

Issued in Kansas City, Missouri, on June 24, 1994.

Clarence E. Newbern,
Manager, Air Traffic Division Central Region.
[FR Doc. 94-18519 Filed 7-28-94; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 93-ANM-36]

Modification of Class E Airspace; Lakeview, OR

AGENCY: Federal Aviation
Administration (FAA), DOT.
ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule published on April 4, 1994, which incorrectly listed the airport name as Lakeview County Airport, Oregon. This action corrects the name to Lakeview Airport, Oregon.

EFFECTIVE DATE: 0901 UTC, October 13, 1994.

FOR FURTHER INFORMATION CONTACT:

Ted Melland, System Management Branch (ANM-530), Air Traffic Division, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, Washington 98055-4056; Telephone: (206) 227-2536.

SUPPLEMENTARY INFORMATION: On April 4, 1994, the Federal Aviation Administration (FAA) published a final rule that amended the Lakeview, Oregon, Class E airspace area. However, that action incorrectly listed the airport name as "Lakeview County Airport" instead of Lakeview Airport. This action corrects that error.

Correction of Final Rule

Accordingly, pursuant to the authority delegated to me, the publication in the *Federal Register* on April 4, 1994 (59 FR 15616; *Federal Register* Document 94-7920) and the corresponding description in FAA Order 7400.9A, which is incorporated by reference in 14 CFR 71.1, are corrected as follows:

§ 71.1 [Corrected]

On page 15616, in the third column, the description for the Lakeview, Oregon Airport, Class E airspace is corrected to read as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth

* * * * *

ANM OR E5 Lakeview, OR [Revised]

Lakeview Airport, OR
(lat. 42°09'40"N, long. 120°23'57"W)
Goose NDB, OR
(lat. 42°09'11"N, long. 120°24'18"W)

That airspace extending upward from 700 feet above the surface within a 4.3-mile radius of the Lakeview Airport, and within 1.8 miles each side of the 180° bearing from the Goose NDB extending from the NDB to 7 miles south of the NDB; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 42°22'00"N, long. 120°41'04"W; to lat. 42°22'00"N, long. 120°12'04"W; to lat. 41°41'00"N, long. 120°12'04"W; to lat. 41°41'00"N, long. 120°41'04"W, to the point of beginning; that airspace extending upward from 10,500 feet MSL bounded on the north by lat. 44°00'00"N, on the east by a line extending from lat. 44°00'00"N, long. 120°00'04"W, to the north edge of V-122 at long. 119°00'04"W, on the south by the north edge of V-122, and on the west by the east edge of V-165.

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Issued in Seattle, Washington, on July 18, 1994.

Temple H. Johnson, Jr.,
Manager, Air Traffic Division, Northwest
Mountain Region.

[FR Doc. 94-18528 Filed 7-28-94; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 94-ASO-11]

Amendment of Class E Airspace; Nashville, TN

AGENCY: Federal Aviation
Administration (FAA), DOT.
ACTION: Final rule.

SUMMARY: This action amends Class E airspace at the Nashville International Airport, Nashville, Tennessee. Runways 2C and 20C have been extended. This action amends Class E airspace to contain IFR operations within controlled airspace for these runways. This action extends the Class E Airspace from 700 feet above the surface from the current 10-mile radius to a 15-mile radius of the Nashville International airport. This action does not affect any other adjoining Class E airspace. This area will be depicted on aeronautical charts to provide a reference for pilots.
EFFECTIVE DATE: 0901 UTC, October 13, 1994.

FOR FURTHER INFORMATION CONTACT:

Ralph C. Bixby, Airspace Section, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5589.

SUPPLEMENTARY INFORMATION:

History

On May 18, 1994, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend

Class E airspace at Nashville International Airport, Nashville, Tennessee (59 FR 28498). Runways 2C and 20C have been extended. The action amends Class E airspace to contain IFR operations within controlled airspace for these runways. This action extends the Class E Airspace from 700 feet above the surface from the current 10-mile radius to a 15-mile radius of the Nashville International airport. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration (FAA). No comments objecting to the proposal were received.

