

292, Report of Coupon Issuance and Commodity Distribution for Disaster Relief.

(g) *Replacement.* The distributing agency shall request, in writing to the FCSRO, the replacement of foods used for disaster assistance within 30 days following termination of the assistance. FCS will replace donated foods used from State and/or local inventories for disaster assistance in instances when a request for replacement is submitted within the required 30 days or sufficient justification exists to waive the 30-day requirement.

4. Section 250.44 is revised to read as follows:

**§ 250.44 Food Assistance in Situations of Distress.**

(a) *Organizational eligibility.* In situations of distress in which needs for food assistance cannot be met under other provisions of this Part, organizations (including agencies of State and Federal government) may be eligible to receive donated foods for congregate meal service or household distribution to victims of the situation of distress. Applications submitted for the receipt and distribution of donated foods in accordance with paragraphs (b)(2) and (c)(2) of this section shall be initially submitted in writing if circumstances permit and, if not, confirmed in writing in a timely manner. Both the applications and the written approval for the use of USDA commodities shall be maintained in accordance with the recordkeeping requirements of this Part.

(b) *Congregate meal service.* (1) *Approval authority and duration.* Distributing agencies may review and approve applications for the donation of foods for use in preparing congregate meals for a period not to exceed 30 days for victims of situations of distress in instances in which the need for such assistance meets the conditions of paragraph (a) of the definition of *Situation of Distress* in Section 250.3. Following approval of a request, distributing agencies shall report the information listed in paragraph (b)(2) of this section to the appropriate FCSRO within 24 hours. In instances when the distributing agency extends the distribution period initially approved up to the 30-day limit, it shall notify the FCSRO of such extensions. Distributing agencies shall request approval from FCS, via the appropriate FCSRO, for donations to exceed 30 days. Applications for the donation of foods for congregate meals in instances other than those that meet the criteria in paragraph (a) of the definition of *Situation of Distress* in Section 250.3

shall be forwarded by the distributing agency to the appropriate FCSRO for submission to FCS for approval. FCS will determine the duration of such donations, taking into consideration the magnitude of the situation. Determinations as to the length of donations may be revised as developing circumstances dictate.

(2) *Applications.* (i) Organizations shall submit applications for the receipt and distribution of donated foods for use in providing congregate meal service to the distributing agency. Applications shall, to the extent possible, include the following information:

(A) Description of the situation of distress;

(B) Number of people requiring meals and congregate meal service period; and

(C) Quantity and types of food needed.

(ii) In addition, information on the number and location of sites providing meals shall be submitted as sites are established.

(c) *Household distribution.* (1)

*Approval authority and duration.*

Applications for the donation of foods for distribution to households shall be forwarded by the distributing agency to the appropriate FCSRO for submission to FCS for approval. FCS will determine the duration of the donations, taking into consideration the magnitude of the situation. Such determinations may be revised as developing circumstances dictate.

(2) *Applications.* Organizations shall submit applications for the receipt and distribution of donated foods to households to the distributing agency. The distributing agency shall review and submit applications to the appropriate FCSRO. Applications shall, to the extent possible, include the following information:

(i) Description of the situation of distress;

(ii) Explanation as to why the distribution of commodities to households is warranted;

(iii) Identification of the specific area(s) included in the request;

(iv) Anticipated distribution period;

(v) Number of households expected to participate;

(vi) Quantity and types of food needed for distribution;

(vii) Statement of assurance that simultaneous food stamp and commodity assistance will not be provided to individual households; and

(viii) Description of the system that will be implemented to prevent dual participation.

In addition, information on the number and location of sites shall be provided as sites are established.

(3) *Collection of household information.* In a format prescribed by the distributing agency, any entity (i.e. Federal, State, or local) distributing donated foods to households in an area where the Food Stamp Program is in operation shall, at a minimum, collect the information listed below. Such information shall be forwarded to the distributing agency and maintained by the distributing agency in accordance with the recordkeeping requirements contained in this Part, *except* that such information may, at the discretion of the distributing agency, be maintained by the organization distributing commodities if such organization is an agency of the State government.

(i) Name of household member applying for assistance;

(ii) Address;

(iii) Number of household members; and

(iv) Statement signed by the household certifying that the household:

(A) is in need of food assistance;

(B) understands that misrepresentation of need, and the sale or exchange of the donated food are prohibited and could result in a fine, imprisonment, or both;

(C) is not residing in a shelter which provides food assistance; and

(D) is not receiving food stamp assistance.

