comment period. It may amend the Safety Zone based on the comments received and will consider all comments in drafting the RNA.

Regulatory Evaluation

This rule is not major under Executive Order 12291 and not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a Regulatory Evaluation is unnecessary. The regulations enacted do not preclude commercial operators from utilizing the Port of Providence. The volume of commercial traffic utilizing this waterway is such that the costs incurred due to delays because of one-way traffic are considered minimal.

Small Entities

For the reasons discussed in the Regulatory Evaluation, the Coast Guard expects the economic impact of his rule to be minimal on all entities. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*)

Federalism

The Coast Guard has analyzed this proposal in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this final rule did not have sufficient federalism implication to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that under section 2.B.2.C of Commandant Instruction M16475.1B, it is an action under the Coast Guard's statutory authority to protect public safety and is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, Waterways.

Regulations

For the reasons set out in the preamble, Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

2. A new section 165.T01–005 is added to read as follows:

§ 165.T01–005 Safety Zone: Providence River, Providence, RI.

(a) Location: The following area has been declared a safety zone: All waters of the Providence River Channel from Conimicut Light (LLNR 16835) to Fuller Rock Light (Channel Light 42, LLNR 17120).

(b) Effective Date: This regulation becomes effective at 8 a.m., February 19, 1993 and terminates at 12:01 a.m., December 31, 1993, unless sooner by the Captain of the Port.

(c) Regulations: (1) All commercial vessels transiting the Providence River Channel shall be limited to maximum draft of 35 feet at average mean low water. Vessels with drafts between 35 feet and 38 feet may transit the Providence River Channel at times other than mean low water provided there is sufficient depth under the keel to prevent the possibility of grounding. Any commercial vessel with a draft in excess of 38 feet will require specific permission of the Captain of the Port, Providence. For vessels requiring this permission, advance notification must be made to, and approval received from, the Captain of the Port, Providence, 48 hours in advance of the scheduled transit time.

(2) Commercial vessels over 65 feet in length are prohibited from passing, meeting, or overtaking in the Providence River Channel from Gaspee Point (Providence River Channel Lighted buoys 25 and 26, LLNR 16955 and 16960) to Fuller Rock Light (Channel Light 42, LLNR 17120).

(3) Commercial vessels over 65 feet in length are prohibited from passing, meeting, or overtaking in Conimicut Point Reach (Conimicut Light, LLNR 16835 to Channel Lighted Buoys 19 and 20, LLNR 16860 and 16865).

(4) Commercial vessels over 65 feet in length inbound for berths up the Providence River Channel planning to transit this safety zone are required to make Securite calls on VHF channels 13 and 16 at the following geographic locations: Pilot's Station, Abeam of Castle Hill, Approaching the Newport bridge, South of Prudence Island, Abeam of Sandy Point, Abeam of Popasquash Point, Approaching the Southern End of Rumstick Neck Reach, Abeam of Conimicut Point Light (LLNR 16835), Abeam of Gaspee Point, and Abeam of Sabin's Point (harbor limit).

(5) Commercial vessels over 65 feet in length outbound for sea down the Providence River Channel transiting through this safety zone are required to make Securite calls on VHF channels 13 and 16 at the following geographic locations: one half hour prior to departure of the berth, at departure from the berth, Abeam of Sabin's Point (harbor limit), Abeam of Gaspee Point, Abeam of Conimicut Light (LLNR 16835), Approaching the Southern End of Rumstick Neck Reach, Abeam of Popasquash Point, Abeam of Sandy Point, South of Prudence Island, Approaching the Newport Bridge, and Abeam of Castle Hill.

(6) Commercial vessels under 65 feet in length and all recreational vessels when meeting within the Providence River Safety Zone shall keep out of the way of oncoming deep draft commercial vessel traffic.

(7) The Captain of the Port, Providence, may authorize a deviation from any of these regulations if it is found that the proposed operation can safely be conducted.

(d) Enforcement: Violations of these Safety Zone Regulations should be report to the Captain of the Port, Providence, at (401) 528–5335. Persons in violation of these regulations will be subject to civil penalty under 33 CFR 165.23(d).

Dated: February 17, 1993.

H.D. Robinson,

Captain, U.S. Coast Guard, Captain of the Port.

[FR Doc. 93–6001 Filed 3–15–93; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF EDUCATION

34 CFR Part 668

RIN 1840–AB47

Student Assistance General Provisions

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends subparts G and H of the Student Assistance General Provisions to add the Office of Management and Budget (OMB) control numbers to certain sections of the regulations. Those sections contain information collection requirements approved by OMB. The Secretary takes this action to inform the public that these requirements have been approved.

EFFECTIVE DATE: These regulations are effective on March 16, 1993.

FOR FURTHER INFORMATION CONTACT: Fred J. Marinucci, Office of the General Counsel, U.S. Department of Education, 400 Maryland Avenue, SW., room 4083, Washington, DC 20202. Telephone (202) 401-2732. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 (in the Washington, DC 202 area code, telephone 708-9300) between 8 a.m. and 7 p.m. Eastern time.

SUPPLEMENTARY INFORMATION: On December 17, 1992, final regulations for the Student Assistance General Provisions were published in the **Federal Register** at 57 FR 60032. The effective date of certain sections of these regulations was delayed until information collection requirements contained in those sections were approved by OMB under the Paperwork Reduction Act of 1980, as amended. OMB approved the information collection requirements in the regulations on January 26, 1993.

Waiver of Proposed Rulemaking

In accordance with section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)) and the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, the publication of OMB control numbers is purely technical and does not establish substantive policy. Therefore, the Secretary has determined under 5 U.S.C. 553(b)(B), that proposed rulemaking is unnecessary and contrary to the public interest and that a delayed effective date is not required under 5 U.S.C. 553(d)(3).

List of Subjects in 34 CFR Part 668

Administrative practice and procedure, Colleges and universities, Consumer protection, Education, Grant programs-education, Loan programs-education, Reporting and recordkeeping requirements, Student aid.

Dated: March 9, 1993.

