

**Star Schools Dissemination Projects**

**Proposed Absolute Priority:**  
Dissemination projects that will provide services nationwide.

**Intergovernmental Review**

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local

governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

**Invitation to Comment**

Interested persons are invited to submit comments and recommendations regarding these proposed priorities.

All comments submitted in response to this notice will be available for public inspection, during and after the

comment period in room 504E, 555 New Jersey Avenue, NW., Washington, DC between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays.

**Program Authority:** 20 U.S.C. 4081-4086.  
(Catalog of Federal Domestic Assistance Number 84.203 Star Schools Program)

Dated: September 30, 1993.

**Sharon P. Robinson,**  
*Assistant Secretary for Educational Research and Improvement.*

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# **Federal Register**

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**Tuesday  
October 5, 1993**

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**Part IX**

**Department of  
Health and Human  
Services**

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**Center for Disease Control and  
Prevention**

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**Revision of Fees for Sanitation  
Inspections of Cruise Ships; Notice**

**DEPARTMENT OF HEALTH AND  
HUMAN SERVICES**
**Centers for Disease Control and  
Prevention**
**Revision of Fees for Sanitation  
Inspections of Cruise Ships**

**AGENCY:** Centers for Disease Control and Prevention (CDC), Public Health Service, HHS.

**ACTION:** Notice.

**SUMMARY:** This notice announces revised fees for vessel sanitation inspections effective January 1, 1994.

**EFFECTIVE DATE:** January 1, 1994.

**FOR FURTHER INFORMATION CONTACT:** Linda Anderson, Chief, Special Programs Group, National Center for Environmental Health, CDC, 4770 Buford Highway, NE., Mailstop F-29, Atlanta, Georgia 30341-3724. Telephone: (404) 488-7070.

**SUPPLEMENTARY INFORMATION:**
**Purpose and Background**

The fee schedule for sanitation inspections of passenger cruise ships currently inspected under the Vessel Sanitation Program (VSP) was first

published in the Federal Register on November 24, 1987 (52 FR 45019), and CDC began collecting fees on March 1, 1988. Since then, CDC has revised the fee schedule annually. This notice announces fees effective January 1, 1994.

The formula used to determine the fees is as follows:

$$\text{Average cost per inspection} = \frac{\text{Total Cost of VSP}}{\text{Weighted No. of Annual Inspections}}$$

The average cost per inspection is multiplied by a size/cost factor to determine the fee for vessels in each size category. The size/cost factor was established in the proposed fee schedule published in the Federal Register on July 17, 1987 (52 FR 27060), and revised in a schedule published in the Federal Register on November 28, 1989 (54 FR 48942). The revised cost/factor is presented below in Appendix A.

**Fees**

The fee schedule is presented in Appendix A and will be effective January 1, 1994, through December 31, 1994. However, should there be a substantial increase in the cost of air transportation, it may be necessary to readjust the fees prior to December 31, 1994, since travel constitutes a sizable portion of the costs of this program. If such a readjustment in the fee schedule is necessary, a notice will be published

in the Federal Register 30 days prior to the effective date.

**Applicability**

The fees will be applicable to all passenger cruise vessels for which sanitation inspections are conducted as part of the Vessel Sanitation Program, CDC.

Dated: September 29, 1993.

**Robert L. Foster,**

*Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).*

**APPENDIX A.—SIZE/COST FACTOR**

| Vessel size     | GRT <sup>1</sup> | Average cost X |
|-----------------|------------------|----------------|
| Extra small ... | (<3,001)         | 0.25           |
| Small .....     | (3,001–15,000)   | 0.5            |
| Medium .....    | (15,001–30,000)  | 1.0            |
| Large .....     | (30,001–60,000)  | 1.5            |
| Extra large ... | (>60,000)        | 2.0            |

**FEE SCHEDULE JANUARY 1, 1994—  
DECEMBER 31, 1994**

| Vessel size     | GRT <sup>1</sup> | Fee   |
|-----------------|------------------|-------|
| Extra small ... | (<3,001)         | \$799 |
| Small .....     | (3,001–15,000)   | 1,597 |
| Medium .....    | (15,001–30,000)  | 3,194 |
| Large .....     | (30,001–60,000)  | 4,791 |
| Extra large ... | (>60,000)        | 6,388 |

<sup>1</sup> GRT—Gross Register tonnage in cubic feet, as shown in Lloyd's Register of Shipping.

Inspections and reinspections involve the same procedure, require the same amount of time and will, therefore, be charged at the same rate.

