

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, when promulgated, 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).

The Proposed Amendment

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

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

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

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, *Airspace Designations and Reporting Points*, dated September 10, 1998, and effective September 16, 1998, is to be amended as follows:

* * * * *

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

* * * * *

AAL AK E5 Koliganek, AK [New]

Koliganek Airport

(Lat. 61° 32' 11" N., long. 160° 20' 29" W.)

That airspace extending upward from 700 feet above the surface within 6.3-mile radius of the Koliganek Airport, and that airspace extending upward from 1,200 feet above the surface within an area bounded by lat. 59° 08' 00" N. long. 158° 30' 00" W., to lat. 59° 55' 00" N. long. 158° 30' 00" W., to lat. 59° 55' 00" N. long. 155° 00' 00" W., to 59° 08' 00" N. long. 155° 00' 00" W., the point of beginning.

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Issued in Anchorage, AK, on August 25, 1999.

Willis C. Nelson,

Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 99–22895 Filed 9–1–99; 8:45 am]

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POSTAL SERVICE

39 CFR Part 776

Floodplain and Wetland Procedures

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposal would revise existing procedures for the acquisition and management of real property and construction of facilities in floodplains and wetlands. These proposed changes would simplify and clarify the responsibilities of the Postal Service with regard to public notification and procedures to be followed when evaluating postal facility actions that may involve construction projects in floodplains or wetlands.

DATES: Comments must be submitted on or before October 4, 1999.

ADDRESSES: Written comments should be directed to the Manager, Real Estate, Facilities, 4301 Wilson Blvd, Suite 300, Arlington, VA 22203–1861.

FOR FURTHER INFORMATION CONTACT:

Technical information: Hank Burmeister, (201) 714–5431. Legal information: Jeff Meadows, (202) 268–3009.

SUPPLEMENTARY INFORMATION: The Postal Service is proposing to clarify and simplify its regulations concerning its internal evaluation and decision-making processes for constructing facilities in floodplain and wetland areas, while ensuring public input and notice of these decisions. Experience over the years has demonstrated that the current regulations in many cases do not address the needs of local communities.

The Postal Service must balance local needs with its national mandate to provide universal, prompt, and efficient mail service while complying with environmental protection policies. Often the only suitable and available property requires construction in a floodplain or wetland. In these situations, an analysis which presumes that the Postal Service has an unlimited number of options available to provide community postal services is inefficient.

The proposed floodplain regulations would apply to construction of new postal facilities in floodplains. They would also apply to other construction projects, including the expansion or renovation of existing facilities, which would increase the amount of impervious area in a floodplain, such as paving over a dirt and gravel parking lot. However, the procedural requirement to conduct a no practicable alternatives analysis will not apply to every construction project located in a floodplain. For example, it would not

apply to construction or improvements to facilities such as boat docks and piers, which necessarily have to be placed in the floodplain, or to new construction of facilities where all contending sites are located in the floodplain. The no practicable alternatives analysis also would not apply where the entire preferred area for the location of a postal facility, whether expanded, renovated, or replaced, is in the floodplain.

These regulations attempt to balance the need to limit development in floodplains while addressing community inputs and needs. The Postal Service will continue to review the potential environmental impacts and effects of facility actions and to incorporate appropriate mitigation measures into facilities projects.

The wetland regulations, based on Executive Order (EO) 11990, are being simplified and clarified to separate them from the floodplain requirements, based on EO 11988. EO 11990 directs all federal agencies to avoid destruction or modification of wetlands whenever a practicable alternative can be found. The proposed regulations separate the requirements and procedures for floodplains and wetlands. These proposed regulations do not alter the basic procedure the Postal Service follows pursuant to EO 11990. For example, if the construction is proposed in a wetland, the Postal Service must still issue a written determination that there is no practicable alternative to such construction and that the proposed action includes all practicable mitigation measures. The Postal Service will continue to review the potential environmental impacts and effects of facility actions in wetlands and incorporate appropriate mitigation measures.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c) regarding proposed rulemaking) by 39 U.S.C. 410(a), the Postal Service invites comments on the following proposed amendments to part 776 of subchapter K of title 39, Code of Federal Regulations.

List of Subjects in 39 CFR Part 776

Floodplains, Postal Service.

For the reasons discussed in the preamble, the Postal Service proposes to revise title 39 CFR part 776 to read as follows:

PART 776—FLOODPLAIN AND WETLAND PROCEDURES

Subpart A—General Provisions

Sec.

776.1 Purpose and policy.

776.2 Responsibility.

776.3 Definitions.

Subpart B—Floodplain Management

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776.9 Review procedures.

776.10 Lease, easement, right-of-way, or disposal of property to non-federal parties.

Authority: 39 U.S.C. 401.