Richard W. Riley,

Secretary of Education.

The Secretary amends part 668 of title 34 of the Code of Federal Regulations as follows:

PART 668—STUDENT ASSISTANCE GENERAL PROVISIONS

1. The authority citation for part 668 continues to read as follows:

Authority: 20 U.S.C. 1085, 1088, 1091, 1092, 1094, and 1141, unless otherwise noted.

§ 668.90 [Amended]

2. Section 668.90 is amended by revising the OMB control number following the section to read as follows:

* * * * *

(Approved by the Office of Management and Budget under control number 1801-0003)

* * * * *

§ 668.98 [Amended]

§ 668.124 [Amended]

3. Sections 668.98 and 668.124 are amended by adding the OMB control number at the end of these sections to read as follows:

* * * * *

(Approved by the Office of Management and Budget under control number 1801-0003)

* * * * *

[FR Doc. 93-5929 Filed 3-15-93; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MA18-1-5657; A-1-FRL-4558-6]

Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Logan Airport and East Boston Parking Freeze

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Massachusetts. The intent of the SIP revision is to reduce vehicular emissions of carbon monoxide, hydrocarbons and nitrogen oxides. These pollutants contribute to the carbon monoxide and ozone air pollution problems in the Boston urbanized area. This SIP revision amends the Logan Airport Parking Freeze by regulating employee spaces as well as commercial spaces, by promoting transportation control measures, by increasing the permitted number of commercial spaces by 2,000 spaces, and by allowing the number of commercial spaces to increase in direct proportion to the number of employee parking spaces permanently removed from use at the airport. The SIP revision also establishes a new parking freeze area to include parts of East Boston adjacent to Logan Airport. The provisions of the East Boston Parking Freeze cap the numbers of "Rental Motor Vehicle" parking spaces and of "Park and Fly" parking spaces at 1989 levels, and encourage the transfer of such parking spaces from East Boston to Logan Airport.

This action approves the changes to the Massachusetts SIP. This action is being taken in accordance with section 110 of the Clean Air Act.

EFFECTIVE DATE: This rule will become effective on April 15, 1993.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, One Congress Street, 10th floor, Boston, MA; Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and Division of Air Quality Control, Department of Environmental Protection, One Winter Street, 7th floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Robert Judge, (617) 565-3233.

SUPPLEMENTARY INFORMATION: On November 6, 1990 (55 FR 46684), EPA published a Notice of Proposed Rulemaking (NPR) for the Commonwealth of Massachusetts. The NPR proposed approval of a revision to the Massachusetts Department of Environmental Protection (DEP) State Implementation Plan (SIP) amending the Logan Airport Parking Freeze, 310 CMR 7.30, and inserting provisions for an East Boston Parking Freeze at 310 CMR 7.31. The formal SIP revision was submitted by Massachusetts on August 4, 1989, December 6, 1989 and March 23, 1990.

Background

The Logan Airport Parking Freeze program was established on June 12, 1975 when EPA promulgated an amendment to the transportation control plan regulations for the Metropolitan Boston Intrastate Air Quality Control Region (40 FR 25152). The parking freeze was developed as one part of a comprehensive strategy to reduce air pollution caused by automobile emissions. The Boston Metropolitan Planning Organization (MPO) submitted to Massachusetts DEP the Logan Airport Parking Freeze program to be incorporated in the 1979 SIP (45 FR 61293) and again in the 1982 SIP (48 FR 51480). The Massachusetts Port Authority (Massport) was delegated the authority to implement the Logan Airport Parking Freeze by the Commonwealth of Massachusetts on October 8, 1975. Since the delegation, Massport has operated the program and submitted reports to EPA describing the implementation of the parking freeze.

The proposed SIP revision was submitted by the Boston MPO to the Massachusetts DEP in November of 1988. DEP proposed regulations in July of 1989 and held a hearing in August of 1989. A technical amendment regarding the boundary of the East Boston freeze area was proposed in December of 1989 and a hearing was held in January of 1990. In submittals to EPA dated August 4, 1989, December 6, 1989 and March 23, 1990, the Massachusetts DEP proposed the revision to its SIP.

Summary of SIP Revision

Types of Parking Spaces Included in the Freeze

The SIP revision affects commercial and employee parking spaces at Logan Airport, and Park and Fly and Rental Motor Vehicle parking spaces in most of East Boston. By contrast, the 1982 SIP parking freeze regulated only commercial parking spaces at Logan Airport. Because each motor vehicle generates air pollution regardless of the type of parking space it uses, it is appropriate to regulate a greater array of airport-related parking uses.

Numbers of Parking Spaces

This SIP revision limits the number of commercial and employee parking spaces at Logan Airport to 19,315. Of these, no more than 7,100 spaces may be used as employee spaces (defined as parking spaces provided for use by employees of Massport and Massport tenants). The SIP revision increases the number of commercial parking spaces (defined as parking spaces provided for a fee) previously allowed at Logan Airport by 2,000, for a total of 12,215. The SIP revision also encourages Massport to eliminate employee spaces at the airport by relocating them outside the Logan Airport freeze area, and/or by promoting the use of alternate transportation by employees. Massport is required to develop and implement a plan targeting the elimination of 2,000 employee parking spaces. The number of commercial spaces at Logan Airport can be increased beyond 12,215 by a number equal to the number of permanently eliminated employee parking spaces. In addition, the SIP revision creates a category of restricted use parking spaces. These spaces can only be made available free of charge to Logan Airport travellers and visitors, for a maximum of ten days per calendar year during extreme peak travel periods. Each year, Massport must report on the use of restricted use parking spaces by dates, locations and numbers. If restricted use parking spaces are used on more than ten days in a calendar year, Massport must submit a plan and schedule for initiating actions to eliminate the future need for restricted parking spaces.