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# **Federal Register**

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**Tuesday  
October 5, 1993**

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## **Part X**

### **Department of Transportation**

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**Federal Aviation Administration**

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**14 CFR Part 91  
Special Visual Flight Rules Operations;  
Final rule**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 91

[Docket No. 27318; Amendment No. 91-234]

RIN 2120-AE85

## Special Visual Flight Rules (SVFR) Operations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This action amends certain regulations governing special visual flight rules (SVFR) operations. By omission of certain words and phrases, the Airspace Reclassification Final Rule inadvertently altered the applicability and scope of the part 91 SVFR provisions. Further, some airspace revisions in the Terminal Airspace Reconfiguration final rule resulted in an unintentional reduction of the amount of airspace within which SVFR operations could be conducted at some airports. This action restores the applicability and scope of the SVFR provisions and reestablishes the amount of airspace for SVFR operations that is essentially equivalent to that which existed prior to those amendments.

EFFECTIVE DATE: Upon publication.

**FOR FURTHER INFORMATION CONTACT:** Melodie M. DeMarr, Air Traffic Rules Branch, ATP-230, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-8783.

## SUPPLEMENTARY INFORMATION:

## Background

When the Airspace Reclassification Final Rule became effective on September 16, 1993, control zones ceased to exist as a type of airspace. They were replaced by Class B, Class C, Class D, and Class E surface areas, as appropriate. However, that final rule inadvertently amended § 91.157 and removed the provision whereby a pilot could request and receive an air traffic control (ATC) clearance to conduct SVFR flight through such an airspace segment. That was not the intent of the FAA. On the contrary, in response to comments to the proposal that preceded that final rule (56 FR 65648), the FAA included in the preamble a discussion of its intent to continue to permit SVFR operations for through flights as well as flights for arrival or departure at airports within Class B, C, D, or E surface areas. Additionally, the December 17, 1991, final rule replaced, effective September 16, 1993, the SVFR prohibition

provisions formerly contained in § 93.113 with the provisions in Section 3 of Appendix D to part 91. However, in establishing Section 3 of Appendix D as the replacement for § 93.113, the FAA inadvertently omitted the word "fixed-wing." That omission, in effect, results in the prohibition of SVFR operations by helicopters. This action restores the applicability of Section 3 of Appendix D to part 91 to only fixed-wing aircraft.

Further in the December 17, 1991, final rule, the FAA adopted a new § 91.155 that replaced the existing § 91.155 effective September 16, 1993. That action was intended merely to facilitate the reclassification of control zones to Class B, C, D, or E controlled airspace extending upward from the surface. However, the phrase "beneath the ceiling" in paragraph (c) of that section was unintentionally omitted. In effect, the omission prohibits operations conducted under visual flight rules (VFR) anywhere in such airspace, above as well as below a cloud ceiling, regardless of the meteorological conditions above the cloud layer, when the reported ceiling is less than 1,000 feet. It was the FAA's intent to prohibit VFR flight only beneath the ceiling when such ceiling is reported as less than 1,000 feet. This action will continue the VFR flight prohibition that existed until September 16, 1993.

Transition to the new airspace classifications began on October 15, 1992, when portions of the Terminal Airspace Reconfiguration Final Rule (57 FR 38962; August 27, 1992) became effective. That final rule, in pertinent part, revised the vertical limits of control zones at airports with an operating control tower. However, only the lateral limits were changed for control zones without an operating control tower.

The vertical limits of control zones for airports for which an airport radar service area (ARSA) or terminal control (TCA) was designated were reduced to the specified vertical limits of the ARSA or TCA. In all cases, the revised vertical limits are lower than they were prior to October 15, 1992. At other airports in control zones with an operating control tower, however, the control zone vertical limits were generally reduced to 2,500 feet above ground level (AGL). On September 16, 1993, those revised vertical limits represent the altitudes below which two-way radio communications between ATC and aircraft operating within the specific airspace segment will be required. However, that action had the unforeseen effect of reducing the amount of airspace available for SVFR operations. Such impact was not the intent of the

FAA since, prior to October 15, 1992, SVFR operations could be authorized within a control zone between the surface and 14,500 feet mean sea level (MSL).

In most cases, the reduced vertical limits of control zones will only have a minor technical impact; different types of airspace designations will permit different levels of SVFR use. For example, Class B airspace generally has a vertical limit of 8,000 to 12,500 feet MSL, while most Class C airspace extends upward to 4,000 feet AGL, and the majority of Class D airspace extends upward from the surface to approximately 2,500 feet AGL. SVFR operations are permitted only to the vertical limit of these differing types of controlled airspace.

