

Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, the Nuclear Waste Policy Act of 1982, and 5 U.S.C. 553, the NRC is proposing to adopt the following amendments to 10 CFR part 55 as follows:

PART 55—OPERATORS' LICENSES

1. The authority citation for 10 CFR part 55 continues to read as follows:

Authority: Secs. 107, 161, 182, 68 Stat. 939, 948, 953, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2137, 2201, 2232, 2282); secs. 201, as amended, 202, 88 Stat. 1242, as amended, 1244 (42 U.S.C. 5841, 5842).

Sections 55.41, 55.43, 55.45, and 55.59 also issued under sec. 306, Pub. L. 97-425, 96 Stat. 2262 (42 U.S.C. 10226). Section 55.61 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237).

2. In § 55.2, paragraph (c) is added to read as follows:

§ 55.2 Scope.

* * * * *

(c) Any facility licensee.

§ 55.57 [Amended]

3. Section 55.57 is amended by removing paragraph (b)(2)(iv).

4. In § 55.59 the heading and introductory text of paragraph (c) are revised to read as follows:

§ 55.59 Requalification.

* * * * *

(c) *Requalification program requirements.* A facility licensee shall have a requalification program reviewed and approved by the Commission and shall submit a copy of each comprehensive requalification written examination or annual operating test to the appropriate Regional Administrator at least 30 days prior to conducting such examination or test. The requalification program must meet the requirements of paragraphs (c)(1) through (7) of this section. In lieu of paragraphs (c)(2), (3), and (4) of this section, the Commission may approve a program developed by using a systems approach to training.

* * * * *

Dated at Rockville, Maryland, this 13th day of May 1993.

For the Nuclear Regulatory Commission,
Samuel J. Chilk,
Secretary of the Commission.

[FR Doc. 93-11821 Filed 5-19-93; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. 27297; Notice No. 93-4]

Proposed Establishment of the East Coast Low and Amendment to the Atlantic Low and South Florida Low Additional Control Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: On April 5, 1993, the FAA temporarily amended the base altitude of the Atlantic Low additional control area from 5,500 feet MSL to 2,000 feet MSL. The amendment reinstated the base altitude that existed in this offshore airspace area prior to the promulgation of the Offshore Airspace Reconfiguration final rule. This action enabled the FAA to conduct a micro-review of the air traffic control (ATC) operations conducted within this airspace area to determine the amount of controlled airspace necessary to contain certain ATC operations. The review revealed the need to amend the Atlantic Low airspace area. The FAA is proposing to amend the Atlantic Low by redesignating a portion of the airspace area as the East Coast Low, with a floor of 2,000 feet MSL, and excluding the East Coast Low and Federal Airways from the Atlantic Low. Further, the southern boundary of the Atlantic Low would be redesignated as latitude 34°00'00" North rather than the current latitude of 28°00'00" North. Concurrently, the northern boundary of the South Florida Low would be redesignated as latitude 34°00'00" North rather than the existing latitude of 28°00'00" North. The proposals in this NPRM would ensure that certain ATC operations are conducted in controlled airspace.

DATES: Comments must be received on or before June 14, 1993.

ADDRESSES: Comments on this NPRM should be mailed in triplicate, to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-10), Docket No. 27297, 800 Independence Avenue, SW., Washington, DC 20591. Comments delivered must be marked Docket No. 27297. The official docket may be examined in the Office of the Chief Counsel, room 915G, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT:

Mr. William M. Mosley, ATP-230, Air Traffic Rules Branch, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons 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 relating to the overall regulatory economic, aeronautical, environmental, energy-related, or federalism impacts of the proposals contained in this NPRM are also invited. Substantive comments should be accompanied by actual and anticipated cost impact statements, as appropriate. Comments should identify the regulatory docket number and be submitted in triplicate to the Rules Docket address specified above. Commenters wishing to have the FAA acknowledge receipt of their comments on this NPRM must submit with those comments a self-addressed, stamped postcard with the following statement: "Comments to Docket No. 27297." The postcard will be date stamped and mailed to the commenter. All comments received on or before the specified closing date for comments will be considered by the Administrator before taking action on the proposed amendments. The proposals contained in this NPRM may be changed in light of comments received. All comments received will be available for examination in the Rules Docket, before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel regarding 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 Inquiry Center, APA-220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3485. Communications must identify the docket number of this NPRM.

