

# **Federal Register**

Wednesday  
October 12, 1988

---

## **Part II**

### **Department of Transportation**

---

**Federal Aviation Administration**

**14 CFR Part 99**

**Flight Plan and Transponder  
Requirements in an Air Defense  
Identification Zone; Final Rule**

**14 CFR Part 99**

**Transponder Requirements in an Air  
Defense Identification Zone (ADIZ);  
Notice of Proposed Rulemaking**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 99**

[Docket No. 25099; Amdt. No. 99-[14]]

RIN: 2120-AC00

**Flight Plan and Transponder Requirements in an Air Defense Identification Zone****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

**SUMMARY:** This amendment establishes flight plan and position report requirements for all civil aircraft conducting operations into or out of the U.S. into, within, or across the Contiguous U.S. Air Defense Identification Zone (ADIZ). The rule also requires all civil aircraft, equipped with an operable radar beacon transponder, to have the transponder turned on when conducting operations into or out of the U.S. into, within, or across an ADIZ. The FAA is taking this action to reduce the risk of a midair collision and to reduce the use of aircraft engaged in illegal drug transportation activities and unsafe operating practices when attempting to avoid detection and apprehension.

**EFFECTIVE DATE:** December 12, 1988.

**FOR FURTHER INFORMATION CONTACT:** Mr. Reginald C. Matthews, Air Traffic Rule Branch, ATO-230, Airspace-Rules and Aeronautical Information Division, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8783.

**SUPPLEMENTARY INFORMATION:****Background**

Prior to March 22, 1982, Part 99 of the Federal Aviation Regulations (FAR) required operators of aircraft conducting flight at true airspeeds greater than 180 knots in an ADIZ to file a flight plan and make periodic position reports. On March 22, 1982, the FAA issued Amendment 99-12 (47 FR 12324) which imposed flight plan and position reporting requirements on aircraft operating in the ADIZ adjacent to most areas of the Florida Peninsula, regardless of speed. The action was taken in response to the increasing hazard to air navigation which resulted from the use of aircraft transporting illegal drugs into the U.S. When Amendment 99-12 was issued, the majority of air smuggling activity was centered in the Florida area.

By way of letter dated July 11, 1985, the Deputy to the Assistant Secretary of the Treasury, on behalf of the U.S. Customs Service (USCS), requested the FAA to take additional regulatory actions that the FAA deemed necessary to enhance identification of all aircraft entering the U.S. Subsequent discussions with the USCS revealed that since the issuance of Amendment 99-12 and as a result of concentrated law enforcement efforts in that area, a significant amount of illegal drug smuggling activity involving small aircraft has been forced into other areas. With this knowledge, the FAA was prompted to seek further regulatory changes to the flight plan filing and position reporting requirements of Part 99.

On November 1, 1985, the FAA issued Amendment No 91-190 (50 FR 45599) requiring that an aircraft operating in controlled airspace in the U.S. be operated with its transponder on, if so equipped, replying on the appropriate code or as assigned by air traffic control (ATC). This action provided an increased level of safety in the U.S. without placing any burden on the public. The FAA believes that an identical requirement could achieve a similar level of safety in the airspace associated with an ADIZ.

On October 24, 1986, the FAA published Notice No. 86-15 (51 FR 37882) proposing to establish additional flight plan filing and position reporting requirements and transponder operating requirements for all civil aircraft operating into, within, or out of the U.S. through a coastal ADIZ. The amendments to Part 99 contained herein are a result of that notice.

On May 20, 1988, the FAA issued Amendment No 99-13 (53 FR 18216). This action amended Part 99 of the FAR by changing the lateral boundaries of ADIZ's around the Continental U.S., Alaska, and Guam. Additionally, this action made editorial changes and deleted references to Distant Early Warning Identification Zones (DEWIZ), Domestic ADIZ's, and Coastal ADIZ's.

**Analysis of Comments**

Interested persons were invited to participate in this rulemaking action by submitting written data, views, or arguments. All comments received were considered before making a determination regarding this final rule. The following is a discussion of the comments received.

An aviation organization and others expressed concern that the flight plan filing and position reporting requirements proposed in Notice 86-15 are not consistent with the non-

regulatory flight plan filing procedures in use in the airspace of the U.S.

