

entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended as follows:

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

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

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

#### § 71.181 [Amended]

2. Section 71.181 is amended as follows:

##### Le Roy, NY [New]

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Le Roy, NY Airport (lat. 42°58'52" N., long. 77°56'20" W.); within 3 miles either side of the Geneseo VORTAC 314° (T) 323° (M) Radial, extending from the 5-mile radius area to 11 miles southeast of the airport; excluding that portion within the Rochester, NY Transition Area.

Issued in Jamaica, New York, on March 5, 1990.

Billy E. Commander,

Acting Manager, Air Traffic Division.

[FR Doc. 90-7291 Filed 3-29-90; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket No. 89-ASO-42]

#### Revocation of Transition Area, Ocean Springs, MS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This amendment revokes the Ocean Springs, MS Transition Area. The Transition Area was established to provide controlled airspace protection for aircraft executing the VOR-B standard instrument approach procedure (SIAP) to the Gulfpark Airport. The VOR-B SIAP has been cancelled. This action will raise the flood of controlled airspace from 700 to 1200 feet above the surface in the vicinity of the airport. Also, the operating status of the airport is changed from instrument flight rules (IFR) to visual flight rules (VFR).

EFFECTIVE DATE: 0901 u.t.c. June 28, 1990.

**FOR FURTHER INFORMATION CONTACT:** James G. Walters, Airspace Section, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

#### SUPPLEMENTARY INFORMATION:

##### History

On January 22, 1990, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revoke the Ocean Springs, MS Transition Area (55 FR 2099). This action would raise the floor of controlled airspace from 700 to 1200 feet above the surface in the vicinity of the Gulfpark Airport. The airport was previously served by a VOR-B SIAP which was cancelled effective January 11, 1990. In the absence of an instrument approach procedure, the transition area was no longer required for protection of IFR aeronautical operations. Also, the operating status of the airport would change from IFR to VFR. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6F dated January 2, 1990.

##### The Rule

This amendment to part 71 of the Federal Aviation Regulations revokes the Ocean Springs, MS Transition Area. The base of controlled airspace is raised from 700 to 1200 feet above the surface in the vicinity of the Gulfpark Airport. Also, the operating status of the airport is changed from IFR to VFR.

The FAA has determined that this 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 "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 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

Aviation safety, Transition area.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended, as follows:

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

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

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

#### § 71.181 [Amended]

2. Section 71.181 is amended as follows:

##### Ocean Springs, MS [Removed]

Issued in East Point, Georgia, on March 15, 1990.

Don Cass,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 90-7295 Filed 3-29-90; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket No. 89-ASO-43]

#### Establishment of Transition Area, Pageland, SC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This amendment establishes the Pageland, SC Transition Area. A standard instrument approach procedure (SIAP) has been developed to serve Runway 23 at the Pageland Airport predicated on the Pageland NDB. This action lowers the base of controlled airspace from 1200 to 700 feet above the surface in the vicinity of the airport. The additional controlled airspace will provide protection for instrument flight rules (IFR) aeronautical operations. Concurrent with publication of the SIAP, the operating status of the airport will change from visual flight rules (VFR) to IFR.

EFFECTIVE DATE: 0901 u.t.c., August 23, 1990.

**FOR FURTHER INFORMATION CONTACT:** James G. Walters, Airspace Section, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

## SUPPLEMENTARY INFORMATION:

## History

On January 30, 1990, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish the Pageland, SC Transition Area (55 FR 3069). This action proposed to lower the base of controlled airspace from 1200 to 700 feet above the surface in the vicinity of the Pageland Airport. The additional controlled airspace was necessary to afford protection for aircraft executing a NDB SIAP planned for Runway 23 at the airport. Also, if approved the operating status of the airport would be changed from VFR to IFR concurrent with publication of the instrument approach procedure. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6E dated January 3, 1989.

## The Rule

This amendment to part 71 of the Federal Aviation Regulations establishes the Pageland, SC Transition Area. The base of controlled airspace in vicinity of the airport is lowered from 1200 to 700 feet above the surface to provide airspace protection for aeronautical operations. Also, the operating status of the Pageland Airport is being changed from VFR to IFR.

The FAA has determined that this 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 "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 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

Aviation safety, Transition area.

## Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended, as follows:

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

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

**Authority:** 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

## § 71.181 [Amended]

2. Section 71.181 is amended as follows:

## Pageland, SC [New]

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Pageland Airport (latitude 34°44'32" N., longitude 80°20'43" W.); within 3 miles each side of the 036° bearing from the Pageland NDB (latitude 34°44'41" N., longitude 80°20'18" W.), extending from the 5-mile radius area to 8.5 miles northeast of the NDB.

Issued in East Point, Georgia, on March 15, 1990.

**Don Cass,**

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

[FR Dec. 90-7292 Filed 3-29-90; 8:45 am]

**BILLING CODE 4910-13-M**

## 14 CFR Parts 71 and 73

[Airspace Docket No. 85-ASO-16]

## Revocation, Realignment and Establishment of Restricted Areas; North Carolina

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

**ACTION:** Final rule.

**SUMMARY:** This action alters and redesignates Restricted Areas R-5301, R-5302, and R-5313 in eastern North Carolina. Airspace formerly contained within R-5301B and R-5301C has been reduced in size and redesignated as R-5301. Airspace formerly contained within R-5301A and R-5302 has been realigned and redesignated as R-5302A and R-5302B. An additional area, R-5302C, is designated along the southwest portion of the former R-5302. The floor of the airspace within R-5302A and R-5302B is raised from the surface to 100 feet above ground level (AGL). R-5313 is redesignated as R-5313A and the time of designation reduced from continuous to more specific hours. Finally, additional areas, R-5313B, R-5313C, and R-5313D are established around R-5313A. These actions are necessary to accommodate changing operational requirements, to utilize current systems, and to provide for more efficient use of restricted airspace.