The coordinates for this airspace docket are based on North American Datum 83. This amendment is the same as that proposed in the notice. Designations for Class E airspace extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9A dated June 17, 1993, and effective September 16, 1993. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations amends the Class E airspace at Nashville, Tennessee, to provide for additional controlled airspace from 700 feet above the surface for aircraft executing an Standard Instrument Approach Procedure (SIAP) into the Nashville International Airport.

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

Aviation safety, 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 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 6005 Class E airspace areas extending upward from 700 feet above the surface of the earth.

* * * * *

ASO TN E5 Nashville, TN [Amended]

Nashville International Airport, TN
(lat. 36°07'28"N, long. 86°40'41"W)

Smyrna Airport

(lat. 36°00'32"N, long. 86°31'12"W)

Sumner County Regional Airport

(lat. 36°22'37"N, long. 86°24'32"W)

Lebanon Municipal Airport

(lat. 36°12'00"N, long. 86°18'53"W)

Murfreesboro Municipal Airport

(lat. 35°52'39"N, long. 86°22'39"W)

John C. Tune Airport

(lat. 36°10'57"N, long. 86°53'12"W)

That airspace extending upward from 700 feet above the surface within a 15-mile radius of Nashville International Airport and within a 9-mile radius of Smyrna Airport and within a 7-mile radius of Sumner County Regional Airport and within a 10-mile radius of Lebanon Municipal Airport and within a 9-mile radius of Murfreesboro Municipal Airport and within a 8-mile radius of John C. Tune Airport.

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Issued in College Park, Georgia, on July 13, 1994.

Walter E. Denley,

Acting Manager, Air Traffic Division,
Southern Region.

[FR Doc. 94-18523 Filed 7-28-94; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 94-ANM-20]

**Establishment of Class E Airspace;
Hoquiam, WA**

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at the Bowerman Airport,

Hoquiam, Washington. Establishment of a new instrument approach procedure requires controlled airspace for the procedure. Airspace reclassification, in effect as of September 16, 1993, has discontinued use of the term "transition area," replacing it with the designation "Class E" airspace. The Class E airspace will be depicted on aeronautical charts for pilot reference when the new approach procedures become effective. **EFFECTIVE DATE:** 0901 UTC, October 13, 1994.

FOR FURTHER INFORMATION CONTACT:

Ted Melland, ANM-536, Federal Aviation Administration, Docket No. 94-ANM-20, 1601 Lind Avenue S.W., Renton, Washington 98055-4056; Telephone: (206) 227-2536.

SUPPLEMENTARY INFORMATION:**History**

On June 2, 1994, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E airspace for the Bowerman Airport, Hoquiam, Washington, (59 FR 28499; June 2, 1994). Interested parties were invited to participate in the rulemaking process by submitting such written data, views, or arguments as they desired. No comments were received.

Airspace reclassification, in effect as of September 16, 1993, has discontinued use of the term "transition area," replacing it with the designation "Class E airspace." Class E airspace designations for airspace areas extending upward from 700 feet above the surface of the earth are published in Paragraph 6005 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 E airspace designation listed in this document will be published subsequently in the Order. The coordinates in this final rule are in North American Datum 83.

The Rule

This amendment to part 71 of the Federal Aviation Regulations establishes Class E airspace at Hoquiam, Washington. It will provide controlled airspace for a new instrument approach procedure at the Bowerman Airport.

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 Federal Aviation Administration 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 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth

* * * * *

ANM WA E5 Hoquiam, WA [New]

Bowerman Airport, WA

(lat. 46°58'16"N, long. 123°56'12"W.)

Hoquiam VORTAC

(lat. 46°56'49"N, long. 124°08'57"W.)

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the Bowerman Airport and within a 13-mile radius arc of the airport, bounded on the north by a line 1.8 miles north of and parallel to the Hoquiam VORTAC 068° radial and on the south by a line 3 miles south of and parallel to the Hoquiam VORTAC 088° radial; that airspace extending from 1200 feet above the surface within 5.3 miles north and 7.9 miles south of the Hoquiam VORTAC 081° and 261° radials extending from 7 miles east to 16.6 miles west of the VORTAC.

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Issued in Seattle, Washington, on July 15, 1994.

