

a VOR/DME RWY 22 SIAP at the Memphis NAS/Millington Municipal Airport. This amendment also makes a technical correction to the name of the airport, which is now joint use, and a minor correction to the geographic position coordinates of the 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 for 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; EO 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 Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet Above the Surface of the Earth.*

\* \* \* \* \*

#### ASO TN E5 Memphis NAS/Millington Municipal, TN [Revised]

Memphis NAS/Millington Municipal Airport, TN  
(Lat. 35°21'20" N, Long. 89°52'10" W)  
Arlington Municipal Airport  
(Lat. 35°16'59" N, Long. 89°40'22" W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Memphis NAS/Millington Municipal

Airport and within a 7-mile radius of Arlington Municipal Airport.

\* \* \* \* \*

Issued in College Park, Georgia, on February 10, 1995.

**Walter R. Denley,**

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

[FR Doc. 95-4434 Filed 2-22-95; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 2

[Docket No. RM93-23-001; Docket No. RM93-25-001]

#### Project Decommissioning at Relicensing; Use of Reserved Authority in Hydropower Licenses To Ameliorate Cumulative Impacts; Order Dismissing Requests for Rehearing and Denying Requests for Reconsideration

Issued February 9, 1995.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Policy statements; order dismissing requests for rehearing and denying requests for reconsideration.

**SUMMARY:** The Federal Energy Regulatory Commission is issuing an order that dismisses requests for rehearing, and denies requests for reconsideration, of the two policy statements that were issued on December 14, 1994. The Commission, in Docket No. RM93-25-000, adopted a policy statement with respect to the use of reserved authority in licenses for hydropower projects to ameliorate cumulative impacts of such projects in the same river basin. In Docket No. RM93-23-000, the Commission adopted a policy statement that addressed issues related to relicensing and decommissioning of hydropower projects. The Commission found that, because there is no aggrievement, rehearing does not lie and that no particular circumstances requiring reconsideration of the policy statements have been shown.

**EFFECTIVE DATE:** February 9, 1995.

**FOR FURTHER INFORMATION CONTACT:** Barry Smoler, Office of the General Counsel, Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, D.C. 20426, (202) 208-1269.

**SUPPLEMENTARY INFORMATION:** In addition to publishing the full text of

this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this documents during normal business hours in Room 3104, 941 North Capitol Street NE., Washington, D.C. 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208-1397. To access CIPS, set your communications software to 19200, 14400, 12000, 9600, 7200, 4800, 2400, 1200 or 300bps, full duplex, no parity, 8 data bits, and 1 stop bit. The full text of this document will be available on CIPS for 60 days from the date of issuance in ASCII and WordPerfect 5.1 format. After 60 days the document will be archived, but still accessible. The complete text on diskette in Wordperfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, located in Room 3104, 941 North Capitol Street NE., Washington, D.C. 20426.

#### Order Dismissing Requests for Rehearing and Denying Requests for Reconsideration

Issued February 9, 1995.

Before Commissioners: Elizabeth Anne Moler, Chair; Vicky A. Bailey, James J. Hoecker, William L. Massey, and Donald F. Santa, Jr.

On December 14, 1994, the Commission issued policy statements in each of the two above-captioned dockets.<sup>1</sup>

On January 13, 1995, the American Public Power Association (APPA) filed a request for reconsideration or rehearing of both policy statements. APPA expressed the view that rehearing does not lie, because the policy statements do not give rise to "aggrievement" within the meaning of Section 313 of the Federal Power Act,<sup>2</sup> but requested rehearing in the event that the Commission determined that it was appropriate.

On January 13, 1995, the National Hydropower Association filed a "statement in opposition" to the policy statement on decommissioning issued in Docket No. RM93-23-000, but did

<sup>1</sup> The policy statement issued in Docket No. RM93-23-000 (69 FERC ¶ 61,336) was published in the **Federal Register** on January 4, 1995 (60 FR 339). The policy statement issued in Docket No. RM93-25-000 (69 FERC ¶ 61,337) was published in the **Federal Register** on December 28, 1994 (59 FR 66714).

<sup>2</sup> 16 U.S.C. 8251 (1992).

not request rehearing, stating (correctly) that "its members will have the opportunity to challenge any Commission assertion of decommissioning authority in the context of actual proceedings where this becomes an issue." Similarly, on January 31, 1995, the Edison Electric Institute filed comments on the policy statement on reserved authority issued in Docket No. RM93-25-000, as well as on the policy statement in Docket No. RM93-23-000.

Also on January 13, 1995, three requests for rehearing of the policy statement on decommissioning, in Docket No. RM93-23-000, were filed: (1) By the Hydropower Reform Coalition;<sup>3</sup> (2) by (jointly) the U.S. Department of Commerce and the U.S. Department of the Interior (the U.S. Departments);<sup>4</sup> and by (jointly) Edwards Manufacturing Co., Inc. and the City of Augusta, Maine (Edwards and Augusta).<sup>5</sup> The pleading filed by the U.S. Departments is styled as a petition for "clarification, reconsideration and rehearing."