**EFFECTIVE DATE:** 0901 u.t.c., May 3, 1990.

## FOR FURTHER INFORMATION CONTACT:

Itchy Sell or Paul Gallant, Military Operations Branch (ATO-140), Operations Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-7685.

## SUPPLEMENTARY INFORMATION:

## History

On December 16, 1985, the FAA proposed to amend parts 71 and 73 of the Federal Aviation Regulations (14 CFR parts 71 and 73) to redesignate and realign R-5301 Albemarle Sound, NC, and R-5302 Harvey Point, NC (50 FR 51260). Additionally, an increase in the size of R-5313 was proposed in order to contain hazardous activities within restricted airspace. The Continental Control Area would be adjusted according to this action. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. The original NPRM comment period closed on January 30, 1986. In response to requests from the State of North Carolina, the FAA extended the comment period first until March 3, 1986, and finally to March 18, 1986. In addition, the FAA conducted informal airspace meetings on November 3, 1987, in Manteo, NC, and on November 4, 1987, in Hertford, NC, to obtain additional public input on the proposal.

The FAA received 292 comments as a result of the NPRM published on December 16, 1985 (50 FR 51260) and the subsequent informal airspace meetings. In response to concerns expressed by the public, the U.S. Navy submitted several revisions to modify the original airspace proposal.

## Discussion of Comments

Many diverse issues were presented for consideration during the public comment process. Through analysis of all comments received, the primary aeronautical concerns were identified and are addressed as follows:

1. The proposed southern expansion of R-5301/R-5302 decreases the width of the existing corridor between R-5301/R-5302 and R-5314. Civil traffic will be funneled into an area of reduced size that contains a 1,041 foot above ground level (AGL) obstruction (tower), a 670-foot AGL obstruction (tower), and high-speed, low-altitude military aircraft.

**Response:** The southern expansion of R-5302 (R-5302C) reduces, by approximately 2½ nautical miles, the width of the existing airspace corridor which separates R-5301/R-5302 and

R-5314. This reduction is not consistent throughout the entire length of this east/west corridor, but occurs only in the western half at altitudes between 100 feet mean sea level (MSL) and 3,000 feet MSL. The corridor is reduced to an approximate width of 5 nautical miles at this point, but will still provide sufficient airspace for active restricted area and obstruction avoidance by visual flight rules (VFR) aircraft electing to fly at or below 3,000 feet MSL. VFR traffic electing to fly above 3,000 feet MSL will not be affected. The southern shore of the Albemarle Sound provides an excellent visual reference for this flyway.

Instrument flight rules (IFR) traffic will not be affected by this reduction in corridor width. A segment of VOR Federal Airway V-189 transits this corridor between Tar River VORTAC (TYI) and Wright Brothers VOR (RBX). This airway segment has a minimum en route altitude (MEA) of 4,000 feet MSL. The altitudes for the area of expansion (R-5302C) are at or below 3,000 feet MSL.

As a result of a U.S. Navy initiative, Military Training Route (MTR) VR-1753 was modified on May 5, 1988. This modification removed the route from the corridor between R-5301/R-5302 and R-5314, thus, reducing the number of high-speed, low-altitude (below 1,500 feet AGL) military aircraft that civil traffic can expect to encounter. The impact of this modification is reflected in the past volume of scheduled activity. During calendar years 1986 and 1987, VR-1753 was scheduled for use 2,035 and 2,378 times, respectively.

The current configuration of R-5301/R-5302 cannot accommodate a realistic training scenario for the attack aircraft utilizing the Palmetto target bombing pattern. In order for these aircraft to remain within the restricted area while maneuvering for alignment to target run-in, a steep, descending turn to pattern altitude is required. This maneuver, which involves an adverse aircraft attitude for traffic observance, occurs in close proximity to the existing southern boundary of R-5301/R-5302 and adjacent to the corridor dividing R-5301/R-5302 and R-5314. The amendments to R-5301 and R-5302 will provide a realistic bombing pattern for aircrew training, improve the ability of crews to scan for other traffic, and enhance the segregation of hazardous activities from nonparticipants.

2. The proposed expansion of R-5313 will restrict the north/south VFR traffic flow between Hyde County Airport and Dare County Regional Airport.

*Response:* The initial proposal, as contained in the NPRM issued on

December 16, 1985, did restrict the north/south VFR traffic flow between Hyde County Airport and Dare County Regional Airport. Under the proposal, which provided for a common boundary between R-5313 and the eastern subdivisions of R-5314, aircraft traveling this north/south route would have been forced into exaggerated east/west deviations if both restricted areas were activated simultaneously. In subsequent modifications to the proposal, the Navy addressed this restricted traffic flow by redesigning R-5313 and eliminating the proposed common boundary between R-5313 and R-5314. A north/south traffic flow can now be accommodated between these restricted areas, even if both are active. In addition, the times of use for the R-5313 expansion have been reduced so as not to exceed 20 hours per month.

3. Future improvements to Hyde County Airport, Engelhard, NC, in support of a Standard Instrument Approach Procedure (SIAP), will be impacted by the expansion of R-5313. Hyde County and the North Carolina Department of Transportation have in the past requested and are still seeking an instrument approach to Hyde County Airport.

*Response:* For planning purposes, a SIAP (NDB Rwy 11) was designed for Hyde County Airport in 1981. The expansion of R-5313 will not impact the airspace that must be protected for this approach. The limiting factor was and still is R-5314 (existing special use airspace). On April 21, 1982, Mr. Clifford Swindell, County Manager, Hyde County, NC, was informed that any SIAP to Hyde County Airport would penetrate R-5314, and, therefore, could be authorized for use only when R-5314 is not active. An offer to develop a SIAP, subject to that limitation, was made to Mr. Swindell. To date, the FAA has not received a request to proceed with SIAP development.

4. Radar and communication resources in northeastern North Carolina are not adequate to promote real-time, joint-use of restricted airspace or to provide low altitude traffic advisory services.

*Response:* Limited low altitude radar coverage for air traffic control does exist in northeastern North Carolina. In the specific area affected by this airspace action, Washington Air Route Traffic Control Center (ARTCC) has consistent radar coverage only above 5,000 feet.

