

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Parts 23 and 91**

[Docket No. 27806, Amendment No. 91-248]

RIN 2120-AE59

Airworthiness Standards; Systems and Equipment Rules Based on European Joint Aviation Requirements

AGENCIES: Federal Aviation Administration, DOT.

ACTION: Final rule, correction.

SUMMARY: This document contains a correction to the final rule published on February 9, 1996 (61 FR 5151). This action removes the numbers "91-247", inadvertently used in the heading of the document and replaces it with the numbers "91-248".

EFFECTIVE DATE: March 11, 1996.

FOR FURTHER INFORMATION CONTACT:

Earsa Tankesley, Aerospace Engineer, Standards Office (ACE-100), Small Airplane Directorate, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106, telephone (816) 426-6932.

In the final rule on page 5151 in the issue of Friday, February 9, 1996, delete the numbers "91-247", from the heading and add the numbers "121-248" to the heading.

Issued in Washington, DC on February 21, 1996.

Donald P. Byrne,

Assistant Chief Counsel, Regulations Division.

[FR Doc. 96-4559 Filed 2-27-96; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**Office of the Assistant Secretary for Public and Indian Housing****24 CFR Part 953**

[Docket No. FR-2880-F-08]

RIN 2577-AB31

Community Development Block Grants for Indian Tribes and Alaskan Native Villages

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Final rule; Extension of effective period of interim rule.

SUMMARY: This rule extends the effective period for the interim rule for the

Community Development Block Grants for Indian Tribes and Alaskan Native Villages Program (24 CFR part 953) to such time that a final rule is issued and becomes effective.

EFFECTIVE DATE: This final rule, which extends the effective period of the interim rule, is effective March 29, 1996.

The effective period for 24 CFR part 953 is extended from April 1, 1996, until the final rule adopting the regulations of part 953 is published and becomes effective.

FOR FURTHER INFORMATION CONTACT:

Dominic Nessi, Director, Office of Native American Programs, Department of Housing and Urban Development, room B-133, 451 Seventh Street, SW, Washington, DC 20410. Telephone: (202) 755-0032; TDD: (202) 708-0850. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:**I. Justification for Final Rulemaking**

In general, HUD publishes a rule for public comment before issuing a rule for effect, in accordance with its own regulations on rulemaking, 24 CFR part 10. However, part 10 provides for exceptions from that general rule where the agency finds good cause to omit advance notice and public participation. The good cause requirement is satisfied when prior public procedure is "impracticable, unnecessary, or contrary to the public interest" (24 CFR 10.1). HUD finds that good cause exists to publish this rule for effect without first soliciting public comment, because prior public procedure is unnecessary.

This final rule is technical, in that it merely extends the effective period for existing regulations, and it effects no substantive change to those regulations. The public has had an opportunity to comment on the substance of the regulations, as the interim rule for this program was published subject to a 150-day public comment period, and the interim rule was preceded by an earlier interim rule which provided for a 225-day public comment period and an even earlier proposed rule which provided a 60-day public comment period.

II. Background

Section 105 of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101-235), as amended by the National Affordable Housing Act, amended Title I of the Housing and Community Development Act of 1974, by transferring the authority for making grants to Indian Tribes from the section 107 discretionary fund to the allocation and distribution of funds provisions of Section 106 of the 1974 Act. Under

section 106, as so amended, one percent of the title I appropriation, excluding the amounts appropriated for use under section 107, is allocated for grants to Indian Tribes. The allocated amount is to be distributed to Indian Tribes/Villages on a competitive basis in accordance with selection criteria "contained in a regulation promulgated by the Secretary after notice and public comment."

The Department issued the proposed rule on June 21, 1991, at 56 FR 28666, to comply with the requirement for publication for comment. The Department issued an interim rule on April 7, 1992, at 57 FR 11832, to give the public an additional opportunity to comment on the interim rule after it has been in effect for one round of competition. A second interim rule was issued on July 27, 1994, at 59 FR 38326, to address the comments received on the April 7, 1992 interim rule and to allow the public to see how the interim rule worked in conjunction with the 1995 NOFA.

Section 953.1 of the July 27, 1994 interim rule contains a "sunset" provision that provides that the interim rule will expire on April 1, 1996.

The final rule for part 953 is in its last stages of development and publication is anticipated in the near future. However, in order to prevent a period in which the Department will be without effective regulations, HUD is extending the effective period of the interim rule until the final rule is published and becomes effective.

III. Other Matters*National Environmental Policy Act*

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50 implementing section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the Office of Rules Docket Clerk, 451 Seventh Street, SW, room 10276, Washington, DC 20410-0500.