In the East Boston Parking Freeze area, the SIP revision will freeze the number of Park and Fly parking spaces (defined as privately owned and operating off-street parking spaces provided for use by Logan Airport travelers and visitors) and Rental Motor Vehicle spaces (off-street parking spaces for rental/leased passenger motor vehicles at a facility owned, operated, and/or leased by a motor vehicle rental company). The number of permitted Park and Fly and Rental Motor Vehicle spaces is frozen as of November 24, 1989, and documented by an inventory prepared by the City of Boston and submitted to Massachusetts DEP. The SIP revision also encourages the transfer of Park and Fly and Rental Motor Vehicle spaces from East Boston onto Logan Airport.

Parking Freeze Areas

The original parking freeze area encompassing Logan Airport has been maintained. The SIP revision also establishes a new parking freeze area covering all of East Boston, excepting two northern parcels. The 1982 SIP only included Logan Airport in the airport-related parking freeze area. As a result, airport-related parking activities have developed in East Boston outside of Logan Airport, increasing traffic congestion and air pollution.

Transportation Management Programs

The 1982 SIP included limited transportation control measures for Logan Airport. Over the past several years, Massport has voluntarily implemented several transportation management programs, such as the water shuttle to Boston and bus service to remote lots south and west of Boston. The SIP revision requires Massport to make all reasonable efforts to identify, analyze and implement specific transportation management programs which discourage vehicle travel to Logan Airport. These measures and programs include fringe parking lots, water shuttle service, mass transit improvements and pricing strategies. (The provisions of 310 C.M.R. 7.30(8)(a) are not included in the SIP revision.) Each year, Massport will submit a status report on the transportation management programs to the City of Boston, the Boston Metropolitan Planning Organization, Massachusetts DEP and EPA.

Air Quality Impacts

The SIP revision is designed to reduce vehicle miles of travel (VMT) by restricting the numbers of certain types of parking spaces serving Logan Airport and by encouraging alternative means of travel to Logan Airport. Employees and travelers will be encouraged to use alternative transportation to Logan Airport, leading to reduced VMT in the area. Reduced local and regional VMT will improve traffic flow. And reductions in carbon monoxide and ozone levels should be achieved.

In particular, improvements in air quality may be expected to result from the following measures. First, the limitation on employee parking spaces at Logan Airport will restrict the growth of employee-related VMT. Second, the slight increase in the number of commercial spaces at Logan can be expected to ease the "drop-off/pick-up" phenomenon. Third, the expanded geographic area of the parking freeze will limit the proliferation of rental and Park and Fly lots at the airport's borders in East Boston. Finally, the transportation management programs will require Massport to continue to encourage alternative modes of travel to Logan Airport.

The SIP revision caps the number of employee parking spaces at Logan Airport, and allows Massport to exchange employee spaces at Logan Airport for commercial spaces. Traffic studies by Massport have revealed that employee spaces generate more vehicle trips to and from Logan Airport per day than commercial spaces. Capping and reducing the number of such spaces therefore limits VMT. In addition, the existing parking freeze has had the unanticipated effect of vastly increasing passenger drop-off and pick-up, resulting in twice as many vehicle trips as would occur if each passenger drove to the airport. The increase of 2000 commercial spaces at the airport, coupled with the program for exchanging employee spaces for commercial spaces and with continuing improvements in alternate means of access to the airport, should lessen the drop-off/pick-up phenomenon.

Capping rental and Park and Fly spaces in East Boston will limit the availability of commercial airport parking in East Boston and of rental cars, and thereby tend to encourage airport passengers to use public transportation to and from the airport. This is expected to lead to a reduction in VMT. And the implementation of improved transportation management programs will tend to ensure that alternative, effective, and affordable modes of transportation to Logan Airport will be available. Convenient and reliable transportation other than automobiles is essential to minimizing airport-related VMT.

Based on its review of the Commonwealth's submissions and the comments received, EPA concludes that this SIP revision meets the requirements of the Clean Air Act. EPA is therefore approving the Massachusetts SIP revision for the Logan Airport Parking Freeze and the East Boston Parking Freeze.

Public Comment

EPA received four letters of public comment on the proposed approval of the revision to the Massachusetts State Implementation Plan published in the **Federal Register** on November 6, 1990 (55 FR 46684). A summary of the comments and EPA's responses can be found below. A memorandum summarizing these comments and EPA's responses is available at the addresses listed above.

Comments: Massport and CLF fully support the Logan revision as submitted and urge EPA to swiftly adopt the proposed regulation.

Response: EPA concurs with the comments.

Comments: Mayor Raymond L. Flynn comments that the parking freeze area should be expanded to include the Suffolk Downs and DeMatteo properties.

Response: As EPA has stated in previous comments, it would be beneficial to expand the freeze and we will encourage DEP to do so in the future. However, the existing freeze will have benefits not withstanding its limited scope. EPA believes that the establishment of the freeze on privately owned Park and Fly lots and rental lots in the East Boston area as described in the Notice of Proposed Rulemaking will be beneficial to air quality compared to the existing freeze. While the addition of the Suffolk Downs and the DeMatteo properties would have a slightly beneficial impact on air quality, the revision as submitted will reduce overall Vehicle Miles Traveled and therefore have a direct improvement on air quality.

Comments: The following comments were submitted by Park N Fly, Inc.:

1. The revision has no rational basis.
2. The revision cannot accomplish the air quality benefits that it is intended to produce.
3. The revision will allow Massport to establish "remote" lots in East Boston, Suffolk Downs and Revere.
4. The revision failed to consider alternative uses of the PNF site. Combined with an increase in air traveler parking spaces and the transfer of employee parking spaces this will result in the degradation of CO air quality and may result in the violation of the CO ambient air quality standard.
5. The revision will increase the "drop-off/pick-up" phenomenon.
6. The revision is not legally enforceable because it lacks statutory authority and goes beyond a "freeze."
7. The revision fails to meet EPA requirements for completeness.
8. The proposed transfer of PNF spaces to Logan effects a taking of property without just compensation, and depresses the value of the land for the purpose of lowering the eminent domain compensation to be paid by the Commonwealth for a portion of the affected property.
9. The revision violates MEPA by allowing increased commercial parking, which is part of a planned expansion of the airport subject to MEPA.
10. Subsection (5) and (6) of § 7.30 and subsections (4) and (5) of § 7.31 of the revision are void for vagueness in that they do not describe in detail the procedures for the transfer of Park and Fly and Motor Vehicle Rental spaces from East Boston to Logan Airport.
11. The SIP revision usurps the City of Boston's zoning powers, since it is a land use restriction rather than a parking "freeze."

