

Instead, it was suggested that documents such as regulatory guides and information letters, which are guidance rather than rules, were more appropriate vehicles to provide this information.

Three of the four nonnuclear, nongovernment commenters also opposed the proposed rulemaking, on the grounds that (1) the NRC was passing off its responsibilities for analysis and documentation to the public, who could not possibly undertake this type of burden, and (2) the NRC might ignore safety issues raised by the public that might not be thoroughly documented in favor of issues that would be beneficial to the industry and that were well documented but were not real safety issues.

These two aspects were fully discussed in the proposed rule. The proposed rule stated that "The proposed changes would afford any petitioner two options: submit the minimal threshold information in the petition that is required by the current rule and be subject to the regular processing procedures, or submit more detailed supporting information and analyses in the petition in return for a more expeditious processing procedure by the NRC. The proposed revisions would not change any existing provision regarding petitions for rulemaking if they meet the minimum threshold requirement of the current § 2.802(c)." Further, the proposed rule stated that "Consideration of safety significance is the first criterion for prioritizing the review and disposition of petitions. It is the primary concern of the NRC to ensure that design and operation of NRC licensed facilities are carried out in a manner which assures adequate protection of public health and safety, of the environment, and of national security. Therefore, petitions found by the NRC to raise a concern in this regard would receive immediate NRC attention." In addition, the proposed rule stated that "Petitions containing supporting information additional to those currently required would improve their priority for review and receive more expeditious disposition."

The NRC originally proposed to amend the current § 2.802 as a rule change. After reviewing comments on the proposed § 2.802, however, the NRC became convinced that there is strong merit in the comments recommending against codification of the criteria for expedited processing of the petitions for rulemaking, because (1) the proposed procedure does not impose mandatory requirements, and (2) the proposed

procedure is clearly of an administrative nature.

Therefore, the proposed rule is not required and is being withdrawn, and the information in the proposed rule will be provided in a Regulatory Guide to be developed by the NRC and distributed to the industry and the public. In addition to the information originally intended to be included in the revised § 2.802, the Regulatory Guide will also provide guidance for preparation of more detailed petitions for rulemaking.

Furthermore, as mentioned in the proposed rule, the NRC has identified a need to establish an administrative framework to facilitate concerned parties' submittal of proposals to issue, amend, or rescind any generic regulatory guidance document. Generic regulatory guidance documents are documents such as regulatory guides, bulletins, generic letters and sections of the Standard Review Plan (including Branch Technical Positions), which do not have the force and effect of a regulation, but are used by the NRC to identify or clarify acceptable NRC staff positions which comply with NRC regulations. A formal procedure which enables interested parties to propose changes to these regulatory guidance documents does not now exist. Therefore, a separate Regulatory Guide will be developed by the NRC to provide guidance for preparation and submission of proposals for generic regulatory guidance documents.

Dated at Rockville, Maryland, this 31st day of January, 1996.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Secretary of the Commission.

[FR Doc. 96-2437 Filed 2-5-96; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 96-ASO-7]

Proposed Amendment to Class D Airspace and Establishment of Class E Airspace; Jackson, TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend Class D surface area airspace and establish Class E surface area arrival extension airspace at Jackson, TN. The arrival extension, which is currently

part of the Class D airspace area, is greater than 2 miles and must be redesignated as Class E4 airspace.

DATES: Comments must be received on or before March 23, 1996.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Docket No. 96-ASO-7, Manager, System Management Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Assistant Chief Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, telephone (404) 305-5586.

FOR FURTHER INFORMATION CONTACT: Benny L. McGlamery, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5570.

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 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. 96-ASO-7." 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 before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, 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 NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, System Management Branch, ASO-530, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend Class D surface area airspace and establish Class E surface area arrival extension at Jackson, TN. The arrival extension, which is currently part of the Class D airspace area, is greater than 2 miles and must be redesignated as Class E 4 airspace. Class D airspace designations and Class E airspace designations for airspace areas designated as an extension to a Class D surface area are published in Paragraphs 5000 and 6004 of FAA Order 7400.9C respectively, dated August 17, 1995, and effective September 16, 1995, which are incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations 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.

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—[AMENDED]

1. The authority citation for 14 CFR 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; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

Paragraph 5000 Class D airspace.

* * * * *

ASO TN D Jackson, TN [Revised]

McKellar-Sipes Regional Airport, TN
(Lat. 35°35'59"N, long. 88°54'56"W)

That airspace extending upward from the surface to and including 2900 feet MSL within a 4.2-mile radius of the McKellar-Sipes Regional Airport. This Class D airspace area is effective during the specific days and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 6004 Class E airspace areas designated as an extension to a Class D surface area.

ASO TN E4 Jackson, TN [New]

McKellar-Sipes Regional Airport, TN
(lat. 35°35'59"N, long. 88°54'56"W)
McKellar VOR/DME
(lat. 35°36'13"N, long. 88°54'38"W)

That airspace extending upward from the surface within 3.1 miles each side of the McKellar VOR/DME 206° radial, extending from the 4.2-mile radius of the McKellar-Sipes Regional Airport to 7 miles southwest of the VOR/DME. This Class E airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

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Issued in College Park, Georgia, on January 25, 1996.

Wade T. Carpenter,

*Acting Manager, Air Traffic Division,
Southern Region.*

[FR Doc. 96-2511 Filed 2-5-96; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 95-ASO-20]

Proposed Establishment of Federal Colored Airway B-9; Florida

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposal would establish a Colored Federal Airway, Blue-9 (B-9), from the DEEDS Intersection to the Marathon Nondirectional Beacon (NDB), FL. The establishment of B-9 would accommodate the users of that airspace and enhance air traffic service.

DATES: Comments must be received on or before March 21, 1996.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ASO-500, Docket No. 95-ASO-20, 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.

FOR FURTHER INFORMATION CONTACT:

Patricia Crawford, Airspace and Obstruction Evaluation Branch (ATP-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-3075.

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. 95-ASO-20." 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