

*See corrections*

## 14 CFR Part 93

[Docket No. 19497; Amdt. No. 93-45]

### Special Airport Traffic Areas and Air Traffic Rules for Abbotsford, BC, and Sault Ste. Marie, ON, Canada

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

**ACTION:** Final rule.

**SUMMARY:** This action establishes Special Airport Traffic Areas and Air Traffic Rules in U.S. airspace near Sault Ste. Marie, Ontario, and Abbotsford, British Columbia, Canada. The rule requires pilots to establish two-way radio communication with the Canadian airport traffic control tower and to receive authorization from Canadian Air Traffic Control before operating in the designated special airport traffic area. The requirements enhance the level of safety within the designated U.S. airspace by establishing consistency with rules applied in Canadian Positive Control Zones. The rule reduces the midair collision potential caused by uncontrolled and unknown aircraft operating in the airspace in which air traffic control is currently provided by Canada to aircraft operating under instrument flight rules (IFR).

**EFFECTIVE DATE:** January 21, 1982.

**FOR FURTHER INFORMATION CONTACT:** Mr. William C. Davis, Air Traffic Rules Branch (AAT-220), Air Traffic Service, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591; telephone (202) 426-3128.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

By a letter dated January 9, 1978, the Superintendent of International Coordination, Transport Canada, requested the FAA to issue a special air traffic rule under Part 93 of the Federal Aviation Regulations. The letter requested a rule which would establish special airport traffic areas and air traffic rules that would apply to operations in U.S. airspace within control zones designated for certain Canadian airports. The requested rule required pilots to establish two-way radio communication with the Canadian airport traffic control tower and to receive a Canadian ATC clearance before operating in the specified areas.

The Canadians requested that the special airport traffic areas be associated with airports located at Sault Ste. Marie, ON, and Abbotsford, BC, Canada.

Through letters of agreement, jurisdiction of certain U.S. airspace juxtaposed to Canadian positive control zones is delegated by the United States to the Canadian air traffic facilities for the control of IFR traffic. However, unlike the requirements for operation in U.S. airport traffic areas under FAR §§ 91.85 and 91.87, Canadian rules for positive control zones in Canadian airspace require aircraft to have authorization to enter or operate in the control zone and to maintain two-way radio communications with the control tower. Further, the Canadian requirement does not govern aircraft operating in U.S. airspace. Similarly, a U.S. airport traffic area does not exist, under the general rules, for Canadian airports and the requirements of §§ 91.85 and 91.87 do not apply to operations in the vicinity of those airports with operating control towers in Canada. Consequently, pilots operating to, from, and near those airports do not have protection of either rule while in the United States airspace.

##### **Discussion of Comments**

On April 30, 1981, the FAA published a Notice of Proposed Rulemaking (NPRM) which detailed the rule-changes requested by the Canadians (46 FR 24199). Only two comments were received in response to the NPRM.

The Air Line Pilots Association concurred with the proposal, but expressed doubt that the proposed regulation would tend to reduce the midair collision potential. The FAA believes that the mandatory communication requirement will facilitate the issuance of information by ATC concerning conflicting aircraft traffic, and, thus, will indeed reduce the midair collision potential.

The Aircraft Owners and Pilots Association (AOPA) objected to the proposal because of the *special* designation of the airport traffic areas. AOPA requested instead that a U.S. type airport traffic area be established in U.S. airspace. The FAA disagrees with this comment because the airspace is designated for Canadian airports, not U.S. airports, and the preponderance of traffic that would be affected by the rule would be operating into and out of those Canadian airports. The AOPA proposal, involving dissimilar types of airspace and procedures affecting common operations, would be disconcerting to pilots and ATC alike.

In commenting further, AOPA pointed out that VFR traffic pattern operations at Lynden, Washington, and Sault Ste. Marie, Michigan, airports, both of which are just outside the proposed airspace designations, should be excluded from the proposed rule. The FAA agrees. In the case of Lynden, Washington, the southernmost line has been moved northward by 30 seconds, limiting the special ATA to that airspace which is north of State Highway 546 and the airport management's recommended traffic pattern. In the case of Sault Ste. Marie, the traffic patterns are all northeast of the airport and do not conflict with the proposed airspace designation.

In its comment, AOPA identified four errors in the proposed rule as it appeared in the *Federal Register*. Those errors have been corrected as follows:

1. The ceiling for Abbotsford special ATA has been changed from 3000 feet to the intended 4000 feet.

2. The ceiling for Sault Ste. Marie special ATA has been changed from 4000 feet to the intended 3000 feet.

3. The "180°T bearing" specified in proposed § 93.183(b)(2) has been changed to the intended "108°T bearing."

4. The words "all statute miles southeast" in proposed § 93.183(b)(3) have been changed to the intended "11 statute miles southeast."