During the spring of 1982, Washington ARTCC evaluated the radar coverage provided by the Navy's Fleet Area Control and Surveillance Facility (FACSFAC) Radar at Virginia Beach, VA (Oceana Long Range Radar (LRR)).

It was determined that the low altitude radar coverage provided by this system was a considerable improvement and that operations in the airspace around R-5302, R-5314, and some offshore warning areas were enhanced because of the controllers' ability to provide advisory services in an area of high military activity.

The acquisition of a joint-use agreement for the Oceana LRR, a USAF facility, was pursued by Washington ARTCC, through the Air Traffic Division, AEA-500. On February 25, 1987, a document was signed outlining the terms and conditions for the transfer of Oceana LRR from a USAF-only site to a joint-use site maintained by the FAA. The FAA assumed maintenance responsibility in January 1989 and joint-use commissioning was on April 1, 1989. Additionally, Commander, Fighter Medium Attack Airborne Early Warning Wings Atlantic (COMFITMATAEW WINGSALNT) has requested, through the Navy budget process, a radar system, to provide coverage in the Dare County area of North Carolina.

Communications used by Washington ARTCC for air traffic control in northeastern North Carolina are satisfactory and traffic advisory services are provided according to the priorities and limitations specified in FAA Handbook 7110.65, Air Traffic Control. In addition, the Navy operates a communication network designed to provide civil pilots with timely advisories on the status of and/or information on restricted area activities. Frequency 122.9, available at Navy Dare County (R-5314), is manned during scheduled times of use for R-5314 (Navy side) and frequency 122.7, remote-linked from Navy Dare County to FACSFAC, is manned 24 hours each day by Navy air traffic controllers.

Future improvement in the low altitude radar coverage for northeastern North Carolina will be an asset to air traffic control and a beneficial tool in the real-time management of special use airspace; however, it is not a requirement for the joint-use of restricted airspace. As with radar coverage, future improvement in existing air traffic communications in northeastern North Carolina will also provide an advantage; however, communication procedures that are currently in effect between the using and controlling agencies, as specified in FAA Handbook 7400.2, Procedures for Handling Airspace Matters, part 7, chapter 29, paragraph 7305.f., meet all requirements for joint-use restricted airspace. These procedures provide for

the timely release of airspace and are outlined in letters of procedure.

5. According to FAA guidelines, restricted airspace should not have a floor that extends below 1,200 feet unless the using agency owns, leases, or otherwise controls the surface. The restricted areas covered in this proposal do not meet the prescribed criteria.

*Response:* Current policy contained in FAA Handbook 7400.2C, Procedures for Handling Airspace Matters, part 7, chapter 29, section 1, paragraph 7303., states that restricted area floors can be designated below 1,200 feet above the surface if a valid requirement exists and there is minimal adverse aeronautical effect on the overall system. However, the surface may be designed as the floor only when the using agency either owns, leases, or, by agreement otherwise, controls the underlying surface.

The condition placed on the using agency to either own, lease, or control the surface applies to the establishment of new areas and does not require changes in existing restricted areas. Initially, the proposal contained in Airspace Docket No. 85-ASO-16 did propose the establishment of restricted airspace that extended to the surface in areas where the using agency did not own, lease, or, by agreement otherwise, control. Subsequent revisions submitted by the proponent corrected this, and all of the restricted area floors adopted are in compliance with FAA policy.

6. Based on the amount of anticipated usage for R-5302 (approximately 200 hours a year) and R-5313 (approximately 500 hours a year), activation of these areas should be accomplished only by Notice to Airmen (NOTAM).

*Response:* The Navy has submitted changes that would activate all subdivisions of R-5302 and all subdivisions of R-5313, except R-5313A, "By NOTAM at least 24 hours in advance." R-5313A's time of use was reduced from "continuous" to "0800-2300 local time Monday-Friday; other times by NOTAM at least 24 hours in advance."

*Note:* R-5313A is identical in configuration to the previous R-5313.

7. Permission for aerial access into active restricted airspace for the purpose of protecting life and/or property may not be granted in a timely manner, e.g., aircraft performing emergency medical services, search and rescue, firefighting, etc.

*Response:* The using agency (FACSFAC VACAPES) for the subject restricted areas stated that access under emergency conditions will always be given the highest priority and that they

cannot foresee a situation where entry could not be granted with only minimal delay (fewer than 10 minutes).

A number of comments on the environmental effects of the proposed restricted area changes were received. The comments are addressed in the Supplemental Environmental Assessment prepared by the Navy in January 1987, and adopted by the FAA in February 1990. The Navy substantially revised the original proposal in response to such comments, by eliminating areas from the proposal or raising the floor of the proposed airspace. Three general concerns were stated in the environmental comments on the proposal: the noise of aircraft operations, danger to wildlife, and use of lasers.

The decision to adopt revised airspace boundaries in itself has an environmental impact only insofar as it permits or compels different military activities and flight patterns in the area. While the rule adopted would expand existing restricted areas, the new areas will not significantly alter the nature or extent of the military training activities conducted, or alter the flight patterns of nonparticipating aircraft, in or around those areas. Accordingly, the Navy concluded that adoption of the proposed restricted airspace would have no significant impact on surface noise levels and no other significant impacts on wildlife in the area.

The Navy determined that laser operations could present an environmental or safety concern only if the target area was wet, such as after a rainfall, which could result in reflection of the laser beam. The Navy will not use lasers under conditions which would result in reflection. There are no other environmental concerns related to the use of lasers in the areas adopted.

Except for the changes discussed above, which were submitted by the U.S. Navy in response to public concerns, these amendments are the same as those proposed in the notice. Sections 71.151 and 73.53 of parts 71 and 73 of the Federal Aviation Regulations were republished in Handbook 7400.6F dated January 2, 1990.