The FAA recognizes the differences between domestic and Part 99 flight plan procedures and the position reporting requirements but is convinced that such differences are desirable and needed. For example, neither the FAA, the Department of Defense (DOD), nor the USCS has a requirement for all visual flight rules (VFR) aircraft that now operate in domestic airspace to be identified by correlation of flight track and flight plan information as is provided for by the current Part 99 requirements and those proposed in Notice 86-15. Therefore, consistency in domestic and Part 99 flight planning procedures was not sought in the proposals contained in Notice 86-15.

Several commenters expressed doubts regarding the FAA's ability to accommodate an increase in activities expected to result from the proposed rule.

FAA management elements responsible for the airspace in which significant numbers of ADIZ operations occur initiated local informal studies regarding the potential impact of the proposed flight plan filing requirement on the ATC system. With one exception, these studies revealed that the anticipated workload increase would be manageable within existing resources. The one area of exception involves the Gulf of Mexico where approximately 3,000 to 5,000 helicopter operations are conducted daily from the U.S. to points in the corresponding ADIZ. These helicopter operations are primarily conducted in support of the petroleum industry. The greatest volume of these helicopter operations are conducted between the 88-degree and 97-degree west meridian. These helicopters operate along constant flight paths and at altitudes facilitating rapid identification if the need arises. Additionally, the organizations that conduct these operations monitor the flight progress of their respective aircraft and can make such information available to FAA and USCS on a routine basis. Accordingly, the FAA is adopting a final rule which provides for ATC authorizations to deviate from the flight plan filing and position reporting requirements.

Additionally, the FAA believes that there are other operations that are not representative of operations involved in drug smuggling activities and which could be allowed to deviate from the provisions of this final rule without affecting the safety enhancing provisions of this final rule. Fish-spotting operations conducted from

aircraft are an example of such an operation. As with the petroleum platform helicopter operations, deviations will be allowed only when the proponent can show good cause and when safety would not be adversely affected.

Since this rule is effective 60 days after publication, operators who have a need to deviate from the flight plan filing and position reporting requirement should contact the appropriate regional office to apply for such an authorization. Such authorizations can be granted to either fleet-aircraft or single-aircraft operators and may be granted for a single event or for a long term period under a letter of agreement with the FAA.

The flight plan requirement is limited to the ADIZ around the lower 48 states, and does not apply in Alaska, Hawaii, or Guam, where drug smuggling by air is not a significant problem.

Several commenters stated that the measures proposed in Notice 86-15 may contribute to increased hazardous flying methods by criminal elements or the utilization of the proposed procedures to cloak illegal activities.

The FAA does not agree that the flight plan, position reporting or transponder operating requirements of this rule will in any way contribute to increased hazardous aircraft operation by criminal elements. The lack of such requirements enable suspect aircraft to freely select from and transition among several evasive modes of operation, some of which are hazardous to other aircraft operators or persons and property on the surface. By providing law enforcement elements a significantly greater capability to detect criminal operations, a commensurate reduction in evasion methods and transition opportunities can be expected. Ultimately, this will result in enhanced interdiction and reduction in the number of aircraft likely to be engaged in such illegal and hazardous activities.

Also, the FAA is convinced that these new requirements will not increase the opportunity for suspect aircraft to cloak their illegal operations. Government agencies responsible for detecting and deterring such activities initiate search and intercept operations based on information derived through a variety of sources and methods, in addition to the actual tracking of aircraft. However, once tracking has been initiated, these new requirements will greatly contribute to maintaining continual surveillance of a suspect aircraft. Aircraft not operated in compliance with these new regulations may easily be segregated from other operations, and considered suspect. Regardless of whether a

suspect aircraft complies or attempts to circumvent these requirements tracking will be facilitated.

A comment was received from the United States Coast Guard (USCG) regarding an adverse impact on air search and rescue missions which would be encountered as a result of delays due to flight plan filing requirements. The FAA foresees no impact on the USCG's primary responsibility for search and rescue since this rule applies only to civil aircraft and not to public aircraft.

A commenter stated that the transponder-on requirement of this rule is merely a precursor to a final rule requirement mandating transponder equipment as a prerequisite for flight within the ADIZ. Another commenter suggested that the proposal in Notice 86-15 should be modified to include a requirement for a transponder and automatic altitude reporting equipment.