§ 776.1 Purpose and policy.

(a) The regulations in this part implement the goals of Executive Orders 11990, Protection of Wetlands, and 11988, Floodplain Management, and are adopted pursuant to the Postal Reorganization Act, as the Postal Service does not meet the definition of the term "agency" used in the Executive Orders.

(b) The Postal Service intends to exercise leadership in the acquisition and management of real property, construction of facilities, and disposal of real property, located in floodplains and wetlands. Consistent with the goals of the Executive Orders, the regulations in this part are not intended to prohibit floodplain and wetland development in all circumstances, but rather to create a consistent policy to minimize adverse impacts.

§ 776.2 Responsibility.

The appropriate Manager, Facilities Service Office, or functional equivalent within the Postal Service's facilities organization, in conjunction with the appropriate Vice President, Area Operations, or functional equivalent within the Postal Service's operations organization, are responsible for overall compliance with the regulations in this part pertaining to facilities projects. The Vice President, Area Operations, is responsible for compliance with these regulations for those projects within the Vice President's delegated authority.

§ 776.3 Definitions.

Construction means construction, alterations, renovations, and expansions of buildings, structures, and improvements.

Contending site means a site or existing building for a proposed postal

facility action, which meets the requirements of the Postal Service as determined by the operations organization.

Facility means any building, appurtenant structures, or associated infrastructure.

Floodplain means the lowland and relatively flat areas adjoining inland and coastal waters including flood-prone areas of offshore islands, including, at a minimum, those areas subject to a one percent or greater chance of flooding in any given year (also known as a 100-year floodplain).

Practicable means capable of being accomplished within existing constraints. The test of what is practicable depends on the situation and includes consideration of many factors, such as environment, cost, technology, implementation time, and postal operational needs.

Preferred area means the specific geographical area proposed for a new postal facility, as developed by the operations organization within the Postal Service. A preferred area's boundaries are unique for each proposed facility based on the operational and customer service needs of the Postal Service.

Preferred site means the most advantageous site for a proposed facility, taking into consideration postal operational and customer service needs, cost, and availability, as determined by the operations organization within the Postal Service.

Wetlands means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Subpart B—Floodplain management

§ 776.4 Scope.

(a) The regulations in this subpart are applicable to the following proposed postal facility actions located in a floodplain:

(1) New construction, owned or leased; or

(2) Construction projects at an existing facility that would increase the amount of impervious surface at the site.

(b) These procedures are not applicable to the following postal facility actions:

(1) Those actions identified in paragraphs (a)(1) and (a)(2) of this section, when the entire preferred area,

or all contending sites, for such actions lies within a floodplain;

(2) Incidental construction, such as construction of athletic fields, recreational facilities, sidewalks, and other minor alteration projects;

(3) Construction at existing postal facilities pursuant to the Architectural Barriers Act or postal accessibility standards;

(4) Any facility construction project deemed necessary to comply with federal, state, or local health, sanitary, or safety code standards to ensure safe working conditions;

(5) Construction of facilities that are functionally dependent on water, such as piers, docks, or boat ramps;

(6) Maintenance, repair, or renovation of existing facilities; or

(7) Leasing or other use of space for not more than one year.

§ 776.5 Review procedures.

Officials shall follow the decision-making process outlined in paragraphs (a) through (f) of this section, when a facility action may involve floodplain issues. Under certain circumstances, this process may be carried out with fewer steps if all objectives of the decision-making process can be achieved. A general principle underlying this process is that a postal facility action requiring construction in a floodplain may be considered only when there is no practicable alternative.

(a) *Analysis of alternatives.* If a postal facility action would involve construction in a floodplain, alternative actions shall be considered.

(b) *Early public notice.* If a facility action at the contending site(s) could require construction in a floodplain, public notice must be provided.

(c) *Floodplain location and information.* (1) Personnel shall determine whether construction would occur within a floodplain. The determination shall be made by reference to appropriate Department of Housing and Urban Development (HUD) floodplain maps (sometimes referred to as Floodplain Insurance Rate Maps (FIRM)), or Federal Emergency Management Agency (FEMA) maps, or more detailed maps if available. If such maps are not available, floodplain location must be determined on the basis of the best available information.

(2) Once the preferred site has been identified, potential floodplain impacts must be determined. As part of this determination process, specific floodplain information should be developed, which is to consider:

(i) Whether the proposed action will directly or indirectly support floodplain development;

(ii) Flood hazard and risk to lives and property;

(iii) Effects on natural and beneficial floodplain values, such as water quality maintenance, groundwater recharge, and agriculture; and

(iv) Possible measures to minimize harm to, or impact on, the floodplain.