##### **Discussion of the Rule**

In order for the Canadian airport control towers to effectively control the air traffic within the control zones, it is necessary that the controller in the terminal area be aware of all aircraft movements within the control tower's area of jurisdiction. With this awareness, controllers will be better able to separate aircraft and provide pilots with air traffic services, thereby enhancing the safe and efficient use of the navigable airspace. This rule accomplishes those objectives by requiring pilots to comply with requirements that would apply if that airspace were Canadian and controlled by the appropriate Canadian air traffic control tower.

This rule applies the special air traffic rules to the U.S. portion of the Abbotsford control zone at or below 4000 feet MSL. A requirement for radio contact is placed on pilots desiring to operate aircraft within or through the Abbotsford and Sault Ste. Marie positive control zones and the corresponding U.S. special airport traffic areas prior to entering the designated U.S. areas. All aircraft operating in the special airport traffic areas must have a

clearance from Canadian Air Traffic Control. The rule enables ATC to effectively control the air traffic within the tower's area of jurisdiction, including that in the United States.

#### Adoption of the Amendment

Accordingly, Part 93 of the Federal Aviation Regulations (14 CFR Part 93) is amended, effective January 21, 1982, by adding a new Subpart Q to read as follows:

### PART 93—SPECIAL AIR TRAFFIC AREAS AND AIRPORT TRAFFIC PATTERNS

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#### Subpart Q—Abbotsford, BC, and Sault Ste. Marie, ON: Special Airport Traffic Areas and Air Traffic Rules

Sec.

93.181 Applicability; scope.

93.183 Special airport traffic areas.

93.185 Communications.

Authority: Secs. 307 and 313(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)), and 14 CFR 11.45.

#### Subpart Q—Abbotsford, BC, and Sault Ste. Marie, ON: Special Airport Traffic Areas and Air Traffic Rules

##### § 93.181 Applicability; scope.

This subpart describes special airport traffic areas and air traffic rules for persons operating in the airspace designated under this subpart for Abbotsford, British Columbia, and Sault Ste. Marie, Ontario, Canada.

##### § 93.183 Special airport traffic areas.

Special airport traffic areas under this subpart are designated as follows:

(a) *For Abbotsford, BC.*—that airspace in the United States at or below 4,000 feet MSL within the area bounded by a line beginning 48°58'00" N; 122°21'43" W, thence counterclockwise along the arc of a circle of 4 nautical miles radius centered on the Abbotsford airport at 49°01'32" N; 122°21'43" W, thence to 49°02'00" N; 122°28'40" W, to 49°02'00" N; 122°33'45" W, to 48°58'00" N; 122°33'45" W; and thence to the point of beginning.

(b) *For Sault Ste. Marie, ON.*—that airspace in the United States at or below 3,000 feet MSL within the following areas:

(1) Within a 5-statute-mile radius of the Sault Ste. Marie, Ontario Airport (lat. 46°29' N; long. 84°31' W, estimated):

(2) Within 1.75 statute miles north of the 108°T bearing from the geographical center of the airport extending from the 5-statute-mile radius zone to 5.5 statute

miles southeast;

(3) Within 1.75 statute miles each side of the 118°T bearing from the geographical center of the airport extending from the 5-statute-mile radius zone to 11 statute miles southeast; and

(4) Within 1.75 statute miles each side of the 293°T bearing from the geographical center to the airport extending from the 5-statute-mile radius zone to 5.5 statute miles northeast.

##### § 93.185 Communications.

For operations within the special airport traffic areas under this subpart the following apply:

(a) *General.* Unless otherwise authorized or required by ATC, each person operating an aircraft within a special airport traffic area designated under this subpart shall comply with the applicable provisions of this section.

(b) *ATC clearance.* No person may operate an aircraft within a special airport traffic area designated under this subpart without prior authorization from the appropriate Canadian airport traffic control tower.

(c) *Two-way radio communication.* No person may operate an aircraft within a special airport traffic area designated under this subpart unless two-way radio communications are maintained between that aircraft and the appropriate control tower. However, if the radio fails in flight on an aircraft operating under VFR, within the designated area (with weather conditions at or above VFR weather minimums), and the operator maintains visual contact with the tower, the operator may continue to operate that aircraft and land as soon as possible. If the radio fails in flight on an aircraft operating either under IFR within the designated area, or under VFR within the designated area and visual contact with the tower cannot be maintained, the operator shall comply with the requirements of § 91.127 of this chapter.

(Secs. 307 and 313(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)), and 14 CFR 11.45.)

*Note.*—The FAA has determined that this document involves a regulation which is—(1) not major under Executive Order 12291; and (2) not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the regulatory evaluation prepared for this action is contained in the regulatory docket. Further, it is certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant impact on a substantial number of small entities because of its low altitude, localized applicability in two small areas on the Canadian border and the nominal, routine

nature of the air traffic rules involved.

