

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 97-ASO-16]

#### Proposed Modification to the Atlantic High Offshore Airspace Area

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This action proposes to modify the Atlantic High Offshore Airspace Area. The southeast boundary of the Atlantic High Offshore Airspace Area would be extended to coincide with the boundary of the San Juan Enroute Domestic Airspace Area. This proposal would facilitate the use of domestic air traffic control (ATC) procedures within that airspace, and thereby expedite the flow of air traffic and enhance the utilization of that airspace.

**DATES:** Comments must be received on or before January 2, 1998.

**ADDRESSES:** Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ASO-500, Docket No. 97-ASO-16, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division, ASO-500, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

**FOR FURTHER INFORMATION CONTACT:** Patricia P. Crawford, Airspace and Rules Division, ATA-400, Office of Air Traffic Airspace Management, 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. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 97-ASO-16." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

##### Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Air Traffic Airspace Management, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-8783. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should call the FAA's Office of Rulemaking, (202) 267-9677, for a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

#### Background

Air traffic activity in the Bahamas and Caribbean airspace area continues to increase as the number of ground based navigational aids continues to decrease. Consequently, a project to implement a non-Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME) Area Navigation (RNAV) route system to supplement the current airway system is warranted. Extending the southeast boundary of the Atlantic High Offshore Airspace Area to coincide with the San Juan Enroute Domestic Airspace Area would support the development of a more efficient route system in the Bahamas and Caribbean area.

#### The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to modify the Atlantic High Offshore Airspace Area. The Atlantic High Offshore Airspace Area would be extended southeast to coincide with the boundary of the San Juan Enroute Domestic Airspace Area.

The Atlantic High Offshore Airspace Area is designated as Class A airspace, and the San Juan Enroute Domestic Airspace Area is designated as Class E airspace; domestic ATC standards apply in these areas. At present, a gap of approximately 80 Nautical Miles (NM) exists between the boundaries of the Atlantic High Offshore Airspace Area and the San Juan Enroute Domestic Airspace Area. The airspace within this gap is part of the San Juan Oceanic Control Area/Flight Information Region (CTA/FIR). International Civil Aviation Organization (ICAO) ATC standards apply within the San Juan Oceanic CTA/FIR. Consequently, air traffic controllers must apply two different sets of ATC standards to aircraft transitioning from the Atlantic High Offshore Airspace Area to the San Juan Enroute Domestic Airspace Area, or vice-versa, (i.e., flight operations on the routes between south Florida and Puerto Rico).

Modifying the Atlantic High Offshore Airspace Area as proposed would permit air traffic controllers to apply domestic ATC standards along the entire length of the affected routes, thereby enhancing the flow of air traffic, increasing capacity, and allowing for more efficient use of the airspace.

Offshore Airspace Area designations are published in paragraph 2003 of FAA

Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The offshore airspace area designation listed in this document would be published subsequently in the Order. The FAA has determined that this proposed 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 "significant regulatory action" under Executive Order 12866; (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.

#### ICAO Considerations

As part of this proposal relates to navigable airspace outside the United States, this notice is submitted in accordance with the ICAO International Standards and Recommended Practices.

The application of International Standards and Recommended Practices by the FAA, Office of Air Traffic Airspace Management, in areas outside U.S. domestic airspace, is governed by the Convention on International Civil Aviation. Specifically, the FAA is governed by Article 12 and Annex 11, which pertain to the establishment of necessary air navigational facilities and services to promote the safe, orderly, and expeditious flow of civil air traffic. The purpose of the document is to ensure that civil aircraft operations on international air routes are performed under uniform conditions.

The International Standards and Recommended Practices in Annex 11 apply to airspace under the jurisdiction of a contracting state, derived from ICAO. Annex 11 provisions apply when air traffic services are provided and a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting this responsibility may apply the International Standards and Recommended Practices that are consistent with standards and practices utilized in its domestic jurisdiction.

In accordance with Article 3 of the Convention, state owned aircraft are

exempt from the Standards and Recommended Practices of Annex 11. The United States is a contracting state to the Convention. Article 3(d) of the Convention provides that participating state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator is consulting with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

#### 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:

#### PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

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

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

##### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

##### Paragraph 2003 Offshore Airspace Areas

\* \* \* \* \*

##### Atlantic High [Revised]

That airspace extending upward from 18,000 feet MSL to and including FL 600 within the area bounded on the east from north to south by the Moncton FIR, New York Oceanic CTA/FIR, and the San Juan Oceanic CTA/FIR; to the point where the San Juan Oceanic CTA/FIR boundary turns southwest at lat. 21°08'00"N., long. 67°45'00"W., thence from that point southeast via a straight line to intersect a 100-mile radius of the Fernando Luis Ribas Dominici Airport at lat. 19°47'28"N., long. 67°09'37"W., thence counter-clockwise via a 100-mile radius of the Fernando Luis Ribas Dominici Airport to lat. 18°53'05"N., long. 67°47'43"W., thence from that point northwest via a straight line to intersect the point where the Santo Domingo FIR turns northwest at lat. 19°39'00"N., long. 69°09'00"W., thence from that point the area is bounded on the south from east to west by the Santo Domingo FIR,

Port-Au-Prince CTA/FIR, and the Havana CTA/FIR; bounded on the west from south to north by the Houston Oceanic CTA/FIR, southern boundary of the Jacksonville Air Route Traffic Control Center and a line 12 miles offshore and parallel to the U.S. shoreline.

\* \* \* \* \*

Issued in Washington, DC, on November 6, 1997.

**Nancy B. Kalinowski,**

*Acting Program Director for Air Traffic Airspace Management.*

[FR Doc. 97–30215 Filed 11–17–97; 8:45 am]

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#### DEPARTMENT OF ENERGY

#### Federal Energy Regulatory Commission

#### 18 CFR Part 284

[Docket No. RM96–1–007; Order No. 587–F]

#### Standards for Business Practices of Interstate Natural Gas Pipelines

November 12, 1997.

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Notice of proposed rulemaking (NOPR).

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) is proposing to amend its regulations governing standards for conducting business practices and electronic communication with interstate natural gas pipelines by incorporating by reference the most recent version of standards promulgated by the Gas Industry Standards Board (GISB). The Commission also is proposing to adopt regulations, not developed by GISB, governing intra-day nominations, operational balancing agreements (OBAs), netting and trading of imbalances, standardization of communications over the public Internet, and notices of operational flow orders. In addition, the Commission is providing policy guidance on other issues related to business practices of interstate natural gas pipelines to assist GISB in developing implementation standards that could be adopted by the Commission in future regulations. These business practices standards supplement standards adopted by the Commission in Order Nos. 587, 587–B, and 587–C.

**DATES:** Comments are due December 18, 1997.

**ADDRESSES:** Federal Energy Regulatory Commission, 888 First Street, N.E., Washington DC, 20426.