Each flight plan filed under § 99.11 must contain information on the aircraft's transponder capability. However, a pilot filing such a flight plan is not now required to operate that aircraft's transponder. Continuous operation of the transponder on those aircraft so equipped greatly assists in their identification and tracking. It also enables correlation of radar information with associated flight plan and position reporting information at no additional cost or burden to operators. The FAA is confident that the requirement that aircraft equipped with an operable transponder to keep the transponder turned on while that aircraft is operating in an ADIZ will improve air safety directly through improved radar target acquisition and identification and enhance the drug law enforcement efforts discussed above. This amendment does not mandate the installation of a transponder for flight within the ADIZ, nor is it a precursor for such a requirement. However, the FAA issued Notice 86-1 (51 FR 4756; February 7, 1986), an advance notice of proposed rulemaking, which proposed to require that all aircraft be equipped with a transponder when operating in an ADIZ. The FAA is currently reviewing the comments received regarding that notice and is making a decision whether to undertake further rulemaking action.

A commenter recommended that this rule be annotated in Part 91 to ensure awareness by those pilots that seldom refer to Part 99 or the Airman's Information Manual (AIM).

Pilots are expected to be cognizant of all pertinent regulations regardless of the frequency of time a pilot operates his or her aircraft in a particular airspace. Therefore, inclusion of the

requirements under this rule in Part 91 is deemed unnecessary and superfluous. However, the FAA will consider incorporating pertinent parts of this rule in subsequent issues of the AIM.

#### Regulatory Evaluation Summary

The FAA has reviewed the amendments to Part 99 to determine their economic impact and concluded that the benefits of the regulations outweigh the costs.

#### Costs

The costs that would result from the amendment are those associated with filing a flight plan and operating a transponder. Filing a flight plan takes from 5 to 15 minutes, depending on the complexity of the plan. Therefore, even if a pilot's time is valued as much as \$30 per hour, filing a flight plan will cost from \$2.50 to \$7.50. The FAA cannot break out the total cost because present data on flights penetrating an ADIZ does not permit breaking out such flights by aircraft with a maximum air speed of less than 180 knots.

The FAA notes, however, that two types of pilots will be affected by this requirement: Those involved in international operations and those involved in domestic operations. Most pilots in legitimate international operations file a flight plan as a safety precaution even in the absence of the regulations. Thus, these pilots are not expected to be extensively impacted by the amendment.

Hundreds of daily domestic operations, such as sightseers, fish spotters, practice flights, etc., depart and land in the U.S. but penetrate the Contiguous U.S. ADIZ during flight. The amended regulations will have a greater effect on these types of operations because they are less likely to file flight plans. On the other hand, these flights are predominantly domestic and normally of short duration. It is anticipated that they will fall in the category of flights requiring the simpler \$2.50 level of flight plan.

The only significant cost to U.S. pilots operating a transponder results from the requirement under § 91.172 of the FAR that transponders be maintained and inspected biennially. The required maintenance assures that transponders are properly calibrated and in good functioning order. According to various industry sources, the maintenance required by § 91.172 costs from \$75 to \$100 every 2 years or \$35 to \$50 per year. Most pilots who invest from \$875 to \$6,680 to purchase and install a transponder would maintain the

equipment in good operating condition, even in the absence of the regulations.

#### Benefits

The primary benefits expected as a result of the amendment are: Increased efficiency in the detection of aircraft engaged in drug smuggling; and, safety enhancement from the resulting reduction in the number of aircraft which are likely to be engaged in hazardous flight techniques to avoid detection. Aircraft operating in an ADIZ for illegal purposes will be more easily detected, especially if they are the only ones not complying with the regulations. This will reduce the number of unsubstantiated but required Government interceptions of questionable flights. This may also prevent the risk of some accidents that have resulted from dangerous flight methods used by drug smugglers.

According to National Transportation Safety Board data, 40 related drug smuggling accidents involving aircraft suspected of having flown through the coastal ADIZ occurred during the period 1974-1984. Twenty of these accidents resulted in fatalities. More effective enforcement of the drug smuggling laws by improved detection of aircraft involved in such activity will reduce the incidence of accidents with such aircraft and will reduce the hazard to other aircraft and to persons and property on the surface.

Further, the amended rule may save additional lives by improving the effectiveness of rescue missions involving accidents in or near an ADIZ. The effectiveness of these missions would be improved by enhancing the ability of the rescuers to detect the aircraft more easily and to accurately locate the site of an accident as a result of having filed flight plans available and observing the use of transponders.