Temple H. Johnson, Jr.,

Manager, Air Traffic Division, Northwest
Mountain Region.

[FR Doc. 94-18526 Filed 7-28-94; 8:45 am]

BILLING CODE 4910-13-M

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

Office of the Assistant Secretary for
Community Planning and
Development

24 CFR Part 583

[Docket No. R-94-1631; FR-3379-C-02]

RIN 2506-AB45

**Supportive Housing Program;
Correction**

AGENCY: Office of the Assistant
Secretary for Community Planning and
Development, HUD.

ACTION: Final rule; correction.

SUMMARY: On July 19, 1994 (59 FR 36886), the Department published in the Federal Register, a final rule for the Supportive Housing Program, a program to provide assistance for housing and supportive services for homeless persons authorized by title IV, subtitle C of the Stewart B. McKinney Homeless Assistance Act (McKinney Act). The preamble of the rule contained a finding stating that " * * * section 427 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1992 (42 U.S.C. 11387) provides that the final rule implementing the new Supportive Housing Program is to be 'effective upon issuance,' * * *". The purpose of this document is to correct the effective date of that rule to comply with the McKinney Act, and to also correct the "RIN" number listed in the heading of the document.

EFFECTIVE DATE: July 19, 1994.

FOR FURTHER INFORMATION CONTACT: Dave Pollack, The Office of Special Needs Assistance Programs, Room 7262, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; (202) 708-1234 or, TDD for hearing and speech-impaired, (202) 708-2565. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: Accordingly, FR Doc. 94-17496, published in the Federal Register on July 19, 1994 (59 FR 36886), is corrected as follows:

On page 36886, in the first column, in the heading, the "RIN" number is corrected to read, "RIN 2506-AB45"; and the "EFFECTIVE DATE:" is corrected to read, "EFFECTIVE DATE: July 19, 1994."

Dated: July 22, 1994.

Myra L. Ransick,

Assistant General Counsel for Regulations.

[FR Doc. 94-18481 Filed 7-28-94; 8:45 am]

BILLING CODE 4210-29-M

**Office of the Assistant Secretary for
Housing—Federal Housing
Commissioner**
24 CFR Part 888

[Docket No. R-94-1697; FR-3598-F-02]

RIN 2502-AG17

**Section 8 Housing Assistance
Payments Program: Contract Rent
Annual Adjustment Factors—Revision
to "Rounding" Factor**

AGENCY: Office of the Assistant
Secretary for Housing—Federal Housing
Commissioner, HUD

ACTION: Final rule.

SUMMARY: This final rule revises the method for "rounding" contract rents. Before issuance of this rule, the applicable HUD regulations provided for adjustment to be made to the contract rent of a dwelling unit by rounding the computed monthly contract rent that contains a fractional dollar amount to the next higher whole dollar amount. (The monthly contract rent was rounded to the next higher whole dollar amount even when the dollar fraction was as low as .01.) Through this final rule, HUD revises this adjustment procedure by providing for contract rents that contain fractional dollar amounts of .01 to .49 to be rounded to the next lower dollar amount, and for contract rents that contain fractional dollar amounts of .50 to .99 to be rounded to the next higher dollar amount. The purpose of this rule is to provide for a "rounding" procedure that is more consistent with standard industry practices, and that more accurately reflects actual rent adjustments.

EFFECTIVE DATE: August 29, 1994.

FOR FURTHER INFORMATION CONTACT: Barbara Hunter, Acting Director, Planning and Procedures Division, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, S.W., Room 6180, Washington, D.C. 20410. Telephone (202) 708-3944 (voice) or (202) 708-4594 (TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:
**I. Background—The Former
"Rounding" Procedure**

Before issuance of this final rule, 24 CFR 888.203(b) provided as follows:

The adjusted monthly amount of the Contract Rent of a dwelling unit shall be determined by multiplying the Contract Rent in Effect on the anniversary date of the contract by the applicable Automatic Annual Adjustment Factor (see paragraph (a) of this

section) and rounding the result to the next higher whole dollar amount.

