thereafter be continuously published in the Airport/Facility Directory.

* * * * *

ASW TX E2 Amarillo, TX [New]

Amarillo International Airport, TX
(lat. 35°13'10" N., long. 101°42'22" W.)

Within a 5–miles radius of Amarillo International Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

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ASW TX E2 Midland International Airport, TX [New]

Midland International Airport, TX
(lat. 31°56'33" N., long. 102°12'07" W.)

Within a 5–miles radius of Midland International Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

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Issued in Forth Worth, TX, on May 4, 1994.

James A. Caudle,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 94–11404 Filed 5–10–94; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 94–ANM–10]

Amendment to Class D Airspace; Aurora, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Aurora, Buckley ANG Base Airport, Colorado, Class D airspace. It amends the Class D airspace effective hours to conform with the control tower's hours of operation at the Buckley ANG Base, Colorado. Airspace reclassification, in effect as of September 16, 1993, has discontinued use of the terms "control zone" and "air traffic area," replacing them with the designation "Class D airspace." This amendment would bring publications up to date.

EFFECTIVE DATE: 0901 VTC, June 23, 1994.

FOR FURTHER INFORMATION CONTACT: Ted Melland, ANM–536, Federal Aviation Administration, Docket No. 94–ANM–10, 1601 Lind Avenue S.W., Renton, Washington 98055–4056; telephone number: (206) 227–2536.

SUPPLEMENTARY INFORMATION:

History

On March 23, 1994, the FAA proposed to amend part 11 of the Federal Aviation Regulations to amend the Buckley ANG Base Class D airspace to incorporate "part-time" information into the rule (59 FR 13663; March 23, 1994). The information would provide pilots with notice that the Class D airspace would not be effective during certain periods of the day. No comments were received. Airspace reclassification, in effect as of September 16, 1993, has discontinued use of the terms "control zone" and "air traffic area," replacing them with the designation "Class D airspace."

Class D airspace designations are published in Paragraph 5000 of FAA Order 7400.9A dated June 17, 1993, and effective September 16, 1993, which is incorporated by reference in 14 CFR 71.1 (58 FR 36298; July 8, 1993). The Class D airspace designation listed in this document will be published subsequently in the Order. The coordinates are in North American Datum 83.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) amends Class D airspace at the Buckley ANG Base, Aurora, Colorado, by adding information regarding the times the Class D airspace is effective. 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 "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing the FAA amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9A, Airspace Designations and Reporting Points, dated June 17, 1993, and effective September 16, 1993, is amended as follows:

Paragraph 5000 General

* * * * *

ANM CO D Aurora, CO [Revised]

Aurora, Buckley ANG Base, CO
(lat. 39°42'36" N, long. 104°45'29" W)

That airspace extending upward from the surface to, but not including 7,500 feet MSL within a 4.4-mile radius of the Buckley ANG Base, excluding that airspace within the Denver, CO, Class B airspace subarea A and that airspace extending upward from the surface to and including the Denver Class B airspace, subarea C. This Class D airspace shall be effective during the specified dates and times established in advance by a Notice to Airmen. The effective dates and times thereafter, will be continuously published in the airport/facility directory.

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Issued in Seattle, Washington, on April 21, 1994.

Temple H. Johnson, Jr.,

Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 94–11401 Filed 5–10–94; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 94–ASW–04]

Modification of Class D Airspace and Establishment of Class E Airspace

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This action modifies the Class D airspace areas at Fayetteville, AR; Fort Smith, AR; Lake Charles, LA; Monroe, LA; New Orleans, LA; Clovis, NM; Farmington, NM; Oklahoma City, OK; Beaumont, TX; Brownsville, TX; College Station, TX; Corpus Christi, TX; Laredo, TX; McAllen, TX; San Angelo, TX; San Antonio, TX; Waco, TX; and Wichita Falls, TX, by amending the areas' effective hours to coincide with the associated control tower's hours of operation. This action also establishes

Class E airspace at these areas when the associated control tower is closed. The intended effect of this action is to clarify when two-way radio communication with these air traffic control towers is required and to provide adequate Class E airspace for instrument approach procedures when these control towers are closed.

DATES: *Effective Date:*—0901 UTC, June 23, 1994.

Comment Date: Comments must be received on or before June 16, 1994.

ADDRESSES: Send comments on the rule in triplicate to Manager, System Management Branch, Air Traffic Division, Southwest Region, Docket No. 94–ASW–04, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530.

The official docket may be examined in the Office of the Assistant Chief Counsel, Southwest Region, Federal Aviation Administration, 2601 Meacham Boulevard, Fort Worth, TX, between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the System Management Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, 2601 Meacham Boulevard, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Alvin DeVane, System Management Branch, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530; telephone: (817) 222–5595.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is a final rule, and was not preceded by notice and public procedure, comments are invited on the rule. This rule will become effective on the date specified in the DATES section. However, after the review of any comments and, if the FAA finds that further changes are appropriate, it will initiate rulemaking proceedings to extend the effective date of the rule or amend the regulation.

Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule, and in determining whether additional rulemaking is required. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the rule that might suggest the need to modify the rule.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) modifies the Class D airspace areas at Fayetteville, AR; Fort Smith, AR; Lake Charles, LA; Monroe, LA; New Orleans, LA; Clovis, NM; Farmington, NM; Oklahoma City, OK; Beaumont, TX; Brownsville, TX; College Station, TX; Corpus Christi, TX; Laredo, TX; McAllen, TX; San Angelo, TX; San Antonio, TX; Waco, TX; and Wichita Falls, TX, by amending the areas' effective hours to coincide with the associated control tower's hours of operation. This action also establishes Class E airspace at these areas when the associated control tower is closed. Prior to Airspace Reclassification, an airport traffic area (ATA) and a control zone (CZ) existed at these airports. However, Airspace Reclassification, effective September 16, 1993, discontinued the use of the term "airport traffic area" and "control zone," replacing them with the designation "Class D airspace." The former CZ was continuous, while the former ATA was contingent upon the operation of the air traffic control tower. The consolidation of the ATA and CZ into a single Class D airspace designation makes it necessary to modify the effective hours of the Class D airspace to coincide with the control tower's hours of operation. This action also establishes Class E airspace during the hours the control tower is closed. The intended effect of this action is to clarify when two-way radio communication with these air traffic control towers is required and to provide adequate Class E airspace for instrument approach procedures when these control towers are closed.

The coordinates for this airspace docket are based on North American Datum 83. Class D and E airspace designations are published in Paragraphs 5000 and 6002, respectively, of FAA Order 7400.9A dated June 17, 1993, and effective September 16, 1993, which is incorporated by reference in 14 CFR 71.1 (58 FR 36298; July 6, 1993). The Class D and E airspace designations listed in this document will be published subsequently in the Order. Under the circumstances presented, the FAA concludes that there is an immediate need to modify these Class D and establish these Class E airspace areas in order to promote the safe and efficient handling of air traffic in these areas. Therefore, I find that notice and public procedures under 5 U.S.C. 553(b) are impracticable and contrary to the public interest.

The FAA has determined that this regulation only involves an established body of technical regulations that need frequent and routine amendments to keep them operationally current. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

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

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9A, Airspace Designations and Reporting Points, dated June 17, 1993, and effective September 16, 1993, is amended as follows:

Paragraph 5000 General

* * * * *

ASW AR D Fayetteville, AR [Revised]

Fayetteville, Drake Field, AR
(lat. 36°00'18" N., long. 96°10'13" W.)

That airspace extending upward from the surface to and including 3,800 feet MSL within a 4.1-mile radius of Drake Field. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

ASW AR D Fort Smith, AR [Revised]

Fort Smith Municipal Airport, AR
(lat. 35°20'11" N., long. 94°22'03" W.)
Fort Smith VORTAC
(lat. 35°23'18" N., long. 94°16'17" W.)

That airspace extending upward from the surface to and including 3,000 feet MSL within a 5-mile radius of Fort Smith Municipal Airport and within 1.3 miles each

side of the 240° radial of the Fort Smith VORTAC extending from the 5-mile radius to 5.6 miles southwest of the airport excluding that airspace within Restricted Area R–2401B. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

ASW LA D Lake Charles, LA [Revised]

Lake Charles Regional Airport, LA
(lat. 30°07'33" N., long. 93°13'23" W.)
Lake Charles VORTAC
(lat. 30°08'29" N., long. 93°06'20" W.)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 5-mile radius of Lake Charles Airport and within 1.3 miles each side of the 256° radial of Lake Charles VORTAC extending from the 5-mile radius of 5.5 miles east of the airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airport/Facility Directory.

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ASW LA D Monroe, LA [Revised]

Monroe Regional Airport, LA
(lat. 32°30'40" N., long. 92°02'15" W.)
Monroe VORTAC
(lat. 32°31'01" N., long. 92°02'10" W.)

That airspace extending upward from the surface to and including 2,600 feet MSL within a 4.2-mile radius of Monroe Regional Airport and within 1.8 miles each side of the 063° radial of the Monroe VORTAC extending from the 4.2-mile radius to 4.6 miles northeast of the airport and within 1.8 miles each side of the 217° radial of the Monroe VORTAC extending from the 4.2-mile radius to 4.6 miles southwest of the airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airport/Facility Directory.

