

1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The airways listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) realigns four Federal airways located in the Helena, AR, area. Currently, three airways intersect at a noncompulsory reporting point named "Walet," which is located within the 30 nautical mile (NM) radius of the Memphis Class B airspace area. A fourth airway, V-16, passes 10 NM south of "Walet" intersection. As such, all aircraft transiting this area between 5,000 and 10,000 feet mean sea level (MSL) must fly through the Memphis Class B airspace area. By realigning these airways to directly overfly the Marvell VOR/DME (approximately 17 NM southwest of "Walet"), the intersection of the airways will no longer conflict with the Class B airspace area at Memphis. Additionally, Memphis International Airport plans to use Marvell VOR/DME as a feeder fix into the airport. Having these four airways intersect at Marvell will enhance aircraft routing and handling. As a result, this action will aid flight planning, reduce en route and terminal delays, and enhance the management of air traffic operations in the Memphis Class B airspace 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. 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 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, 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).

Adoption of the 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.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

Paragraph 6010(a)—Domestic VOR Federal Airways

* * * * *

V-9 [Revised]

From Leeville, LA; McComb, MS; Jackson, MS; Sidon, MS; Marvell, AR; Gilmore, AR; Malden, MO; Farmington, MO; St. Louis, MO; Capital, IL; Pontiac, IL; INT Pontiac 343° and Rockford, IL, 169° radials; Rockford; Janesville, WI; Madison, WI; Oshkosh, WI; Green Bay, WI; Iron Mountain, MI; to Houghton, MI.

V-16 [Revised]

From Los Angeles, CA; Paradise, CA; Palm Springs, CA; Blythe, CA; Buckeye, AZ; Phoenix, AZ; INT Phoenix 155° and Stanfield, AZ, 105° radials; Tucson, AZ; Cochise, AZ; Columbus, NM; El Paso, TX; Salt Flat, TX; Wink, TX; Wink 066° and Big Spring, TX, 260° radials; Big Spring; Abilene, TX; Millsap, TX; Glen Rose, TX; Cedar Creek, TX; Quitman, TX; Texarkana, AR; Pine Bluff, AR; Marvell, AR; Holly Springs, MS; Jacks Creek, TN; Shelbyville, TN; Hinch Mountain, TN; Volunteer, TN; Holston Mountain, TN; Pulaski, VA; Roanoke, VA; Lynchburg, VA; Flat Rock, VA; Richmond, VA; INT Richmond 039° and Patuxent, MD, 228° radials; Patuxent; Smyrna, DE; Cedar Lake, NJ; Coyle, NJ; INT Coyle 036° and Kennedy, NY, 209° radials; Kennedy; Deer Park, NY; Calverton, NY; Norwich, CT; Boston, MA. The airspace within Mexico and the airspace below 2,000 feet MSL outside the United States is excluded. The airspace within Restricted Areas R-5002A, R-5002C, and R-5002D is excluded during their times of use. The airspace within Restricted Areas R-4005 and R-4006 is excluded.

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V-54 [Revised]

From Waco, TX; Cedar Creek, TX; Quitman, TX; Texarkana, AR; INT Texarkana 052° and Little Rock, AR, 235° radials; Little Rock; Marvell, AR; Holly Springs, MS; Muscle Shoals, AL; Rocket, AL; Choo Choo, GA; Harris, GA; Spartanburg, SC; Charlotte, NC; Sandhills, NC; INT Sandhills 146° and Fayetteville, NC, 267° radials; Fayetteville; to Kinston, NC.

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V-397 [Revised]

From Monroe, LA, via INT Monroe 056° and Greenville, MS, 207° radials; Greenville; to Marvell, AR.

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Issued in Washington, DC, on August 11, 1997.

Reginald C. Matthews,

Acting Program Director for Air Traffic Airspace Management.

[FR Doc. 97-21861 Filed 8-18-97; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 46

Adult Education Program

RIN 1076-AA15

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Indian Affairs (BIA) is publishing regulations to establish procedures for the operation of BIA's Adult Education Program.

The final rule establishes administrative procedures which will provide reporting uniformity and compliance with legislative management policies.

EFFECTIVE DATE: September 18, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. Garry R. Martin, Bureau of Indian Affairs, Office of Indian Education Programs, Branch of Post-Secondary Education, 1849 C Street, NW, MS-3512-MIB, Washington, D.C. 20240, Phone (202) 208-3478.

SUPPLEMENTARY INFORMATION: On December 30, 1987, the BIA published proposed Adult Education Program rules in the **Federal Register**. In view of the considerable passage of time since that publication, the rule was repropoed and reprinted in the **Federal Register** on August 25, 1994.

