

Further, the FAA does not necessarily agree that there will be a need for an environmental study of this airspace area. The FAA has determined that regulatory airspace areas established to improve safety and/or manage aircraft operations qualifies for categorical exclusion from environmental review in accordance with FAA Order 1050.1, Policies and Procedures for Considering Environmental Impacts.

**The Rule**

This action amends 14 CFR part 71 by revoking the Class C airspace area designated as the "El Toro MCAS, CA" Class C airspace area. The removal is necessary due to the closure of the ATC facilities at the El Toro MCAS and will revert the current Class C airspace to Class E controlled airspace. This action also revises the Santa Ana, CA, Class C airspace area, by removing references to the El Toro MCAS from the description. These actions merely revoke the Class C airspace area designation for the El Toro MCAS and revises the description for the Santa Ana, CA, Class C airspace area, but does not change the dimensions, operating requirements, or flight patterns in the Santa Ana, CA, area.

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. Therefore, this action: (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.

The coordinates for this airspace docket are based on North American Datum 83. Class C airspace areas are published in paragraph 4000 of FAA Order 7400.9G, dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. The Class C airspace area listed in this document will be published subsequently in the Order.

**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—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 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 the Federal Aviation Administration Order 7400.9G, Airspace Designations and Reporting Points, dated September 1, 1999, and effective September 16, 1999, is amended as follows:

*Paragraph 4000—Subpart C—Class C Airspace.*

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**AWP CA C El Toro MCAS, CA [Removed]**

\* \* \* \* \*

**AWP CA C Santa Ana, CA [Revised]**

John Wayne Airport/Orange County, CA (lat. 33°40'32" N., long. 117°52'06" W.)

That airspace extending upward from the surface to and including 4,400 feet MSL within a 5-mile radius of the John Wayne Airport/Orange County excluding that airspace east of a line between lat. 33°44'12" N., long. 117°48'00" W.; and lat. 33°36'55" N., long. 117°47'58" W.; and that airspace extending upward from 2,500 feet MSL to and including 4,400 feet MSL within a 10-mile radius of the John Wayne Airport/Orange County, west of a line from lat. 33°36'55" N., long. 117°47'58" W.; to lat. 33°31'09" N., long. 117°47'56" W. clockwise to the 175° bearing from John Wayne Airport/Orange County; and that airspace extending upward from 1,500 feet MSL to and including 4,400 feet MSL within a 10-mile radius of John Wayne Airport/Orange County from the 175° bearing clockwise to the 201° bearing from John Wayne Airport/Orange County; and that airspace extending upward from 3,500 feet MSL to and including 5,400 feet MSL within a 10-mile radius of John Wayne Airport/Orange County from the 201° bearing from the airport to the shoreline, excluding that airspace west of a line from the 351° bearing from John Wayne Airport/Orange County to the 251° bearing from John Wayne Airport/Orange County; and that airspace extending upward from 2,500 feet MSL to and including 5,400 feet MSL within a 10-mile radius of John Wayne Airport/Orange County from the shoreline to the San Diego Freeway (I-405), excluding that airspace west of a line from the 351° bearing from John Wayne Airport/Orange County to the 251° bearing from John Wayne Airport/

Orange County; and that airspace extending upward from 2,500 feet MSL to and including 4,400 feet MSL within a 10-mile radius of John Wayne Airport/Orange County from the San Diego Freeway clockwise to the 360° bearing from the John Wayne Airport/Orange County, excluding that airspace west of a line from the 351° bearing from John Wayne Airport/Orange County to the 251° bearing from John Wayne Airport/Orange County; and that airspace extending upward from 2,000 feet MSL to and including 4,400 feet MSL within a 10-mile radius of John Wayne Airport/Orange County from the 360° bearing from the John Wayne Airport/Orange County clockwise to a line from lat. 33°49'58" N., long. 117°48'02" W.; to lat. 33°44'12" N., long. 117°48'00" W. This Class C airspace area is effective during the specific days and hours of operation of the Orange County Tower and Approach Control as established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

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Issued in Washington, DC on February 15, 2000.

**Reginald C. Matthews,**  
Manager, Airspace and Rules Division.

[FR Doc. 00-4226 Filed 2-22-00; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF EDUCATION**

**34 CFR Part 75**

**Office of Elementary and Secondary Education—Safe and Drug-Free Schools and Communities Act Native Hawaiian Program; Direct Grant Program**

**AGENCY:** Department of Education.

**ACTION:** Notice of final waiver.

**SUMMARY:** The Secretary waives the requirements in Education Department General Administrative Regulations (EDGAR) at 34 CFR 75.261 in order to extend the project period under the Safe and Drug-Free Schools and Communities Act (SDFSCA) Native Hawaiian Program, under title IV of the Elementary and Secondary Education Act of 1965, as amended (ESEA), from 48 months to up to 72 months. This action allows services under this program to continue uninterrupted and results in the awarding of up to two continuation awards for a total of up to 24 months to the existing grantee, using fiscal year (FY) 1999 and FY 2000 funds.