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ASW LA D New Orleans Lakefront Airport, LA [Revised]

New Orleans Lakefront Airport, LA
(lat. 30°02'33" N., long. 90°01'41" W.)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 4.4-mile radius of Lakefront Airport excluding that portion west of long. 90°04'04"W. This Class D airspace area is effective during the speciiic dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

ASW LA D New Orleans NAS Alvin Callender Field, LA [Revised]

New Orleans NAS Alvin Callender Field, LA
(lat. 29°49'31" N., long. 90°02'06" W.)
Harvey VORTAC
(lat. 29°51'01" N., long. 90°00'10" W.)
New Orleans NAS RBN
(lat. 29°49'05" N., long. 90°02'12" W.)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 4.7-mile radius of New Orleans NAS Alvin Callender Field and within 1.3 miles each side of the 228° radial of the Harvey VORTAC extending from the 4.7-mile radius to 5.6 miles southwest of the airport and within 1.3 miles each side of the 058° radial of the Harvey VORTAC extending from the 4.7-mile radius to 6 miles northeast of the airport and within 2 miles each side of the 198° bearing of the New Orleans NAS RBN extending from the 4.7-mile radius to 6.5 miles south of the airport excluding that airspace within the New Orleans, LA, Class B Airspace area. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airport/Facility Directory.

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ASW NM D Clovis, NM [Revised]

Clovis, Cannon AFB, NM
(lat. 34°22'58" N., long. 103°19'20" W.)
Cannon ILS Localizer
(lat. 34°22'24" N., long. 103°20'09" W.)
Cannon TACAN
(lat. 34°22'51" N., long. 103°19'21" W.)

That airspace extending upward from the surface to and including 6,800 feet MSL within a 4.6-mile radius of Cannon AFB and within 1 mile each side of the Cannon ILS localizer northeast course extending from the 4.6-mile radius to 4.8 miles northeast of the airport and within 1.3 miles each side of the 038° radial of the Cannon TACAN extending from the 4.6-mile radius to 4.8 miles northeast of the airport and within 1.3 miles each side of the 304° radial of the Cannon TACAN extending from the 4.6-mile radius to 5 miles northwest of the airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airport/Facility Directory.

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ASW NM D Farmington, NM [Revised]

Farmington, Four Corners Regional Airport, NM
(lat. 36°44'31" N., long. 108°13'47" W.)
Four Corners Regional ILS Localizer
(lat. 36°44'28" N., long. 108°14'27" W.)

That airspace extending upward from the surface to and including 8,000 feet MSL within a 4.7-mile radius of Four Corners Regional Airport and within 1 mile each side of the Four Corners Regional ILS Localizer east course extending from the 4.7-mile radius to 5.4 miles east of the airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airport/Facility Directory.

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ASW OK D Oklahoma City Wiley Post Airport, OK [Revised]

Oklahoma City Wiley Post Airport, OK
(lat. 35°32'03" N., long. 97°38'50" W.)

That airspace extending upward from the surface to and including 3,800 feet MSL within a 4.3-mile radius of Wiley Post Airport excluding that airspace within the Oklahoma City, Will Rogers Airport, OK, Class C airspace area. This Class D airspace area is effective during the specific dates and and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airport/Facility Directory.

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ASW TX D [Revised]

Beaumont-Port Arthur, Jefferson County Airport, TX
(lat. 29°57'03" N., long. 94°01'15" W.)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 5-mile radius of Jefferson County Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airport/Facility Directory.

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ASW TX D Brownsville, TX [Revised]

Brownsville/South Padre Island International Airport, TX
(lat. 25°54'25" N., long. 97°25'34" W.)
Brownsville VORTAC
(lat. 25°55'27" N., long. 97°22'32" W.)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 4.3-mile radius of Brownsville/South Padre Island International Airport and within 1.3 miles each side of the 071° radial of the Brownsville VORTAC extending from the 4.3-mile radius to 4.9 miles east of the airport excluding that airspace in Mexico. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airport/Facility Directory.

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ASW TX D College Station, TX [Revised]

College Station, Easterwood Field, TX
(lat. 30°35'19" N., long. 96°21'50" W.)
College Station VORTAC
(lat. 30°36'18" N., long. 96°25'14" W.)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 4.2-mile radius of Easterwood Field and within 2.1 miles each side of the 108° radial of the College Station VORTAC extending from the 4.2-mile radius to 5.9 miles east of the airport and within 1.3 miles each side of the 288° radial of the College Station VORTAC extending from the 4.2-mile radius to 5.3 miles northwest of the airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be

continuously published in the Airport/Facility Directory.

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ASW TX D Corpus Christi NAS, TX [Revised]

Corpus Christi NAS, TX
(lat. 27°42'01" N., long. 97°17'01" W.)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 4.3-mile radius of Corpus Christi NAS excluding that airspace within the Corpus Christi International Airport, TX, Class C airspace area. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airport/Facility Director.

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ASW TX D Laredo, TX [Revised]

Laredo International Airport, TX
(lat. 27°32'41" N., long. 99°27'41" W.)

That airspace extending upward from the surface to and including 3,000 feet MSL within a 4.3-mile radius of Laredo International Airport excluding that airspace in Mexico. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airport/Facility Directory.

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ASW TX D McAllen, TX [Revised]

McAllen, Miller International Airport, TX
(lat. 26°10'32" N., long. 98°14'19" W.)

That airspace extending upward from the surface to and including 2,600 feet MSL within a 4.1-mile radius of Miller International Airport excluding that airspace in Mexico. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airport/Facility Directory.

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ASW TX D San Angelo, TX [Revised]

San Angelo, Mathis Field, TX
(lat. 31°21'31" N., long. 100°29'45" W.)
San Angelo ILS Localizer
(lat. 31°21'49" N., long. 100°29'05" W.)
San Angelo VORTAC
(lat. 31°22'30" N., long. 100°27'18" W.)

That airspace extending upward from the surface to and including 4,400 feet MSL within a 4.1-mile radius of Mathis Field and within 1 mile each side of the San Angelo ILS localizer northeast course extending from the 4.1-mile radius to 5.3 miles northeast of the airport and within 1.3 miles each side of the 065° radial of the San Angelo VORTAC extending from the 4.1-mile radius to 6 miles northeast of the airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

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ASW TX D San Antonio Randolph AFB, TX [Revised]

San Antonio, Randolph AFB, TX
(lat. 29°31'47" N., long. 98°16'44" W.)

That airspace extending upward from the surface to and including 3,300 feet MSL within a 4.4-mile radius of Randolph AFB excluding that airspace within the San Antonio International Airport, TX, Class C airspace area. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

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ASW TX D Waco, TX [Revised]

Waco Regional Airport, TX
(lat. 31°36'42" N.,long. 97°13'44" W.)
Waco, TSTI–Waco Airport, TX
(lat. 31°38'17" N.,long. 97°04'27" W.)

That airspace extending upward from the surface to and including 3,000 feet MSL within a 4.5-mile radius of Waco Regional Airport and within a 4.4-mile radius of TSTI–Waco Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

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ASW TX D Wichita Falls, TX [Revised]

Wichita Falls, Sheppard AFB/Wichita Falls Municipal Airport, TX
(lat. 33°59'06" N.,long. 98°29'32" W.)
Wichita Falls ILS Localizer
(lat. 34°00'32" N.,long. 98°30'07" W.)

That airspace extending upward from the surface to and including 3,500 feet MSL within a 4.9-mile radius of Sheppard AFB/Wichita Fall Municipal Airport and within 1 mile each side of the Wichita Falls ILS Localizer northwest course extending from the 4.9-mile radius to 5.7 miles northwest of the airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter by continuously published in the Airport/Facility Directory.

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Paragraph 6002 Class E airspace areas designated as a surface area for an airport

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ASW AR E2 Fayetteville, AR [New]

Fayetteville, Drake Field, AR
(lat. 36°00'18" N.,long. 94°10'13" W.)

Within a 4.1-mile radius of Drake Field. This Class E airspace area is effective during the specific dates and times established in advanced by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

ASW AR E2 Forth Smith, AR [New]

Fort Smith Municipal Airport, AR
(lat. 35°20'11" N.,long. 94°22'03" W.)
Fort Smith VORTAC
(lat. 35°23'18" N.,long. 94°16'17" W.)

Within a 5-mile radius of Fort Smith Municipal Airport and within 1.3 miles each side of the 240° radial of the Fort Smith VORTAC extending from the 5-mile radius to 5.6 miles southwest of the airport excluding that airspace within Restricted Area R–2401B. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airport/Facility Directory.

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ASW LA E2 Lake Charles, LA [New]

Lake Charles Regional Airport, LA
(lat. 30°07'33" N.,long. 93°13'23" W.)
Lake Charles VORTAC
(lat. 30°08'29" N.,long. 93°06'20" W.)

Within a 5-mile radius of Lake Charles Airport and within 1.3 miles each side of the 256° radial of the Lake Charles VORTAC extending from the 5-mile radius to 5.5 miles east of the airport. This Class E airspace area is effective during the specific dates and time established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airport/Facility Directory.

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ASW LA E2 Monroe, LA [New]

Monroe Regional Airport, LA
(lat. 32°30'40" N.,long. 92°02'15" W.)
Monroe VORTAC
(lat. 32°31'01" N.,long. 92°02'10" W.)