While the FAA is amending the rule for its potential benefits for air safety, a corollary benefit will also accrue to the USCS. The USCS estimates that intercepting a questionable flight costs approximately \$2,400. The USCS indicates that in recent years, it has been averaging approximately 225 intercept missions per year which proved to be unnecessary because the intercepted flights were not involved in illegal activities. Thus, the USCS spent approximately \$549,000 in each of those years for unnecessary intercept missions. The revised regulations are expected to reduce unnecessary intercepts. Consequently, the USCS would be able to more efficiently utilize its resources in the war against the trafficking of illegal drugs into the U.S.

#### Cost-Benefit Comparison

As noted above, the estimated costs of the revised regulations are nominal while the estimated benefits could be extensive. The FAA does not have the necessary data to estimate the absolute costs and benefits of the revised regulations because it cannot ascertain with certainty: (1) The number of aircraft with maximum speeds of less than 180 knots that penetrate an ADIZ, (2) the proportion of time that transponders are operated in an ADIZ relative to their total operating time (this is necessary to accurately allocate transponder operating costs), and (3) the extent to which smuggling activities and their associated accidents will be reduced as a result of the revised regulations. However, if the number of affected aircraft is 20 times the 225 annual unnecessary USCS intercepts and if 50 percent of transponder operating costs are allocated to operations in an ADIZ, the costs to these aircraft would range from \$90,000 to \$146,000 per year. These costs compare favorably with the benefits of avoiding one or more fatal aircraft accident at \$1 million per fatality and with the \$180,000 that the USCS could save by reducing unnecessary flight intercepts by one third.

#### Initial Regulatory Flexibility Determination

The Regulatory Flexibility Act (RFA) of 1980 was enacted by Congress in order to ensure, among other things, that small entities are not disproportionately affected by Government regulations. The RFA requires that agencies review rules that may have "a significant economic impact on a substantial number of small entities."

The FAA believes that the amendment will generally impact individuals rather than entities. Most commercial operators routinely file flight plans and use their transponders. The only entities that may be affected by the revised regulations are fish spotters and other similar operators. It is impossible to determine how many of these operators do not presently file flight plans or use their transponders when penetrating into, within, and out of the Contiguous U.S. ADIZ and whether or not they constitute a significant number of small entities. In any event, as noted above, the costs of filing a flight plan and operating a transponder cannot be considered significant. Therefore, it is confident that this rule

will not have a significant impact on a substantial number of small entities.

#### Trade Impact Assessment

The revised amendment is expected to have little or no impact on trade opportunities for both U.S. firms doing business overseas and foreign firms doing business in the U.S. Newly manufactured aircraft for the U.S. market, whether made by U.S. or by foreign manufacturers, would not be affected by the regulations because they do not require either additional equipment or equipment modifications. The cost of compliance with the amendment is minimal and most legitimate organizations would comply with these requirements, even in the absence of the regulations.

#### Federalism Determination

The rule set forth herein would not have direct substantial effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that such regulations do not have federalism implications warranting the preparation of a Federalism Assessment.

#### The Rule

In consideration of the comments received, the FAA is adopting with minor changes the requirements proposed in Notice 86-15, effective December 12, 1988.

The FAA believes the safety concerns discussed above can be partly mitigated by requiring that aircraft operations in the Contiguous U.S. ADIZ be conducted under a filed flight plan and by requiring that the operators of those aircraft filing a flight plan provide position reports. The flight plan requirements will not apply to the Alaska ADIZ, Hawaii ADIZ or the Guam ADIZ.

While the ability to correlate radar-detected targets is facilitated by the required flight plan information, in order to reduce the number of aircraft operations involved in illegal drug transportation activities, the FAA is also requiring that all operators in aircraft equipped with a functioning radar beacon transponder, operate the aircraft with the transponder turned on and replying on the appropriate code or on a code assigned by ATC while conducting operations into, within, or across an ADIZ.

Notice 86-15 applied the transponder requirement in a coastal ADIZ but not a border ADIZ. The preamble to the

notice suggested that there was no apparent need at that time for transponder operation while crossing the Mexican Border ADIZ, which consisted of a line along the U.S.-Mexico border. Amendment 99-13, issued in May 1988, eliminated the distinction between the coastal and border categories of ADIZ. Accordingly, the regulatory language adopted in this action refers to the single term "ADIZ," for consistency with the existing rule. As a result, the transponder-on requirement adopted herein applies to the ADIZ along the Mexican border as well as those in coastal areas of the U.S. While the technical effect of this requirement is minor, the FAA believes the requirement will promote the general use of transponders and Mode C equipment in transborder operations.