The former rounding procedure provided for all contract rents that contain fractional dollar amounts to be rounded to the next higher whole dollar, regardless of the fractional amount. HUD determined that there are approximately two million dwelling units receiving section 8 assistance, and the former rounding procedure (a procedure that provides for a dollar fraction as low as .01 to be rounded up) costs about \$24 million in annual section 8 subsidies (2,000,000 units × \$1 per unit × 12 months = \$24,000,000). Accordingly, HUD determined that a change was necessary to make its rounding procedure consistent with generally accepted mathematical principles, and to bring disbursement of section 8 subsidies more in line with a housing authority's or project owner's actual section 8 subsidy needs.

II. December 28, 1993 Proposed Rule

On December 28, 1993 (58 FR 68615), HUD published a proposed rule that would have revised the rounding procedure in § 888.203(b) to provide for fractional dollar amounts of .01 to .50 to be rounded down, and for fractional dollar amounts of .51 to .99 to be rounded up.

In the preamble to the proposed rule, HUD acknowledged that the proposed change to the rounding procedure would adjust section 8 contract rents by an average of fifty cents per-unit per-month less than contracts rents are adjusted under the procedure used to date. HUD also noted in the preamble that the rounding procedure used to date provided many housing authorities and owners with section 8 subsidies substantially beyond their section 8 assistance needs. Because HUD's resources are tightly constrained, even as the need for housing assistance intensifies, it is important that HUD use existing resources more efficiently. More efficient use of section 8 subsidies will help HUD meet increased demands for housing assistance. The anticipated savings in section 8 subsidies from the change in the rounding procedure can be used to help other low-income families who need housing assistance.

The December 28, 1993 proposed rule provided for a 60-day public comment period. The comment period expired on February 28, 1994, and by this date, HUD received 12 comments. The public comments and HUD's response to these comments are discussed in Sections III and IV of the preamble.

III. Final Rule—A "Rounding" Procedure More Consistent With Standard Industry Practices

In response to public comment, the final rule revises the rounding procedure set forth in the December 28, 1993 proposed rule. The final rule provides for fractional dollar amounts of .01 to .49 to be rounded down, and fractional dollar amounts of .50 to .99 to be rounded up.

Three commenters supported HUD's proposal to change the rounding procedure, but stated that the proposed revision was not consistent with generally accepted mathematical principles. The commenters stated that under generally accepted mathematical principles, rounding occurs as follows: .01 to .49 DOWN, and .50 to .99 UP. The commenters expressed concern that HUD's departure from standard practice would lead to confusion, and result in increased time and expense for owners. Increased time would result from the need on the part of owners to be cognizant that HUD's rounding procedure is slightly different from that generally used. Increased expense would result from the need on the part of many owners to revise existing computer software programs to accommodate HUD's "unique" rounding procedure.

HUD agreed with the commenters, and as noted above, the final rule adopts the standard "rounding" method. In the final rule, § 888.203(b) provides as follows:

The adjusted monthly amount of the Contract Rent of a dwelling unit shall be determined by multiplying the Contract Rent in effect on the anniversary date of the contract by the applicable Automatic Annual Adjustment Factor (see paragraph (a) of this section) and rounding the result as follows:

- (1) If the result contains a fractional dollar amount ranging from \$0.01 to \$0.49, round to the next lower whole dollar amount;
- (2) If the result contains a fractional dollar amount ranging from \$0.50 to \$0.99, round to the next higher whole dollar amount.

IV. Public Comment

In addition to the commenters who supported a change to the rounding method, but not the change proposed by HUD, four commenters expressed their support for the proposed rule with no recommendations for change. Other comments, and HUD's response to these comments, are as follows:

Comment. One commenter supported the change to the rounding factor but stated that it strongly opposed retroactive implementation of the rule.

Response. The rule does not provide for retroactive application. The revised rounding procedure applies to only

future rents as they are adjusted on the anniversary dates of the Housing Assistance Payment (HAP) contracts.

Comment. Four commenters opposed the change to the rounding procedure, and stated that the savings anticipated by the change will be substantially less because of the increased rents allowed under requests for special adjustments.

