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;[3] (2) by (jointly) the U.S. Department of Commerce and the U.S. Department of the Interior (the U.S. Departments);[4] and by (jointly) Edwards Manufacturing Co., Inc. and the City of Augusta, Maine (Edwards and Augusta).[5] 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 aggrievement, rehearing does not lie. Nor have the petitioners shown any particular circumstances requiring that we reconsider our positions taken in these policy statements.[6] 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 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 rehearing and are denied 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]

BILLING CODE 6717–01–P

[3] In the alternative, the Coalition requests reconsideration or clarification of the policy statement.

[4] 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.

[5] 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.

[6] *See* Papago Tribal Utility Authority v. FERC, 628 F.2d 235, 239 (D.C. Cir. 1980).

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

percent of the project's units be pre-sold and occupied by the owners as a principal residence prior to endorsement; (2) an 80 percent loan-to-value ratio loan will require that 60 percent of the project's units be pre-sold and occupied by the owners as a principal residence prior to endorsement; and (3) a 90 percent loan-to-value ratio loan will require that 70 percent of the project's units be pre-sold and occupied by the owners as a principal residence prior to endorsement.

These amendments will minimize HUD's risk in insuring mortgages on cooperative projects while at the same time, providing a mechanism for development of a wide range of cooperative projects. In general, the higher the pre-sale rate, the more likely a project will succeed as a cooperative. Likewise, the greater the loan-to-value ratio, the higher HUD's risk in most cases. Therefore, the amendment requires a higher pre-sale rate in order to secure a higher loan-to-value ratio loan. Conversely, the smaller the loan-to-value ratio, the less substantial HUD's risk, and, thus, the lower the required pre-sale.

Furthermore, this interim rule also creates a new § 207.32a(h)(2)(iv) mandating that voting control of the cooperative project rest with the owner-occupants. Since owner-occupant control is a distinguishing feature of cooperatives, this requirement will ensure that the insured mortgage is associated with a legitimate cooperative project.

These amendments not only increase program flexibility with respect to the insurance of mortgages on cooperative projects, but will promote HUD's policy of revitalizing neighborhoods and communities. HUD believes these amendments will help make affordable housing a reality for more families everywhere and help revitalize ''communities in peril.''

II. Justification for Interim Rulemaking

It is HUD's policy to publish rules for public comment before their issuance for effect, in accordance with its own regulations on rulemaking found at 24 CFR part 10. However, part 10 provides that prior public procedure will be omitted if HUD determines that it is ''impracticable, unnecessary, or contrary to the public interest'' (24 CFR 10.1). HUD finds that in this case prior public comment is contrary to the interest of the public. This interim rule removes a strict regulatory and administrative requirement in order to increase program flexibility and expand homeownership opportunities. Although HUD believes the public will benefit from immediate implementation of this interim rule, HUD welcomes public comment. All comments will be considered in the development of the final rule.

The Department has adopted a policy of setting an expiration date for an interim rule unless a final rule is published before that date. This ''sunset'' provision appears in § 207.32a(h)(2)(v), and provides that the interim rule will expire on a date 18 months from its effective date.

III. Other Matters

A. Environmental Impact

In accordance with 40 CFR 1508.4 of the regulations of the Council on Environmental Quality and 24 CFR 50.20(k) of the HUD regulations, the policies and procedures contained in this interim rule relate only to HUD administrative procedures and, therefore, are categorically excluded from the requirements of the National Environmental Policy Act.

B. Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this interim rule will not have substantial direct effects on states or their political subdivisions, or the relationship between the federal government and the states, or on the distribution of power and responsibilities among the various levels of government. Specifically, this interim rule is directed towards applicants and participants in HUD's multifamily mortgage insurance program. It effects no changes in the current relationships between the federal government, the states and their political subdivisions in connection with these programs.

C. Executive Order 12606, the Family

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this interim rule does not have potential for significant impact on family formation, maintenance, and general well-being, and thus, is not subject to review under the order. No significant change in existing HUD policies or programs will result from promulgation of this interim rule, as those policies and programs relate to family concerns.

D. Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)) has reviewed and approved this interim rule, and in so doing certifies that this interim rule will not have a significant economic impact on a substantial number of small entities. This interim rule only governs the procedures under which the Department insures multifamily cooperative projects, and will not have any meaningful economic impact on any entity.

E. Regulatory Agenda

This interim rule was listed as sequence number 1773 in the Department's Semiannual Agenda of Regulations published on November 14, 1994 (59 FR 57632, 57634) in accordance with Executive Order 12866 and the Regulatory Flexibility Act.

List of Subjects in 24 CFR Part 207

Manufactured homes, Mortgage insurance, Reporting and recordkeeping requirements, Solar energy.

Accordingly, 24 CFR part 207 is amended as follows:

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

1. The authority citation for 24 CFR part 207 continues to read as follows:

Authority: 12 U.S.C. 1701z-11(e), 1713, and 1715b; 42 U.S.C. 3535(d).

2. In § 207.32a, paragraph (h)(2) is revised to read as follows:

§ 207.32a Eligibility of mortgages on existing projects.

* * * * *

(h) * * *

(2) With respect to a cooperative project:

(i) At least 51 percent of the total units in the project must be subscribed to on a cooperative basis and occupied by the owners as a principal residence before endorsement of the mortgage for insurance by the Commissioner in order to obtain a 70 percent loan-to-value ratio loan;

(ii) At least 60 percent of the total units in the project must be subscribed to on a cooperative basis and occupied by the owners as a principal residence before endorsement of the mortgage for insurance by the Commissioner in order to obtain an 80 percent loan-to-value ratio loan; and

(iii) At least 70 percent of the total units in the project must be subscribed to on a cooperative basis and occupied by the owners as a principal residence before endorsement of the mortgage for insurance by the Commissioner in order to obtain a 90 percent loan-to-value ratio loan.

