

History

On April 11, 1991, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the Yazoo City, MS Transition Area (56 FR 14671). The existing transition area is centered on the Barrier Field Airport which was closed concurrent with opening the new Yazoo County Airport. A new SIAP has been developed to serve the Yazoo County Airport. The proposed action would center the transition on the new airport which is located 2.9 miles west of the closed Barrier Field Airport. The purpose of this proposed action was to provide additional controlled airspace for protection of IFR aeronautical operations. Also, it was proposed that the operating status of the Yazoo County Airport be changed from VFR to IFR concurrent with publication of the standard instrument approach procedure. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in FAA Order 7400.6G dated September 4, 1990.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations revises the Yazoo City, MS Transition Area. This action will center the transition area on the new Yazoo County Airport instead of the Barrier Field Airport which has been closed. A SIAP has been developed to serve Runway 35 at the new airport. This action will lower the base of controlled airspace from 1200 feet to 700 feet above the surface in vicinity of the Yazoo County Airport in order to provide additional controlled airspace for protection of IFR aeronautical operations. Additionally, the operating status of the Yazoo County Airport will be changed from VFR to IFR concurrent with publication of the Runway 35 SIAP.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it

is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended, 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. App. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Public Law 97-449, January 12, 1983); 14 CFR 11.69

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Yazoo City, MS [Revised]

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Yazoo County Airport (lat. 32°52'59"N., long. 90°27'49"W.).

Issued in East Point, Georgia, on June 7, 1991.

Don Cass,

Acting Manager, Air Traffic Division,
Southern Region.

[FR Doc. 91-14563 Filed 6-18-91; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 91-ANM-3]

Establishment of Transition Areas; Kemmerer, Wyoming

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes transition areas to provide a controlled airspace environment for the new non-directional radio beacon (NBD) approach to runway 34 at the Kemmerer Municipal Airport, Kemmerer, Wyoming. The transition areas will segregate aircraft operating in visual flight rules (VFR) conditions from those operating under instrument flight rules (IFR). The areas will be depicted on aeronautical charts to provide references for pilots.

EFFECTIVE DATE: 0901 u.t.c., July 25, 1991.

FOR FURTHER INFORMATION CONTACT:
Robert L. Brown, ANM-535, Federal
Aviation Administration, Docket No.
910-ANM-3, 1601 Lind Avenue SW.,
Renton, Washington 98055-4056,
Telephone: (206) 227-2537.

SUPPLEMENTARY INFORMATION:

History

On April 8, 1991, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish controlled airspace for a new NDB approach to the Kemmerer Municipal Airport (56 FR 14223). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Accordingly, the rule is adopted as proposed. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6G dated September 4, 1990.

The Rule

This amendment to part 71 of the Federal Aviation Regulations provides controlled airspace transition areas for instrument flight rules procedures for the new NDB approach to runway 34 at the Kemmerer Municipal Airport. The intent is to segregate aircraft operating in visual flight rules conditions from those operating under instrument flight rules. The areas will be depicted on appropriate aeronautical charts so that pilots may circumnavigate the areas or comply with instrument flight rules procedures.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71, of the Federal

Aviation Regulations (14 CFR part 71) is amended 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. App. 1348(1), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) [Revised Pub. L. 97-449, January 12, 1983]; 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Kemmerer, Wyoming [New]

That airspace extending upward from 700 feet above the surface within 9.2-mile radius of the Kemmerer Municipal Airport (Lat. 41°49'30"N, Long. 110°33'30"W), and within 3.5 miles each side of the 179° bearing from the Kemmerer NDB (Lat. 41°49'21"N, Long. 110°33'15"W), extending from the 9.2-mile radius area to 11.5 miles south of the NDB; and that airspace extending upward from 1,200 feet above the surface between Lat. 41°43'30"N, Long. 110°02'30"W; to 41°29'00"N, Long. 110°39'30"W; to Lat. 41°48'30"N, Long. 110°43'00"W; to the point of beginning excluding that airspace within the Fort Bridger, Wyoming, Transition Area.

Issued in Seattle, Washington, on June 10, 1991.

Temple H. Johnson, Jr.,

Manager, Air Traffic Division.

[FR Doc. 91-14566 Filed 6-18-91; 8:45 am]

BILLING CODE 4910-13-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1215

RIN 2700-AA29

Tracking and Data Relay Satellite System (TDRSS)

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: NASA is amending 14 CFR part 1215, subpart 1215.1, "Use and Reimbursement Policy for Non-U.S. Government Users." This subpart updates the policy governing the Tracking and Data Relay Satellite System (TDRSS) services provided to non-U.S. Government users and the reimbursement for rendering such services. This rule establishes an equitable basis for use of and reimbursement for TDRSS and service by non-U.S. Government users. The tracking, telemetry, and command services provided by the TDRSS

represent a significant growth in the capability of presently available services provided via the ground tracking station network.