Response. Reduced rent increases that result from a change in the rounding procedure do not constitute an eligible justification for special adjustments. Special adjustments are available only when increases in expenses have resulted from substantial general increases in real property taxes, utility rates, or other similar costs. HUD does not believe that the reduction of rents resulting from a change in the rounding procedure will be so substantial as to adversely affect project owners.

Comment. Three commenters stated that the application of a revised rounding factor to existing contracts is legally questionable.

Response. As noted above, there is no retroactive application of the rule. Additionally, the HAP contracts and the section 8 regulations do not prohibit HUD from revising the "rounding" procedure for contract rents.

Comment. One commenter stated that the preamble to the proposed rule made the assertion that many housing authorities and project owners are provided with section 8 subsidies substantially beyond their section 8 assistance needs. The commenter stated that HUD must take into consideration projects that need all of their section 8 assistance.

Response. HUD believes that the revised rounding factor, which is based on generally accepted mathematical principles, and is consistent with standard industry practices, presents a balanced approach to the former rounding method which did, in fact, provide many owners with section 8 subsidies beyond their needs. (Again, the previous procedure provided for a dollar fraction as low as .01 to be rounded up to the next whole dollar.) As noted earlier in this preamble, while the revised rounding method will result in some reduction in section 8 subsidies, HUD does not believe that the reduction will be so substantial as to adversely affect project owners, including those that need all of their section 8 assistance.

Comment. One commenter stated that the Automatic Annual Adjustment Factor has a built-in downward bias, which, together with the revision to the rounding factor, will substantially reduce section 8 assistance.

Response. The Automatic Annual Adjustment Factors (AAFs) are computed so as to eliminate as many sources of bias as is practicable. There is no effort on the part of HUD to establish the AAFs in a way that would be detrimental to project owners.

V. Other Matters

Environmental Impact

An environmental assessment is unnecessary because statutorily required establishment and review of rent schedules that do not constitute a development decision affecting the physical condition of specific project areas or building sites are categorically excluded from the Department's National Environmental Policy Act procedures under 24 CFR 50.20(1).

Impact on Small Entities

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this final rule before publication, and, by approving it, certifies that this final rule would not have a significant economic impact on a substantial number of small entities. The rule will result in reduced section 8 subsidies for a substantial number of housing authorities (the reduction in subsidies will extend to all housing authorities, and is not limited to small housing authorities) and project owners. However, the reduced section 8 subsidies will not result in a significant economic impact on these entities because a substantial number of these authorities and project owners are currently receiving section 8 subsidies considerably beyond their actual section 8 housing assistance needs. The savings in section 8 subsidies achieved by this rule will result in disbursement of section 8 subsidies to additional housing authorities and project owners. Thus, the rule would not result in a significant economic impact on a substantial number of small entities within the meaning of the order.

Federalism Impact

The General Counsel, as the Designated Official under section 6(a) of Executive Order No. 12612, Federalism, has determined that this final rule would not have a substantial, direct effect on the States or their political subdivisions or on the relationship between the Federal government and the States, or on the distribution of power or responsibilities among the various levels of government. The rule relates solely to the method of determining Federal financial assistance—that is, the method of determining the amount of section 8

assistance needed by a housing authority or project owner, based on the procedure for computing adjusted contract rent. This matter does not affect the States or their political subdivisions or the distribution of power or responsibilities among the various levels of government.

Impact on the Family

The General Counsel, as the Designated Official under Executive Order 12606, *The Family*, has determined that this final rule will not have a potential significant impact on family formation, maintenance, and general well-being, and thus is not subject to review under the order. No significant change in existing HUD policies or programs will result from promulgation of this rule, as those policies and programs relate to family concerns.

Regulatory Agenda

This rule was listed as sequence number 1608 in the Department's Semiannual Agenda of Regulations published on April 25, 1994 (59 FR 20424, 20453) under Executive Order 12866 and the Regulatory Flexibility Act.

List of Subjects in 24 CFR Part 888

Grant programs—housing and community development, Rent subsidies.

Accordingly, 24 CFR part 888 is amended as follows:

PART 888—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—FAIR MARKET RENTS AND CONTRACT RENT ANNUAL ADJUSTMENT FACTORS

1. The authority citation for part 888 continues to read as follows:

Authority: 42 U.S.C. 1437c, 1437f, and 1437d.