Response: 1. The inclusion of employee parking in the Logan Airport freeze and the capping of Park and Fly and Rental Motor Vehicle parking in East Boston are measures reasonably calculated to reduce VMT. The effects required of Massport to develop and promote public transportation management programs will also help divert travellers and visitors from private vehicles toward alternate modes of access. The absence of reliable air quality modeling by Massport and the Department of Environmental Protection does not undermine EPA's belief that these measures will produce some level of benefit. Finally, the air quality assessment submitted by the commenter is limited in scope and does not provide a sufficient basis to negate the anticipated benefits of the proposed measures.

Response: 2. Air quality improvements can be achieved by the proposed SIP revision for the following reasons. First, the inclusion of all airport-related parking spaces will impose a limit on the number of parking spaces available. Second, the area of the parking freeze will be expanded. Finally, the transportation management programs will provide alternative modes of travel to Logan Airport.

The proposed SIP revision encourages the transfer of employee spaces at Logan Airport to commercial spaces. Traffic studies have revealed that employee spaces generate more vehicle trips to and from Logan Airport than commercial spaces, therefore, a reduction in VMT would be associated with such a transfer. In addition, the implementation of transportation management programs will ensure that alternative modes of transportation to Logan Airport are available. Convenient and reliable transportation, other than automobiles, is essential to minimizing VMT.

This action will have a beneficial effect on air quality by reducing vehicle travel and emissions of carbon monoxide, hydrocarbons and nitrogen oxides in the Boston urbanized area. The relocation of commercial spaces onto Logan is a direct transfer with employee parking spaces, not an increase. In addition, these transferred spaces will then be subjected to the cap, along with the new cap imposed on employee spaces. The net impact should be air quality benefits. Although no air quality modeling analysis was completed by DEP, the capping of employee and commercial spaces within Logan and the capping of Park and Fly and Rentals in East Boston strongly suggests overall reductions in VMT, based on traffic data taken from a Logan Ground Access study. This reduction in VMT is directly associated with a benefit to air quality.

The revision caps two kinds of parking uses within the East Boston area: privately owned Park and Fly lots and Rental lots. This stabilizes congestion within the East Boston area. In addition, the revision does not cap Rental spaces within Logan. This will encourage Rental spaces to relocate to Logan, which will in turn generate less VMT and hence benefit air quality.

Response: 3. EPA believes that if Massport establishes "remote" lots in East Boston, Suffolk Downs and Revere, employees who live north of Logan will be encouraged to use these lots due to the cap on employee spaces within Logan. This will reduce VMT in three ways: (1) Employees will be traveling a shorter distance; (2) the employee spaces that are converted to commercial spaces on Logan will generate less daily VMT, and the additional parking will attract drop-off/pick-up travelers to commercial spaces; and (3) fewer employees driving all the way into Logan will reduce congestion in and around Logan.

Massport reports that if the EZ access & DeMatteo lots are used for employee parking, at 750 spaces first shift, 500

2nd shift, 0 3rd shift, there will be a 4% reduction in Rt. 1–A S. daily traffic and a 4% reduction in Rt. 1–A N. traffic. This will reduce daily VMT by 5,232. This results in a predicted HC reduction of 9.5 KG/D and a CO reduction of 133 KG/D.

The Mass. MPO states that for each employee space converted to commercial use, there is an average reduction of 15 VMT/D. Therefore, the conversion of 1000 spaces yields a 15,000 VMT/D reduction. This equals a 27 KG/D HC reduction. For every 1000 spaces converted, a reduction of 400 vehicles at the Sumner Tunnel during an 8-hr period is realized. This will reduce queuing, and therefore a 0.1–0.3 ppm CO reduction for 8-hr levels.

Response: 4. PNF's microscale air quality analysis prepared by Engineering-Science, Inc. consists of six different scenarios for the year 2010. The first three assume the Central Artery/Third Harbor Tunnel is constructed, the last three assume it is not.

Scenario 1 assumes that the Park and Fly operation remains on Bremen St. Scenario 2 assumes that Park and Fly spaces are relocated to the airport and airport employee parking is relocated to Suffolk Downs. It then assumes that a commuter parking lot will be located on the Park and Fly property on Bremen St. as an alternate use of the existing facility. Scenario 3 assumes that Park and Fly spaces are relocated to the airport and airport employee parking is relocated to Suffolk Downs. It then assumes that 522,500 gross square feet of retail development is constructed on the Park and Fly property on Bremen St. as an alternate use of the existing facility.

EPA considers this analysis to be of limited utility for analyzing the proposed revision, because it is based on various hypothetical land uses that may never occur. Based on the analysis data, even if such alternatives did take place, only one receptor out of twelve indicated a significant negative change in air quality (scenario 3).

Response: 5. EPA believes that a slight increase in commercial parking spaces at Logan, the availability of restricted use parking on up to ten days per year, the exchange of employee parking spaces for commercial spaces that have a lower daily turnover rate, and the encouragement of alternative transportation management programs, will address the drop-off/pick-up phenomenon. As to the travel survey submitted by Rizzo Assoc., Inc., a one day, dual location, survey of 234 people is not likely to represent the behavior of the majority of air travelers using Logan.

Response: 6. The Clean Air Act does not prohibit the Commonwealth from attempting to phase out certain types of parking spaces in East Boston in addition to freezing the number of such spaces. It is within the Commonwealth's statutory authority to do so under State law and under the Clean Air Act. Furthermore, EPA has concluded that the various provisions of the SIP revision will contribute to the Clean Air Act's goals of ozone and carbon monoxide attainment.

Response: 7. EPA has determined that the Commonwealth's submittal of the SIP revision is complete and complies with paragraph 2.2 of appendix V, 40 CFR part 51.