EFFECTIVE DATE: June 19, 1991.

ADDRESSES: Office of Space Operations, Code OX, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Eugene Ferrick, 202-453-2030.

SUPPLEMENTARY INFORMATION: The TDRSS space segment consists of two satellites in geostationary orbit, with one or more additional satellites in geostationary orbit to be operated as required. The ground segment consists of a single ground terminal and the necessary operational control and interface devices and interconnecting communications circuit services located at White Sands, New Mexico.

NASA published its final rule in the *Federal Register* on March 9, 1983, 48 FR 9845. This amendment corrects the organizational setting and reflects new user responsibility for obtaining frequency authorizations in § 1215.107 and in appendix C. Additionally, appendix A has been updated to reflect CY 1992 reimbursement rates for use of TDRSS service. Since these changes are internal and administrative in nature and do not affect existing regulations, notice and public comment are not required.

The National Aeronautics and Space Administration has determined that:

1. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, since it will not exert a significant economic impact on a substantial number of small business entities.

2. This rule is not a major rule as defined in Executive Order 12291.

List of Subjects in 14 CFR Part 1215

Satellites, Tracking and Data Relay Satellite System, Communications equipment, Government contract.

For reasons set out in the Preamble, 14 CFR part 1215, subpart 1215.1 is amended as follows:

PART 1215—TRACKING AND DATA RELAY SATELLITE SYSTEM (TDRSS)

1. The authority citation for 14 CFR part 1215 continues to read as follows:

Authority: Sec. 203, Pub. L. 85-568, 72 Stat. 429, as amended; 42 U.S.C. 2473.

2. Section 1215.100 is revised to read as follows:

§ 1215.100 General.

The TDRSS represents a major investment by the U.S. Government with the primary goal of providing improved

tracking and data acquisition services to spacecraft in low earth orbit or to mobile terrestrial users such as aircraft or balloons. It is the objective of NASA to operate as efficiently as possible with the TDRSS. This is to the mutual benefit of all users. Such user consideration will permit NASA and non-NASA service to be delivered without compromising the mission objectives of any individual user. To encourage users toward achieving efficient TDRSS usage, this reimbursement policy has been established to purposely influence users to operate with TDRSS in the most efficient and orderly manner possible. Additionally, the reimbursement policy is designed to comply with the Bureau of the Budget Circular A-25 on User Charges, dated September 23, 1959, which requires that a reasonable charge should be made to each identifiable recipient for a measurable unit or amount of Government service or property from which a special benefit is derived.

3. Section 1215.101 is revised to read as follows:

§ 1215.101 Scope.

This Subpart sets forth the policy governing TDRSS services provided to non-U.S. government users and the reimbursement for rendering such services. It excludes TDRSS services provided as standard or optional services to Space Transportation System (STS) users under existing policy for Shuttle and Spacelab (14 CFR subparts 1214.1, 1214.2, and 1214.8); i.e., user command and telemetry support, which utilizes and is a part of the Shuttle or Spacelab communications system, is a Shuttle/Spacelab service. Cooperative missions are also not under the purview of this Subpart. The arrangements for TDRSS services for cooperative missions will be covered in a Memorandum of Understanding (MOU), as a consequence of negotiations between NASA and the other concerned party. Any MOU which includes provision for any TDRSS service will require signatory concurrence by the Associate Administrator for Space Operations prior to dedicating Office of Space Operations resources for support of a cooperative mission.

4. Section 1215.104 is revised to read as follows:

§ 1215.104 Apportionment and assignment of services.

No user may apportion, assign, or otherwise convey to any third party its TDRSS service. Each user may obtain service only through contractual

agreement with the Associate Administrator for Space Operations.

5. Section 1215.105 is amended by revising paragraphs (b) and (d) to read as follows:

§ 1215.105 Delivery of user data.

(b) User data handling requirements beyond the NGT interface will be provided as a standard service to the user, to the extent that the requirements do not exceed NASA's planned standard communications system. Any additional data transport or handling requirements exceeding NASA's capability will be dealt with as a mission-unique service.

(d) NASA will provide TDRSS services on a "reasonable efforts" basis and, accordingly, will not be liable for damages of any kind to the user or third parties for any reason, including but not limited to failure to provide contracted-for services. The price for TDRSS services does not include a contingency or premium for any potential damages. The user will assume any risk of damages or obtain insurance to protect against any risk.

6. Section 1215.107 is revised to read as follows:

§ 1215.107 User data security and frequency authorizations.

(a) User data security is not provided by the TDRSS. Responsibility for data security resides solely with the user. Users desiring data safeguards shall provide and operate, external to the TDRSS, the necessary equipment or systems to accomplish data security. Any such user provisions must be compatible with data flow through TDRSS and not interfere with other users.