(d) *Quantities and value of donated foods.* The distributing agency shall make donated foods available to eligible organizations based on the caseload factor information provided by the organizations.

(e) *Types of donated foods authorized for donation.* Organizations providing food assistance in situations of distress are eligible to receive donated foods under section 416, section 32, section 709, and section 4(a).

(f) *Summary report.* Within 30 days following termination of the assistance, the distributing agency shall provide a summary report to the appropriate FCSRO using Form FNS-292, Report of Coupon Issuance and Commodity Distribution for Disaster Relief.

(g) *Replacement.* The distributing agency shall request, in writing to the FCSRO, the replacement of foods used for a situation of distress within 30 days following termination of the assistance. FCS will replace donated foods used from State and/or local inventories for situations of distress to the extent that foods are available.

Dated: November 28, 1995.

William E. Ludwig,  
Administrator.

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**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

[Airspace Docket No. 95-AEA-12]

**Proposed Establishment of Class E2 Airspace; Lewisburg, WV****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This proposed rule would establish Class E2 airspace designated as a surface area for Greenbrier Valley Airport, Lewisburg, West Virginia. The airport has a VOR or GPS-A (circling) Standard Instrument Approach Procedure (SIAP), an NDB or GPS RWY 4 SIAP and an ILS RWY 4 SIAP. Class E2 airspace would be established to accommodate these SIAPs and for instrument flight rules (IFR) operations at this airport.

**DATES:** Comments must be received on or before January 29, 1996.

**ADDRESSES:** Send comments on the rule in triplicate to: Manager, System Management Branch, AEA-530, Docket No. 95-AEA-12, F.A.A. Eastern Region, Federal Building # 111, John F. Kennedy International Airport, Jamaica, NY 11430.

The official docket may be examined in the Office of the Assistant Chief Counsel, AEA-7, F.A.A. Eastern Region, Federal Building # 111, John F. Kennedy International Airport, Jamaica, NY 11430. An informal docket may also be examined during normal business hours in the System Management Branch, AEA-530, F.A.A. Eastern Region, Federal Building # 111, John F. Kennedy International Airport, Jamaica, NY 11430.

**FOR FURTHER INFORMATION CONTACT:** Mr Francis T. Jordan, Jr., Airspace Specialist, System Management Branch, AEA-530, F.A.A. Eastern Region, Federal Building # 111, John F. Kennedy International Airport, Jamaica, NY 11430; telephone: (718) 553-4521.

**SUPPLEMENTARY INFORMATION:**

## Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specially invited on the overall regulatory, aeronautical, environmental,

and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 95-AEA-12". The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the rule. The rule contained in this notice may be changed in the light of comments received. All comments received will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

## Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Assistant Chief Counsel, AEA-7, F.A.A. Eastern Region, Federal Building # 111, John F. Kennedy International Airport, Jamaica, NY 11430. Identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

## The Proposal

The FAA is considering amending part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing Class E2 airspace, designated as a surface area for an airport, at Lewisburg, WV, to accommodate current SIAPs and for IFR operations at the Greenbrier Valley Airport.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Class E2 airspace areas designated as a surface area for an airport are published in Paragraph 6002 of FAA Order 7400.9C, dated August 17, 1995 and effective September 16, 1995. The Class E airspace designation listed in this document would be published subsequently in the Order. It therefore—

(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 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 proposed rule would 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—[AMENDED]**

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; 14 CFR 11.69.

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995 and effective September 16, 1995, is amended as follows:

*Paragraph 6002 Class E airspace areas designated as a surface area for an airport.*

\* \* \* \* \*

AEA WV E2 Lewisburg, WV [New]

Greenbrier Valley Airport, WV  
(lat. 37°51'30" N, long. 80°23'58" W)  
Bushy NDB (LOM)  
(lat. 37°46'56" N., long. 80°28'06" W)

Within a 4-mile radius of Greenbrier Valley Airport. This Class E area is effective during the specific dates and times established in advance by a Notice To Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

\* \* \* \* \*

Issued in Jamaica, New York, on November 30, 1995.

John S. Walker,

Manager, Air Traffic Division.

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