayne Airport/Orange County (lat. 33°40'32" N., long. 117°52'02" W.) excluding that airspace east of a line between the points where the 5-mile arc of John Wayne Airport/Orange County intercepts the 5-mile arc of El Toro MCAS (lat. 33°40'34" N., long. 117°43'49" W.); and that airspace extending upward from 2,500 feet MSL to and including 4,400 feet MSL within a 10-mile radius of the John Wayne Airport/Orange County, west of a line from the point where the 5-mile arc of John Wayne Airport/Orange County intercepts the 5-mile arc of El Toro MCAS, to the point where the 10-mile arc of John Wayne Airport/Orange County intercepts the 10-mile arc of El Toro MCAS clockwise to the 175° bearing from John Wayne Airport/Orange County; and that airspace extending upward from 1,500 feet MSL to and including 4,400 feet MSL within a 10-mile radius of John Wayne Airport/Orange County from the 175°

bearing clockwise from the 201° bearing from John Wayne Airport/Orange County; and that airspace extending upward from 3,500 feet MSL to and including 5,400 feet MSL within a 10-mile radius of John Wayne Airport/Orange County from the 201° bearing from the airport to the shoreline, excluding that airspace west of a line from the 351° bearing from John Wayne Airport/Orange County to the 251° bearing from John Wayne Airport/Orange County; and that airspace extending upward from 2,500 feet MSL to and including 5,400 feet MSL from the shoreline to the San Diego Freeway (I-405), excluding that airspace west of a line from the 351° bearing from John Wayne Airport/Orange County to the 251° bearing from John Wayne Airport/Orange County; and that airspace extending upward from 2,500 feet MSL to and including 4,400 feet MSL within a 10-mile radius of John Wayne Airport/Orange County from the San Diego Freeway clockwise to the 360° bearing from the John Wayne Airport/Orange County, excluding that airspace west of a line from the 351° bearing from John Wayne Airport/Orange County to the 251° bearing from John Wayne Airport/Orange County; and that airspace extending upward from 2,000 feet MSL to and including 4,400 feet MSL within a 10-mile radius of John Wayne Airport/Orange County from the 360° bearing from the John Wayne Airport/Orange County clockwise to a line from the point where the 5-mile arc of John Wayne Airport/Orange County intercepts the 5-mile arc of El Toro MCAS to the point where the 10-mile arc of John Wayne Airport/Orange County intercepts the 10-mile arc of El Toro MCAS. This airport radar service area is effective during the specific days and hours of operation of the Orange County Tower and Approach Control as established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

El Toro MCAS, CA [Revised]

That airspace extending upward from the surface to and including 4,400 feet MSL within a 5-mile radius of the El Toro MCAS (lat. 33°40'34" N., long. 117°43'49" W.) excluding that airspace west of a line between the points where the 5-mile arc of El Toro MCAS intercepts the 5-mile arc of John Wayne Airport/Orange County (lat. 33°40'32" N., long. 117°52'02" W.); and that airspace extending upward from 2,500 feet MSL to and including 4,400 feet MSL within a 10-mile radius of the El Toro MCAS from a line from the point where the 5-mile arc of El Toro MCAS intercepts the 5-mile arc of John Wayne Airport/Orange County to the point where the 10-mile arc of El Toro MCAS intercepts the 10-mile arc of John Wayne Airport/Orange County clockwise to the 005° bearing from the El Toro MCAS, and that airspace from 2,500 feet MSL to and including 4,400 feet MSL within a 10-mile radius of the El Toro MCAS between the 104° bearing from the El Toro MCAS clockwise to a line from the point where the 5-mile arc of El Toro MCAS intercepts the 5-mile arc of John Wayne Airport/Orange County to the point where the 10-mile arc of El Toro MCAS intercepts the 10-mile arc of the John Wayne Airport/Orange County. This airport radar service area is effective during the specific days and hours of operation of the El Toro Tower as established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

Issued in Washington, DC, on February 10, 1989.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

BILLING CODE 4910-13-M

AIRPORT RADAR SERVICE AREA

(NOT TO BE USED FOR NAVIGATION)



[FR Doc. 89-3906 Filed 2-17-89; 8:45 am]
BILLING CODE 4910-13-C

REPORT ON THE STATE OF THE STATE

The following is a list of the names of the members of the State Board of Education for the year 1900-1901. The names are arranged in alphabetical order of their surnames. The names are: [The text is extremely faint and illegible, but appears to be a list of names.]

STATE BOARD OF EDUCATION
1900-1901

Federal Register

Tuesday
February 21, 1989

Part III

**Department of Defense
General Services
Administration**

**National Aeronautics and
Space Administration**

48 CFR Part 52

**Federal Acquisition Regulation (FAR);
Evaluation of Multiple Awards; Proposed
Rule**

February 27, 1959

Part III
Department of the Interior
General Services Administration
National Aeronautics and
Space Administration

44-111-10

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****48 CFR Part 52****Federal Acquisition Regulation (FAR);
Evaluation of Multiple Awards**

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are considering changes to the provisions at 52.214-22 and 52.215-34 to reflect a new amount for evaluating proposals to determine if a multiple award would be economically advantageous to the Government. The amount is increased for evaluation purposes from \$250 to \$500.