At airports without an operating control tower, the Class E airspace extending upward from the surface would technically terminate at the base of the overlying transition area (700 or 1200 feet AGL). Effectively, the airspace within which SVFR operations could be authorized would be significantly reduced, resulting in a severe limitation on SVFR arrival and departure operations at those airports. This was not the intent of the FAA in promulgating the Airspace Reclassification Final Rule. This action reestablishes airspace for SVFR operations essentially equivalent to that which existed prior to the amendment.

## The Rule

This rule accomplishes four actions. The rule makes three editorial changes to ensure that the SVFR provisions are continued or established as appropriate for: (1) Prohibiting flight under VFR within Class B, Class C, Class D, and Class E surface areas beneath the ceiling when the ceiling is less than 1,000 feet; (2) prohibiting only fixed-wing SVFR operations at certain specified airports; and (3) allowing SVFR operations through the airspace of Class B, Class C, Class D, and Class E surface areas.

The fourth action amends § 91.157, Special VFR weather minimums, to restore the SVFR provisions virtually to the way they were prior to the Airspace Reclassification and the Terminal Airspace Reconfiguration Final Rules. Specifically, prior to October 15, 1992, most control zones extended from the surface upward to, but not including, 14,500 feet MSL, and SVFR operations could be authorized in all or part of such airspace. To reestablish consistency in the maximum altitudes applicable to SVFR operations regardless of airspace designation, the FAA is establishing 10,000 feet MSL as the altitude below which air traffic

control (ATC) may authorize an SVFR operation in controlled airspace designated to the surface for an airport. That altitude is consistent with the level at which the visibility requirement for daytime flight under VFR increases from 3 miles to 5 miles.

The FAA finds that good cause exists, pursuant to 5 U.S.C. 553(d), for making this amendment effective in less than 30 days after publication in order to promote the safe and efficient handling of SVFR operations.

#### Procedural Changes

To implement this rule, a number of phraseology and procedural changes are required. Procedural changes are of an editorial nature and occur without impact on aviation users. However, noticeable changes in phraseology will occur. Examples of phraseology for an ATC clearance authorizing a pilot to conduct SVFR operations might be changed in the following ways:

- "Cleared to the (name) Airport, Maintain Special V-F-R."
- "Cleared to the (name) Airport, Maintain Special V-F-R— at or Below (altitude)."
- "Maintain Special V-F-R."
- "Maintain Special V-F-R at or Below (altitude)."

The phrase, "while in the control zone," previously used in an SVFR ATC clearance, will be absent from the phraseology. This is intentional since effective September 16, 1993, control zones ceased to exist. Further, to avoid the use of cumbersome phraseology to describe the lateral limits of an SVFR ATC clearance, the FAA expects that pilots will refer to aeronautical charts to determine, as they do today, the airspace boundaries within which SVFR operations may be conducted.

#### Discussion of Comments

In response to Notice 93-6, the FAA received two comments. One commenter, who identified himself as a Certified Flight Instructor, was generally in support of the proposed rulemaking. He stated that the FAA should implement this amendment on the same date (September 16, 1993) that the Airspace Reclassification Final Rule becomes effective to avoid needless confusion in the general aviation community.

The commenter also cautioned the FAA to remember that, with implementation of the Airspace Reclassification Rule, the vertical limits of the Class D airspace associated with an airport will not always be clearly indicated on sectional aeronautical charts for reference by pilots. The

proposed rule stated that the FAA would expect pilots to refer to aeronautical charts to determine the airspace boundaries within which SVFR operations may be conducted. The example that the commenter gave encompassed Class D airspace underlying adjacent Class B airspace. In cases of overlapping airspace, chart clutter may preclude depicting the upper limits of both classes of airspace. SVFR will be allowed up to 10,000 feet MSL, however, regardless of the ceiling of the controlled airspace designated on the surface. Pilots should refer to the aeronautical charts for the lateral boundaries of the airspace, not the vertical limits.

The commenter also suggested that it may be necessary for all SVFR clearances to contain altitude limits in situations of overlapping classes of airspace. The FAA disagrees because the SVFR vertical limit will be standardized, making inclusion of the maximum permissible altitude unnecessary in an SVFR clearance.

The second commenter, the Air Line Pilots Association, concurred with the proposal.