Response: 8. Restrictions on an owner's use of land do not effect an impermissible taking of property without just compensation if viable economic uses of the land remain. Under these circumstances, the land will have many remaining viable economic uses after the transfer of Park and Fly spaces to Logan. Furthermore, air pollution regulations promulgated to protect the public health, safety, and welfare are appropriate exercises of the police power and do not effect an impermissible taking.

Finally, compensation paid by the Commonwealth for a taking by eminent domain will establish that the property has remaining financial value.

Response: 9. EPA has no evidence to indicate that the SIP revision is part of an airport expansion plan subject to MEPA. This comment would appropriately be directed to the Massachusetts Executive Office of Environmental Affairs under the MEPA process.

Response: 10. The SIP revision provides that the Boston Air Pollution Control Commission (BAPCC) and Massport must develop and implement a plan for the relocation of Park and Fly spaces and Rental Motor Vehicle spaces from East Boston to Logan Airport. Further, the BAPCC was charged with submitting such a plan to the Department of Environmental Protection, the Boston Metropolitan Planning Organization, Massport, and to EPA by June 30, 1990. Subsequently, by December 31, 1990, the BAPCC was required to amend the "Procedures and Criteria for Issuance of Parking Freeze Permits" required by 40 CFR 52.1135(f) to delineate the procedures for the transfer of spaces to Logan Airport. Accordingly, the SIP revision provides specific and adequate procedures for the development of a program for the transfer of spaces.

Response: 11. The East Boston Parking Freeze provisions of the SIP revision are directed at reducing emissions from mobile sources of air pollution. They may have similar effects in practice to certain types of zoning, but these similarities are incidental. Both EPA and the Commonwealth of Massachusetts have the statutory authority to promulgate such air pollution regulations.

Final Action

EPA is approving the Logan Airport Parking Freeze and the East Boston Parking Freeze as a revision to the Massachusetts SIP. Today's action makes final the action proposed on November 6, 1990 (55 FR 46684).

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225).

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410 (a)(2).

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State implementation plan. Each request for revision to the State implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 17, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Note: Incorporation by reference of the State Implementation Plan for the State of Massachusetts was approved by the Director of the Federal Register on July 1, 1982.

Dated: January 21, 1993.

Paul Keough,

Acting Regional Administrator, Region I.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart W—Massachusetts

2. Section 52.1120 is amended by adding paragraph (c)(94) to read as follows:

§ 52.1120 Identification of plan.

* * * * *

(c) * * *

(94) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on August 4, 1989, December 6, 1989 and March 23, 1990.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated August 4, 1989, December 6, 1989 and March 23, 1990 submitting a revision to the Massachusetts State Implementation Plan.

(B) Massachusetts' Air Pollution Control Regulations 310 CMR 7.30 (excluding 310 CMR 7.30(8)(a)), and 310 CMR 7.31 entitled, "MB Massport/ Logan Airport Parking Freeze" and "MB City of Boston/East Boston Parking Freeze" respectively, effective in the State of Massachusetts on 11/24/89, and technical amendments to that regulation submitted by the Massachusetts Department of Environmental Protection on March 23, 1990, effective 3/30/90.

(ii) Additional materials.

(A) Appendix 5D, Baseline and Future Case CO Compliance Modeling, dated June 1986.

(B) Policy Statement Regarding the Proposed Amendment to the Logan Airport Parking Freeze, dated November 14, 1988.

For the State of Massachusetts:

3. In § 52.1167, table 52.1167 is amended by adding new state citations for 310 CMR 7.30 and 310 CMR 7.31 to read as follows:

§ 52.1167 EPA-approved Massachusetts state regulations.

* * * * *

TABLE 52.1167.—EPA-APPROVED RULES AND REGULATIONS

State citation	Title/subject	Date submitted by State	Date approved by EPA	Federal Register citation	52.1120(c)	Comments/unapproved sections
*	*	*	*	*	*	*
310 CMR 7.30 ...	Massport/Logan Airport Parking Freeze.	8/04/89, 12/6/89, 3/23/90.	March 16, 1993	[Insert *FR* citation from published date].	94	Applies to the parking of motor vehicles on Massport property.
*	*	*	*	*	*	*
310 CMR 7.31 ...	City of Boston/East Boston Parking Freeze.	8/04/89, 12/6/89, 3/23/90.	March 16, 1993	[Insert *FR* citation from published date].	94	Applies to the parking of motor vehicles within the area of East Boston.
*	*	*	*	*	*	*

[FR Doc. 93–5912 Filed 3–15–93; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 55

[FRL–4604–1]

Codification of Corresponding Onshore Area Designations and Notice of Convening Proceeding for Reconsideration of Certain Corresponding Onshore Area Designations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Codification and convening proceeding for reconsideration.

SUMMARY: This action announces that EPA is convening a reconsideration proceeding under section 307(d) of the Clean Air Act ("the Act"), regarding the COA designations for OCS platforms Habitat, Henry, Hillhouse, Houchin, Hogan and Union A, B, and C. The COA for these platforms is currently the Santa Barbara County Air Pollution Control District (Santa Barbara County APCD). The reconsideration proceeding will determine whether this COA designation should be changed. The effectiveness of these COA designations will not be stayed in the interim, however. The affected OCS sources will therefore be required to comply with the OCS rules for the Santa Barbara County APCD, according to the deadlines set forth in section 328(a) of the Clean Air Act. In addition, this document codifies final action taken by the Administrator designating corresponding onshore areas ("COAs") for all existing OCS sources. This action was taken concurrent with the final rulemaking promulgating the Outer Continental Shelf ("OCS") Air Regulations, and was published in the preamble to that rule on September 4, 1992.

EFFECTIVE DATE: September 4, 1993.

ADDRESSES: Material relevant to the COA designations for the OCS Platforms listed above can be found in EPA docket A-91-76. This docket is available for public inspection and copying at the following locations: (1) U.S. Environmental Protection Agency, Region 9, Air and Toxics Division, 75 Hawthorne Street, San Francisco, CA, 94105, and (2) U.S. Environmental Protection Agency, 401 M Street SW. Washington, DC, 20460. These locations are open to the public Monday through Friday, 9 a.m. to 5 p.m., excluding legal holidays. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Christine Vineyard, (415) 744-1195, 75 Hawthorne Street, San Francisco, CA 94105.