2. In § 888.203, paragraph (b) is revised to read as follows:

§ 888.203 Use of contract rent automatic annual adjustment factors.

* * * * *

(b) The adjusted monthly amount of the Contract Rent of a dwelling unit shall be determined by multiplying the Contract Rent in effect on the anniversary date of the contract by the applicable Automatic Annual Adjustment Factor (see paragraph (a) of this section) and rounding the result as follows:

(1) If the result contains a fractional dollar amount ranging from \$0.01 to \$0.49, round to the next lower whole dollar amount;

(2) If the result contains a fractional dollar amount ranging from \$0.50 to \$0.99, round to the next higher whole dollar amount.

Dated: July 20, 1994.

Jeanne K. Engel,

General Deputy Assistant Secretary for Housing—Federal Housing Commissioner.
[FR Doc. 94-18496 Filed 7-28-94; 8:45 am]

BILLING CODE 4210-27-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

Kentucky Abandoned Mine Land Reclamation Plan

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is approving a proposed amendment to the Kentucky abandoned mine land reclamation plan (hereinafter referred to as the "Kentucky plan") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Kentucky proposed revisions to Chapter 5 of its plan pertaining to procedures for coordination of reclamation activities with the Rural Abandoned Mine Program (RAMP) administered by the U.S. Department of Agriculture, Soil Conservation Service (SCS). The amendment is intended to revise the Kentucky plan to improve operational efficiency.

EFFECTIVE DATE: July 29, 1994.

FOR FURTHER INFORMATION CONTACT: William J. Kovacic, Director, Lexington Field Office, Office of Surface Mining Reclamation and Enforcement, 2675 Regency Road, Lexington, Kentucky 40503, Telephone: (606) 233-2896.

SUPPLEMENTARY INFORMATION:

- I. Background on the Kentucky Plan
- II. Submission of the Proposed Amendment
- III. Director's Findings
- IV. Summary and Disposition of Comments
- V. Director's Decision
- VI. Procedural Determinations

I. Background on the Kentucky Plan

On May 18, 1982, the Secretary of the Interior approved the Kentucky plan. Background information on the Kentucky plan, including the Secretary's findings, the disposition of comments, and the approval of the plan can be found in the May 18, 1982, *Federal Register* (47 FR 21435).

Subsequent actions concerning amendments to the plan can be found at 30 CFR 917.21.

II. Submission of the Proposed Amendment

By letter dated May 5, 1994 (Administrative Record No. K-64), Kentucky submitted a proposed amendment to its plan pursuant to SMCRA. Kentucky submitted the proposed amendment at its own initiative in accordance with 30 CFR 884.15(a). Kentucky proposed to amend the policies and procedures in Chapter 5 of its plan pertaining to coordination of its reclamation program activities with the SCS administered RAMP reclamation activities. The proposed amendment also contained editorial revisions to the introductory and Federal reclamation program sections.

OSM announced receipt of the proposed amendment in the June 3, 1994, *Federal Register* (59 FR 28823), and in the same document opened the public comment period and provided an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period closed on July 5, 1994.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 884.14 and 884.15, are the Director's findings concerning the proposed amendment.

Revisions not specifically discussed below concern nonsubstantive wording changes, or revised cross-references and paragraph notations to reflect organizational changes resulting from this amendment.

In accordance with 30 CFR 884.13(c)(3), each proposed State reclamation plan shall include a narrative description of the policies and procedures to be followed in conducting the reclamation program including the coordination of reclamation work with the Rural Abandoned Mine Program administered by the Soil Conservation Service.