Within a 4.2-mile radius of Monroe Regional Airport and within 1.8 miles each side of the 063° radial of the Monroe VORTAC extending from the 4.2-mile radius to 4.6 miles northeast of the airport and within 1.8 miles each side of the 217°radial of the Monroe VORTAC extending from the 4.2-mile radius to 4.6 miles southwest of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airport/Facility Directory.

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ASW LA E2 New Orleans Lakefront Airport, LA [New]

New Orleans Lakefront Airport, LA
(lat. 30°02'33" N.,long. 90°01'41" W.)

Within a 4.4-mile radius of Lakefront Airport excluding that portion west of long. 90°04'03"W. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airport/Facility Directory.

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ASW LA E2 New Orleans NAS Alvin Callender Field, LA [NEW]

New Orleans NAS Alvin Callender Field, LA
(lat. 29°49'31" N., long. 90°02'06" W.)
Harvey VORTAC

(lat 29°51'01" N., long. 90°00'10" W.)
New Orleans NAS RBN
(lat. 29°49'05" N., long. 90°02'12" W.)

Within a 4.7-mile radius of New Orleans NAS Alvin Callender Field and within 1.3 miles each side of the 228° radial of the Harvey VORTAC extending from the 4.7-mile radius to 5.6 miles southwest of the airport and within 1.3 miles each side of the 058° radial of the Harvey VORTAC extending from the 4.7-mile radius to 6 miles northeast of the airport and within 2 miles each side of the 198° bearing of the New Orleans NAS RBN extending from the 4.7-mile radius to 6.5 miles south of the airport excluding that airspace within the New Orleans, LA, Class B Airspace area. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

ASW NM E2 Clovis, NM [New]

Clovis, Cannon AFB, NM
(lat. 34°22'58" N., long. 103°19'20" W.)
Cannon ILS Localizer
(lat. 34°22'24" N., long. 103°20'09" W.)
Cannon TACAN
(lat. 34°22'51" N., long. 103°19'21" W.)

Within a 4.6-mile radius of Cannon AFB and within 1 mile each side of the Cannon ILS localizer northeast course extending from the 4.6-mile radius to 4.8 miles northeast of the airport and within 1.3 miles each side of the 038° radial of the Cannon TACAN extending from 4.6-mile radius to 4.8 miles northeast of the airport and within 1.3 miles each side of the 304° radial of the Cannon TACAN extending from the 4.6-mile radius to 5 miles northwest of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

ASW NM E2 Farmington, NM [New]

Farmington, Four Corners Regional Airport, NM
(lat. 36°44'31" N., long. 108°13'47" W.)
Four Corners Regional ILS Localizer
(lat. 36°44'28" N., long. 108°14'27" W.)

Within a 4.7-mile radius of Four Corners Regional Airport and within 1 mile each side of the Four Corners Regional ILS Localizer east course extending from the 4.7-mile radius to 5.4 miles east of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

ASW OK E2 Oklahoma City Wiley Post Airport, OK [New]

Oklahoma City Wiley Post Airport, OK
(lat. 35°32'03" N., long. 97°38'50" W.)

Within a 4.3-mile radius of Wiley Post Airport excluding that airspace within the Oklahoma City, Will Rogers Airport, OK, Class C airspace area. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

ASW TX E2 Beaumont, TX [New]

Beaumont-Port Arthur, Jefferson County Airport, TX
(lat. 29°57'03" N., long. 94°01'15" W.)

Within a 5-mile radius of Jefferson County Airport. this Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

ASW TX E2 Brownsville, TX [New]

Brownsville/South Padre Island International Airport, TX
(lat. 25°54'25" N., long. 97°25'34" W.)
Brownsville VORTAC
(lat. 25°55'27" N., long. 97°22'32" W.)

Within a 4.3-mile radius of Brownsville/South Padre Island International Airport and within 1.3 miles each side of the 071° radial of the Brownsville VORTAC extending from the 4.3-mile radius to 4.9 miles east of the airport excluding that airspace in Mexico. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continously published in the Airport/Facility Directory.

* * * * *

ASW TX E2 College Station, TX [New]

College Station, Easterwood Field, TX
(lat. 30°35'19" N., long. 96°21'50" W.)
College Station VORTAC
(lat. 30°36'18" N., long. 96°25'14" W.)

Within a 4.2-mile radius of Easterwood Field and within 2.1 miles each side of the 108° radial of the College Station VORTAC extending from the 4.2 mile radius to 5.9 miles east of the airport and within 1.3 miles each side of the 288° radial of the College Station VORTAC extending from the 4.2-mile radius to 5.3 miles northwest of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

ASW TX E2 Corpus Christi NAS, TX [New]

Corpus Christi NAS, TX
(lat. 27°42'01" N., long. 97°17'01" W.)

Within a 4.3-mile radius of Corpus Christi NAS excluding that airspace within the Corpus Christi International Airport, TX, Class C airspace area. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

ASW TX E2 Laredo, TX [New]

Laredo International Airport, TX
(lat. 27°32'41" N., long. 99°27'41" W.)

Within a 4.3-mile radius of Laredo International Airport excluding that airspace in Mexico. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

ASW TX E2 McAllen, TX [New]

McAllen, Miller International Airport, TX
(lat. 26°10'32" N., long. 98°14'19" W.)

Within a 4.1-mile radius of Miller International Airport excluding that airspace in Mexico. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

ASW TX E2 San Angelo, TX [New]

San Angelo, Mathis Field, TX
(lat. 31°21'31" N., long. 100°29'45" W.)
San Angelo ILS Localizer
(lat. 31°21'49" N., long. 100°29'05" W.)
San Angelo VORTAC
(lat. 31°22'30" N., long. 100°27'18" W.)

Within a 4.1-mile radius of Mathis Field and within 1 mile each side of the San Angelo ILS localizer northeast course extending from the 4.1-mile radius to 5.3 miles northeast of the airport and within 1.3 miles each side of the 065° radial of the San Angelo VORTAC extending from the 4.1-mile radius to 6 miles northeast of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

ASW TX E2 San Antonio, Randolph AFB, TX [New]

San Antonio, Randolph AFB, TX
(lat. 29°31'47" N., long. 98°16'44" W.)

Within a 4.4-mile radius of Randolph AFB excluding that airspace within the San Antonio International Airport, TX, Class C airspace area. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

ASW TX E2 Waco, TX [New]

Waco Regional Airport, TX
(lat. 31°36'42" N., long. 97°13'44" W.)
Waco, TSTI-Waco Airport, TX
(lat. 31°38'17" N., long. 97°04'27" W.)

Within a 4.5-mile radius of Waco Regional Airport and within a 4.4-mile radius of TSTI-Waco Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will

thereafter be continuously published in the Airport/Facility Directory.

* * * * *

ASW TX E2 Wichita Falls, TX [New]

Wichita Falls, Sheppard AFB/Wichita Falls Municipal Airport, TX
(lat. 33°59'06" N., long. 98°29'32" W.)
Wichita Falls, ILS Localizer
(lat. 34°00'32" N., long. 98°30'07" W.)

Within a 4.9-mile radius of Sheppard AFB/Wichita Falls Municipal Airport and within 1 mile each side of the Wichita Falls ILS Localizer northwest course extending from the 4.9-mile radius to 5.7 miles northwest of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Fort Worth, TX, on May 4, 1994.

James A. Caudle,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 94–11403 Filed 5–10–94; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 94–ASW–06]

Modification of Class D Airspace: Austin, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This action modifies the Class D airspace area at Austin, TX, by amending the areas' effective hours to coincide with the associated control tower's hours of operation. The intended effect of this action is to clarify when two-way radio communication with this air traffic control tower is required.

DATES: *Effective date:* 0901 UTC, June 23, 1994.

Comment date: Comments must be received on or before June 16, 1994.

ADDRESSES: Send comments on the rule in triplicate to Manager, System Management Branch, Air Traffic Division, Southwest Region, Docket No. 94–ASW–06, Department of Transportation, Federal Aviation Administration, Forth Worth, TX 76193–0530.

The official docket may be examined in the Office of the Assistant Chief Counsel, Southwest Region, Federal Aviation Administration, 2601 Meacham Boulevard, Forth Worth, TX, between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the System Management Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, 2601 Meacham Boulevard, Forth Worth, TX.

FOR FURTHER INFORMATION CONTACT: Alvin DeVane, System Management Branch, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Forth Worth, TX 76193–0530; telephone: (817) 222–5595.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is a final rule, and was not preceded by notice and public procedure, comments are invited on the rule. This rule will become effective on the date specified in the "DATES" section. However, after the review of the comments, and, if the FAA finds that further changes are appropriate, it will initiate rulemaking proceedings, extend the effective date of the rule or to amend the regulation.

Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule, and in determining whether additional rulemaking is required. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the rule that might suggest the need to modify the rule.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) modifies the Class D airspace area at Austin, TX by amending the areas' effective hours to coincide with the associated control tower's hours of operation. Prior to Airspace Reclassification, an airport traffic area (ATA) and a control zone (CZ) existed at this airport. However, Airspace Reclassification, effective September 16, 1993, discontinued the use of the term "airport traffic area" and "control zone," replacing them with the designation "Class D airspace." The former CZ was continuous, while the former ATA was contingent upon the operation of the air traffic control tower. The consolidation of the ATA and CZ into a single Class D airspace designation makes it necessary to modify the effective hours of the Class D airspace to coincide with the control tower's hours of operation. The intended effect of this action is to clarify when two-way radio communication with this air traffic control tower is required.