SUPPLEMENTARY INFORMATION:

I. Background Information

On September 4, 1992, EPA promulgated the OCS rule (40 CFR part 55) in the **Federal Register** (57 FR 40792). The rule was promulgated pursuant to Section 328 of the Clean Air Act, and established requirements to control air pollution from OCS sources in order to attain and maintain federal and state ambient air quality standards and to comply with the provisions of part C of title I of the Act. The rule applies to all OCS sources located offshore of the states except for those located in the Gulf of Mexico west of 87.5 degrees longitude.

Section 328 requires that for such sources located within 25 miles of a state's seaward boundary, the requirements must be the same as would be applicable if the sources were located in the COA. The COA is defined in the Act as with respect to any OCS source, the onshore attainment or nonattainment area that is closest to the source, unless the Administrator determines that another area with more stringent requirements with respect to the control and abatement of air pollution may reasonably be expected to be affected by such emissions. Such determination shall be based on the potential for air pollutants from the OCS source to reach the other onshore area and the potential of such air pollutants to affect the efforts of the other onshore area to attain or maintain any Federal or State ambient air quality standard or to comply with the provisions of part C of title I. Section 328(a)(4)(B). The Act requires new sources (as defined in Section 111(a) of the Act) to comply with the OCS rule immediately upon promulgation, and existing sources to comply 24 months thereafter, or by September 4, 1994.

The Administrator designated the COAs for all existing and proposed OCS sources offshore of California in the preamble to the final rule. 57 FR 40796-40797. Union Oil Company of California, Pacific Operators, Inc. d.b.a. Pacific Operators Offshore, Inc. and Texaco Exploration and Production Inc. (collectively, "Unocal") and Ventura County have filed petitions for reconsideration with EPA, asking EPA to reconsider the COA designations for OCS Platforms Habitat, Henry, Hillhouse, Houchin, Hogan and Union A, B and C. Ventura and Unocal have also filed petitions for review in the D.C. and Ninth Circuits, but these cases have been stayed for 90 days pending EPA's review of their petitions for reconsideration. *Ventura County Air Pollution Control District* v. *U.S. EPA*, No. 92-1572 (D.C. Cir. November 3, 1992); *Ventura County Air Pollution Control District* v. U.S. EPA, No. 92-70730 (9th Cir. Nov. 3, 1992); *Union Oil Co.* v. *U.S. EPA*, No. 92-1570 (D.C. Cir. Nov. 2, 1992); *Union Oil Co.* v. *U.S. EPA, No. 70727 (9th Cir. Nov. 3, 1992.* In addition, Santa Barbara County has filed a petition for review of the OCS rule in the D.C. Circuit, *Santa Barbara County Air Pollution Control District* v. *EPA*, No. 92-1569 (Nov. 2, 1992), and has intervened in the Unocal and Ventura actions.

II. Final Action To Be Codified

In the preamble to the proposed OCS rule, 56 FR 63774, 63780 (December 5, 1991), EPA proposed that the nearest onshore area ("NOA") be the COA for all existing and proposed OCS sources offshore of California, including the eight platforms listed above. EPA stated that it planned to finalize these designations on the date of promulgation of the OCS rule, so that sources would "have adequate time to determine the applicable requirements, install necessary controls, and receive the required permits, and the proposed sources will be given early notice of the requirements with which they must comply." *Id.*

EPA finalized these designations in the preamble to the final rule. 57 FR 40797. EPA found that although some comments had been submitted during the comment period, none contained a stringency analysis, which EPA found to be a "key criterion for requesting COA designation," *id.*, because Section 328 allows EPA to designate an area other than the NOA as the COA only if the other area has more stringent requirements for the control of air pollution than the NOA. EPA neglected, however, to include these designations in part 55. EPA therefore is now codifying the final action taken on these designations in a new section 55.15, which is attached to this notice.

III. Final Action To Be Reconsidered

On November 2 and 3, 1992, Ventura County and Unocal, respectively, filed petitions for reconsideration of the COA designations for the eight platforms listed above. Although petitioners cite the Administrative Procedures Act, 5 U.S.C. Sec. 553(e), as the basis for their right to petition for reconsideration, the final action at issue here was taken concurrently with the OCS rulemaking, which the Administrator determined to be subject to the requirements of section 307(d) of the Clean Air Act. 56 FR 63774.

Section 307(d)(7)(B) provides that if the person raising an objection can demonstrate to the Administrator that it was impracticable to raise such objection within such time [the period for public comment] or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule, the Administrator shall convene a proceeding for reconsideration of the rule and provide the same procedural rights as would have been afforded had the information been available at the time the rule was proposed * * *. Such reconsideration shall not postpone the effectiveness of the rule. The effectiveness of the rule may be stayed during such reconsideration, however, by the Administrator or the court for a period not to exceed three months. Petitioners argue that they did not have enough time to comment on the COA designation within the comment period, that Ventura did eventually submit a letter which included all the necessary information showing that Ventura should have been designated the COA for the platforms in question, and that EPA should in any event have designated Ventura as the COA because it has more stringent requirements than Santa Barbara.

EPA acknowledges that Ventura eventually submitted the documentation to EPA, although not within the comment period and not in time for EPA to give the materials consideration before taking final action on the COA designations. (Ventura's papers were submitted the day before EPA went to closure on the OCS package.) EPA finds, however, that it was impracticable for Ventura and Unocal to raise fully their objections within the comment period of the proposed rule. EPA makes this finding in large part because these were the first COA designations made by

EPA, and they were made according to a new statutory provision and a new rule. Moreover, they were made at the same time as the OCS rule was promulgated, so that the parties involved had not only to comment on the designations but also on the rule. EPA expects, however, in the future that parties seeking a COA designation of an area that is not the NOA will make their requests and demonstrations within the times set forth in § 55.5 of the OCS rule. As stated in the rule, if these deadlines are not met the NOA will automatically become the COA. Moreover, EPA does not intend to extend the thirty-day period for comment on proposed designations under § 55.5(f). EPA believes such time to be ample, especially since any proposed designation will already be 60 days after the COA demonstration.