Issued in Washington, DC, on November 10, 1981.

J. Lynn Helms,  
Administrator.

[FR Doc. 81-35289 Filed 12-9-81; 8:45 am]

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Washington, DC 20591; telephone: (202) 426-3128.

**SUPPLEMENTARY INFORMATION:** Since this action is necessary to prescribe the originally intended regulatory amendments under Amendment 93-45 and since this action is corrective in nature, I find that notice and public procedure regarding the action are impractical and unnecessary. Further, since it would not be in the public interest or consistent with sound regulatory practice to delay making necessary corrections to the Amendment, good cause exists for making it effective in less than 30 days after publication.

### **PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS**

#### **Adoption of the Amendment**

The following corrections are made in FR Docket No. 81-35289, appearing on page 60420, in the *Federal Register* issue of December 10, 1981:

1. On page 60421, in column 1, "§ 93.181" is corrected to read "§ 93.195."
2. On page 60421, in column 1, "§ 93.183" is corrected to read "§ 93.197."
3. On page 60421, in column 2, "§ 93.185" is corrected to read "§ 93.199."
4. On page 60421, in column 1, the description of the Abbotsford, BC, Special Airport Traffic Area is corrected to include the words "east to and" after the words "a line beginning 48°58'00" N; 122°21'43" W, thence."

(Secs. 307 and 313(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)), and 14 CFR 11.45)

*Note.*—The FAA has determined that this document involves a correction to a regulation which is—(1) Not major under Executive Order 12291; and (2) not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this correction does not substantively affect the Amendment, the FAA certifies that it will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, DC, on December 21, 1981.

J. Lynn Helms,  
*Administrator.*

[FR Doc. 81-37148 Filed 12-30-81; 8:45 am]

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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 93**

**[Docket No. 19497; Amdt. No. 93-45]**

#### **Special Airport Traffic Areas and Air Traffic Rules for Abbotsford, BC, and Sault Ste. Marie, ON, Canada**

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

**ACTION:** Final rule; correction.

**SUMMARY:** This action corrects Amendment 45 to Part 93 of the Federal Aviation Regulations published on December 10, 1981 (46 FR 60420). The section numbers assigned to the new Subpart Q created by the Amendment had previously been assigned to Subpart P. The effect of this correction is to renumber those sections. Additionally, this action corrects a minor discrepancy in the description of the Abbotsford, BC, Special Airport Traffic Area.

**EFFECTIVE DATE:** December 21, 1981.

**FOR FURTHER INFORMATION CONTACT:** Mr. William C. Davis, Air Traffic Rules Branch (AAT-220), Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW.,

**14 CFR Part 93****[Docket No. 19497; Amdt. No. 93-45]****Special Airport Traffic Areas and Air Traffic Rules for Abbotsford, BC, and Sault Ste. Marie, ON, Canada****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule; correction.

**SUMMARY:** This action corrects Amendment 45 to Part 93 of the Federal Aviation Regulations published on December 10, 1981, (46 FR 60420) and as corrected on December 31, 1981, (46 FR 63222) by correcting a minor discrepancy in the description of the Abbotsford, BC, Special Airport Traffic Area.

**EFFECTIVE DATE:** February 24, 1983.

**FOR FURTHER INFORMATION CONTACT:** Mr. William C. Davis, Air Traffic Rules Branch (AAT-220), Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone: (202) 426-3128.

**SUPPLEMENTARY INFORMATION:** Since this action is necessary to prescribe the originally intended regulatory amendments under Amendment 93-45 and since this action is corrective in nature, I find that notice and public procedure regarding the action are impractical and unnecessary. Further, since it would not be in the public interest or consistent with sound regulatory practice to delay making necessary corrections to the Amendment, good cause exists for making it effective in less than 30 days after publication.

**List of Subjects in 14 CFR Part 93**

Airport traffic areas, Air traffic control, Air traffic patterns, Communications.

**Adoption of the Amendment**

The following corrections are made in FR Docket No. 81-35289, appearing on page 60420, in the Federal Register issue of December 10, 1981, as corrected by FR Docket No. 81-37148 appearing on page 63222 on December 31, 1981:

1. On page 60421, in column 1, "122°28'40'" is corrected to read "122°27'40'".

(Secs. 307 and 313(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, and 1345(a)); Sec. 8(c), Department of Transportation Act (49 U.S.C. 1655(c)), and 14 CFR 11.45)

**Note.**—The FAA has determined that this document involves a minor correction to a regulation which is—(1) Not major under Executive Order 12291; (2) not significant

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 correction does not substantively affect the Amendment, the FAA certifies that it will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on February 14, 1983.

**J. Lynn Helms,**  
*Administrator.*

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