The coordinates for this airspace docket are based on North American Datum 83. Class D airspace designations are published in Paragraphs 5000 of FAA Order 7400.9A dated June 17, 1993, and effective September 16, 1993, which is incorporated by reference in 14 CFR 71.1 (58 FR 36298; July 6, 1993). The Class D airspace designations listed in this document will be published subsequently in the Order. Under the circumstances presented, the FAA concludes that there is an immediate need to modify this Class D airspace area in order to promote the safe and efficient handling of air traffic in these areas. Therefore, I find that notice and public procedures under 5 U.S.C. 553(b) are impracticable and contrary to the public interest.

The FAA has determined that this regulation only involves an established body of technical regulations that need frequent and routine amendments to keep them operationally current. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

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

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 94–24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9A, Airspace Designations and Reporting Points, dated June 17, 1993, and effective September 16, 1993, is amended as follows:

Paragraph 5000 General

* * * * *

ASW TX D Austin Bergstrom AFB, TX [Revised]

Austin, Bergstrom AFB, TX
(lat. 30°11'42" N., long. 97°40'37" W.)
Bergstrom ILS Localizer
(lat. 30°13'01" N., long. 97°40'46" W.)
Bergstrom TACAN
(lat. 30°11'51" N., long. 97°40'59" W.)

That airspace extending upward from the surface to and including 3,000 feet MSL within a 4.6-mile radius of Bergstrom AFB and within 1 mile each side of the Bergstrom ILS localizer south course extending from the 4.6-mile radius to 5 miles south of the airport and within 1.3 miles each side of the 170° radial of the Bergstrom TACAN extending from the 4.6-mile radius to 5 miles south of the airport excluding that airspace within the Austin, Robert Mueller Municipal Airport, TX, Class C airspace area. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Fort Worth, TX, on May 4, 1994.

James A. Caudle,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 94-11402 Filed 5-10-94; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8476; TD 8425]

RIN 1545-AR05; 1545-AP09; 1545-AJ63

Arbitrage Restrictions on Tax-Exempt Bonds; Information Reporting for Tax-Exempt Bond Issues; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the final regulations (TD 8476, and TD 8425), which were published in the **Federal Register** for Friday, June 18, 1993 (58 FR 33510) and Wednesday, August 12, 1992 (57 FR 36001), respectively. The final regulations relate to the arbitrage and related restrictions applicable to tax-exempt bonds issued by State and local governments; and information reporting requirements for tax-exempt bonds.

EFFECTIVE DATES: Sections 1.148-3 and 1.148-10 are effective on July 1, 1993. Section 1.149(e)-1 is effective on August 12, 1992.

FOR FURTHER INFORMATION CONTACT: William P. Cejudo, (202) 622-3980 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these correcting amendments are under sections 148 and 149 of the Internal Revenue Code.

Need for Correction

As published, TD 8476 and TD 8425 contains errors that may prove to be misleading and are in need of clarification.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

PART 1—[AMENDED]

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendments:

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

Authority: 26 U.S.C. 7805 * * *

Par. 2. Section 1.148-3 is amended as follows:

1. Revise *Example 1* of paragraph (j).
2. Add paragraph (iii)(D) to *Example 2* of paragraph (j).

§ 1.148-3 General arbitrage rebate rules.

* * * * *

(j) * * *

Example 1. Calculation and payment of rebate for a fixed yield issue. (i) *Facts.* On January 1, 1994, City *A* issues a fixed yield issue and invests all the sale proceeds of the issue ($49 million). There are no other gross proceeds. The issue has a yield of 7.0000 percent per year compounded semiannually (computed on a 30 day month/360 day year basis). City *A* receives amounts from the investment and immediately expends them for the governmental purpose of the issue as follows:

Date	Amount
2/1/94	$3,000,000
5/1/94	5,000,000
1/1/95	5,000,000
9/1/95	20,000,000
3/1/96	22,000,000

(ii) *First computation date.* (A) City *A* chooses January 1, 1999, as its first computation date. This date is the latest date that may be used to compute the first required rebate installment payment. The rebate amount as of this date is computed by determining the future value of the receipts and the payments for the investment. The compounding interval is each 6-month (or shorter) period and the 30 day month/360 day year basis is used because these conventions were used to compute yield on the issue. The future value of these amounts, plus the computation credit, as of January 1, 1999, is:

Date	Receipts (payments)	FV (7.0000 percent)
1/1/94	($49,000,000)	($69,119,339)
2/1/94	3,000,000	4,207,602
5/1/94	5,000,000	6,893,079
1/1/95	5,000,000	6,584,045
1/1/95	(1,000)	(1,317)
9/1/95	20,000,000	25,155,464
1/1/96	(1,000)	1,229)
3/1/96	22,000,000	26,735,275
1/1/97	(1,000)	(1,148)
Rebate amount (1/01/99)		452,432

(B) City *A* pays 90 percent of the rebate amount ($407,189) to the United States within 60 days of January 1, 1999.

(iii) *Second computation date.* (A) On the next required computation date, January 1, 2004, the future value of the payments and receipts is:

Date	Receipts (payments)	FV (7.0000 percent)
1/1/99	$452,432	$638,200
Rebate amount (1/01/04)		638,200

(B) As of this computation date, the future value of the payment treated as made on January 1, 1999, is $574,380, which equals at least 90 percent of the rebate amount as of this computation date ($638,200 × 0.9), and thus no additional rebate payment is due as of this date.

(iv) *Final computation date.* (A) On January 1, 2009, City *A* redeems all the bonds, and thus this date is the final computation date. The future value of the receipts and payments as of this date is:

Date	Receipts (payments)	FV (7.0000 percent)
1/1/04	$638,200	$900,244
1/1/09	(1,000)	(1,000)
Rebate amount (1/01/09)		899,244

(B) As of this computation date, the future value of the payment made on January 1, 1999, is $810,220 and thus an additional rebate payment of $89,024 is due. This payment reflects the future value of the 10 percent unpaid portion, and thus would not be owed had the issuer paid the full rebate amount as of any prior computation date.

Example 2. Calculation and payment of rebate for a variable yield issue. * * *

(iii) * * *

(D) If the yield during the second computation period were, instead, 7.0000 percent, the rebate amount computed as of July 1, 1999, would be $1,320,891. The future value of the payment made on July 1, 1999, would be $1,471,007, and, therefore, City B would have overpaid the rebate amount by $150,116.

* * * * *

Par. 3. Section 1.148–10(d) is amended by revising the ninth and tenth sentence of *Example 1* as follows:

§ 1.148–10 Anti-abuse rules and authority of Commissioner.

* * * * *

(d) * * *

Example 1. * * * The Bank note and the 1994 issue have different prepayment terms. The City does not reasonably expect to treat prepayments of the Bank note as gross proceeds of the 1994 issue. * * *

* * * * *

Par. 4. Section 1.149(e)–1 is amended by revising paragraphs (e)(3)(i) and (e)(4) as follows:

§ 1.149(e)–1 Information reporting requirement for tax-exempt bonds.

* * * * *

(e) * * *

(3) * * *

(i) *Bond.* The date of issue of a bond is determined under § 1.150–1.

* * * * *

(4) *Issue price.* The term "issue price" has the same meaning given the term under § 1.148–1(b).

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 94–11219 Filed 5–6–94; 9:52 am]

BILLING CODE 4830–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 55

[FRL–4883–9]

Outer Continental Shelf Air Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing its decision not to change the corresponding onshore area ("COA") designations for outer continental shelf ("OCS") platforms Habitat, Henry, Hillhouse, Houchin, Hogan, and Union A, B, and C (collectively, the "OCS platforms"). This decision on the reconsideration proceeding was proposed in the **Federal** Register on November 19, 1993. Pursuant to petitions filed by Unocal and Ventura, the reconsideration proceeding was convened on March 16, 1993 to determine whether the COA for the OCS platforms should be changed to the Ventura County Air Pollution Control District ("Ventura County APCD" or "VCAPCD"). The COA for these platforms is currently the Santa Barbara County Air Pollution Control District ("Santa Barbara County APCD" or "SBCAPCD") as established in the final OCS rule promulgated September 4, 1992. The intended effect of this document is to finalize the designation of the Santa Barbara County APCD as the COA for the OCS platforms so that the sources can comply with the OCS air regulations (40 CFR part 55) by the September 4, 1994 compliance date.

EFFECTIVE DATE: This action is effective on June 10, 1994.

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:

U.S. Environmental Protection Agency, Region 9, Air and Toxics Division, 75 Hawthorne Street, San Francisco, CA 94105.

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, Rulemaking Section (A–5–3), Air and Toxics Division, 75 Hawthorne Street, San Francisco, CA 94105. (415) 744–1197.