Persons interested in being placed on a mailing list for future NPRM's should request from the above office a copy of Advisory Circular Number 11-2A, "Notice of Proposed Rulemaking

Distribution System," which describes the application procedure.

Background

The Offshore Airspace Reconfiguration final rule published March 2, 1993, (58 FR 12128) amended the Federal Aviation Regulations (FAR), in pertinent part, by designating additional control areas as offshore airspace areas or en route domestic airspace areas, as appropriate. Further, the offshore airspace areas were divided into high and low areas. In addition to combining and simplifying the offshore airspace areas, an effort was made to establish a uniform floor of 5,500 feet MSL, to the extent practicable. However, just before the change was to become effective, it was discovered that not every specific air traffic control operation that requires controlled airspace could be conducted inside controlled airspace unless the offshore airspace areas were amended. Subsequent to this discovery, the FAA temporarily amended the Offshore Airspace Reconfiguration final rule (58 FR 17494) by reducing the floor of the Atlantic Low and Pacific Low offshore airspace areas back to the floors previously specified for the Brunswick, North Atlantic, Barnegat, NJ, Newport, OR, San Francisco, CA, and Santa Barbara, CA additional control areas. This action enabled the FAA to conduct a micro-review of the air traffic control operations conducted within these airspace areas. The initial review completed in conjunction with the Offshore Airspace Reconfiguration NPRM (57 FR 42810; September 16, 1992) was macro in nature and conducted from primarily a transoceanic and enroute perspective. The micro-review was completed on April 22, 1993, and revealed that not every instrument procedure or air traffic practice and operation on the east coast could be contained in controlled airspace without further amendment. For example, the sequencing of arrivals and departures within the New York and Boston metropolises and providing IFR services to military aircraft transiting to/from coastal bases and the warning areas required the amount of controlled airspace previously designated. Consequently, raising the floor of the Atlantic Low to 5,500 feet MSL would have a significant adverse impact on traffic flow on the east coast. The micro-review of the west coast validated that the floor of the Pacific Low could be raised to 5,500 feet MSL as originally determined in the Offshore Airspace Reconfiguration Final Rule. The removal of the temporary amendment to the Pacific Low is the

subject of a separate FAA rulemaking document.

The Proposal

The FAA proposes to revise the Atlantic Low by redesignating a portion of the airspace area as the East Coast Low with a floor of 2,000 feet MSL. The southwest corner of the East Coast Low would begin 12 miles from the coast of the United States approximately abeam Atlantic City, NJ and proceed northward 12 miles from and parallel to the U.S. shoreline to approximately abeam Portland, Maine. At its widest point in the southeast, the area would be about 70 miles east of New Jersey and 50 miles south of Long Island, NY. In the area between eastern Long Island, NY and Nantucket, MA the southern boundary is approximately 10 miles at the widest point. A small segment approximately five miles wide has been added between Nantucket and Chatam, MA to accommodate instrument arrivals into Nantucket. The eastern boundary off the coasts of Massachusetts, New Hampshire, and Maine is generally a north/south line 25 miles east of Boston, MA. The FAA is also proposing to move the northern boundary of the South Florida Low from latitude 28°00'00" North to latitude 34°00'00" which has the effect of moving the southern boundary of the Atlantic Low north. This proposal would also exclude Federal airways from the Atlantic Low and South Florida Low. The East Coast Low would become Class E airspace effective September 16, 1993. The Atlantic Low and South Florida Low additional control areas were published in FAA Order 7400.7a—Supplement dated February 24, 1993, and effective April 1, 1993, which is incorporated by reference in 14 CFR 71.1. The additional control areas listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation (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, when promulgated, 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

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

The following proposed amendments are to part 71 currently in effect:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.7A—Supplement dated February 24, 1993, and effective April 1, 1993, is amended as follows:

Section 71.163 Designation of Additional Control Areas

* * * * *

Atlantic Low [Revised]

That airspace extending upward from 5,500 feet MSL bounded on the east by the Moncton FIR and the New York Oceanic CTA/FIR, on the south by lat. 34°00'00"N., on the west and north by a line 12 miles from and parallel to the U.S. shoreline, excluding Federal airways and the East Coast Low offshore airspace area.