(b) All radio frequency authorizations associated with operations pursuant to this directive are the responsibility of the user. If appropriate, authority(ies) must be obtained from the Federal Communications Commission (FCC) for operations consistent with U.S. footnote 303 of the National Table of Frequency Allocations, FCC Rules and Regulations at 47 CFR 2.106.

7. Section 1215.108 is amended by revising paragraph (a) to read as follows:

§ 1215.108 Defining user service requirements.

(a) Initial requests for TDRSS service from non-U.S. Government users should be addressed to NASA Headquarters, Code OX, Space Network Division, Washington, DC 20546. Upon review and preliminary acceptance of the service requirements by NASA Headquarters, the appropriate areas of GSFC will be assigned to the project to produce the detailed requirements, plans and documentation necessary for support of the mission. Changes to user requirements shall be made as far in advance as possible and shall be submitted in writing to both NASA Headquarters, Code OX, Space Network Division, and GSFC, Code 501, Greenbelt, MD 20771.

8. Section 1215.109 is amended by revising paragraphs (b)(2)(i) and (b)(6) introductory text to read as follows:

§ 1215.109 Scheduling user service.

- (b) * * *
- (2) * * *

(i) Launch, reentry, landing of the STS Shuttle, or other NASA launches.

(6) Disruptive updates are scheduled updates which, by virtue of priorities, cause previously scheduled user services to be rescheduled or deleted or are requested by the user less than 45 minutes prior to the scheduled support period.

9. Section 1215.111 is revised to read as follows:

§ 1215.111 User postponement of service.

The user may postpone the initiation of contracted service (e.g., user launch date) by delivery of written notification to NASA Headquarters, Code OX. Any delay in the contracted start of service date may affect the quantity of service to be provided due to commitments to

other support requirements. Therefore, the validity of previous estimates of predicted support availability may no longer be applicable.

10. Section 1215.113 is amended by revising paragraphs (a) and (c) to read as follows:

§ 1215.113 User charges.

(a) The user shall reimburse NASA the sum of the charges for standard and mission-unique services. Charges will be based on the service rates applicable for the calendar year.

(c) The user shall reimburse NASA for the costs of any mission unique services provided by NASA.

11. Section 1215.114 is amended by revising paragraph (b) to read as follows:

§ 1215.114 Service rates.

(b) Rates for TDRSS services will be set by the Associate Administrator for Space Operations each October for the following year, January through December. Rate variations will reflect changes in operating costs, loading formulas and escalation.

12. Appendix A is revised to read as follows:

Appendix A to Part 1215—Estimated Service Rates in 1992 Dollars for TDRSS Standard Services (Based on NASA Escalation Estimate)

TDRSS user service rates for services rendered in CY-92 based on current projections in 1992 dollars are as follows:

Single Access Service—Forward command, return telemetry, or tracking, or any combination of these, the base rate is \$188.00 per minute for non-U.S. Government users.

Multiple Access Forward Service—Base rate is \$42.00 per minute for non-U.S. Government users.

Multiple Access Return Service—Base rate is \$13.00 per minute for non-U.S. Government users.

13. Appendix C is revised to read as follows:

Appendix C To Part 1215—Typical User Activity Timeline

Time (approximate)	Activity
Project conceptualization (At least 3 years before launch: Ref. § 1215.108(a)).	Request NASA Headquarters perform study to determine availability of TDRSS. If accepted as a user, begin contractual negotiation by submission of \$25,000 non-refundable charge, and place into mission model.
3 years before launch (Ref. § 1215.109(c)).	Submit general user requirements to permit preliminary planning. Begin payment for pre-mission activities (Ref. § 1215.115(b)(5)).
18 months before launch (earlier if Interfacing is expected).	Provide detailed requirements for technical definition and development of operational documents and ICD's. (Ref. § 1215.109(e)). If appropriate, initiate action with the Federal Communications Commission for license to communicate with TDRSS at least 18 months prior to launch (Ref. § 1215.107(b)).

Time (approximate)	Activity
3 weeks prior to a scheduled support period (SSP). 2 weeks prior to an SSP.	Submit scheduling request to GSFC covering a weekly period. Receive schedule from GSFC based on principles of priority (Ref. § 1215.109(b)(2)). Acknowledgement to GSFC required.
Up to 12 hours prior to an SSP.....	Can cancel an SSP without charge (Ref. § 1215.113(a)(1)).
Up to 45 minutes prior to an SPP.....	Can schedule an SSP if a time slot is available without impacting another user.
Between SSP minus 45 minutes and the SSP.....	Schedule requests will be charged at the disruptive update rate (Ref. § 1215.109(b)(5)).
Real-Time.....	Emergency service requests will be responded to per the priority system (Ref. § 1215.109(b)(3)) and assessed the emergency service rate.