#### The Rule

These amendments to parts 71 and 73 of the Federal Aviation Regulations redesignate and reconfigure Restricted Areas R-5301 and R-5302 and redesignate and expand R-5313. Specifically, the airspace modifications will realign the current R-5301 A, B, and C into a smaller R-5301, eliminating current airspace over Harvey Point and the Holiday Island area. R-5302 currently extends over the Albemarle

Sound and the restricted waters and target within R-5302 were realigned at the request of the State of North Carolina in 1976 to accommodate the extension of the V-189 airway to Manteo Airport.

This action raises the floor of the bulk of the restricted airspace (R-5302 B and C) from the surface to 100 feet AGL to accommodate economic interests in this area and will require a 24-hour advance notice to activate the airspace. These changes otherwise release restricted airspace for public use and allow better real-time management of the airspace. R-5313 (Stumpy Point) currently consists of a circular area 3 miles in radius located off Long Shoal Point in the Pamlico Sound. R-5313 is redesignated as R-5313A, with its time of use reduced from "continuous" to "0800-2300 local time Monday through Friday, other times by NOTAM at least 24 hours in advance." Additional restricted airspace, R-5313 B, C, and D, is established around R-5313A to accommodate training requirements resulting from implementation of the Skipper II weapon system into the fleet. The Skipper II is a rocket-boosted stand-off weapon fired from an A-6 intruder aircraft at a ship target. The ordnance itself is inert and the propellant has been verified to be environmentally benign.

The configuration of the R-5313B, C, and D airspace is substantially different from the original proposal. The floors of R-5313 B, C, and D are all 100 feet or higher, as in R-5302. Also, modifications were made to allow access to the Hyde County Airport from the north even during those short periods when these areas are activated. This is intended to minimize any secondary economic impact associated with the Navy proposal. Use of Restricted Areas R-5313 B, C, and D is limited to a maximum 20 hours per month and must be activated by NOTAM at least 24 hours in advance. The Continental Control Area is amended to reflect the designation of R-5313A. The Stumpy Point Military Operations Area will remain in effect and will not be altered by this action.

#### Economic Evaluation

These amendments, with the modifications made to the original proposal in response to public comments received, will not affect the use of land or water surface areas in North Carolina or have any adverse effect on the use or value of property in the vicinity of the affected airspace. Because the new airspace designed by these amendments does not

substantially add to existing restricted areas, the amendments will have little effect on flight patterns in the area. Therefore, the economic impacts of these amendments, if any, are minimal, and further regulatory evaluation will not be conducted. For the same reason, these amendments will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act of 1980.

#### Conclusion

For the reasons set forth above, the FAA has determined that these amendments are not a "major rule" under Executive Order 12291; and are not a "significant rule" under DOT Regulatory Policies and Procedures [44 FR 11034; February 26, 1979]. In addition, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### Environmental Review

In accordance with the National Environmental Policy Act and the regulations of the Council on Environmental Quality, the Navy conducted an environmental review of military training activities associated with the revised restricted areas adopted in this rulemaking proceeding. The Navy prepared an original environmental assessment (EA) in 1985. On the basis of that EA, a Finding of No Significant Impact (FONSI) was issued in February 1986. In consideration of comments received on the proposed rule, and the potential for changed circumstances over time, a supplemental EA was prepared by the Navy in January 1987. It was the finding of the Navy that the supplemental EA did not alter the conclusions of the original FONSI.

The FAA adopted the Navy EA as supplemented in January 1987. On the basis of the conclusions of the EA, the FAA finds that the airspace action adopted in these amendments will have no significant impact on the environment. A copy of the FAA FONSI issued February 28, 1990, has been placed in the public docket for this rulemaking. A copy of the EA is available from the Airspace Officer, Commander Tactical Wings Atlantic, Naval Air Station Oceana, Virginia Beach, VA 23460-5125; or may be inspected during normal business hours in the FAA Office of Environment, AEE-1, Room 432, 800 Independence Avenue, SW., Washington, DC 20591.

#### Federalism Implications

The amendments set forth herein would not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of government. Therefore, in accordance with Executive Order 12612, it is determined that this regulation does not have federalism implications warranting the preparation of a Federalism Assessment.

#### List of Subjects in 14 CFR Parts 71 and 73

Aviation safety, Continental control area, Restricted areas.

#### Adoption of the Amendments

Accordingly, pursuant to the authority delegated to me, parts 71 and 73 of the Federal Aviation Regulations (14 CFR parts 71 and 73) are amended, as follows:

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

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

**Authority:** 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

##### § 71.151 [Amended]

2. Section 71.151 is amended as follows:

R-5313 Long Shoal Point, NC [Removed]

R-5313A Long Shoal Point, NC [New]

#### PART 73—SPECIAL USE AIRSPACE

3. The authority citation for part 73 continues to read as follows:

**Authority:** 49 U.S.C. 1348(a), 1354(a), 1510, 1522; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

##### § 73.53 [Amended]

4. Section 73.53 is amended as follows:

R-5301A Albemarle Sound, NC [Removed]

R-5301B Albemarle Sound, NC [Removed]

R-5301C Albemarle Sound, NC [Removed]

R-5301 Albemarle Sound, NC [New]

Boundaries. Beginning at lat 36°04'56" N., long. 76°16'49" W.; to lat. 36°04'22" N., long. 76°21'00" W.; to lat. 36°06'57" N., long. 76°20'59" W.; thence clockwise via a 3-nautical-mile arc centered at lat. 36°04'00" N., long. 76°20'20" W.; to the point of beginning.

Designated altitudes. Surface to 14,000 feet MSL.

Time of designation. Continuous.

Controlling agency. FAA, Washington ARTCC.

Using agency. U.S. Navy, Fleet Area Control and Surveillance Facility (FACSFAC VACAPES), NAS Oceana, Virginia Beach, VA.

R-5302 Harvey Point, NC [Removed]

R-5302A Harvey Point, NC [New]

Boundaries. Beginning at lat. 36°01'20" N., long. 76°14'30" W.; to lat. 36°02'18" N., long. 76°07'15" W.; to lat. 36°00'00" N., long. 76°07'15" W.; to lat. 36°00'00" N., long. 76°14'30" W.; to the point of beginning.

