

and compile the information and send premium payments to the NFIP) may be addressed to the points of contact identified in the "For Further Information Contact" section of this proposed rule, and to Donald Arbuckle, Office of Management and Budget, Office of Information and Regulatory Affairs, 3255 New Executive Office Building, Washington, DC 20503.

#### Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under E.O. 12612, Federalism, dated October 26, 1987.

#### Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of § 2(b)(2) of E.O. 12778.

#### List of Subjects in 44 CFR Parts 61 and 206

Flood insurance; Disaster assistance.

Accordingly, 44 CFR Parts 61 and 206 are proposed to be amended as follows:

#### PART 61—INSURANCE COVERAGE AND RATES

1. The authority citation for Part 61 continues to read as follows:

**Authority:** 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

2. Section 61.17 is added to read as follows:

##### § 61.17 Group Flood Insurance Policy

(a) A Group Flood Insurance Policy (GFIP) is a policy covering all individuals named by a State as recipients under § 411 of the Stafford Act (42 U.S.C. 5178) of an Individual and Family Grant program award for flood damage as a result of a Presidential disaster declaration. The premium for the GFIP, initially, is a flat fee of \$200 per policyholder. The amount of coverage would be equivalent to the maximum grant amount established under § 411. Coverage under the GFIP would become effective on the 30th day following the date the NFIP receives the records and premium payments from the State.

(b) The GFIP is the Standard Flood Insurance Policy Dwelling Form (a copy of which is included in Appendix A(1) of this part), except that:

(1) The GFIP provides coverage for losses caused by land subsidence, sewer backup, or seepage of water without regard to the requirement in paragraph B.3. of Article 3 that the structure be insured to 80 percent of its replacement

cost or the maximum amount of insurance available under the National Flood Insurance Program.

(2) *Article 7—Deductibles* does not apply to the GFIP. The deductible is \$200 (applicable separately to any building loss and any contents loss) for insured flood damage losses sustained by the insured property in the course of any subsequent flooding event during the policy term. No deductible shall apply to Article 3 B.3.

(3) Article 9 E., Cancellation of Policy By You, does not apply to the GFIP.

(4) Article 9 G., Policy Renewal, does not apply to the GFIP.

#### PART 206—FEDERAL DISASTER ASSISTANCE FOR DISASTERS DECLARED ON OR AFTER NOVEMBER 23, 1988

3. The authority citation for Part 206 is amended to read as follows:

**Authority:** The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq.; 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

#### Subpart E—Individual and Family Grant Programs

4. Section 206.131(d)(1)(iii)(C)(2) is revised to read as follows:

##### § 206.131 Individual and Family Grant Programs.

\* \* \* \* \*

(d) \* \* \*

(1) \* \* \*

(iii) \* \* \*

(C) \* \* \*

(2) The National Flood Insurance Program (NFIP) regulations, at 44 CFR 61.17, establish the Group Flood Insurance Policy (GFIP), which is a policy that covers eligible individuals named by a State as recipients under section 411 of the Stafford Act of an IFG program award for flood damage as a result of a Presidential disaster declaration.

(i) IFG assistance will be provided to individuals or families with residential or personal property damage or losses of \$200 or more. Individuals with damage of \$199 or less will not be eligible for IFG assistance.

(ii) The premium for the GFIP is a necessary expense within the meaning of this section. The State shall withhold this portion of the IFG award and provide it to the NFIP on behalf of individuals and families who are eligible for coverage. The coverage shall be equivalent to the maximum grant amount established under § 411(f) of the Stafford Act.

(iii) The State IFG program staff would provide the NFIP with records of individuals who received an IFG award and are, therefore, to be insured. Grantees would not be covered if they are determined to be ineligible for coverage based on a number of exclusions established by the NFIP. Records of IFG grantees to be insured shall be accompanied by payments to cover the premium amounts for each grantee for the 3-year policy term. The NFIP will then issue a Certificate of Flood Insurance to each grantee.

(iv) Once the grantee/policyholder receives the Certificate of Flood Insurance, the grantee should review the list of the types of buildings that are ineligible for coverage. If the damaged building and its contents are ineligible, the grantee must notify the NFIP in writing. The NFIP will then reimburse the State IFG program for the premium, so the IFG program can issue a check for the premium amount to the grantee when a premium amount was withheld from a maximum grant award. (If the grantee wishes to refer to or review a Standard Flood Insurance Policy, it will be made available by the NFIP upon request.)

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance"; No. 83.516, "Disaster Assistance").

Dated: February 24, 1995.

**Elaine A. McReynolds,**  
Administrator, Federal Insurance Administration.

**Richard W. Krimm,**  
Associate Director, Response and Recovery.  
[FR Doc. 95-6361 Filed 3-14-95; 8:45 am]

BILLING CODE 6718-02-P

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[MM Docket No. 94-84, RM-8478]

#### Radio Broadcasting Services; Driscoll, Gregory and Robstown, Texas

**AGENCY:** Federal Communications Commission  
**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on the deletion of vacant Channel 283A at Gregory, Texas. The deletion of Channel 283A at Gregory is necessary in order to accommodate the proposed substitution of Channel 283C3 for Channel 286A at Robstown, Texas, the reallocation of Channel 283C3 from Robstown to Driscoll, Texas, and the modification of Station KMIQ(FM)'s

license to specify Driscoll as Station KMIQ(FM)'s community of license. See 59 FR 38950, August 1, 1994.