(iv) Voting control of the cooperative rests with the owner-occupants.

(v) This paragraph (h)(2) expires on September 23, 1996, unless a **Federal Register** notice extending its effectiveness is published prior to this expiration date.

* * * * *

Dated: December 27, 1994.

Nicolas P. Retsinas,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 95–4366 Filed 2–22–95; 8:45 am]

BILLING CODE 4210–27–P

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 597

[Docket No. R–95–1702; FR–3580–N–06]

RIN 2506–AB65

Notice of Designation of Empowerment Zones and Enterprise Communities

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of designation of Empowerment Zones and Enterprise Communities.

SUMMARY: On January 18, 1994, HUD published an interim rule that implemented that portion of Subchapter C, Part I (Empowerment Zones, Enterprise Communities and Rural Development Investment Areas) of Title XIII of the Omnibus Budget Reconciliation Act of 1993 dealing with the designation of urban Empowerment Zones and Enterprise Communities. On January 18, 1994, HUD also published a notice inviting applications for designation of Empowerment Zones and Enterprise Communities.

This notice announces the jurisdictions that were designated urban Empowerment Zones and Enterprise Communities by HUD. This notice also announces the designation of two Supplemental Empowerment Zones and four Enhanced Enterprise Communities.

FOR FURTHER INFORMATION CONTACT: Michael T. Savage, Deputy Director, Office of Economic Development, Room 7136, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 708–2290; TDD (202) 708–2565. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: On January 18, 1994 (59 FR 2790), HUD published an interim rule that implemented that portion of Subchapter C, Part I (Empowerment Zones, Enterprise Communities and Rural Development Investment Areas) of Title XIII of the Omnibus Budget Reconciliation Act of 1993 which addresses the designation of urban Empowerment Zones and Enterprise Communities. This interim rule was made final by a final rule published on January 12, 1995 (60 FR 3034).

Title XIII also provides for the designation of rural Empowerment Zones and Enterprise Communities. As noted in the January 18, 1994 interim rule, the urban part of the program is administered by HUD as a Federal-State-local partnership. The rural part of the program is administered by the Department of Agriculture, which also published an interim rule on January 18, 1994 (59 FR 2686).

On January 18, 1994 (59 FR 2711), in addition to publication of the interim rule, HUD published a notice inviting applications from States and local governments for nomination of urban areas as Empowerment Zones and Enterprise Communities. The January 18, 1994 notice provided for an application deadline of June 30, 1994. HUD carefully considered all applications, and on December 21, 1994, President Clinton announced the urban areas that were designated by HUD as Empowerment Zones and Enterprise Communities, and the rural areas that were designated by the Department of Agriculture as rural Empowerment Zones and Enterprise Communities.

On that date, President Clinton announced the designation of two Supplemental Empowerment Zones and four Enhanced Enterprise Communities that will receive HUD economic development grants. The Supplemental Empowerment Zone and Enhanced Enterprise Community grants are provided under HUD's economic development initiative (EDI), which enables communities to provide financing for economic development, housing rehabilitation, and essential development projects.

Appendix A to this notice announces the urban areas that were designated urban Empowerment Zones and Enterprise Communities by HUD. Appendix A to this notice also announces the two Supplemental Empowerment Zones and the four Enhanced Enterprise Communities.

Dated: February 10, 1995.

Andrew Cuomo,

Assistant Secretary for Community Planning and Development.

EMPOWERMENT ZONE, SUPPLEMENTAL EMPOWERMENT ZONE, ENHANCED ENTERPRISE COMMUNITY AND ENTERPRISE COMMUNITY DESIGNEES

State	City
Alabama EC	Birmingham.
Arizona EC	Phoenix.
Arkansas EC	Pulaski County.
California SEZ	Los Angeles City & County.
California EEC	Oakland.
California EC	Los Angeles/Huntington Park.
Do	San Diego.
Do	San Francisco/Bayview/Hunters Point.
Colorado EC	Denver City & County.
Connecticut EC	Bridgeport.
Do	New Haven.
Delaware EC	Wilmington, New Castle Co.
District EC	District of Columbia.
Florida EC	Dade County, Miami.
Do	Tampa.
Georgia EZ	Atlanta.
Georgia EC	Albany.
Illinois EZ	Chicago.
Illinois EC	East St. Louis.
Do	Springfield.
Indiana EC	Indianapolis.
Iowa EC	Des Moines.
Kentucky EC	Louisville.
Louisiana EC	New Orleans.
Do	Ouachita Parish.
Maryland EZ	Baltimore.
Massachusetts EEC	Boston.
Massachusetts EC	Lowell.
Do	Springfield.
Michigan EZ	Detroit.
Michigan EC	Flint.
Do	Muskegon.
Minnesota EC	Minneapolis.
Do	St. Paul.
Mississippi EC	Jackson.
Missouri EEC	Kansas City (Mo and Kans).
Missouri EC	St. Louis, St. Louis County, Wellston.
Nebraska EC	Omaha.
Nevada EC	Clarke County/Las Vegas.
New Hampshire EC	Manchester.
New Jersey EC	Newark.
New Mexico EC	Albuquerque.
New York EZ	New York, Bronx County.
New York EC	Albany.
Do	Buffalo.
Do	Newburgh/Kingston.
Do	Rochester.
No. Carolina EC	Charlotte.
Ohio SEZ	Cleveland.
Ohio EC	Akron.
Do	Columbus.
Oklahoma EC	Oklahoma City.
Oregon EC	Portland.