Kentucky proposed to amend the policies and procedures in Chapter 5 of its plan pertaining to coordination of its reclamation program activities with the SCS administered RAMP reclamation activities. This amendment was initiated in part due to a finding by the Kentucky Auditor of Public Accounts in the Statewide Audit for the period ended June 30, 1992, that the Division of Abandoned Lands (DAL) was not operating in compliance with the Kentucky plan. Kentucky had established a "Kentucky Advisory Committee for Abandoned Mine Land

Reclamation" to facilitate coordination of program activities with the RAMP program administered by the SCS. The Auditor determined that the processes established for the Advisory Committee to coordinate with SCS were not being followed and observed that the state plan needs to be revised to reflect current coordination procedures. The Advisory Committee had proven difficult to assemble, was cumbersome in operation, and had been disbanded. This amendment deletes reference to the Kentucky Advisory Committee and establishes policies and procedures for formal interagency coordination of reclamation activities between the DAL and the SCS. The meetings of the Kentucky Advisory Committee are replaced with annual meetings between the DAL and the SCS. During the annual meetings, the SCS will present proposed RAMP reclamation projects and overall RAMP plans and goals. Also, the two agencies will exchange reclamation technique technology information. The DAL will provide the SCS with individual site specific information for project proposals through the Kentucky State Clearinghouse process. The SCS will provide DAL with copies of RAMP documentation provided to OSM. Contacts between the DAL and the SCS will be initiated by either party on an as needed basis. In its letter of May 5, 1994 (Administrative Record No. K-64), Kentucky indicated that these revised policies and procedures represent a process that has matured over the years into a format which is both effective and efficient.

The Director finds the proposed policies and procedures at Chapter 5 for coordination between the DAL and the SCS in conducting reclamation activities meet the requirements of 30 CFR 884.13(c)(3).

IV. Summary and Disposition of Comments

Public Comments

The Director solicited public comments and provided an opportunity for a public hearing on the proposed amendment. No one requested an opportunity to speak at a public hearing so no hearing was held.

The Kentucky Resources Council (KRC) filed written comments on July 7, 1994 (Administrative Record No. KY-1301). A summary of those comments and their disposition is set forth below.

1. The KRC expressed concern that the May 5, 1994, amendment made no mention of coordination with OSM's AML reclamation efforts. The Director notes that the narrative description of Kentucky's policies and procedures for

coordination with OSM's reclamation program (page 5-3 of the Kentucky plan) was approved by OSM on May 18, 1982 (47 FR 21435), and Kentucky proposed no substantive changes to the Federal reclamation program section of Chapter 5.

2. The KRC also commented that the coordination procedures should be incorporated into a formal document among the agencies that memorializes the commitments made in the May 5, 1994, submittal and recommended only provisional approval of the amendment subject to submittal of a memorandum of understanding or memorandum of agreement executed by representative of OSM, DAL and SCS. The Director finds that the Federal regulations at 30 CFR 884.13(c)(3) do not require the states to execute those types of formalized agreements with OSM and SCS.

Federal Agency Comments

Pursuant to 884.14(a)(2) and 884.15(a), the Director solicited comments on the proposed amendment from various other Federal agencies with an actual or potential interest in the Kentucky plan. No federal agency comments were received.

Environmental Protection Agency (EPA)

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to obtain the written concurrence of the EPA with respect to those provisions of the proposed plan amendment which relate to air or water quality standards promulgated under the authority of the Clean Air Act (42 U.S.C. 7401 *et seq.*) or the Clean Water Act (33 U.S.C. 1252 *et seq.*). The Director has determined that this amendment contains no provisions in these categories and that EPA's concurrence is not required.

V. Director's Decision

Based on the above finding, the Director approves the proposed plan amendment as submitted by Kentucky on May 5, 1994.

The Federal regulations at 30 CFR Part 917, codifying decisions concerning the Kentucky plan, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State plan amendment process and to encourage States to bring their plans into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

Effect of Director's Decision

Section 503 of SMCRA provides that a State may not exercise jurisdiction under SMCRA unless the State program is approved by the Secretary. Similarly,

30 CFR 884.15(a) requires that any alteration of an approved State reclamation plan be submitted to OSM for review as a program amendment. Thus, any changes to the State reclamation plan are not enforceable until approved by OSM. In the oversight of the Kentucky plan, the Director will recognize only the statutes, regulations and other materials approved by OSM, together with any consistent implementing policies, directives and other materials, and will require the enforcement by Kentucky of only such provisions.