In accordance with the 1987 publication, the BIA in January, 1991 conducted consultation meetings with tribes, parents, school boards, and other interested parties concerning the Adult Education Program regulations. Oral testimony and written statements were received in the Office of Indian Education Programs until February 26, 1991. All comments, objections, and suggested changes received in response to the 1987 **Federal Register** publication and the 1991 consultation meetings were considered in repropoing the rule. All BIA Area Offices, tribal leaders, and tribal offices were notified regarding the August 25, 1994, publication of the

proposed rule in the **Federal Register** and dates of the open comment period. Announcement of the publication of the proposed rule and closing date for the comment period was also made at a national State/Tribal Adult Education Symposium which was held in St. Paul, Minnesota, on October 12–14, 1994. Two public memoranda were received within the time frame of the open comment period. One memorandum which followed the format of a press release addressed primary information informing a general tribal constituency of the publication of the proposed rule in the **Federal Register** on August 25, 1994; provided the amount of the FY 1994 BIA appropriation for adult education; and provided the deadline date for receipt of public comments (November 23, 1994). A second memorandum addressed an eligible activity, in § 46.10(b) of this Part which reads: "Funds should not be used to support programs designed solely to prepare Indian adults to enter a specific occupation or cluster of closely related occupations." Concern focused on the purpose of this activity not being clear. This Part is directed toward defining adult education as adult basic education and literacy education without focusing on educational areas which require a long-term emphasis. Adult education should not be regarded as continuing education to achieve more specialization to remain current in an educational subject/field or any other kind of specialized education that is normally received through formal post-secondary education. In addition, numerous phone calls were received regarding BIA's funding levels for adult education. Many callers wanted to know if the BIA was announcing new funding resources or if additional monies had been appropriated for the BIA's Adult Education Program. BIA told these callers that the proposed rule did not reflect new or additional funds.

The eligibility definition of Indian students participating in BIA elementary/secondary programs is contained within 25 U.S.C. Section 2008(f)(1). In this section "eligible Indian student" means a student who is a member of or is at least a ¼ degree Indian blood descendant of a member of an Indian tribe which is eligible for the special programs and services provided by the United States through the Bureau of Indian Affairs to Indians because of their status as Indians. In this rule, the BIA has decided to use that same definition for purposes of defining eligibility for adult education. The controlling factors in determining to use this definition were continuity and

consistency for all of the Bureau educational services.

The definition of "Adult" has been expanded to negate any duplication of services to participants who may meet the definition of "adult" but may fall within an age category that could receive services as a secondary school student and be eligible also to receive services through an adult education program.

The definition of *Adult Education Office* has been expanded to identify Tribal Priority Allocation (TPA). TPA is the system by which the tribes prioritize their Adult Education Program funding, from the BIA.

Information collection requirements contained in this Part have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1076–0120.

This rule is a significant rule under Executive Order 12866 and has been reviewed by the Office of Management and Budget.

The Department of the Interior has determined that this final rule does not constitute a major federal action significantly affecting the quality of the human environment and no detailed statement was required pursuant to the National Environmental Policy Act of 1969. This rule has been reviewed under Executive Order 12866.

This rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). These regulations will affect only the delivery of adult education services to eligible individual Indian adults. They will not have an impact on small entities as defined in the Act.

The Department has certified to the Office of Management and Budget that these proposed regulations meet the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988.

In accordance with Executive Order 12630, the Department has determined that this rule does not have significant takings implications.

The Department has determined that this rule does not have significant federalism effects.

The primary author of this document is Garry R. Martin, Branch of Post-Secondary Education, Office of Indian Education Programs, Bureau of Indian Affairs, Washington, D.C.

List of Subjects in 25 CFR Part 46

Adult education, Education, Indians—education.

For the reasons set out in the preamble, a new part 46 is added to

subchapter E of chapter I, title 25 of the Code of Federal Regulations as set forth below.

PART 46—ADULT EDUCATION PROGRAM

Subpart A—General Provisions

Sec.

- 46.1 Purpose and scope.
- 46.2 Definitions.
- 46.3 Information collection.
- 46.10 Eligible activities.
- 46.20 Program requirements.
- 46.30 Records and reporting requirements.

Subpart B—[Reserved]

Authority: 43 U.S.C. 1457; 25 U.S.C. 2, 9, 13.

Subpart A—General Provisions

§ 46.1 Purpose and scope.

The purpose of the Adult Education Program is to:

(a) Improve educational opportunities for Indian adults who lack the level of literacy skills necessary for effective citizenship and productive employment;

(b) Expand and improve existing programs for delivering adult education services, including delivery of these services to educationally disadvantaged Indian adults; and

(c) Encourage the establishment of adult education programs that will:

(1) Enable Indian adults to acquire adult basic educational skills necessary for literate functioning;

(2) Provide Indian adults with sufficient basic education to enable them to benefit from job training and retraining programs and to obtain and retain productive employment so that they might more fully enjoy the benefits and responsibilities of citizenship; and

(3) Enable Indian adults, who so desire, to continue their education to at least the level of completion of adult secondary education.

§ 46.2 Definitions.

As used in this part:

Adult means an individual who has attained the age of sixteen or is beyond the age of compulsory school attendance under State or tribal law and not currently enrolled in a formal secondary or post-secondary educational program.