* * * * *

East Coast Low [New]

That airspace extending upward from 2,000 feet MSL bounded on the west and north by a line 12 miles from and parallel to the U.S. shoreline and on the south and east by a line beginning at lat. 39°25'46"N., long. 74°02'34"W.; to lat. 39°02'05"N., long. 73°39'30"W.; to lat. 40°04'20"N., long. 72°30'00"W.; to lat. 40°34'14"N., long. 72°30'00"W.; and that airspace north of a line beginning at lat. 40°40'59"N., long. 72°17'22"W. thence along the northern boundary of warning areas W-106 and W-105 to lat. 41°06'52"N., long. 70°22'51"W.; and that airspace west of a line beginning at lat. 41°16'00"N., long. 69°41'15"W.; to lat. 41°43'00"N., long. 69°39'30"W.; and that airspace west and north of a line beginning at lat. 42°15'31"N., long. 70°00'00"W.; to lat. 43°17'00"N., long. 70°00'00"W.; to lat. 43°33'56"N., long. 69°29'12"W.

* * * * *

South Florida Low [Revised]

That airspace extending upward from 2,700 feet MSL bounded on the west by the Houston Oceanic CTA/FIR; bounded on the north from west to east by the Jacksonville Air Route Traffic Control Center boundary, a line 12 miles from and parallel to the U.S. shoreline, lat. 34°00'00"N., the New York Oceanic CTA/FIR and the San Juan Oceanic CTA/FIR; bounded on the south from east to west by the Santa Domingo FIR, the Port-Au-Prince CTA/FIR and the Havana CTA/FIR.

The following proposed amendments are to part 71 in effect as of September 16, 1993:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9—Supplement dated February 24, 1993, and effective September 16, 1993, is amended as follows:

Section 71.71(e) Offshore Airspace Areas

Atlantic Low [Revised]

That airspace extending upward from 5,500 feet MSL bounded on the east by the Moncton FIR and the New York Oceanic CTA/FIR, on the south by lat. 34°00'00" N., on the west and north by a line 12 miles from and parallel to the U.S. shoreline, excluding Federal airways and the East Coast Low offshore airspace area.

East Coast Low [New]

That airspace extending upward from 2,000 feet MSL bounded on the west and north by a line 12 miles from and parallel to the U.S. shoreline and on the south and east by a line beginning at lat. 39°25'46"N., long. 74°02'34"W.; to lat. 39°02'05"N., long. 73°39'30"W.; to lat. 40°04'20"N., long. 72°30'00"W.; to lat. 40°34'14"N., long. 72°30'00"W.; and that airspace north of a line beginning at lat. 40°40'59"N., long. 72°17'22"W. thence along the northern boundary of warning areas W-106 and W-105 to lat. 41°06'52"N., long. 70°22'51"W.; and that airspace west of a line beginning at lat. 41°16'00"N., long. 69°41'15"W.; to lat. 41°43'00"N., long. 69°39'30"W.; and that airspace west and north of a line beginning at lat. 42°15'31"N., long. 70°00'00"W.; to lat. 43°17'00"N., long. 70°00'00"W.; to lat. 43°33'56"N., long. 69°29'12"W.

South Florida Low [Revised]

That airspace extending upward from 2,700 feet MSL bounded on the west by the Houston Oceanic CTA/FIR; bounded on the north from west to east by the Jacksonville Air Route Traffic Control Center boundary, a line 12 miles from and parallel to the U.S. shoreline, lat. 34°00'00" N., the New York Oceanic CTA/FIR and the San Juan Oceanic CTA/FIR; bounded on the south from east to west by the Santa Domingo FIR, the Port-Au-Prince CTA/FIR and the Havana CTA/FIR.