SUPPLEMENTARY INFORMATION:

Background

On September 4, 1992, EPA promulgated the OCS rule (40 CFR part 55) in the **Federal Register** pursuant to section 328 of the Clean Air Act (the "Act"). (57 FR 40792). The OCS rule 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 United States except for those located in the Gulf of Mexico west of 87.5 degrees longitude. The Act requires new OCS sources (as defined in section 111(a)) to comply with the OCS rule immediately upon promulgation, and existing sources to comply 24 months thereafter, or by September 4, 1994.

Pursuant to section 328, the requirements for sources located within 25 miles of a state's seaward boundary must be the same as would be applicable if the sources were located in the COA. The Administrator designated the nearest onshore area ("NOA") as the COA for all existing and proposed sources offshore of California in the preamble to the final rule.[1] If an area other than the NOA desires to become the COA, that area must submit a request and make a demonstration pursuant to 40 CFR 55.5.

On November 2 and 3, 1992, Union Oil Company of California, Pacific Operators, Inc. d.b.a. Pacific Operators Offshore, Inc., and Texaco Exploration and Production Inc. (collectively, "Unocal") and the Ventura County APCD filed petitions for reconsideration with EPA, asking EPA to reconsider the COA designations for the OCS platforms Habitat, Henry, Hillhouse, Houchin, Hogan, and Union A, B, and C. The Ventura County APCD and Unocal also filed petitions for review in the Courts of Appeal for the District of Columbia and the Ninth Circuits, but these cases have been stayed pending EPA's review of their petitions for reconsideration.[2]

EPA granted the parties' requests for reconsideration on March 16, 1993. The parties agreed to a June 15, 1993 deadline for the submittal of a stringency analysis and any other relevant data by the Ventura County APCD and the Santa Barbara County APCD. Rules applicable to OCS sources that were already adopted by both the Ventura and Santa Barbara County APCDs as of September 4, 1992, the date of the OCS rule promulgation and the version of the rule to which the petition pertains, were to be used for the stringency comparison. EPA encouraged the parties to work together to reach consensus on as many issues as possible. The Santa Barbara County APCD agreed to submit any issues and information to EPA by June 15, as opposed to after EPA's proposal, to facilitate a timely resolution. On June 15, 1993, both the Ventura County APCD and the Santa Barbara APCD submitted the relevant information to EPA.

Pursuant to § 55.5 (b), the chief executive officer of an APCD, such as the Ventura County APCD, who believes that the District has more stringent air pollution control requirements than the NOA for a proposed OCS source, may submit a request to EPA for the APCD

[1] The COA designations were codified on March 16, 1993. 58 FR 14157.

[2] *Ventura County Air Pollution Control District* v. *U.S. EPA*, No. 92–1572 (D.C. Cir. Nov. 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. 21, 1992); *Union Oil Co.* v. *U.S. EPA*, No. 70727 (9th Cir. Nov. 3, 1992). In addition, the Santa Barbara County APCD filed a petition for review of the OCS rule in the Court of Appeals for the District of Columbia, *Santa Barbara County Air Pollution Control District* v. *EPA*, No. 92–1569 (D.C. Cir Nov. 2, 1992), and intervened in the four Unocal and Ventura County APCD actions.

to be designated as the COA. The Ventura County APCD submitted such a request for the OCS platforms at issue. In order to substantiate its request, the Ventura County APCD, not being the NOA, must make a demonstration that: (1) The Ventura County APCD has more stringent requirements with respect to the control and abatement of air pollution than the Santa Barbara County APCD; (2) the emissions from the OCS platforms are or would be transported to the Ventura County APCD; and (3) the transported emissions would affect the Ventura County APCD's effort to attain or maintain a Federal or state ambient air quality standard or to comply with the requirements of part C of title I of the Act, taking into account the effect of air pollution control requirements that would be imposed if the Santa Barbara County APCD were designated as the COA. § 55.5(b)(2).

EPA examined the material submitted by the Ventura County APCD and the Santa Barbara County APCD regarding EPA's COA designation for the OCS platforms at issue. The submittal was evaluated on a rule by rule basis comparing the rules' requirements, standards, and exemptions. A copy of this evaluation is contained in the Technical Support Document (TSD) dated September 24, 1993. In response to comments, EPA has prepared a supplement to the TSD dated February 23, 1994. After review of the submitted analyses, EPA determined that Ventura County did not demonstrate that the Ventura County APCD's requirements are more stringent with respect to the control of air pollutants than those of the Santa Barbara County APCD. For this reason, EPA is finalizing the decision not to change the OCS platform COA designations.

Response to Public Comments

A 30-day public comment period was provided in the proposed action to deny Ventura APCD's request to be designated the COA. 58 FR 61041. EPA received comments from the Ventura County APCD, the Santa Barbara County APCD, Pacific Operators Offshore, Inc. and Unocal. These comments and the responses are summarized below:

1. Ground Rules To Be Used for the Stringency Analysis

1–1. Comment: EPA violated and ignored its own established ground rules for the stringency determination by relying on Santa Barbara's interpretation of Rule 331. EPA established ground rules for the stringency analysis that among other things established the requirement that actual rule language must be used to determine which agencies' rules would result in greater emission reductions, and that innovative interpretations would not be allowed.

Response: EPA disagrees that it violated established ground rules for the analysis. EPA established the following requirements for the reconsideration proceedings: (1) The criteria outlined in 40 CFR 55.5 must be used; and (2) the date of September 4, 1992 should be used for rule comparisons.

Section 55.5 states that the area requesting to be designated the COA in place of the NOA must demonstrate that:

a. The area has more stringent requirements with respect to the control and abatement of air pollution than the NOA;

b. The emissions from the source are or would be transported to the requesting area; and

c. The transported emissions would affect the requesting area's efforts to attain or maintain a Federal or state ambient air quality standard or to comply with the requirements of part C of title I of the Act, taking into account the effect of air pollution control requirements that would be imposed if the NOA were designated as the COA.

At the request of the Ventura County APCD, EPA Region 9 hosted a meeting of interested parties on March 4, 1993. EPA reiterated at that time the 3 regulatory criteria of § 55.5 that Ventura County must meet to have the Ventura County APCD designated the COA for the eight (8) platforms in question. Other issues discussed included:

(1) The rules to be evaluated in the stringency comparison would be those adopted by the Districts as of September 4, 1992 (the rules actually on the books at the time of promulgation). EPA did not impose any requirements that limited the stringency analysis to a rule's "actual language" and the issue of regulatory interpretation was not discussed.

(2) The inclusion/exclusion of modifications, proposed modifications, and future/hypothesized modifications was discussed.

(3) Ventura County and Santa Barbara County APCDs were to reach an agreement on workable emission factors.

(4) A schedule was discussed for gathering and submitting the necessary information for the reconsideration.

In conclusion, EPA set only 2 "ground rules": the criteria of 40 CFR 55.5 must be used, and rules adopted by the Districts as of September 4, 1992 should be compared. There was no requirement limiting the stringency analysis to a rule's actual language.

1–2. Comment: EPA selected a cut off date for rule comparison which coincided with the promulgation of the final rule, September 4, 1992. By fixing this date instead of the December 5, 1991 promulgation of the proposed rule additional Santa Barbara County rules qualified for inclusion in the stringency analysis.

Response: The parties asked EPA which date should be used for the stringency analysis. EPA set September 4, 1992. This date was not chosen to include or exclude specific rules but rather was chosen because it was the date of promulgation of the final OCS rule. Neither party objected to that date at the time it was selected. If the December 5, 1991 date had been chosen, the following rule revisions from both districts would not have been included:

SBCAPCD:

Rule 331, Fugitive Emissions Inspection and Maintenance (Adopted 12/10/91)

Rule 333, Control of Emissions from Reciprocating Internal Combustion Engines (Adopted 12/10/91)

VCAPCD:

Rule 71.1, Crude Oil Production and Separation (Adopted 6/16/92)

Rule 74.10, Components at Crude Oil and Natural Gas Production Processing Facilities (Adopted 6/16/92)

2. Quantification of Emissions

2–1. Comment: EPA failed to quantify emissions reductions. The basis of EPA's analysis is simply a rule by rule comparison between the Santa Barbara and Ventura County rules, versus an analysis on a platform by platform basis that shows actual emission reductions.

Response: Neither section 328 of the Act nor 40 CFR 55.5 requires EPA to specifically quantify emission reductions. Pursuant to 40 CFR 55.5, VCAPCD had to demonstrate that: (1) It had more stringent air pollution requirements than SBCAPCD; (2) the emissions from the source are or would be transported to VCAPCD; and (3) the transported emissions would affect the VCAPCD's effort to attain or maintain a Federal or state ambient air quality standard or to comply with the requirements of part C of title I of the Act, taking into account the effect of air pollution control requirements that would be imposed if the NOA were designated as the COA.

EPA received a stringency analysis from VCAPCD and SBCAPCD, and reviewed both of the submittals in detail. After review of the Districts' submittals, EPA conducted an independent rule analysis that compared the rules' standards, requirements, and exemptions to determine if VCAPCD's requirements were more stringent than SBCAPCD.

EPA also requested SBCAPCD to submit additional information on its Rule 331, and provided VCAPCD an opportunity to also submit additional information on SBCAPCD Rule 331. Based on its independent rule analysis, EPA concluded that for all the requirements found to be applicable by VCAPCD, none were more stringent than the SBCAPCD. As a result of EPA's conclusion that VCAPCD's requirements were not more stringent, it was not necessary in this case for EPA to quantify emission reductions at each platform.