In addition, EPA finds that Ventura's and Unocal's concerns are of central relevance to EPA's action, since if EPA finds their arguments on the merits to be persuasive EPA will revise its COA designations for the OCS sources in question.

EPA, therefore, is today convening a proceeding for reconsideration of its COA designation for the eight OCS platforms identified above because they were the first COA designations. EPA will examine the material submitted by Ventura County Air Pollution Control District, Union Oil, and Santa Barbara County Air Pollution Control District in evaluating its determination as to the COA designation of these platforms. EPA will follow the notice and comment procedures of section 307(d) of the Clean Air Act and will publish a proposed decision on reconsideration and consider comment before taking appropriate final action. If the reconsideration results in a change in the COA designation for any of the sources, EPA will revise 40 CFR 55.15 accordingly.

EPA will not, however, stay the effectiveness of the current COA designation pending a decision on reconsideration. Consequently, the OCS sources in question here will remain subject to the Santa Barbara County Air Pollution Control District Requirements Applicable to OCS Sources, unless and until EPA changes the COA designation. EPA views this position as essential to ensure that the OCS sources in question will not go unregulated. At the same time, EPA believes that this position will not cause undue hardship to the sources, especially because they have themselves indicated a willingness to face a short delay in the designation of the appropriate COA, both by filing petitions for reconsideration of EPA's designation and by requesting a delay of that designation in their comments on the proposed rule. See 57 FR 40797. Regardless of the outcome of this reconsideration proceeding as to the COA designation, sources are required to be in compliance by September 4, 1994 as provided in the statute. 42 U.S.C. 7627(a).

List of Subjects in 40 CFR Part 55

Administrative practice and procedures, Air pollution control, Outer Continental Shelf, Ozone, Sulfur oxides, Nitrogen dioxide, Particulate matter, Hydrocarbons, Nitrogen oxides, Intergovernmental relations, Reporting and Recordkeeping requirements, Permits.

Dated: March 5, 1993.

Carol M. Browner,

Administrator.

Part 55 of title 40 of the Code of Federal Regulations is amended as follows:

PART 55—OUTER CONTINENTAL SHELF AIR REGULATIONS

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

Authority: Section 328 of the Clean Air Act (42 U.S.C. 7401, et seq.) as amended by Pub. L. 101–549.

2. Part 55 is amended by adding § 55.15 to read as follows:

§ 55.15 Specific designation of corresponding onshore areas.

(a) California.

(1) The South Coast Air Quality Management District is designated as the COA for the following OCS facilities: Edith, Ellen, Elly, and Eureka.

(2) The Ventura County Air Pollution Control District is designated as the COA for the following OCS facilities: Grace, Gilda, Gail and Gina.

(3) The Santa Barbara County Air Pollution Control District is designated as the COA for the following OCS facilities: Habitat, Hacienda, Harmony, Harvest, Heather, Henry, Heritage, Hermosa, Hidalgo, Hillhouse, Hogan, Houchin, Hondo, Irene, Independence (formerly Iris), the OS and T, and Union A, B, and C.

(b) [Reserved]

[FR Doc. 93–5869 Filed 3–15–93; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA–7566]

List of Communities Eligible for the Sale of Flood Insurance

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The dates listed in the fourth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the NFIP at: Post Office Box 457, Lanham, MD 20706, (800) 638–7418.

FOR FURTHER INFORMATION CONTACT: James Ross MacKay, Acting Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, 500 C Street, SW., room 417, Washington, DC 20472, (202) 646–2717.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM). The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, section 102 of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012(a), requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard areas shown on the map.

The Director finds that the delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Federal Insurance Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., because the rule creates no additional burden, but lists those communities eligible for the sale of flood insurance.

Regulatory Impact Analysis

This rule is not a major rule under Executive Order 11291, Federal Regulation, February 17, 1981, 3 CFR, 1981 Comp., p. 127. No regulatory impact analysis has been prepared.

Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date of authorization/cancellation of sale of flood insurance in community	Current effective map date
New Eligibles—Emergency Program			
South Dakota: Humboldt, town of Minnehaha County.	460118	Feb. 1, 1993	
Tennessee: McEwen, city of Humphreys County	470308	......do	July 2, 1976.
Ohio: Fayette County, unincorporated areas	390164	Feb. 17, 1993	Dec. 9, 1977.
Illinois: Deer Park, village of Lake County	171028	......do	
New Eligibles—Regular Program			
Florida: Crestview, City of Okaloosa County[1]	120597	Feb. 3, 1993	
Missouri:			
Foristell, city of St. Charles and Warren Counties.	290902	Feb. 24, 1993	Dec. 15, 1992.
Laclede County, unincorporated areas.	290811	......do	Apr. 17, 1985.
Reinstatements—Regular Program			
Pennsylvania: Jessup, township of Susquehanna County.	422084	Jan. 22, 1976, Emerg.; May 17, 1989, Reg.; May 17, 1989, Susp.; February 10, 1993, Rein.	May 17, 1989.
Mississippi: Lauderdale County unincorporated areas.	280224	May 28, 1975, Emerg.; Sept. 29, 1989, Reg.; May 4, 1992, Susp.; Feb. 10, 1993, Rein.	Aug. 29, 1989.
Oklahoma: Delaware Tribe of Western Oklahoma, Caddo County..	400512	Oct. 18, 1985, Emerg.; Jan. 18, 1988, Reg.; Dec. 16, 1992, Susp.; Feb. 18, 1993, Rein.	Sept. 27, 1991.
South Carolina: Union, city of Union County	450186	June 19, 1975, Emerg.; July 16, 1981, Reg.; July 16, 1981, Susp.; February 18, 1993, Rein.	July 16, 1981.
New York:			
Ausable, town of Clinton County	360165	Feb. 24, 1977, Emerg.; May 15, 1985, Reg.; Nov. 4, 1992, Susp.; Feb. 19, 1993, Rein.	May 15, 1985.
Brunswick, town of Rensselaer County	361130	Aug. 26, 1977, Emerg.; June 4, 1980, Reg.; Nov. 4, 1992, Susp.; Feb. 19, 1993, Rein.	June 4, 1980.
Diana, town of Lewis County	360364	June 13, 1983, Emerg.; Sept. 24, 1984, Rein.; Nov. 4, 1992, Susp.; Feb. 19, 1993, Rein.	Sept. 24, 1984.
Franklin, town of Franklin County	361397	June 18, 1982, Emerg.; Sept. 24, 1984, Rein.; Nov. 4, 1992, Susp.; Feb. 19, 1993, Rein.	Do.
Harrisville, village of Lewis County	361451	May 16, 1983, Emerg.; Sept. 24, 1984, Rein.; Nov. 4, 1992, Susp.; Feb. 19, 1993, Rein.	Do.
Regular Program Conversions			
Region IV			
North Carolina: Mecklenburg County, unincorporated areas.	370158	Feb. 3, 1993, suspension withdrawn	Feb. 3, 1993.
Region V			
Illinois:			
Aroma Park, village of Kankakee County	170740	......do	Do.
Kankakee County, unincorporated areas	170336	......do	Do.
Kankakee, city of Kankakee County	170339	......do	Do.
Momence, city of Kankakee County	170340	......do	Do.