**List of Subjects in 14 CFR Part 99**

Transponder, ADIZ, Flight Plans.

**The Amendment**

Accordingly, the FAA amends FAR Part 99 (14 CFR Part 99) as follows:

**PART 99—SECURITY CONTROL OF AIR TRAFFIC**

1. The authority citation for FAR Part 99 continues to read:

Authority: 49 U.S.C. 1348, 1354(a), 1502, 1510, and 1522; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

2. By revising paragraph (b) of §99.1 as follows:

**§ 99.1 Applicability.**

\* \* \* \* \*

(b) Except for §§99.7 and 99.12, this subpart does not apply to the operation of any aircraft—

(1) Within the 48 contiguous States and the District of Columbia, or within the State of Alaska, on a flight which remains within 10 nautical miles of the point of departure; or

(2) Over any island, or within 3 nautical miles of the coastline of any island, in the Hawaii ADIZ.

\* \* \* \* \*

3. By revising paragraph (a) of § 99.11 as follows:

**§99.11 ADIZ flight plan requirements.**

(a) Unless otherwise authorized by ATC, no person may operate an aircraft into, within, or across the Contiguous U.S. ADIZ unless that person has filed a flight plan with an appropriate aeronautical facility.

\* \* \* \* \*

4. By adding a new § 99.12 to read as follows:

**§99.12 Transponder-on requirements.**

Unless otherwise authorized by ATC, each person who operates a civil aircraft into or out of the United States into, within, or across an ADIZ designated in Subpart B, if that aircraft is equipped with an operable radar beacon transponder, shall operate that transponder, including the altitude encoder, if installed, and reply on the appropriate code or a code assigned by ATC.

Issued in Washington, DC, on October 5, 1988.

T. Allan McArtor,  
Administrator.

[FR Doc. 88-23404 Filed 10-6-88; 9:43 am]

BILLING CODE 4910-13-M

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 99**

[Docket No. 24903; Notice No. 88-17]

RIN: 2120-AB99

**Transponder Requirements in an Air Defense Identification Zone (ADIZ)****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of Proposed Rulemaking (NPRM).

**SUMMARY:** This notice proposes to establish a requirement for all civil aircraft to be equipped with a transponder and automatic altitude reporting equipment when conducting operations into or out of the United States, into, within, or across an Air Defense Identification Zone (ADIZ). The FAA has determined that aircraft engaged in smuggling activity present an aviation safety hazard to other aircraft involved in legitimate operations. With a requirement for use of a transponder with altitude reporting capability, aircraft conducting illegal activity can be more readily identified by radar. Therefore, a person conducting the activity can be more quickly apprehended, which would serve as an effective deterrent to such illegal operations. Aviation safety would be enhanced by the resulting reduction in the numbers of aircraft conducting these illegal activities.

**DATE:** Comments must be received on or before November 14, 1988.

**ADDRESSES:** Comments on the proposal may be mailed or delivered in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. 24903, 800 Independence Avenue, SW., Washington, DC 20591. Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** Mr. Reginald C. Matthews, Air Traffic Rules Branch, Airspace-Rules, and Aeronautical Information Division, ATO-200, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-8783.

**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. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on the notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 24903." 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 by the Administrator before proposing any rule. The proposal may be changed in 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 NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future notices should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

**Background**

By letter dated July 11, 1985, the Deputy to the Assistant Secretary of the Treasury, on behalf of the United States Customs Service (USCS), requested the FAA to take regulatory actions necessary to enhance identification of all aircraft entering the United States. The request identified an increase in illegal drug importation and a corresponding need for quicker and earlier identification of aircraft engaged in such activity. The request also suggested that the FAA require all aircraft entering the United States through an ADIZ equipped with a transponder to facilitate such identification.