VI. Procedural Determinations

Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State and Tribal abandoned mine land reclamation plans and revisions thereof since each such plan is drafted and adopted by a specific State or Tribe, not by OSM. Decisions on proposed State and Tribal abandoned mine land reclamation plans and revisions thereof submitted by a State or Tribe are based on a determination of whether the submittal meets the requirements of Title IV of SMCRA (30 U.S.C. 1231-1243) and the Federal regulations at 30 CFR Parts 884 and 888.

National Environmental Policy Act

No environmental impact statement is required for this rule since agency decisions on proposed State and Tribal abandoned mine land reclamation plans and revisions thereof are categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the Department of the Interior [516 DM 6, appendix 8, paragraph 8.4B(29)].

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. 3507 *et seq.*

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have

a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions in the analyses for the corresponding Federal regulations.

List of Subjects in 30 CFR Part 917

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 22, 1994.

Patricia P. Acker,

Acting Assistant Director, Eastern Support Center.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 917—KENTUCKY

1. The authority citation for part 917 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 917.21 is amended by adding paragraph (d) to read as follows:

§ 917.21 Approval of abandoned mine land reclamation plan amendments.

(d) The following amendment pertaining to the Kentucky abandoned mine land reclamation plan, as submitted to OSM on May 5, 1994, is approved effective July 29, 1994:

Chapter 5 Coordination with Ramp, Indian, and Other Reclamation Programs.

[FR Doc. 94-18500 Filed 7-28-94; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION Coast Guard

33 CFR Part 100

[CGD02-94-047]

RIN 2115-AE46

Special Local Regulations; APBA Outboard Drag Nationals, Missouri River, Mile 731.4 to 732.8

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: A special local regulation is being adopted for the APBA Outboard Drag Nationals which will be held on the Missouri River near Sioux City, Iowa on August 19-21, 1994. This regulation is needed to control vessel traffic in the immediate vicinity of the event. The regulation will restrict general navigation in the regulated area for the safety of spectators, participants and through traffic.

EFFECTIVE DATE: This regulation becomes effective from 6 a.m. to 10 p.m. local time each day on August 19-21, 1994.

FOR FURTHER INFORMATION CONTACT: LCDR J.O. Jaczinski, Chief, Boating Affairs Branch, Second Coast Guard District, 1222 Spruce Street, St. Louis, Missouri 63103-2832. The telephone number is (314) 539-3971, fax (314) 539-2685.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this regulation are LCDR J.O. Jaczinski, Project Officer, Second Coast Guard District, Boating Safety Division and LT S. Moody, Project Attorney, Second Coast Guard District Local Office.

Regulatory History

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for this regulation and good cause exists for making it effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. Specifically, the sponsor's late submission of the regatta application left insufficient time to publish a notice of proposed rulemaking in advance of the scheduled event. The Coast Guard deems it to be in the public's best interest to issue a regulation immediately.

Background and Purpose

The APBA Outboard Drag Nationals consists of a weekend event involving Drag and Circle boat races, with other land and water spectator entertainment such as possibly jet-ski or ski demonstrations. The event runs from 6 a.m. to 10 p.m. local time each day on August 19-21, 1994. In order to provide for the safety of spectators and participants, and for the safe passage of through traffic, the Coast Guard will restrict vessel movement in the regulated area. The river will be closed during part or all of the effective period to all vessel traffic except official regatta vessels and patrol craft. This regulation

is issued pursuant to 33 U.S.C. 1233 and 33 CFR 100.35.

Regulatory Evaluation

This regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this regulation to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary because of the event's short duration.

Federalism Assessment

Under the principles and criteria of Executive Order 12612, this regulation does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

Under section 2.B.2.c of Commandant Instruction M16475.1B, this regulation is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

Temporary Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended as follows:

PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary § 100.35-T02047 is added, to read as follows:

§ 100.35-T02047 Missouri River near Sioux City, Iowa.

(a) *Regulated area.* Missouri River from mile 731.4 to 732.8.

(b) *Special local regulations.* (1) Except for official regatta vessels and patrol craft no person or vessel may enter or remain in the regulated area without permission of the Patrol Commander.

(2) The Coast Guard Patrol Commander will be a commissioned or petty officer designated by the Commanding Officer, Marine Safety