Designated altitudes. Surface to 14,000 feet MSL.

Time of designation. By NOTAM at least 24 hours in advance.

Controlling agency. FAA, Washington ARTCC.

Using agency. U.S. Navy, Fleet Area Control and Surveillance Facility (FACSFAC VACAPES), NAS Oceana, Virginia Beach, VA.

R-5302B Harvey Point, NC [New]

Boundaries. Beginning at lat. 36°04'58" N., long. 76°16'30" W.; to lat. 36°04'00" N., long. 76°06'00" W.; to lat. 36°00'00" N., long. 76°06'00" W.; to lat. 36°00'00" N., long. 76°13'00" W.; to lat. 36°00'03" N., long. 76°24'18" W.; thence clockwise via a 4-nautical-mile arc centered at lat. 36°02'00" N., long. 76°20'00" W.; to lat. 36°03'56" N., long. 76°24'19" W.; to the point of beginning.

Designated altitudes. 100 feet AGL to 14,000 feet MSL.

Time of designation. By NOTAM at least 24 hours in advance.

Controlling agency. FAA, Washington ARTCC.

Using agency. U.S. Navy, Fleet Area Control and Surveillance Facility (FACSFAC VACAPES), NAS Oceana, Virginia Beach, VA.

R-5302C Harvey Point, NC [New]

Boundaries. Beginning at lat. 36°00'00" N., long. 76°13'00" W.; to lat. 35°58'50" N., long. 76°17'00" W.; thence clockwise via a 4-nautical-mile arc centered at lat. 36°02'00" N., long. 76°20'00" W.; to lat. 36°00'03" N., long. 76°24'18" W.; to the point of beginning.

Designated altitudes. 100 feet AGL to 3,000 feet MSL.

Time of designation. By NOTAM at least 24 hours in advance.

Controlling agency. FAA, Washington ARTCC.

Using agency. U.S. Navy, Fleet Area Control and Surveillance Facility (FACSFAC VACAPES), NAS Oceana, Virginia Beach, VA.

R-5313 Long Shoal Point, NC [Removed]

R-5313A Long Shoal Point, NC [New]

Boundaries. A circular area with a 3-mile radius centered at lat. 35°32'48" N., long. 75°41'26" W.

Designated altitudes. Surface to 18,000 feet MSL.

Time of designation. 0800-2300 local time Monday-Friday; other times by NOTAM at least 24 hours in advance.

Controlling agency. FAA, Washington ARTCC.  
Using agency. U.S. Navy, Fleet Area Control and Surveillance Facility (FACSFAC VACAPES), NAS Oceana, Virginia Beach, VA.

**R-5313B Long Shoal Point, NC [New]**

Boundaries. Beginning at lat. 35°36'46" N., long. 75°41'22" W.; to lat. 35°30'44" N., long. 75°35'14" W.; to lat. 35°24'14" N., long. 75°40'23" W.; to lat. 35°30'54" N., long. 75°50'30" W.; to the point of beginning.  
Designated altitudes. 100 feet AGL to 13,000 feet MSL.

Time of designation. By NOTAM at least 24 hours in advance, not to exceed 20 hours per month.

Controlling agency. FAA, Washington ARTCC.

Using agency. U.S. Navy, Fleet Area Control and Surveillance Facility (FACSFAC VACAPES), NAS Oceana, Virginia Beach, VA.

**R-5313C Long Shoal Point, NC [New]**

Boundaries. Beginning at lat. 35°32'08" N., long. 75°34'08" W.; to lat. 35°30'44" N., long. 75°35'14" W.; to lat. 35°36'46" N., long. 75°41'22" W.; to lat. 35°38'25" N., long. 75°38'48" W.; thence clockwise along a 6-nautical-mile arc centered at lat. 35°32'48" N., long. 75°41'26" W.; to the point of beginning.

Designated altitudes. 100 feet AGL to 13,000 feet MSL.

Time of designation. By NOTAM at least 24 hours in advance, not to exceed 20 hours per month.

Controlling agency. FAA, Washington ARTCC.

Using agency. U.S. Navy, Fleet Area Control and Surveillance Facility (FACSFAC VACAPES), NAS Oceana, Virginia Beach, VA.

**R-5313D Long Shoal Point, NC [New]**

Boundaries. Beginning at lat. 35°20'52" N., long. 76°43'09" W.; to lat. 35°24'14" N., long. 75°40'23" W.; to lat. 35°30'54" N., long. 75°50'30" W.; to lat. 35°28'02" N., long. 75°54'55" W.; thence counterclockwise along a 12-nautical-mile arc centered at lat. 35°32'48" N., long. 75°41'26" W.; to the point of beginning.

Designated altitudes. 500 feet AGL to 13,000 feet MSL.

Time of designation. By NOTAM at least 24 hours in advance, not to exceed 20 hours per month.

Controlling agency. FAA, Washington ARTCC.

Using agency. U.S. Navy, Fleet Area Control and Surveillance Facility (FACSFAC VACAPES), NAS Oceana, Virginia Beach, VA.

Issued in Washington, DC, on March 21, 1990.

**Jerry W. Ball,**

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 90-7296 Filed 3-29-90; 8:45 am]

BILLING CODE 4910-13-M

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

**18 CFR Parts 101 and 201**

[Docket No. RM83-66-000; Order No. 390]

**Revisions to Public Utility and Natural Gas Company Classification Criteria, Uniform Systems of Accounts, Form Nos. 1, 1-F, 2, and 2-A, and Related Regulations; Correction**

Issued March 26, 1990.

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Final rule; correction notice.

**SUMMARY:** On August 3, 1984, the Federal Energy Regulatory Commission (Commission) issued a final rule in Order No. 390 amending its Uniform Systems of Accounts prescribed by parts 101 and 201 of title 18 of the Code of Federal Regulations. The Order amended the Uniform Systems of Accounts by, among other things, the addition of a Special Instruction to Accounts 228.1 through 228.4. The current title of this Special Instruction does not identify the specific accounts to which it relates. The Commission, by this correction notice, is merely modifying the present title of the Special Instruction to include the accounts to which the Special Instruction is applicable.