State and location	Community No.	Effective date of authorization/cancellation of sale of flood insurance in community	Current effective map date
Sun River Terrace, village of Kankakee County.	171015	......do	Do.
Indiana: Warrick County, unincorporated areas	180418	......do	Do.
Michigan:			
Greenbush, township of Alconia County	260001	......do	Do.
Pinconning, township of Bay County	260025	......do	Do.
Sims, township of Arenac County	260015	......do	Do.
Region VI			
Texas: San Diego, city of Duval and Jim Wells Counties.	481199	......do	Do.
Region VII			
Kansas: St. George, city of Pottawatomi County	200274	......do	Do.
Region IV			
Georgia: Chattooga County, unincorporated areas.	130036	Feb. 17, 1993, suspension withdrawn	Feb. 17, 1993.
Region V			
Michigan: Alpena, township of Alpena County	260011	......do	Do.
Wisconsin:			
Biron, village of Wood County	555545	......do	Do.
Nekoosa, city of Wood County	550516	......do	Do.
Port Edwards, village of Wood County	555572	......do	Do.

[1] The City of Crestview has adopted Okaloosa County's (#120173) Flood Insurance Study and Flood Insurance Rate Map that became effective on July 15, 1985 for flood insurance purposes.

Code for reading third column: Energ.-Emergency; Reg.-Regular; Susp.-Suspension, Rein.-Reinstatement.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Issued: March 10, 1993.

Francis V. Reilly,

Deputy Administrator, Federal Insurance Administration.

[FR Doc. 93–5995 Filed 3–15–93; 8:45 am]

BILLING CODE 6718-21-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chapter I

[DA 93–228]

Declaratory Ruling Concerning Arrangements Between Applicants for the Interactive Video and Data Service

AGENCY: Federal Communications Commission.

ACTION: Declaratory ruling.

SUMMARY: The Private Radio Bureau has adopted a Memorandum, Opinion and Order to deny the request for a declaratory ruling filed by Mr. Marcos Rodriguez, Jr. (Rodriguez motion) on January 29, 1993. The Rodriguez motion sought a declaration approving the proposed formation of a business organization by and between applicants to operate an Interactive Video and Data Service (IVDS) system in the Dallas, Texas, market. IVDS is a personal radio service in which licensees may provide a variety of radio-based interactive services to the public.

EFFECTIVE DATE: April 15, 1993.

FOR FURTHER INFORMATION CONTACT: Marc S. Martin, (202) 632–6497, Private Radio Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Private Radio Bureau's Memorandum, Opinion and Order, DA 93–228, adopted February 24, 1993; and released March 4, 1993. The full text of this Memorandum, Opinion and Order is available for inspection and copying during normal business hours in the FCC Reference Center, room 230, 1919 M Street NW., Washington, DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, 1919 M Street, room 246, Washington, DC 20554, telephone (202) 337–1433.

Summary of Memorandum, Opinion and Order

1. Mr. Marcos Rodriguez, Jr. is an applicant for an IVDS system license in, among other areas, the Dallas, Texas, market. The Rodriguez motion for a declaratory ruling concerned the following proposed private agreement or contract: certain parties that have individually applied for an IVDS system license in the Dallas, Texas, market would enter in an agreement which binds them to form a new legal entity if one of the parties to the contract is made a tentative selectee by an IVDS lottery. Under the agreement, the party to the contract that is selected by an IVDS lottery would retain control of the license while the other parties would acquire an ownership interest therein on a pro rata basis. Further, the Rodriguez motion states that the agreement would not permit any party to hold an interest in more than one IVDS system license in the same market. Mr. Rodriguez queried whether his proposed agreement is permissible under the established IVDS rules and policies.

2. It is not the policy or past practice of the Private Radio Bureau to issue declaratory rulings on the acceptability of particular private management contracts. Nevertheless, because of the potential negative impact that confusion in this area could have on implementation of IVDS, the Bureau addressed this issue.

3. At issue was whether it is permissible for the IVDS applicants to enter into a contract or agreement whereby if one of the parties to the agreement becomes a tentative selectee, the other parties to the agreement would acquire an ownership interest in the IVDS license. In developing rules and policies for IVDS we were guided by our experience in other radio services where licenses generally are decided by lottery. Our experience in these cases has been that (1) there is a growing problem with the filing of speculative applications, (2) agreements such as the one proposed Mr. Rodriguez makes filing applications more attractive to those who wish only to speculate and (3) the usefulness of settlement agreements in situations where there is a high volume of applications is far outweighed by the problems they cause.