Issued in Washington, DC, on May 14, 1993.

Harold W. Becker,
Manager, Airspace—Rules and Aeronautical
Information Division.

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BILLING CODE 4810-13-M

Saint Lawrence Seaway Development Corporation

33 CFR Part 402

Tariff of Tolls: Proposed Revision

AGENCY: Saint Lawrence Seaway Development Corporation, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Saint Lawrence Seaway Development Corporation and the St. Lawrence Seaway Authority of Canada have jointly established and presently administer the St. Lawrence Seaway Tariff of Tolls. This Tariff sets forth the level of tolls assessed on all commodities and vessels transiting the facilities operated by the Corporation and the Authority. The Authority is proposing to the Corporation that the Tariff be amended to provide a separate commodity entry for coal for the 1993 season, which is now included under the bulk rate entry. The toll for coal would be lowered to 65 cents per metric ton for the Montreal to or from Lake Ontario section of the Seaway. The Corporation and the Authority are proposing this as a first step in developing a market oriented toll structure to attract commodities with the greatest potential for growth. The Authority also is proposing to the Corporation that the business incentive toll for passenger vessels discontinue. Experience has shown that this incentive toll has caused an undesirable competitive imbalance among passenger vessel concerns using the Seaway.

DATES: Any party wishing to present views or data on the proposed revision may file comments with the Corporation on or before June 21, 1993.

ADDRESSES: Send comments to Marc C. Owen, Chief Counsel, Saint Lawrence Seaway Development Corporation, 400 Seventh Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Marc C. Owen, Chief Counsel, Saint Lawrence Seaway Development Corporation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-0991.

SUPPLEMENTARY INFORMATION: It is proposed to amend paragraph (b)(5) of § 402.3 by adding deleting "coal" from the list of ores and minerals included within the definition of "bulk cargo"

and adding the phrase, "but excluding coal" to that list. In addition, it is proposed to amend § 402.8(a)(2) to add "coal" as a separate entry with a 1993 toll of 65 cents per metric ton for the Montreal to or from Lake Ontario section of the Seaway and a 1993 toll of 55 cents per metric ton for the Lake Ontario to or from Lake Erie (Welland Canal) section. The latter remains at the same rate as that for bulk cargo. The Corporation and the Authority are proposing this as a first step in developing a market oriented toll structure to attract commodities with the greatest potential for growth. It is hoped that the toll reduction will encourage new trade, such as the movement of low-sulfur coal from the Powder River Basin of Montana. It also is proposed that § 402.9 be amended to remove paragraphs (f) through (i), the business incentive toll for passenger vessels. These provisions presently provide a new business incentive toll for any passenger vessel that did not move through a Seaway lock during the 1988 and 1989 navigation seasons or the three navigation seasons immediately preceding the season in which a new business refund is submitted. Under this program, a qualifying passenger vessel receives a 25% discount of the passenger per lock charge each transit it carries 20 passengers or more and a 50% discount for each transit it carries 20 or more passengers. Experience has shown that this incentive toll has caused an undesirable competitive imbalance among passenger vessel concerns using the Seaway.

Regulatory Evaluation

This proposed regulation involves a foreign affairs function of the United States, and therefore, Executive Order 12291 does not apply. This proposed regulation has also been evaluated under the Department of Transportation's Regulatory Policies and Procedures and the proposed regulation is not considered significant under those procedures and its economic impact is expected to be so minimal that a full economic evaluation is not warranted.

Regulatory Flexibility Act Determination

The Saint Lawrence Seaway Development Corporation certifies that this proposed regulation, if adopted, would not have a significant economic impact on a substantial number of small entities. The St. Lawrence Seaway Tariff of Tolls relates to the activities of commercial users of the Seaway, the vast majority of whom are foreign vessel