2–2. Comment: EPA did not quantify emission differences in real terms between the districts' fugitive emissions and architectural coatings rules.

Response: As stated above, because EPA found the VCAPCD's rules were not more stringent than SBCAPCD's rules when comparing each element of the rules, a further quantitative analysis was not required. A detailed analysis of both Districts' fugitive emissions rules is included in the TSD. In response to comments, EPA again reviewed the exemption provisions of the Districts' fugitive emissions rules and concluded that VCAPCD's inspection requirements, leak thresholds, and exemptions are not more stringent than SBCAPCD's fugitive emission rule. Therefore, VCAPCD's rule would not have resulted in greater reductions.

VCAPCD's analysis found that there is no difference in the Districts' architectural coatings rules. Although EPA's rule comparison showed the rules are substantiallly similar, SBCAPCD has lower limits for some coatings. Based on this analysis, EPA properly determined that the VCAPCD rules are not more stringent. EPA did not need to quantify the difference in reductions to make that determination.

3. Santa Barbara County APCD Rule 331–Fugitive Emissions Inspection and Maintenance

3–1. Comment: EPA erred in adopting Santa Barbara's administrative interpretation of the scope of the application of Rule 331, Fugitive Emissions Inspection and Maintenance.

Response: EPA received opposing interpretations of SBCAPCD's rule 331 in the initial analyses submitted by the Districts. First, VCAPCD contended that SBCAPCD's Rule 331 does not cover venting of emissions; and second, SBCAPCD interpreted its rule to cover venting. EPA requested that SBCAPCD support its interpretation, and on August 30, 1993, the Santa Barbara County Counsel submitted an interpretation of Rule 331 on behalf of the SBCAPCD. On September 9, 1993, the Ventura County Counsel submitted a different interpretation of the rule on behalf of the VCAPCD. After careful consideration of the two positions, EPA determined that SBCAPCD's interpretation of its own rule was reasonable and consistent with the Act, and therefore, concluded that deference to Santa Barbara's reasonable interpretation of its own rule was appropriate.

3–2. Comment: The TSD failed to mention the letter from Ventura County Counsel on behalf of the Ventura County APCD, explaining why EPA should not and need not follow Santa Barbara's interpretation.

Response: Failure to mention Ventura County Counsel's letter in the TSD was simply an oversight. It was, however, included in the docket upon its receipt. Moreover, as stated above, EPA carefully reviewed the letter from Ventura County Counsel. EPA decided to defer to SBCAPCD's interpretation of Rule 331 because it was consistent with the language of the rule and the Act, and was a reasonable interpretation.

3–3. Comment: If Rule 331 has the ability to regulate venting as claimed by Santa Barbara County Counsel, why is the SBCAPCD currently seeking the adoption of Rule 325 (which states "emissions of produced gas shall be controlled at all times")?

Response: EPA does not know the District's intentions. However, Federal, state, and local agencies often revise existing rules and adopt new provisions to clarify the intent of the existing rules. In any event, the critical issue is whether VCAPCD has shown that its rules are more stringent than SBCAPCD's rules. Based on EPA's analysis, as reflected in the response to comments, VCAPCD did not make such a showing.

3–4. Comment: In EPA's TSD, EPA concludes that VCAPCD's exemption provisions in its fugitive emissions rule appear to be more stringent than SBCAPCD's rule exemption requirements (i.e. the VCAPCD provision would result in greater emission reductions). This is not the case. SBCAPCD's fugitive emissions rule allows fewer components to be exempt than Ventura's rule. In addition, exempted components are still subject to other control requirements of SBCAPCD Rule 331 (e.g., capping of open-ended lines, repair of leakers, leak threshold requirements) while components exempted under Ventura Rule 74.10 are exempted from all rule requirements.

Response: The commenter is correct. The TSD should have read that VCAPCD's rule's exemption requirements do not appear to be more stringent than the provisions in SBCAPCD's rule. The supplemental TSD has been revised to reflect this correction.VCAPCD's rule's exemption requirements do not control as many components and thus are not more stringent than the provisions in SBCAPCD's rule.

VCAPCD's Rule 74.10 exempts:

(1) Components, not at natural gas processing plants, with gaseous streams with ROC concentrations of 12% by weight or less.

(2) Any component at a natural gas processing plant with gaseous streams with ROC concentrations, less the ethane concentration, equal to or less than 1% by weight.

(3) Components, except for components at natural gas processing plants, in liquid service, with ROC concentrations of 12% by weight or less.

SBCAPCD's Rule 331 exempts:

(1) Components exclusively handling natural gas. (Natural gas by the District's rule definition is a mixture of gaseous hydrocarbons, with at least 80 percent methane, and less than one percent of ROC, on a weight basis, excluding ethane, determined according to specified test methods.)

(2) Components buried below ground.

(3) One-half inch and smaller stainless steel tube fittings which have been determined to be leak-free by the Control Officer based on an initial inspection in accordance with the test method section.

3–5. Comment: The exemption element of the fugitive emission rules may be the most significant element of the rule since that determines whether the rules apply at all.

Response: As stated and outlined above, the exemptions in both Districts' fugitive emissions rules were thoroughly evaluated.

3.6. Comment: EPA seemingly gives the edge to Santa Barbara's fugitive hydrocarbon emission rule even though Ventura's rule results in a greater reduction of approx. 67 tons per year (t/y) ROC (reactive organic compounds).

Response: The commenter misstates the conclusion of VCAPCD's stringency submittal. The 67 t/y difference was not based on this one rule; rather the VCAPCD stringency submittal contained a comparative analysis of all VCAPCD and SBCAPCD requirements and stated that application of all of VCAPCD's rules would result in a reduction of 67 t/y more than application of the SBCAPCD rules. However, when evaluating individual rules such as VCAPCD's fugitive emissions rule

against SBCAPCD's fugitive emissions rule, EPA concluded that SBCAPCD's rule has more stringent requirements for inspection practices, leak thresholds, and exemptions, and would not result in less emission reductions than VCAPCD's rule.

4. Marine Loading Rule

4–1. Comment: EPA neglected to recognize that the difference in VOC emission reductions caused by the difference between Ventura and Santa Barbara marine vessel loading requirements is insignificant (0.07 tons per year) when compared to the overall difference in VOC emissions found when all Ventura and Santa Barbara requirements are compared (67.4 tons per year).

4–2. Comment: A simplistic comparison of rule language will bias the results if equal weight is given to both insignificant and significant rules. EPA apparently gives Santa Barbara full credit for having a marine loading rule in place, yet the rule only results in a reduction of 0.07 t/y ROC.

Response: EPA evaluated the marine vessel loading requirements because VCAPCD included a review of those requirements in the stringency analysis. EPA analyzed all rules submitted to it by VCAPCD and SBCAPCD. If this requirement and the reductions from this requirement are not significant, VCAPCD could have omitted it from its stringency analysis.

According to VCAPCD's analysis, a marine loading rule would apply to OCS sources. Moreover, SBCAPCD has a marine loading rule but VCAPCD does not. EPA's evaluation showed that SBCAPCD's marine loading rule did apply to OCS sources and VCAPCD did not have a marine loading rule. Therefore, for sources subject to the marine loading rule, VCAPCD's requirements are not more stringent.

As stated in response to comment 2–1, EPA did not attach "credit" or "weight" to the rules. The analyses submitted by both VCAPCD and SBCAPCD were reviewed in detail by comparing the rules' standards, requirements, and exemptions, which allowed EPA to determine which District's requirements are more stringent. Since EPA determined that none of Ventura's rules evaluated were more stringent, there was no need to assign credit or weight to the rules.

5. Oil Drilling Operations

5–1. Comment: EPA disregarded Ventura's application of its oilfield drilling requirements to drilling engines while they are being used for operations that are not specifically listed in the rule's definition of "Drilling Operations."

Response: EPA has re-evaluated this issue by consulting with VCAPCD, Texaco, and Pacific Operators Offshore, Inc. on the type of drilling rigs on platforms Habitat, Hogan, and Houchin. After consultation and review of the types of drilling rigs on the platforms, EPA concluded that the drilling rigs in question were defined as vehicular rigs and would not be subject to VCAPCD Rule 74.16 by definition.

5–2. EPA gives Santa Barbara full credit for a stricter architectural coating rule without investigating if such coatings are actually used, yet denies Ventura credit for a more restrictive diesel internal combustion (I.C.) engine rule because, in EPA's opinion, there are currently no drilling activities offshore which could be regulated under Ventura's rule. In our opinion, this biased mistreatment demonstrates the need to return to a quantification method of comparing rules.

Response: There was no "biased mistreatment." EPA evaluated all the information contained in VCAPCD's stringency analysis. First, the architectural coatings rule was listed in VCAPCD's analysis as an applicable requirement. EPA reviewed that requirement and determined that although VCAPCD's stringency analysis stated VCAPCD and SBCAPCD rules are equivalent, SBCAPCD's rule has lower limits for some coatings.

Second, the Stationary Internal Combustion Engines rule and Oilfield Drilling Operations rule were listed in VCAPCD's analysis as applicable requirements. EPA reviewed the requirements and determined that the Stationary I.C. Engines rule does apply but the Oilfield Drilling Operations rule did not apply. VCAPCD's analysis listed two rules applicable to diesel I.C. engines: a) 74.9, Stationary Internal Combustion Engines and b) 74.16, Oilfield Drilling Operations.