DATE: Comments should be submitted to the FAR Secretariat at the address shown below on or before April 24, 1989 to be considered in the formulation of a final rule.

ADDRESS: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets NW., Room 4041, Washington, DC 20405.

Please cite FAR Case 89-06 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Margaret A. Willis, FAR Secretariat,

Room 4041, GS Building, Washington, DC 20405, (202) 523-4755.

SUPPLEMENTARY INFORMATION:**A. Regulatory Flexibility Act**

It is anticipated that the proposed revisions to FAR 52.214-22 and 52.215-34 will have an economic impact on small businesses that want to contract with the Government, when the contracting officer determines that multiple awards might be made, because by so doing, it is economically advantageous to the Government. It is not feasible to estimate the number of small entities to which this rule will apply because the number of small businesses that would participate in these acquisitions is unknown. An Initial Regulatory Flexibility Analysis (IRFA) has been prepared and will be provided to the Chief Counsel for Advocacy for the Small Business Administration. A copy of the IRFA may be obtained from the FAR Secretariat, Attn: Margaret A. Willis, Room 4041, GS Bldg., 18th & F Streets NW., Washington, DC 20405. Comments from small entities concerning the affected FAR subsection will also be considered in accordance with section 610 of the Act.

B. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed changes do not impose recordkeeping information collection requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Part 52

Government procurement.

Dated: February 10, 1989.

Harry S. Rosinski,

Acting Director, Office of Federal Acquisition and Regulatory Policy.

Therefore, it is proposed that 48 CFR Part 52 be amended as set forth below:

**PART 52—SOLICITATION
PROVISIONS AND CONTRACT
CLAUSES**

1. The authority citation for 48 CFR Part 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2473(c).

52.214-22 [Amended]

2. Section 52-214-22 is amended in the introductory text by inserting a colon following the word "provision" and removing the remainder of the paragraph; by removing in the title of the provision the date "(APR 1984)" and inserting in its place "(FEB 1989)"; by removing in the second sentence of the provision the figure "\$250" and inserting in its place "\$500"; and by removing the derivation line following "(End of provision)".

52.215-34 [Amended]

3. Section 52.215-34 is amended by removing in the title of the provision the date "(MAY 1986)" and inserting in its place "(FEB 1989)"; and by removing in the second sentence of the provision the figure "\$250" and inserting in its place "\$500".

[FR Doc. 89-3922 Filed 2-17-89; 8:45 am]

BILLING CODE 6820-61-M

STATEMENT OF DEBITORS
GENERAL SERVICES
ADMINISTRATION

STATEMENT OF DEBITORS
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Federal Register

Tuesday
February 21, 1989

Part IV

Department of Health and Human Services

Food and Drug Administration

**E.I. Du Pont De Nemours and Co.; Filing
of Food Additive Petition; Notice**

DEPARTMENT OF HEALTH AND HUMAN SERVICES
HUMAN SERVICES
Food and Drug Administration
Center for Food Safety and Inspection Service
Washington, D.C. 20204

Part IV

Department of
Health and Human
Services

Food and Drug Administration

F. D. C. Part 16: Petition and
of Food and Drug Administration

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DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration**

[Docket No. 89F-0031]

E.I. du Pont de Nemours & Co.; Filing of Food Additive Petition**AGENCY:** Food and Drug Administration.**ACTION:** Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that E.I. du Pont de Nemours and Co. Has filed a petition proposing that the food additive regulations be amended to provide for the safe use of a fluorocarbon resin, manufactured by the reaction of tetrafluoroethylene and perfluoro(4-methyl-3, 6-dioxa-7-octene-1-sulfonyl fluoride), and followed by hydrolysis of the sulfonyl fluoride group

to sulfonic acid, for use as a membrane to process food.

FOR FURTHER INFORMATION CONTACT: Edward J. Machuga, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 9B4123) has been filed by E.I. du Pont de Nemours and Co., Wilmington, DE 19898, proposing that Part 173—Secondary Direct Food Additives Permitted in Food for Human Consumption (21 CFR Part 173) of the food additive regulations be amended to provide for the safe use of a fluorocarbon resin, manufactured by the reaction of tetrafluoroethylene and

perfluoro(4-methyl-3, 6-dioxa-7-octene-1-sulfonyl fluoride), and followed by hydrolysis of the sulfonyl fluoride group to sulfonic acid, for use as a membrane to process food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: February 13, 1989.

Fred R. Shank,*Acting Director, Center for Food Safety and Applied Nutrition.*

[FR Doc. 89-3869 Filed 2-17-89; 8:45 am]

BILLING CODE 4160-01-M