#### Regulatory Evaluation

For the reasons set forth above, the FAA has determined that this action is not a "major rule" under Executive Order 12291. The proposed rule was considered "significant" under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) because the FAA focused on the impact of the inadvertent omission of provisions for SVFR operations in the Airspace Reclassification Rule on pilots. However, upon reanalysis, this rule is not significant according to the Department's criteria. A "significant rule" is one that (1) requires a Regulatory Analysis because of its major impact on the economy; (2) concerns a matter of substantial public interest or controversy; (3) has a major impact on another agency; (4) has a substantial effect on state or local governments; (5) has a substantial impact on a major transportation safety problem; (6) initiates a substantial regulatory program or change in policy; (7) differs substantially from international requirements or standards; or (8) involves important Department policy (44 FR 11040). None of these eight factors is implicated by the promulgation of this rule.

In accordance with the Regulatory Flexibility Act of 1980, the FAA has determined that this rule would not have a significant economic impact, positive or negative, on a substantial

number of small entities. This assessment is based on the fact that the rule would not impose any additional cost on aircraft operators.

The principal effect of this rule is to maintain the airspace available for SVFR operations; in the absence of the rule, the Airspace Reclassification Rule reduces the ceiling of the airspace in which an SVFR clearance could be obtained from 14,500 feet to approximately 2,500 feet AGL. The rule thus prevents an impact or operational change rather than creating one. Restoring the airspace for SVFR operations to 10,000 feet instead of 14,500 feet MSL will not impact ATC system users since, as a practical matter, SVFR operations have been rarely requested or authorized above 10,000 feet MSL. For these reasons, operators are not expected to incur any costs from compliance with the rule. Additionally, this rule will remove some of the restrictions put in place October 15, 1992, by allowing more operations in the designated airspace. This rule is considered relieving in nature. Therefore, a regulatory evaluation has not been prepared because the rule is essentially procedural in nature with no costs to aircraft operators.

#### Federalism Implications

The regulations herein will not have substantial direct 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 this rule will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### International Trade Impact Assessment

The rule will not impose any costs on either aircraft operators or aircraft manufacturers (U.S. or foreign) that would result in a competitive disadvantage to either.

#### Paperwork Reduction Act

This rule contains no information collection requests requiring approval of the Office of Management and Budget pursuant to the Paperwork Reduction Act (44 U.S.C. 3507 et seq.).

#### List of Subjects in 14 CFR Part 91

Aircraft, Airmen, Aviation safety.

#### The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends part 91 of the Federal Aviation Regulations (14 CFR part 91) as follows:

**PART 91—GENERAL OPERATING AND FLIGHT RULES**

1. The authority citation for part 91 continues to read as follows:

**Authority:** 49 U.S.C. app. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 through 1431, 1471, 1472, 1502, 1510, 1522, and 2121 through 2125; articles 12, 29, 31, and 32(a) of the Convention on International Civil Aviation (61 stat. 1180); 42 U.S.C. 4321 et seq.; E.O. 11514, 35 FR 4247, 3 CFR 1966-1970 Comp., p. 902; 49 U.S.C. 106(g).

2. Section 91.155 is amended by revising paragraph (c) to read as follows:

**§ 91.155 Basic VFR weather minimums**

\* \* \* \* \*

(c) Except as provided in § 91.157, no person may operate an aircraft beneath the ceiling under VFR within the lateral boundaries of controlled airspace designated to the surface for an airport when the ceiling is less than 1,000 feet.

\* \* \* \* \*

3. Section 91.157 is revised to read as follows:

**§ 91.157 Special VFR weather minimums.**

(a) Except as provided in appendix D, section 3, of this part, special VFR operations may be conducted under the weather minimums and requirements of this section, instead of those contained in § 91.155, below 10,000 feet MSL within the airspace contained by the upward extension of the lateral boundaries of the controlled airspace designated to the surface for an airport.

(b) Special VFR operations may only be conducted—

(1) With an ATC clearance;

(2) Clear of clouds;

(3) Except for helicopters, when flight visibility is at least 1 statute mile; and

(4) Except for helicopters, between sunrise and sunset (or in Alaska, when the sun is 6° or more above the horizon) unless—

(i) The person being granted the ATC clearance meets the applicable requirements for instrument flight under part 61 of this chapter; and

(ii) The aircraft is equipped as required in § 91.205(d).

(c) No person may take off or land an aircraft (other than a helicopter) under special VFR—

(1) Unless ground visibility is at least 1 statute mile; or

(2) If ground visibility is not reported, unless flight visibility is at least 1 statute mile.

4. The heading of Section 3 to Appendix D of part 91 is revised to read as follows:

**Appendix D to Part 91—Airports Locations: Special Operating Restrictions**

\* \* \* \* \*

Section 3. Locations at which fixed-wing Special VFR operations are prohibited.

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Issued in Washington, DC on September 27, 1993.

**David R. Hinson,**  
Administrator.

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