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule before publication and by approving it certifies that the rule does not have a significant economic impact on a substantial number of small entities. The rule merely extends the effective period for the interim rule.

Executive Order 12606, The Family

The General Counsel, as the Designated Official under Executive Order 12606, *The Family*, has determined that this rule does not have the potential to promote family formation, maintenance, and general well-being and, therefore, is not subject to review under the Order.

Executive Order 12611, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12611, *Federalism*, has determined that the rule does not have a substantial, direct effect on the States 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 and, therefore, is not subject to review under the Order.

List of Subjects in 24 CFR Part 953

Alaska, Community development block grants, Grant programs—housing and community development, Reporting and recordkeeping requirements.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance program number is 14.223.

In accordance with the reasons set forth in the preamble, 24 CFR part 953 is amended as follows:

PART 953—COMMUNITY DEVELOPMENT BLOCK GRANTS FOR INDIAN TRIBES AND ALASKAN NATIVE VILLAGES

1. The authority citation for 24 CFR part 953 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 5301 et seq.

2. Section 953.1 is amended to designate the first paragraph as “(a)” and to designate the second paragraph as “(b)” and to revise newly designated paragraph (b) to read as follows:

§ 953.1 Applicability and scope.

(a) * * *

(b) The regulations of this part will remain in effect until the date the final rule adopting the regulations of this part with or without changes is published and becomes effective.

Dated: February 22, 1996.

Kevin Emanuel Marchman,

Acting Assistant Secretary for Public and Indian Housing.

[FR Doc. 96-4438 Filed 2-27-96; 8:45 am]

BILLING CODE 4210-33-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

[OH-229-FOR #66]

Ohio Regulatory Program

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 Ohio regulatory program (hereinafter referred to as the “Ohio program”) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Ohio proposed revisions to rules and directives pertaining to premining water quality samples for previously mined permit sites. The amendment is intended to make the Ohio program as effective as the corresponding Federal regulations.

EFFECTIVE DATE: February 28, 1996.

FOR FURTHER INFORMATION CONTACT: George Rieger, Program Manager, OSM, Appalachian Regional Coordinating Center, 10 Parkway Center, Pittsburgh, PA 15220, Telephone: (412) 937-2849.

SUPPLEMENTARY INFORMATION:

- I. Background on the Ohio Program.
- 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 Ohio Program

On August 16, 1982, the Secretary of the Interior conditionally approved the Ohio program. Background information on the Ohio program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the August 10, 1982, Federal Register (47 FR 34688). Subsequent actions concerning conditions of approval and program amendments can be found at 30 CFR 935.11, 935.12, 935.15, and 935.16.

II. Submission of the Proposed Amendment

By letter dated July 3, 1995 (Administrative Record No. OH-2143), Ohio submitted a proposed amendment to its program pursuant to SMCRA at its own initiative. Ohio proposed to revise one rule at Ohio Administrative Code (OAC) section 1501:13-4-15 concerning the number and frequency of premining water samples required for previously mined permit areas. Ohio also proposed to revise two of its Policy/Procedures

Directives (PPD)—PPD Permitting 92-3 and PPD Regulatory 93-4, to reflect the rule change.

OSM announced receipt of the proposed amendment in the July 25, 1995, Federal Register (60 FR 37972), 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 August 24, 1995.

During its review of the amendment, OSM identified concerns relating to pollution abatement areas. OSM notified Ohio of these concerns by letter dated September 8, 1995 (Administrative Record No. OH-2156).

By letter dated September 27, 1995 (Administrative Record No. OH-2157), Ohio responded to OSM's concerns by submitting revisions to its proposed program amendment. Ohio proposed two additional revisions to PPD Regulatory 93-4. The first revision deletes the earlier proposed provision which would have allowed the inclusion of “contiguous undisturbed areas” within pollution abatement areas. The second revision requires that the operator make an additional written notification pertaining to the demonstration of untreated pre-existing discharges.

Based on the revisions to the proposed program amendment submitted by Ohio, OSM reopened the public comment period in the October 25, 1995, Federal Register (60 FR 54619) and provided an opportunity for a public hearing on the adequacy of the amendment. The public comment period closed on November 9, 1995.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, 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.

15 OAC 1501:13-4-15(D)(2)—Authorization to Conduct Coal Mining on Previously Mined Areas. Ohio is proposing to amend its regulations pertaining to water quality to require that a permit applicant submit data from a minimum of 12 samples taken at regular intervals at each sampling location and collected over a period of at least 12 months or longer, as determined by the regulatory authority. The Federal regulations at 30 CFR 780.21(b) establish baseline hydrologic