On February 7, 1986, the FAA published an advance notice of proposed rulemaking (ANPRM), Notice No. 86-1, proposing to amend Part 99 to require all aircraft to have an operating

transponder when operating into, within, or out of the ADIZ with the purpose of entering or departing the United States (52 FR 4756). Currently Part 99 sets forth security requirements for aircraft operating in an ADIZ but does not include any transponder requirement. However, §91.24 of the FAR, requires aircraft operating in a terminal control area, or above 12,500 feet above mean sea level (MSL), to be equipped with a transponder and automatic altitude reporting equipment. Effective July 1, 1989, the equipment will be required above 10,000 feet MSL and in terminal airspace around many of the nation's largest airports (amendment 91-203; 53 FR 23356, June 21, 1988). There is no similar requirement applicable to airspace in an ADIZ.

Under a separate rulemaking action, the FAA published a final rule (50 FR 45599; November 1, 1985) requiring the operator of each aircraft operating in controlled airspace in the United States to have its transponder equipment turned on, if so equipped. Additionally, the FAA is presently in the post-comment period of a proposal that was issued as Notice No. 86-15 and published in the *Federal Register* on October 24, 1986 (51 FR 37862) which would impose a similar requirement on aircraft operators flying in or across an ADIZ.

**Discussion of Comments Received on the ANPRM**

The FAA received five comments in response to the ANPRM. Two commenters, a private citizen and the Air Line Pilots Association (ALPA), supported the proposal. Two other commenters, the Petroleum Helicopters, Inc., and the Aircraft Owners and Pilots Association (AOPA), opposed the proposed rule.

One commenter noted that those operators engaged in smuggling activities will continue to utilize dangerous and erratic maneuvers regardless of a regulatory requirement to have and operate a transponder. As stated in Notice No. 86-1, the FAA believes the benefit of requiring transponders facilitates the identification of legitimate aircraft operations and thus, the expeditious identification and apprehension of those conducting illegal drug transportation activities. The safety of those operators conducting legitimate operations in the same airspace would be enhanced as a direct result of a reduction in the number of illegal operations. The FAA also believes a reduction in illegal operations reduces the likelihood for potential hazard to persons and

14 CFR Part 99

[Docket No. 25099; Amdt. No. 99-14]  
RIN: 2120-AC00

**Flight Plan and Transponder Requirements in an Air Defense Identification Zone**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; correction.

**SUMMARY:** On October 12, 1988, the FAA published a final rule revising the flight plan and position reporting requirements for civil aircraft conducting operations into or out of the U.S. into, within, or across the Contiguous U.S. Air Defense Identification Zone (ADIZ) and establishing a new transponder-on requirement for operations in an ADIZ. Flight plan filing provisions concerning operations in the Hawaii, Guam, and Alaska ADIZ were inadvertently omitted. This action corrects that error.

**EFFECTIVE DATE:** December 12, 1988.

**FOR FURTHER INFORMATION CONTACT:** Mr. Reginald C. Matthews, Air Traffic Rules Branch, ATO-230, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 267-8783.

**Adoption of the Corrections**

Accordingly, pursuant to the authority delegated to me, Docket No. 25099; Amdt. No. 99-14, as published October 12, 1988 (53 FR 39842) is corrected as follows:

**PART 99—[CORRECTED]**

1. The authority citation for Part 99 continues to read:

**Authority:** 49 U.S.C. 1346, 1354(a), 1502, 1510, and 1522; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

2. On page 39845, in the second column, § 99.1(b) is correctly revised to read as follows:

**§ 99.1 Applicability.**

(b) Except for §§ 99.7 and 99.12, this subpart does not apply to the operation of any aircraft—

(1) Within the 48 contiguous States and the District of Columbia, or within the State of Alaska, on a flight which remains within 10 nautical miles of the point of departure;

(2) Operating at true airspeed of less than 180 knots in the Hawaii ADIZ or over any island, or within 3 nautical miles of the coastline of any island, in the Hawaii ADIZ;

(3) Operating at true airspeed of less than 180 knots in the Alaska ADIZ while

the pilot maintains a continuous listening watch on the appropriate frequency; or

(4) Operating at true airspeed of less than 180 knots in the Guam ADIZ.

3. On page 39845, in the third column, § 99.11(a) is correctly revised to read as follows:

**§ 99.11 ADIZ flight plan requirements.**

(a) Unless otherwise authorized by ATC, no person may operate an aircraft into, within, or across an ADIZ unless that person has filed a flight plan with an appropriate aeronautical facility.

Issued in Washington, DC, on October 27, 1988.

John H. Cassidy,

Assistant Chief Counsel.

[FR Doc. 88-25333 Filed 11-1-88; 8:45 am]

BILLING CODE 4910-13-M