According to VCAPCD's analysis, Rule 74.9 does not set emission limits for diesel engines (non-drilling), while SBCAPCD's Rule 333 (Control of Emissions from Reciprocating Internal Combustion Engines) limits NOx emissions from diesel engines (non-drilling) to 797 ppmV (corrected to 15% oxygen). All other requirements in the rules are equivalent.

VCAPCD's analysis also states that if Rule 74.16 (Oilfield Drilling Operations) was applied, greater reductions would be achieved when compared to SBCAPCD's Rule 333. VCAPCD's analysis asserted that two engines on platform Habitat (Texaco), one engine on Hogan (Pacific Operators Offshore, Inc.), and one engine on Houchin (Pacific Operators Offshore, Inc.) would be subject to the rule. Again, after consultation with VCAPCD, Texaco, and Pacific Operators, Inc., EPA determined that by definition these engines on Habitat, Hogan, and Houchin would not be subject to Rule 74.16.

In conclusion, VCAPCD does not have a more restrictive diesel I.C. engine rule because:

(1) For Oilfield Drilling Operations, VCAPCD's Rule 74.16 does not apply to the drilling engines on the three platforms; and

(2) For stationary I.C. engines, VCAPCD's Rule 74.9 does not set limits for non-drilling diesel engines and the other requirements of the rule are equivalent to SBCAPCD's Rule 333.

6. Other

6–1. Comment: EPA disregarded Ventura's submittal regarding the relative stringency of the districts' New Source Review (NSR) rules–rules that could generate significant emission reductions.

Response: EPA did not disregard VCAPCD's submittal. In fact, VCAPCD stated in its submittal that no major projects are budgeted at this time on the platforms, and the future difference in emissions caused by the difference between the NSR requirements of VCAPCD and SBCAPCD cannot be quantified. In addition to the fact that these rules do not appear to be applicable in the near future, it would be very difficult to determine the relative stringency of NSR rules. NSR rules do not involve specific limitations or standards, but are applied on a case by case basis. Based on this information, EPA did not review the requirements of the NSR rules.

6–2. Comment: The decision proposed in the November 19, 1993 notice of proposed rulemaking seems not to be based on sound scientific or technical analysis.

Response: EPA's decision was based on a detailed technical analysis of the VCAPCD and SBCAPCD rule requirements, which is set forth in the TSD, and additional analysis in response to comments to the proposed action to deny VCAPCD's request to be designated the COA for the OCS platforms.

6–3. Comment: EPA's decision will cause a dual agency jurisdiction for Pacific Operators Offshore, Inc. facilities, with the onshore plant being regulated by Ventura County, and the offshore platforms being regulated by Santa Barbara County. EPA should not financially damage a small business operator, further weaken the local and

California economies, and further increase U.S. dependency on foreign oil, regarding an issue that has little or no air quality impact on the county EPA is currently designating as the COA.

Response: In determining the COA for the OCS platforms, EPA followed the requirements of section 328 of the Act and 40 CFR 55.5. The Act addressed only air quality concerns with regard to redesignation of a COA for an OCS source, and not the relationship to onshore facilities. Many companies onshore also have facilities in multiple locations, thereby having to comply with different local requirements.

6–4. Comment: Santa Barbara's overall enforcement capabilities have recently been questioned by David Howekamp, Director, Air & Toxics Div. of EPA in a letter dated June 11, 1993.

Response: This issue has no bearing on the stringency analysis. The reference correspondence was in response to the District's proposed reorganization plans. EPA expressed concern that the reorganization might jeopardize the District's ability to comply with the Federal law due to a possible reduction in staff and resources. The letter did not reflect any specific allegations of current failure to enforce in Santa Barbara County. However, if a District fails to enforce the requirements of the Act, EPA has the authority to take independent enforcement action.

EPA Action

EPA has evaluated the comments received and is reaffirming the following OCS platform COA designations as provided in the final rule. The designated COA shall remain the COA for the lifetime of each source:

Platform A: Santa Barbara County Air Pollution Control District
Platform B: Santa Barbara County Air Pollution Control District
Platform C: Santa Barbara County Air Pollution Control District
Platform Habitat: Santa Barbara County Air Pollution Control District
Platform Henry: Santa Barbara County Air Pollution Control District
Platform Hillhouse: Santa Barbara County Air Pollution Control District
Platform Hogan: Santa Barbara County Air Pollution Control District
Platform Houchin: Santa Barbara County Air Pollution Control District

List of Subjects in 40 CFR Part 55

Environmental protection, Administrative practice and procedures, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Nitrogen oxides, Outer continental shelf, Ozone, Particulate matter, Permits, Reporting and recordkeeping requirements, Sulfur oxides.

Authority: Section 328 of the Clean Air Act (42 U.S.C. 7627).

Dated: May 4, 1994.

Carol M. Browner,

Administrator.

[FR Doc. 94–11468 Filed 5–10–94; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 206

RIN 3067–AC23

Disaster Assistance; Hazard Mitigation and Relocation Assistance

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Interim rule.

SUMMARY: This interim rule increases the Federal share for eligible hazard mitigation and relocation assistance projects from a maximum of 50 percent to 75 percent, increases the total amount of grant assistance available for each disaster, and places restrictions on property acquisition and relocation projects. The intent of the changes is to carry out the Hazard Mitigation and Relocation Assistance Act of 1993, which provides new flexibility in hazard mitigation and relocation assistance to States.

EFFECTIVE DATE: May 11, 1994.

FOR FURTHER INFORMATION CONTACT: Robert F. Shea, Chief, Program Implementation Division, room 417, 500 C Street SW., Washington, DC 20472, (202) 646–3619.

SUPPLEMENTARY INFORMATION: The President signed the Hazard Mitigation and Relocation Assistance Act (the Act), Pub. L. 103–181, on December 3, 1993. The Act amends Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. 5170c, to increase the Federal contribution to 75 percent, to increase the limit on Federal expenditures, and to place restrictions on property acquisition and relocation project grants. This interim rule amends 44 CFR part 206 to implement the Act.

We amend the definition of grant to include the newly established limit on the total grant award. The Act states that the grant award for hazard mitigation shall not exceed 15 percent of the total estimated Federal grant assistance (excluding administrative costs) provided under the Stafford Act. Grant assistance is available under Sections 403, 406, 407, 408, 410, 411, 416, and 601 of the Stafford Act. FEMA will estimate the amount of assistance provided under these sections based on available data summarized in the damage survey reports and the Disaster Management and Projections report. FEMA will include in this total the cost of mission assignments to other agencies that provide functions that would normally be funded as grant assistance.

The Act increases from 50 percent to 75 percent the maximum Federal contribution of the cost of hazard mitigation measures, and increases total grant awards from 10 percent of Section 406 to 15 percent of the total estimated Federal assistance under the Stafford Act.

Under the Act, FEMA must restrict the eligibility of projects involving property acquisition and relocation assistance for property owners and structures. An eligible applicant must enter an agreement with the Director of FEMA that provides assurances that the property will be dedicated and maintained in perpetuity for uses compatible with open space, recreational, or wetlands management practices, and no future Federal disaster assistance in any form will be sought or given with respect to the property. No structures can be built on these properties unless they are public facilities and functionally related to open space usage and are open on all sides, or are rest rooms.

The Director may approve other structures, in writing and before construction begins. The Director's approval will be granted rarely, and when granted, buildings must be compatible with open space, recreational, or wetlands management practices and be in accordance with sound floodplain management.

The Act makes the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 inapplicable to properties damaged by flooding during the 1993 Midwest Floods when certain conditions are met. We define the conditions under which acquisition of certain properties in nine midwestern States is not subject to the Uniform Relocation Act. The intent and effect of this provision is to simplify and speed the acquisition and relocation process in the nine States severely affected by the Midwest Floods of 1993.

National Environmental Policy Act

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

Executive Order 12866, Regulatory Planning and Review

Promulgation of this interim rule is required by statute, 42 U.S.C. 5170(c), which also specifies the regulatory approach taken in the proposed rule. To the extent possible under the statutory requirements of 42 U.S.C. 5170(c), this proposed rule adheres to the principles of regulation as set forth in this Executive Order.

Paperwork Reduction Act

This rule does not involve any collection of information for the purposes of the Paperwork Reduction Act.

Executive Order 12612, Federalism

In promulgating this rule, FEMA has considered the President's Executive Order 12612 on Federalism. This rule makes no changes in the division of governmental responsibilities between the Federal government and the States. Grant administration procedures under 44 CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, remain the same. No Federalism assessment has been prepared.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, Civil Justice Reform, dated October 25, 1991, 3 CFR, 1991 Comp., p. 359.

List of Subjects in 44 CFR Part 206

Administrative practice and procedure, Community facilities, Disaster Assistance, Grant programs-housing and community development, Housing, Natural resources.

Accordingly, 44 CFR part 206 is amended as follows:

1. The authority citation for part 206 continues to read as follows:

Authority: The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq.; Reorganization Plan No. 3 of 1978, 5 U.S.C. App.1; E.O. 12148, 3 CFR, 1979 Comp., p. 412; and E.O. 12673, 3 CFR, 1989 Comp., p. 214.