The above-captioned policy statements issued on December 14, 1994, provide only notice of the Commission's general views and intentions with respect to a broad range of potential issues that may come before it in future cases. The policy statements do not apply those views and intentions to the specific facts of any particular case, nor do they purport to resolve any specific case or controversy. They do not impose an obligation, deny a right, or fix some legal relationship as a consummation of the administrative process. Therefore, as there is no aggravation, rehearing does not lie. Nor have the petitioners shown any particular circumstances requiring that we reconsider our positions taken in these policy statements.<sup>6</sup> Accordingly, the above-described requests for rehearing of the policy statements issued on December 14, 1994, in the above-captioned dockets are dismissed to the extent that they seek rehearing of either or both of those two policy

<sup>3</sup>In the alternative, the Coalition requests reconsideration or clarification of the policy statement.

<sup>4</sup>The pleading filed by the U.S. Departments also requests rehearing of a companion order issued on December 14, 1994 (69 FERC ¶ 61,338), that removed a standard reservation of authority article from approximately 60 licenses. That portion of the pleading is not affected by this order.

<sup>5</sup>The pleading filed by Edwards and Augusta also requests rehearing of another companion order issued on December 14, 1994 (69 FERC ¶ 61,335), which amended their license for the Augusta Hydroelectric Project (Edwards Dam). That portion of the pleading is not affected by this order.

<sup>6</sup>See *Papago Tribal Utility Authority v. FERC*, 628 F.2d 235, 239 (D.C. Cir. 1980).

statements, and are denied to the extent that they seek reconsideration of either of both of those policy statements.

#### The Commission Orders

The request for reconsideration and rehearing filed by the American Public Power Association in Docket Nos. RM93-23-001 and RM93-25-001, and the requests for rehearing, reconsideration and/or clarification filed by the Hydropower Reform Coalition, by the U.S. Departments of Commerce and the Interior, and by Edwards Manufacturing Company, Inc. and the City of Augusta, Maine, in Docket No. RM93-23-001, are rejected as requests for reconsideration or clarification.

By the Commission. Commissioner Bailey dissented in part with a separate statement attached.

**Lois D. Cashell**,  
Secretary.

Bailey, Commissioner, *dissenting in part*.

For the reasons discussed in my earlier dissent, I would grant reconsideration of the Decommissioning Policy Statement (Docket No. RM93-23-001).

**Vicky A. Bailey**,  
Commissioner.

[FR Doc. 95-4354 Filed 2-22-95; 8:45 am]

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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Assistant Secretary for Housing-Federal Housing Commissioner

#### 24 CFR Part 207

[Docket No. R-95-1768; FR-3753-I-01]

RIN 2502-AG34

### Multifamily Cooperative Refinancing and Conversion Program

**AGENCY:** Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

**ACTION:** Interim rule.

**SUMMARY:** HUD's multifamily mortgage insurance regulations are being amended to revise the occupancy requirements for rental projects converted to cooperative ownership. The amended regulations replace the strict 70 percent owner-occupant subscription requirement with one that varies according to the loan-to-value ratio. This flexibility will allow the Federal Housing Commissioner to expand affordable housing opportunities.

**DATES:** Effective date: March 27, 1995.

Expiration date: Section 207.32a(h)(2) will expire on September 23, 1996.

Comments due date: April 24, 1995.

**ADDRESSES:** Interested persons are invited to submit comments regarding this interim rule to the Office of the General Counsel, Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410-0500. Communications should refer to the above docket number and title. Facsimile (FAX) comments are not acceptable. A copy of each communication submitted will be available for public inspection and copying during regular business hours (7:30 a.m. to 5:30 p.m. Eastern Time) at the above address.

**FOR FURTHER INFORMATION CONTACT:** Linda D. Cheatham, Director, Office of Multifamily Housing Development, Room 6134, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, DC 20410-0500, telephone (202) 708-3000. Hearing or speech-impaired individuals may call HUD's TDD number (202) 708-4594. (These are not toll-free numbers.)

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Title II of the National Housing Act of 1934, specifically section 223(f) (12 U.S.C. 1715n(f)), authorizes HUD to insure mortgages for multifamily rental units through the Federal Housing Administration (FHA). The regulations implementing section 223(f) are codified at 24 CFR 207.32a. The section 223(f) regulations were amended June 24, 1985 (50 FR 25940), to include cooperative mortgagors. The regulations, as amended in 1985, expand section 223(f) to provide mortgage insurance for the refinancing of existing cooperative projects and the purchase/conversion of existing rental projects by cooperative sponsors.

Paragraph (h)(2) of § 207.32a sets forth the occupancy requirements for rental projects converted to cooperative ownership. At least 70 percent of the total units in the project must be subscribed to on a cooperative basis before endorsement of the mortgage for insurance by the Federal Housing Commissioner. This interim rule replaces the strict 70 percent subscription requirement of § 207.32a(h)(2) with one that varies according to the loan-to-value ratio.

The amended regulation provides that with respect to a cooperative project, the following pre-sale and loan-to-value ratios apply: (1) A 70 percent loan-to-value ratio loan will require that 51