Adult Basic Education (ABE) means instruction designed for an adult who:

(1) Has minimal competence in reading, writing, and computation;

(2) Cannot speak, read, or write the English language sufficiently to allow employment commensurate with the adult's real ability;

(3) Is not sufficiently competent to meet the educational requirements of an adult consumer; or

(4) In grade level measurements that would be designated as grades 0 through 8.

Adult Education means services or instruction below the college level for adults who:

- (1) Lack sufficient mastery of basic educational skills to enable them to function effectively in society, or
- (2) Do not have a certificate of graduation from a school providing secondary education and have not achieved a GED.

Adult Education Office means the BIA or tribal office administering funds appropriated to the BIA, under the TPA, for Adult Education programs.

Adult Secondary Education means instruction designed for an adult who:

- (1) Is literate and can function in everyday life, but is not proficient as a competitive consumer or employee; or
- (2) Does not have a certificate of graduation (or its equivalent) from a school providing secondary education and in grade level measurements that would be designated as grades 9 through 12.

Assistant Secretary means the Assistant Secretary—Indian Affairs, Department of the Interior, or his/her designee.

Bureau means the Bureau of Indian Affairs.

Department of Education (ED) means the U.S. Department of Education.

Director means the Director, Office of Indian Education Programs, Bureau of Indian Affairs.

Indian means a person who is a member of, or is at least a one-fourth degree Indian blood descendent of a member of, an Indian tribe, and is eligible for the special programs and services provided by the United States through the Bureau of Indian Affairs to Indians because of their status as Indians;

Indian tribe means any Indian tribe, band, nation, rancheria, pueblo, colony or community, including any Alaska native village or regional or village corporation as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (85 Stat. 668) that is Federally recognized by the United States Government through the Secretary of the Interior for the special programs and services provided by the Secretary to Indians because of their status as Indians.

Tribal Priority Allocation (TPA) means the BIA's budget formulation process that allows direct tribal government involvement in the setting of relative priorities for local operating programs.

Secretary means the Secretary of the Department of the Interior.

Service area means the geographic area served by the local Adult Education Program.

§ 46.3 Information collection.

Information collection requirements contained in this part have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1076-0120. This information is being collected to determine eligibility of Indian applicants and will be used to prioritize programs. Response to this request is viewed as voluntary. Public reporting burden for this form is estimated to average 3 hours per response, including the time for reviewing instructions, gathering, maintaining data, completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form may be directed to the BIA Information Collection Clearance Officer, Division of Management Support, 1849 C Street NW., Washington, DC 20245; and the Office of Management and Budget, Paperwork Reduction Project (OMB #1076-0120), Washington, DC 20503.

§ 46.10 Eligible activities.

(a) Subject to availability of funds, funds appropriated for the BIA's Adult Education Program may be used to support local projects or programs designed to:

- (1) Enable Indian adults to acquire basic educational skills, including literacy;
 - (2) Enable Indian adults to continue their education through the secondary school level;
 - (3) Establish career education projects intended to improve employment opportunities;
 - (4) Provide educational services or instruction for elderly, disabled, or incarcerated Indian adults;
 - (5) Prepare individuals to benefit from occupational training; and
 - (6) Teach employment-related skills.
- (b) Funds should not be used to support programs designed solely to prepare Indian adults to enter a specific occupation or cluster of closely related occupations.

(c) The Adult Education Program must be implemented in accordance with a plan established by the tribe(s) affected by the program. The tribe(s) may determine to set standards in addition to those established in this part.

§ 46.20 Program requirements.

(a) The Adult Education Office will implement the program or project that is designed to address the needs of the

Indian adults in the service area. To determine the needs of Indian adults in the area, the Adult Education Office must consider:

- (1) Elementary/secondary school dropout or absentee rates;
- (2) Average grade level completed;
- (3) Unemployment rates; and
- (4) Other appropriate measures.

(b) The Adult Education Office, to ensure efforts that no duplication of services exists, will identify other services in the area, including those offered by Federal, State and Tribal entities, that are designed to meet the same needs as those to be addressed by the project, and the number of Indian adults who receive those services.

(c) The Adult Education Office must establish and maintain an evaluation plan.

(1) The plan must be designed to measure the project's effectiveness in meeting each objective and the impact of the project on the adults involved; and

(2) The plan must provide procedures for periodic assessment of the progress of the project and, if necessary, modification of the project as a result of that assessment.

(d) Subject to the availability of funds, the project is to be supported under the funding level established for Adult Education in the formulation of the budget under the TPA process.

§ 46.30 Records and reporting requirements.

(a) The Adult Education Office will annually submit a report on the previous project year's activities to the Director, Office of Indian Education Programs. The report must include the following information:

- (1) The type of eligible activity, under § 46.10, conducted under the project(s);
- (2) The number of participants acquiring the GED, high school diploma, and other certificates of performance; and
- (3) A narrative summary of the activities conducted under the project.

(b) Each Adult Education Office must:

- (1) Submit any records and information that the Director requires in connection with the administration of the program; and
- (2) Comply with any requirements that the Director may impose to ensure the accuracy of the reports required by this part.

Subpart B—[Reserved]

Dated: August 7, 1997.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

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