2. Section 206.430 is revised to read as follows:

§ 206.430 General.

This subpart provides guidance on the administration of hazard mitigation grants made under the provisions of section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5170c, hereafter Stafford Act, or the Act.

3. Paragraph (c) of Section 206.431 is revised to read as follows:

§ 206.431 Definitions.

* * * * *

(c) *Grant* means an award of financial assistance. The total grant award shall not exceed ten percent of the estimated Federal assistance provided under section 406 of the Stafford Act for major disasters declared before June 10, 1993. For major disasters declared on or after June 10, 1993, the total grant award shall not exceed 15 percent of the total estimated Federal assistance (excluding any associated administrative costs) provided under sections 403, 406, 407, 408, 410, 411, 416, and 601 of the Stafford Act.

* * * * *

4. Paragraphs (b) and (c) of section 206.432 are revised to read as follows:

§ 206.432 Federal grant assistance.

* * * * *

(b) *Limitations on Federal expenditures.* The total of Federal assistance under section 404 shall not exceed 15 percent of the total estimated Federal assistance (excluding any associated administrative costs) provided under sections 403, 406, 407, 408, 410, 411, 416, and 601 of the Stafford Act. The estimate of Federal assistance under these sections shall be based on the Regional Director's estimate of all Damage Survey Reports, actual grants, mission assignments, and associated expenses.

(c) *Cost sharing.* All mitigation measures approved under the State's grant will be subject to the cost sharing provisions established in the FEMA-State Agreement. FEMA may contribute up to 75 percent of the cost of measures approved for funding under the Hazard Mitigation Grant Program for major disasters declared on or after June 10, 1993. FEMA may contribute up to 50 percent of the cost of measures approved for funding under the Hazard Mitigation Grant Program for major disasters declared before June 10, 1993. The nonfederal share may exceed the Federal share. FEMA will not contribute to costs above the Federally approved estimate.

5. Section 206.434 is amended by revising paragraph (c)(4), redesignating paragraphs (d) and (e) as paragraphs (f) and (g) respectively, and adding new paragraphs (d) and (e) to read as follows:

§ 206.434 Eligibility.

* * * * *

(c) * * *

(4) Property acquisition or relocation, as defined in § 206.434(d);

* * * * *

(d) *Property acquisition and relocation requirements.* A project involving property acquisition or the relocation of structures and individuals is eligible for assistance only if the applicant enters an agreement with the FEMA Regional Director that provides assurances that:

(1) The following restrictive covenants shall be conveyed in the deed to any property acquired, accepted, or from which structures are removed (hereafter called in section (d) the property):

(i) The property shall be dedicated and maintained in perpetuity for uses compatible with open space, recreational, or wetlands management practices; and

(ii) No new structure(s) will be built on the property except as indicated below:

(A) A public facility that is open on all sides and functionally related to a designated open space or recreational use;

(B) A rest room; or

(C) A structure that is compatible with open space, recreational, or wetlands management usage and proper floodplain management policies and practices, which the Director approves in writing before the construction of the structure begins.

(iii) After completion of the project, no application for additional disaster assistance will be made for any purpose with respect to the property to any Federal entity or source, and no Federal entity or source will provide such assistance.

(2) In general, allowable open space, recreational, and wetland management uses include parks for outdoor recreational activities, nature reserves, cultivation, grazing, camping (except where adequate warning time is not available to allow evacuation), temporary storage in the open of wheeled vehicles which are easily movable (except mobile homes), unimproved, previous parking lots, and buffer zones.

(3) Any structures built on the property according to paragraph (d)(1) of this section, shall be floodproofed or elevated to the Base Flood Elevation plus one foot of freeboard.

(e) *Inapplicability of the Uniform Relocation Act.* The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 does not apply to real property acquisition projects which meet the criteria identified below:

(1) The project provides for the purchase of property damaged by the major, widespread flooding in the States of Illinois, Iowa, Kansas, Minnesota,

Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin during 1993;

(2) It provides for such purchase solely as a result of such flooding;

(3) It is carried out by or through a State or unit of general local government;

(4) The purchasing agency (grantee or subgrantee) notifies all potential property owners in writing that it will not use its power of eminent domain to acquire the properties if a voluntary agreement is not reached;

(5) The project is being assisted with amounts made available for:

(i) Disaster relief by the Federal Emergency Management Agency; or

(ii) By other Federal financial assistance programs.

* * * * *

(Catalogue of Federal Domestic Assistance No. 83–516, "Disaster Assistance")

Dated: May 4, 1994.

James L. Witt,

Director.

[FR Doc. 94–11422 Filed 5–10–94; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF ENERGY

48 CFR Parts 904, 905, 914, 915, 917, 919, 936, 943, 952, and 970

Acquisition Regulation; Updated Coverage

AGENCY: Department of Energy (DOE).

ACTION: Final rule.

SUMMARY: The Department today issues a final rule to amend the Department of Energy Acquisition Regulation (DEAR). This rule represents the Department's initial effort in meeting the intent of Executive Order 12861, Elimination of One-Half of Executive Branch Internal Regulations, as applied to its acquisition regulation. The rule deletes obsolete coverage, updates existing coverage, and clarifies existing coverage in the areas of sensitive foreign nation controls, special research contracting, rental of construction equipment, use of Standard Form 30, Amendment of Solicitation Modification of Contract, incorporation of contract clauses by reference, subcontractor representations and certifications, and conduct of contractor employees. These changes are summarized in the "Section-by-Section Analysis" appearing later in this document.

EFFECTIVE DATE: This final rule will be effective July 11, 1994.

FOR FURTHER INFORMATION CONTACT: Kevin M. Smith, Procurement Policy Division (HR–521.1), Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–8189.

SUPPLEMENTARY INFORMATION:

I. Section-by-Section Analysis

A detailed list of changes follows:

1. Section 904.404 is amended to reference the updated version of Department of Energy Order 1240.2, Unclassified Visits and Assignments by Foreign Nationals.

2. Subsection 904.601–71, paragraph (b) is revised to delete two references to special research contracts, which are no longer used by the Department.

3. Subsection 905.403–70, paragraph (c) is deleted to remove a reference to special research contracts, which are no longer used by the Department.

4. Subsection 914.201–5, paragraph (b) is deleted to remove the requirement to include the solicitation provision at 952.215–70, Required subcontractor representations and certifications. This solicitation provision is being deleted as noted below.

5. Subsection 915.406–5, paragraph (d) is deleted to remove the requirement to include the solicitation provision at 952.215–70, Required subcontractor representations and certifications.

6. Subpart 917.71 is deleted to remove obsolete coverage addressing Special Research Contracts with Educational Institutions. This type of contract has not been used by DOE for several years, and, pursuant to FAR 1.302, continued DEAR coverage is neither appropriate nor necessary to satisfy the specific needs of the agency.

7. Subsection 919.705–2, paragraph (a), fourth sentence is revised to remove the reference to special research contracts, which are no longer used by the Department.

8. Subparts 936.70 and 936.73 are deleted to remove obsolete coverage addressing Rental of Construction Equipment and the Outline for Equipment Rental Agreement. These procedures have not been used by DOE for several years, and, pursuant to FAR 1.302, continued DEAR coverage is neither appropriate nor necessary to satisfy the specific needs of the agency.

9. Section 943.301 is amended to remove language that is duplicative of FAR coverage addressing the use of Standard Form 30 for the deobligation of contract funds.

10. Subpart 952.1 is deleted to remove language addressing the incorporation of provisions and clauses by reference. The appropriate guidance is contained in the FAR.

11. Subsection 952.212–72 is revised to delete a reference to special research contracts, which are no longer used by the Department.

12. Subsection 952.215–70 is deleted to remove language addressing subcontractor representations and certifications. The appropriate guidance is contained in the FAR.

13. Subsection 970.0404–4(a)(3) is deleted to remove the requirement to include clause 970.5204–34, Sensitive Foreign Nations Control, in management and operating contracts. This clause applies solely to unclassified research contracts that may involve making unclassified information about nuclear technology available to certain sensitive foreign nations, and not to management and operating contracts which encompass broader missions than those contained in unclassified research contracts.

14. Section 970.2272 is amended to remove obsolete language addressing conflict of interest policies for management and operating contracts with colleges and universities. The referenced "Policy of the Federal Council for Science and Technology Relating to Conflicts of Interest by Staff Members of Colleges and Universities" is no longer utilized by DOE, and, pursuant to FAR 1.302, continued DEAR coverage is neither appropriate nor necessary to satisfy the specific needs of the agency.

15. Subsection 970.5204–12 is amended to clarify the prescription for use of alternate language in the clause which addresses the responsibility of management and operating contractors for the conduct of their employees.

16. Subsection 970.5204–34 is deleted to remove the requirement to include clause 970.5204–34, Sensitive Foreign Nations Control, in Management and Operating contracts. The clause does not apply to these contracts, as identified in the change to Subsection 970.0404–4(a)(3) above.

17. Subsection 970.5204–35 is amended to include a reference to Department of Energy Order 1240.2, Unclassified Visits and Assignments by Foreign Nationals, which had been omitted from the clause language.

II. Public Comments

These amendments were announced in a notice of proposed rulemaking in