Dated: June 7, 1991.
 Richard H. Truly,
 Administrator.
 [FR Doc. 91-14320 Filed 6-18-91; 8:45 am]
 BILLING CODE 7510-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1211

Final Rule: Requirements for Automatic Residential Garage Door Operators

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Consumer Product Safety Improvement Act of 1990 provides that, as of January 1, 1991, "each automatic residential garage door opener manufactured on or after that date for sale in the United States shall conform to the entrapment protection requirements of the * * * Underwriters Laboratories, Inc. Standards for Safety—UL 325, third edition, as revised May 4, 1988." Congress stated that these requirements are to be considered a consumer product safety rule issued by the Commission under section 9 of the Consumer Product Safety Act. In this final rule, the Commission is codifying the provisions of the UL 325 standard that specify entrapment protection requirements and an additional statutory labeling requirement. As discussed in this notice, Congress also provided for revision of the entrapment protection requirements when U.S. develops additional entrapment protection provisions or, in the absence of UL activity, the Commission develops additional requirements. Additionally, Congress required that, effective July 1, 1991, manufacturers of automatic residential garage door openers must, in consultation with the CPSC, notify the public of the potential for entrapment and advise the public to test their openers.

EFFECTIVE DATE: June 19, 1991. The substance of the requirements mandated by Congress apply to automatic residential garage door openers manufactured on or after January 1, 1991

for sale in the United States, the effective date prescribed by Congress.

FOR FURTHER INFORMATION CONTACT: George Sushinsky, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 492-6494.

SUPPLEMENTARY INFORMATION:

A. Background

1. The Consumer Product Safety Improvement Act of 1990

On November 16, 1990, the President signed into law the Consumer Product Safety Improvement Act of 1990 (the "Act"). This Act reauthorized the Consumer Product Safety Commission ("CPSC") for a period of two years and specified certain products for the Commission to regulate.

Entrapment Protection Requirements

Section 203 of the Act stated that the entrapment protection requirements of the Underwriters Laboratories, Inc. ("UL") Standards for Safety—UL 325, third edition, as revised May 4, 1988, "shall be considered to be a consumer product safety rule issued by the Consumer Product Safety Commission under section 9 of the Consumer Product Safety Act." Consumer Product Safety Improvement Act of 1990, Public Law No. 101-608, Section 203(a), (b), 104 Stat. 3110. Congress provided that automatic residential garage door openers¹ manufactured on or after January 1, 1991 must conform to the UL 325 entrapment protection requirements. *Id.* Section 203(b)(1). This standard requires that an automatic garage door opener shall reverse within two seconds of contacting a two inch (50.8-mm) test object whose top inch is resilient. In addition, the standard requires that the door reopen if the bottom limit switch is not activated within thirty seconds after the control is pressed to start the closing cycle.

Congress recognized that industry is currently working with UL to develop a revised voluntary standard that would

¹ Congress used the term "garage door opener"; however, the UL standard uses the term "garage door operator." This notice uses the terms interchangeably.

include additional entrapment protection. See H.R. Rep. No. 914, 101st Cong., 2d Sess. 20 (1990). Thus, Congress provided that additional entrapment protection requirements issued by UL in the future will also become effective as mandatory safety standards. Accordingly, section 203 provides a requirement that all residential automatic garage door openers manufactured on and after January 1, 1993 for sale in the United States must conform to any additional entrapment protection requirements of UL 325 to become effective on or before January 1, 1993. *Id.* Section 203(b)(2)(A).

If, by June 1, 1992, UL has not issued a revision to the May 4, 1988 edition of UL 325 requiring an additional entrapment protection feature or device in addition to that set forth in the May 4, 1988 standard, Congress required that the Commission must begin a rulemaking proceeding, to be completed by October 31, 1992, requiring an additional such feature or device on all automatic residential garage door openers manufactured after January 1, 1993, for sale in the United States. *Id.* Section 203(b)(2)(B).

If UL issues a revision to the May 4, 1988 standard after the Commission has started its rulemaking proceeding, the Commission must terminate its proceeding and incorporate the UL revision into the consumer product safety rule, unless the UL revision does not carry out the purpose of the Congressionally mandated entrapment protection requirements. *Id.* If UL proposes further revisions to UL 325, UL must notify the Commission and the proposed revision shall be incorporated in the consumer product safety rule (unless the Commission notifies UL within 30 days that the revision does not carry out the purposes of the Congressionally mandated requirements). *Id.* Section 203(c).

Labeling Requirements

Congress also mandated certain labeling requirements to go into effect on January 1, 1991. A manufacturer selling or offering for sale in the United States an automatic residential garage door opener on or after that date must