**DATES:** This waiver becomes effective February 23, 2000.

**FOR FURTHER INFORMATION CONTACT:** Elayne McCarthy, U.S. Department of Education, 400 Maryland Avenue, SW,

Room 3E322, Washington, DC 20202-6123. Telephone: (202) 260-2831; FAX: (202) 260-7767.

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**SUPPLEMENTARY INFORMATION:** In 1994, title I of the Improving America's Schools Act (IASA), Public Law 103-382, reauthorized the ESEA for a period of 5 years (1995-1999). The Safe and Drug-Free Schools and Communities Native Hawaiian Program is authorized by sections 4111(a)(4) and 4118 of the SDFSCA, which is title IV of ESEA. Section 4118(a) of the SDFSCA authorizes the Secretary to make grants to or enter into cooperative agreements or contracts with "organizations primarily serving and representing Native Hawaiians which are recognized by the Governor of the State of Hawaii to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of SDFSCA for the benefit of Native Hawaiians." Section 4118(b) of the SDFSCA defines the term "Native Hawaiian" as any individual whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

In 1995 the Department held a competition under section 4118 of the SDFSCA among the eligible entities for the SDFSCA Native Hawaiian Program. As a result of that competition, the Secretary awarded a grant to one entity with FY 1995 funds for a project period of 48 months, based on the grant application. Since that time, the grantee for the SDFSCA Native Hawaiian Program under the SDFSCA has received continuation awards with funds from three subsequent fiscal years (FY 1996, FY 1997, and FY 1998). The grantee has received approximately \$1 million per year.

As of the date of publication of this final notice, the ESEA has not been reauthorized, and the current authorization has been extended into FY 2000. This waiver allows the period of funding for the SDFSCA Native Hawaiian Program to be directly tied to the time period for reauthorization of the current ESEA, including SDFSCA. This waiver for the SDFSCA Native Hawaiian Program is in force only as long as the current SDFSCA is in effect

and will terminate upon reauthorization of ESEA.

If the Department were to hold a new competition under the existing legislation in FY 2000 (using FY 1999 funds), the Department would only fund the project for a limited project period up to 24 months, in anticipation that the program statute would be reauthorized prior to FY 2001. It would take a new grantee much of this time to 'start up', given the scope and complexity of the services provided and the time it takes to hire qualified staff and develop plans and relationships that are responsive to the Native Hawaiian population in the Hawaiian islands. Holding such a competition would impose additional costs at the Federal level without a guarantee that the new grantee would be able to provide the technical assistance and services necessary to schools and communities serving the Native Hawaiian population, as the Department moves towards reauthorization of ESEA. Therefore, in the best interest of the Federal Government, the Assistant Secretary extends the current project for up to two additional years and waives the regulation at 34 CFR 75.261, which permits extensions of projects only at no cost to the Federal Government. This action is consistent with the President's mandate to implement cost-effective, cost-saving initiatives.

On October 6, 1999, the Secretary published a notice of proposed waiver (64FR 54254-54255) for the Safe and Drug-Free Schools and Communities Act Native Hawaiian Program. In the notice of proposed waiver the Secretary invited public comments. The Secretary received one comment that did not propose a substantive change, and therefore is not addressed in this final notice of waiver.

#### Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance. In accordance with this order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

**Program Authority:** 20 U.S.C. 7111(a)(4); 20 U.S.C. 7118.

#### Waiver of Delayed Effective Date

The Secretary waives the delayed effective date under 5 U.S.C. 553(d) as unnecessary and contrary to the public

interest. This notice extends the grant period for the current SDFSCA Native Hawaiian Program grantee to ensure continuation of services while the current SDFSCA is in force. It will terminate upon reauthorization of ESEA. A delayed effective date would serve no useful purpose.

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Catalog of Federal Domestic Assistance Number 84.186C.

Dated: February 17, 2000.

**Michael Cohen,**

*Assistant Secretary for Elementary and Secondary Education.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[IN118-1a; FRL-6538-5]

#### Approval and Promulgation of Implementation Plan; Indiana

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving revisions to particulate matter (PM) emissions regulations for Indianapolis Power and Light Company (IPL) in Marion County, Indiana, which were submitted by the Indiana Department of Environmental Management (IDEM) on November 22, 1999, as amendments to its State Implementation Plan (SIP). The revisions include relaxation of some PM limits, tightening of other limits, and the elimination of limits for several boilers