**EFFECTIVE DATE:** This correction is effective March 26, 1990.

**FOR FURTHER INFORMATION CONTACT:** Wayne McDanal, Office of the Chief Accountant, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, (202) 357-0622.

**SUPPLEMENTARY INFORMATION:** In addition to publishing the full text of this document in the *Federal Register*, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in the Public Reference Room at the Commission's Headquarters, 825 North Capitol Street NE., Washington, DC 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 357-8997. To access CIPS, set your communications software to use 300, 1200 or 2400 baud, full duplex, no parity, 8 data bits, and 1

stop bit. The full text of this correction notice will be available on CIPS for 30 days from the date of issuance. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in the Public Reference Room, 825 North Capitol Street NE., Washington, DC 20426.

The Federal Energy Regulatory Commission (Commission) is amending title 18 of the Code of Federal Regulations to clarify certain provisions codified in Order No. 390. The amendments herein are editorial in nature. The Order amended the Commission's Uniform Systems of Accounts (18 CFR parts 101 and 201) by, among other things, the addition of a Special Instruction to Accounts 228.1 through 228.4. The current title of the Special Instruction does not identify the specific accounts to which it relates and in part 101 the Special Instructions appears to be part of Account 227. The Commission is merely modifying the title of the Special Instruction to include the accounts to which the Special Instruction is applicable.

**List of Subjects in 18 CFR**

*Part 101*

Electric power, Electric utilities, Uniform system of accounts.

*Part 201*

Natural gas, Uniform system of accounts.

In consideration of the foregoing, the Commission is amending parts 101 and 202, chapter I, title 18 of the *Code of Federal Regulations* as set forth below.

Lois D. Cashell,

Secretary.

**SUBCHAPTER C—ACCOUNTS, FEDERAL POWER ACT**

**PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR PUBLIC UTILITIES SUBJECT TO THE PROVISIONS OF THE FEDERAL POWER ACT**

1. The authority citation for part 101 continues to read as follows:

**Authority:** Department of Energy Organization Act, 42 U.S.C. 7101-7352 (1982); Exec. Order No. 12,009, 3 CFR 142 (1978); Independent Offices Appropriations Act, 31 U.S.C. 9701 (1982); Federal Power Act, 16 U.S.C. 791a-825r (1982); Public Utility Regulatory Policies Act, 16 U.S.C. 2601-2645 (1982).

2. Part 101 is amended by revising the title of the Special Instruction after Account 227 to read as follows:

\* \* \* \* \*

Balance Sheet Accounts

\* \* \* \* \*

227 Obligations under capital lease—  
noncurrent.

\* \* \* \* \*

Special Instructions to Accounts 228.1  
Through 228.4

No amounts shall be credited to these accounts unless authorized by a regulatory authority or authorities to be collected in a utility's rate levels.

228.1 Accumulated provision for property  
insurance.

\* \* \* \* \*

SUBCHAPTER F—ACCOUNTS, NATURAL  
GAS ACT

PART 201—UNIFORM SYSTEM OF  
ACCOUNTS PRESCRIBED FOR  
NATURAL GAS COMPANIES SUBJECT  
TO THE PROVISIONS OF THE  
NATURAL GAS ACT

3. The authority citation for part 201 continues to read as follows:

Authority: Natural Gas Act, 15 U.S.C. 717-717w (1982); Natural Gas Policy Act, 15 U.S.C. 3301-3432 (1982); Department of Energy Organization Act, 42 U.S.C. 7107-7352 (1982); E.O. 12009, 3 CFR 1978 Comp., p. 142.

4. Part 201 is amended by revising the title of the Special Instruction after Account 227 to read as follows:

\* \* \* \* \*

Balance Sheet Accounts

\* \* \* \* \*

227 Obligations under capital lease—  
noncurrent.

\* \* \* \* \*

Special Instructions to Accounts 228.1  
Through 228.4

No amounts shall be credited to these accounts unless authorized by a regulatory authority or authorities to be collected in a utility's rate levels.

228.1 Accumulated provision for property  
insurance.

\* \* \* \* \*

[FR Doc. 90-7233 Filed 3-29-90; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration  
23 CFR Part 630

[FHWA Docket No. 89-7]

RIN 2125-AC07

Advance Construction of Federal-Aid  
Projects

AGENCY: Federal Highway  
Administration (FHWA), DOT.

ACTION: Final rule.

**SUMMARY:** The FHWA is amending its regulation relating to the advance construction of Federal-aid highway projects to implement the requirements of section 113 of the Surface Transportation and Uniform Relocation Assistance Act (STURAA) of 1987 (Pub. L. 100-17, 101 Stat. 132). These new provisions provide States with additional flexibility in using advance construction procedures.

**EFFECTIVE DATE:** March 30, 1990.

**FOR FURTHER INFORMATION CONTACT:** Max I. Inman, Office of Fiscal Services, (202) 366-2853, or Michael J. Laska, Office of the Chief Counsel, (202) 366-1383, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday, except legal holidays.

**SUPPLEMENTARY INFORMATION:** Section 113 of the STURAA amended 23 U.S.C. 115 relating to advance construction. Section 115 allows States to advance the construction of Federal-aid highway projects without requiring that Federal funds be obligated at the time the FHWA approves the project. States may proceed with projects even though their available Federal funds have been exhausted and then request that Federal funds be made available at a later time. The STURAA made the following changes to title 23, U.S.C.:

(a) Metropolitan planning, railway-highway crossing, hazard elimination, and highway planning and research funds were added to the list of funds eligible for advance construction approval.

(b) Primary projects were included in the special procedures previously applicable only to Interstate projects which allow States to proceed with an advance construction project without regard to fund balances and to be reimbursed for certain bond interest costs.