(d) *Reevaluation.* After the above steps have been followed, if the determination is that there appears to be no practicable alternative to constructing in a floodplain, a further review of alternatives must be conducted by the facilities organization in conjunction with the operations organization requesting the construction of the facility. The further review of alternatives must be conducted by the operations organization for projects within the delegated authority of the Vice President, Area Operations.

(e) *Final public notice.* As a result of the reevaluation, if it is determined that there is no practicable alternative to constructing in a floodplain, public notice shall be provided as soon as possible for the proposed action. The notice should be publicized and should include:

(1) Identification of the project's location;

(2) Provision for a 30-day public comment period before irrevocable action is taken by the Postal Service; and

(3) Name and complete address of a postal contact person responsible for providing further information on the decision to proceed with a facility action or construction project in a floodplain. Upon request, that person shall provide further information as follows:

(i) A description of why the proposed action must be located in a floodplain;

(ii) A listing of alternative actions considered in making the determination; and

(iii) A statement indicating whether the action conforms to applicable state and local floodplain protection standards.

(f) *Distribution.* The above public notice will be sent to appropriate officials, local newspaper reporters, and other parties who express interest in the project.

(g) *NEPA coordination.* If either an Environmental Impact Statement or an Environmental Assessment is required under the Postal Service's National Environmental Policy Act (NEPA) regulations, the above review procedures must be incorporated into and evaluated in that document.

§ 776.6 Design requirements for construction.

If structures impact, are located in, or support development in a floodplain, construction must conform, at a minimum, to the standards and criteria of the National Flood Insurance Program (NFIP), except where those standards are demonstrably inappropriate for postal purposes.

§ 776.7 Lease, easement, right-of-way, or disposal of property to non-federal parties.

When postal property in floodplains is proposed for lease, easement, right-of-way, or disposal to non-federal public or private parties, the Postal Service shall:

(a) Reference in the conveyance document that the parcel is located in a floodplain and may be restricted in use pursuant to federal, state, or local floodplain regulations; or

(b) Withhold the property from conveyance.

Subpart C—Wetlands Protection

§ 776.8 Scope.

(a) The regulations in this subpart are applicable to the following proposed postal facility actions located in a wetland:

(1) New construction, owned or leased; or

(2) Construction projects at an existing facility that would alter the external configuration of the facility.

(b) These procedures are not applicable to the following postal facility actions:

(1) Construction of foot and bike trails or boardwalks, including signs, the primary purposes of which are public education, interpretation, or enjoyment of wetland resources;

(2) Construction at existing postal facilities pursuant to the Architectural Barriers Act or postal accessibility standards;

(3) Any facility construction project deemed necessary to comply with federal, state, or local health, sanitary, or safety code standards to ensure safe working conditions;

(4) Construction of facilities that are functionally dependent on water, such as piers, docks, or boat ramps; or

(5) Maintenance, repair, or renovation of existing facilities.

§ 776.9 Review procedures.

(a) *Early public notice.* If a facility action at the contending site(s) could require construction in a wetland, public notice must be provided.

(b) *Finding of no practicable alternative.* The Postal Service shall avoid construction located in a wetland unless it issues a finding of no practicable alternative. The facilities

organization, in conjunction with the operations organization, or, for projects within the delegated authority of the Vice President, Area Operations, the operations organization, shall make a written determination that:

(1) There is no practicable alternative to such construction; and

(2) The proposed action includes all practicable measures to minimize harm to wetlands.

(c) *NEPA coordination.* If either an Environmental Impact Statement or an Environmental Assessment is required under the Postal Service's National Environmental Policy Act (NEPA) regulations, the above review procedures must be incorporated into and evaluated in that document.

§ 776.10 Lease, easement, right-of-way, or disposal of property to non-federal parties.

When postal-owned wetlands or portions of wetlands are proposed for lease, easement, right-of-way, or disposal to non-federal public or private parties, the Postal Service shall:

(a) Reference in the conveyance document that the parcel contains wetlands and may be restricted in use pursuant to federal, state, or local wetlands regulations; or

(b) Withhold the property from conveyance.

Stanley F. Mires,

Chief Counsel, Legislative.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MA-35-1-6659b; A-1-FRL-6425-3]

Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Reasonably Available Control Technology for Major Stationary Sources of Nitrogen Oxides and Nitrogen Oxide Requirements at Municipal Waste Combustors

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve State Implementation Plan (SIP) revisions submitted by the State of Massachusetts. These revisions establish and require the implementation of reasonably available control technology (RACT) for major stationary sources of nitrogen oxides (NOx). Additionally, Massachusetts has requested SIP approval of NOx emission limits, monitoring, recordkeeping, and