**DATES:** Comments must be filed on or before May 1, 1995, and reply comments on or before May 16, 1995.

**ADDRESSES:** Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Lee J. Peltzman, Esq., Shainis & Peltzman, Suite 200, 2000 L Street, Washington, D.C. 20036 (Counsel for petitioner).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Further Notice of Proposed Rule Making*, MM Docket No. 94-84, adopted March 1, 1995, and released March 10, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 95-6339 Filed 3-14-95; 8:45 am]

BILLING CODE 6712-01-F

## NATIONAL TRANSPORTATION SAFETY BOARD

### 49 CFR Parts 800, 830, and 831

#### Reporting of Public Aircraft Accidents

**AGENCY:** National Transportation Safety Board.

**ACTION:** Notice of proposed rule and request for comments.

**SUMMARY:** The NTSB is proposing various revisions to its rules to implement P.L. No. 103-411, which expands the scope of its jurisdiction to include investigations of certain public aircraft accidents.

**DATES:** Comments are invited by April 14, 1995.

**ADDRESSES:** An original and 2 copies of any comments must be submitted to: Office of General Counsel, National Transportation Safety Board, 490 L'Enfant Plaza East, SW., Washington, DC 20594, Attention: Public Aircraft Rules.

**FOR FURTHER INFORMATION CONTACT:** Jane F. Mackall, (202) 382-6540.

**SUPPLEMENTARY INFORMATION:** On October 25, 1994, President Clinton signed H.R. 2440, the Independent Safety Board Act Amendments of 1994. Codified as Public Law No. 103-411 (the Act), it is effective on April 23, 1995, and directly affects aircraft operated by and for Federal, State and local governments. The core of the legislation is amendments to the Federal Aviation Act of 1958 to expand the Federal Aviation Administration's (FAA) safety regulation to previously exempt "public" aircraft, and the FAA is in the process of developing implementing rules and guidance. The Act, however, also changed the jurisdiction of the National Transportation Safety Board (NTSB or Safety Board).

Presently, jurisdiction of the Safety Board to investigate aircraft accidents depends on whether the aircraft involved are "civil" or "public." An aircraft is either one or the other. These two terms are defined in the Federal Aviation Act of 1958, as amended, 49 U.S.C. 40102(a) (17) and (37). Until now, the Safety Board's statutory investigation authority extended only to civil aircraft, although accidents and incidents involving certain public aircraft are required to be reported to the NTSB within 10 days. See 49 CFR 830.20.<sup>1</sup>

<sup>1</sup>The Board has also investigated some public aircraft accidents under memoranda of understanding with various Federal agencies and State and local governments.

Section 3(c) of the Act expands the Safety Board's statutory role in investigating aircraft accidents to include all "public" aircraft other than those operated by the Armed Forces or by a United States intelligence agency. Thus, with these two exceptions, aircraft operated by Federal, State and local governments will, as of April 23, 1995, be subject to Board jurisdiction for the purposes of accident investigation in the U.S., in addition to any reporting requirements. We propose in this proceeding to make changes to our regulations, as necessary to reflect the Act.

The key question the Safety Board must answer is: when does an accident "involve" an aircraft "operated by" the Armed Forces or "intelligence agencies" so as to qualify for the exception to our public aircraft jurisdiction? As to what organizations would be included in the term "Armed Forces," we consider the National Guard, and the Coast Guard, for example, to be within the definition, and propose to continue that practice. We construe the term "intelligence agency" strictly, and propose only to apply it to those Federal agencies that are so named or categorized (for example, in their enabling statutes).

In defining the term "operated by," there is no issue of interpretation when the military is flying military-owned aircraft (assuming only one aircraft is involved in any accident/incident). Such an accident would be outside our jurisdiction. But, if the aircraft is not actually owned and operated by the military, we have in the past used a "single-flight" test for Federal use of otherwise private aircraft to determine whether the aircraft is civil or public and, thus, determine our jurisdiction. That is, if the Navy contracted for a civilian aircraft to transport troops, during the aircraft's use for that purpose it might have been deemed a public aircraft and outside our mandatory jurisdiction—even though by inter-agency agreement we might have investigated an accident. After April 23, this matter is to be analyzed differently. Irrespective of the aircraft status as civil or public, we propose to interpret the statute as requiring that any such accident will be investigated by NTSB unless the aircraft was actually operated by Armed Forces personnel.

The new definition of public aircraft is complex, and has generated considerable discussion and interpretation concerning the scope and application of the civil/public aircraft division for the purposes of FAA safety regulation. The distinction between civil and public aircraft (as opposed to the distinction between military and