(c) A State may request advance construction of a project when it has used or demonstrates that it will use all obligation authority allocated to it.

(d) The limitation on the amount of approved advance construction applications was revised to allow increased use of the procedures.

In addition to incorporating these new requirements, the format of the regulation is also revised to improve the organization of the material. The following is a description of the specific changes for each section of the current regulation:

*Section 630.701 Purpose*

This section is revised to be more concise.

*Section 630.702 Requirements and Conditions*

This section is eliminated, but the provisions are incorporated in other new sections, i.e., Eligibility, Procedures, and Payment of Bond Interest.

*Section 630.703 Programs*

This section is eliminated, but the provisions are included in the new section, Procedures.

*Section 630.704 Bond Proceeds Expended on Projects*

The provisions of this section are included in the new section, Payment of Bond Interest.

*Section 630.705 Approval Actions*

This section is considered redundant and is eliminated. The general requirement to follow regular procedures is contained in the new section, Procedures.

*Section 630.706 Project Agreements*

This section is considered redundant and is eliminated.

*Section 630.707 Construction*

This section is considered redundant and is eliminated.

*Section 630.708 Conversion from Advance Construction Status to Regular Federal-Aid Funded Status*

The requirements of this section are included in the new section, Conversion to a Regular Federal-aid Project.

*Section 630.709 Progress and Final Vouchers*

The requirements of this section are included in the new section, Procedures.

*Section 630.710 Cash Management*

This section is removed to eliminate the reporting requirement.

A notice of proposed rulemaking (NPRM) was published in the **Federal Register** of June 9, 1989 (54 FR 24715 through 24717). A total of five responses were received from State Highway

Agencies (SHAs) within the 60 day comment period provided in the notice of proposed rulemaking. All comments received were favorable and supported the rule change.

Unrelated to the rulemaking action, a question was presented to the FHWA regarding advance construction procedures. A State was proposing that a portion of a Federal-aid highway project be approved under the advance construction procedures while the remaining portion be funded under regular Federal-aid procedures. It has been the FHWA policy to not allow partial funding based on the statutory provisions of 23 U.S.C. 115 which specifically require the State to proceed with the project without the aid of Federal funds.

Based on these same statutory provisions, the FHWA is also required to obligate the Federal share of the project when the State requests that the project be converted to regular Federal-aid. It is not appropriate to approve partial funding of projects at the time of conversion.

The existing regulation and the proposed regulation state that approval actions and conversion actions are taken on a project basis. However, to avoid confusion regarding this requirement, the final rule is being revised to add the following clarifying language:

(1) Section 630.705, paragraph (a)(1) is revised to read as follows:

FHWA authorization does not constitute any commitment of Federal funds on the project, and

(2) Section 630.709, paragraph (b) is revised to read as follows:

The FHWA's approval of the SHA's request shall result in the immediate obligation of the full Federal share of project costs.

#### Regulatory Impact

The FHWA has determined that this document does not contain a major rule under Executive Order 12291 or a significant regulation under the regulatory policies and procedures of the Department of Transportation. This rulemaking action is being issued in order to implement a statutory mandate. A regulatory evaluation is not required because of the ministerial nature of this action. The primary impact of this action is to provide the States with additional flexibility in using the procedures.

For the same reasons, the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act (Pub. L. 96-354).

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

A regulatory information number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

In consideration of the foregoing, the FHWA is amending title 23, Code of Federal Regulations, by revising part 630, subpart G as set forth below.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

#### List of Subjects in 23 CFR Part 630

Bonds, Government contracts, Grant programs—transportation, Highways and roads, Reporting and recordkeeping requirements.

Issued on March 22, 1990.

T.D. Larson,  
Administrator.

#### PART 630—PRECONSTRUCTION PROCEDURES

1. The authority citation for part 630 continues to read as:

Authority: 23 U.S.C. 101(a), 104, 109, 110, 113, 115, 120(f), 121(c), 125, 315, and 320; 23 CFR 1.32; 49 CFR 1.48(b), unless otherwise noted.

2. Subpart G of part 630 is revised to read as follows:

#### Subpart G—Advance Construction of Federal-Aid Projects

| Sec.    |  |
|---------|--|
| 630.701 | Purpose.                                     |
| 630.703 | Eligibility.                                 |
| 630.705 | Procedures.                                  |
| 630.707 | Limitation.                                  |
| 630.709 | Conversion to a regular Federal-aid project. |
| 630.711 | Payment of bond interest.                    |

#### § 630.701 Purpose.

The purpose of this subpart is to prescribe procedures for advancing the construction of Federal-aid highway projects without obligating Federal funds apportioned or allocated to the State.

#### § 630.703 Eligibility.

(a) The State highway agency (SHA) may proceed with a highway substitute, secondary, urban, metropolitan planning, railway-highway crossings, bridge replacement and rehabilitation, hazard elimination, or planning and research project in accordance with this subpart, provided the SHA:

(1) Has obligated all funds apportioned or allocated to it under 23 U.S.C. 103(e)(4)(H), 104(b)(2), 104(b)(6), 104(f), 130, 144, 152, or 307, as the case may be for the proposed project, or

(2) Has used all obligation authority distributed to it, or

(3) Demonstrates that it will use all obligation authority distributed to it.

(b) The SHA may proceed with a primary, Interstate, or Interstate resurfacing, restoration, rehabilitation, and reconstruction (4R) project authorized under 23 U.S.C. 104(b)(1) and 104(b)(5) in accordance with this subpart without regard to apportionment or obligation authority balances.

(c) Total advance construction authorization within a funding category shall not exceed the limitation established in § 630.707.

#### § 630.705 Procedures.

(a) An advance construction project shall meet the same requirements and be processed in the same manner as a regular Federal-aid project, except,

(1) FHWA authorization does not constitute any commitment of Federal funds on the project, and

(2) FHWA shall not reimburse the State until the project is converted under § 630.709.

(b) Project numbers shall be identified by the letters "AC" preceding the regular project number prefix.

(c) If the SHA plans to claim bond interest costs under § 630.711, it shall include in its request for authorization the estimated federally participating bond interest cost.

(d) The SHA shall submit a final voucher to the FHWA upon completion of the project even though the project has not been converted. If the SHA is claiming bond interest costs under § 630.711, it shall certify on the final voucher that the bond proceeds were expended in the construction of the project and shall include a computation of the eligible interest costs.

#### § 630.707 Limitation.

(a) Through September 30, 1990, the Federal share of the cost of advance construction projects within each funding category is limited to:

(1) The amount of unobligated funds apportioned or allocated to the State, plus,

(2) The State's expected apportionment of the existing authorizations, plus,

(3) An additional amount equal to the State's expected apportionment from the last year of authorization. This additional amount is not applicable to Interstate projects authorized under 23 U.S.C. 104(b)(5)(A).

(b) Beginning October 1, 1990, the limitation will be restricted to the amount specified in paragraph (a)(1) plus paragraph (a)(2) of this section.

**§ 630.709 Conversion to a regular Federal-aid project.**

(a) The SHA may submit a written request to the FHWA that a project be converted to a regular Federal-aid project at any time provided that sufficient Federal-aid funds and obligation authority are available.

(b) The FHWA's approval of the SHA's request shall result in the immediate obligation of the full Federal share of project costs.

(c) The SHA may then claim reimbursement for the Federal share of project costs incurred provided the project agreement has been executed. If the SHA has previously submitted a final voucher, the FHWA will process the voucher for payment.

**§ 630.711 Payment of bond interest.**

(a) For Interstate projects authorized by the FHWA after January 6, 1983, and for Interstate 4R and primary projects authorized by the FHWA after April 2, 1987, interest earned and payable on bonds issued by a State is an eligible cost of construction as follows:

(1) Participating interest cost is based on the actual expenditure of bond proceeds on the Federal-aid project. The interest on the bonds is applied to the amount of bond proceeds expended on the project from the date of expenditure.

(2) The amount of interest determined in paragraph (a)(1) of this section shall not exceed the estimated increase in the physical construction cost of the project which would have occurred had the project been authorized on the date of conversion. The estimated increase in the physical construction cost is determined by applying the increase, if any, in the national construction cost index in effect on the date of conversion over the index in effect on the date of the FHWA authorization, to the actual cost of physical construction.

(b) For Interstate projects under physical construction on January 1, 1983, and converted to a regular Federal-aid project after January 1, 1983, bond

interest is eligible in accordance with paragraph (a)(1) of this section. The restriction in paragraph (a)(2) of this section does not apply.

[FR Doc. 90-7254 Filed 3-29-90; 8:45 am]  
BILLING CODE 4910-22-M

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**Office of the Secretary**

**24 CFR Parts 203, 235, 290, 813, 886, 905, and 913**

[Docket No. R-90-1419; FR-2501-C-4]

RIN 2501-AA72

**Disclosure and Verification of Social Security Numbers and Employer Identification Numbers by Applicants and Participants in HUD Programs**

**AGENCY:** Office of the Secretary, HUD.

**ACTION:** Final rule: addition of OMB control numbers; and corrections.

**SUMMARY:** On September 27, 1989, the Department published in the *Federal Register*, a final rule that required certain individuals to disclose and verify their Social Security Numbers (SSNs) when they applied for participation in a program subject to the rule, or when their continuing eligibility to participate in the program was determined. In addition, the rule required certain entities to disclose their Employer Identification Numbers (EINs), and certain officials of those entities to disclose their SSNs, when the entities applied for participation in a covered program. Certain sections in that final rule were not made effective because they contained information collection requirements that had been submitted for approval to the Office of Management and Budget (OMB), in accordance with the Paperwork Reduction Act of 1980, and were pending approval. The purpose of this document is to add and revise, in certain sections, OMB control numbers at the places where information collection requirements are required, and to correct erroneous references in the rule to §§ 203.664, 235.350, 290.17, and 886.305.

**EFFECTIVE DATE:** March 30, 1990.

**FOR FURTHER INFORMATION CONTACT:** Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, 451 Seventh Street SW., Room 10276, Washington, DC 20410, telephone (202) 755-7055. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:**

**Paperwork Reduction Act**

The information collection requirements contained in 24 CFR 235.10(e), 235.350(e), 235.355, and 235.375 (b)(4) and (e) (final rule published on September 27, 1989, at 54 FR 39680) were approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and assigned the control numbers 2502-0204, 2502-0267, 2502-0268, and 2577-0083.

**Background**

On September 27, 1989 (54 FR 39680), the Department published a final rule that required certain individuals to disclose and verify their Social Security Numbers (SSNs) when they applied for participation in a program subject to that rule, or when their continuing eligibility to participate in the program was determined. In addition, the rule required certain entities to disclose their Employer Identification Numbers (EINs), and certain officials of those entities to disclose their SSNs, when the entities applied for participation in a covered program. Failure of any individual or entity to make the required disclosure constituted grounds for denying eligibility, or continuing eligibility, as provided by the provisions that governed the program involved.

The effective date section of the final rule stated that §§ 235.10(e), 235.350(d), 235.355, and 235.375 (b)(4) and (e), contained information collection requirements in accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511), and were awaiting OMB approval. It indicated that the reporting or recordkeeping provisions that were included in those sections had been submitted for approval to OMB, and were not effective until OMB approval had been obtained and the public notified to that effect through a technical amendment to the regulation. This rule will add those control numbers. The document will also correct §§ 813.109, 905.302, 905.406, and 913.109 by revising the OMB control numbers at the end of the sections.

In addition, the rule contained the following erroneous references to several sections in title 24 of the Code of Federal Regulations:

1. In § 203.664, a new paragraph (a)(1)(vi) was incorrectly added, instead of correctly adding a new paragraph (b)(1)(vi), to the section:

2. In § 235.250, a new paragraph (d) was incorrectly added, instead of correctly adding a new paragraph (d) to section 235.350: