

consider the Petition. Parties are not required to exchange exhibits submitted as rebuttal information before the meeting commences if submission of the exhibits is not reasonably certain at that time.

(5) *Authenticity.* The authenticity of all documents submitted or exchanged as proposed exhibits prior to the meeting shall be admitted unless written objection is filed before the commencement of the meeting, or unless good cause is shown for failing to file such a written objection.

(k) *Sanction for obstruction of the proceedings.* The Board of Directors may impose sanctions it deems appropriate for violation of any applicable provision of this subpart or any applicable law, rule, regulation, or order, or any dilatory, frivolous, or obstructionist conduct by any witness or counsel during the course of a meeting.

#### **§ 903.15 General provisions.**

(a) *Waiver of requirements.* The Managing Director may waive any filing requirement or deadline in this subpart for good cause shown. The Managing Director shall provide prompt notice of any such waiver to the Board of Directors.

(b) *Actions of the Managing Director subject to the authority of the Board of Directors.* The Board of Directors may overrule any action by the Managing Director under this subpart.

(c) *Withdrawal.* At any time prior to the issuance by the Managing Director of a Notice of Board Consideration pursuant to § 903.12(g), an authorized representative of a Petitioner may withdraw the Petition, or an authorized representative of an Intervener may withdraw the Request to Intervene, by filing a written request to withdraw with the Secretary to the Board. Only the Board of Directors may grant a request to withdraw after issuance by the Managing Director of a Notice of Board Consideration pursuant to § 903.12(g). Unless otherwise agreed, withdrawal of a Petition or Request to Intervene shall not foreclose a Petitioner from resubmitting a Petition, or an Intervener from submitting a Request to Intervene, on the same or similar issues.

(d) *Settlement agreement.* (1) At any time during the course of proceedings pursuant to this subpart, the Finance Board shall give Petitioners and Interveners the opportunity to submit offers of settlement when the nature of the proceedings and the public interest permit. With the approval of the Managing Director, an authorized representative of a Petitioner or Intervener may enter into a proposed settlement agreement with the Finance

Board disposing of some or all of the issues presented in a Petition or Request to Intervene.

(2) No proposed settlement agreement shall be final until approved by the Board of Directors. The Board of Directors shall consider any proposed settlement agreement within 30 calendar days of receiving a notice of the proposed settlement agreement. If the Board of Directors disapproves or fails to approve a proposed settlement agreement within 30 days, the proposed settlement agreement shall be null and void and the previously filed Petition or Request to Intervene shall be considered in accordance with this subpart.

(3) A settlement agreement approved by the Board of Directors shall be deemed final and binding on all parties to the agreement. At the time a proposed settlement agreement becomes final, a Petition or Request to Intervene previously filed by a party to the agreement shall be deemed withdrawn as to all issues resolved in the agreement, and the parties to the agreement shall be estopped from raising objection to those issues or to the terms of the settlement agreement.

(e) *No rights created; Finance Board not prohibited.* Nothing in this subpart shall be deemed to create any substantive or discovery right in any party. Nothing in this subpart shall limit in any manner the right of the Finance Board to conduct any examination or inspection of any Bank or the Office of Finance, or to take any action with respect to a Bank or the Office of Finance, or its directors, officers, employees or agents, otherwise authorized by law.

(f) *Exhaustion requirement.* When seeking a Case-by-Case Determination of any matter or review by the Board of Directors of any Supervisory Determination, a Bank or the Office of Finance shall follow the procedures in this subpart as a prerequisite to seeking judicial review. Failure to do so shall be deemed to be a failure to exhaust all available administrative remedies.

(g) *Improper conduct prohibited.* No party shall, by act or omission, unduly burden or frustrate the efforts of the Board of Directors to carry out its duties under the laws and regulations of the Finance Board. A Petitioner or Intervener shall confine its communications with the Board of Directors, or any individual member thereof, concerning issues raised in a pending Petition, to written communications for inclusion in the record of the proceeding, filed with the Secretary to the Board.

(h) *Costs.* Petitioners are encouraged to contain costs associated with the

preparation and filing of Petitions and related personal appearances, if any, at any meeting held by the Board of Directors under this subpart. The Petitioner shall be solely responsible for all costs associated with any such Petitions and appearances.

(i) *Procedures are exclusive.* All Case-by-Case Determinations by the Board of Directors and all Reviews of Disputed Supervisory Determinations shall be considered exclusively pursuant to the procedures described in this subpart.

Dated: May 28, 1999.

By the Board of Directors of the Federal Housing Finance Board.

**Bruce A. Morrison,**  
Chairman.

[FR Doc. 99-14240 Filed 6-8-99; 8:45 am]

BILLING CODE 6725-01-P

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 71**

[Airspace Docket No. 97-ASO-21]

RIN 2120-AA66

#### **Establishment of the San Juan High Offshore Airspace Area, PR**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action establishes the San Juan High Offshore Airspace Area. This action designates Class A airspace, extending upward from 18,000 feet mean sea level (MSL) to and including flight level (FL) 600, within a 100-mile radius of the Fernando Luis Ribas Dominicci Airport, San Juan, PR. This action provides additional airspace within which domestic air traffic control (ATC) procedures will be used. Establishment of this Class A airspace will enhance the management of air traffic operations and result in more efficient use of that airspace.

**EFFECTIVE DATE:** 0901 UTC, September 9, 1999.

**FOR FURTHER INFORMATION CONTACT:** Terry Brown, Airspace and Rules Division, ATA-400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On March 2, 1993, the FAA published a final rule (58 FR 12128) which, in part, designated the San Juan Low

Offshore Airspace Area. This designation was necessary to comply with the Airspace Reclassification final rule (56 FR 65638; December 17, 1991). The San Juan Low Offshore Airspace Area consists of Class E airspace from 5,500 feet MSL up to, but not including, FL 180 within a 100-mile radius of the Fernando Luis Ribas Dominicci Airport, San Juan, PR. The rule, however, did not affect the status of airspace at and above FL 180 within the San Juan domestic control area, which remains international airspace and wherein International Civil Aviation Organization (ICAO) oceanic ATC separation procedures in Annex 11 apply.

As a result of the rapid growth of air traffic activity in the Bahamas and Caribbean areas, there is a need to designate additional airspace wherein domestic ATC procedures will be used to provide more efficient control of aircraft operations. On January 25, 1999, the FAA proposed to establish the San Juan High Offshore Airspace Area (64 FR 3666). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. In response to the notice, the FAA received one comment from the Air Line Pilots Association supporting this action. This action designates a high-altitude strata that will increase system capacity, enhance safety, and enable more efficient use of the airspace.

Additionally, the number of operational ground-based navigation aids (NAVAIDS) in the region has declined due to the loss of facilities caused by unprecedented storm damage, and the difficulty of replacing aging equipment at remote sites. Establishing the San Juan High Offshore Airspace Area will support the development of additional routes, not dependent on ground-based NAVAIDS, to supplement the current airway system. Except for editorial changes, this rule is the same as that proposed in the notice.

Offshore airspace area designations are published in paragraph 2003 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Offshore airspace area listed in this document will be published subsequently in the Order.

#### The Rule

This action amends 14 CFR part 71 by establishing the San Juan High Offshore Airspace Area. This area will consist of Class A airspace, extending upward from 18,000 MSL up to and including FL 600, within a 100-mile radius of the Fernando Luis Ribas Dominicci Airport,

San Juan, PR. This action will facilitate the application of domestic ATC procedures within that airspace, thereby enhancing the flow of air traffic and increasing system capacity. In addition, this action will enhance safety by providing for the positive control of all aircraft operating in the area. This action will also support the development of a more efficient route system in the Bahamas-Caribbean area and will enable airspace classification and ATC separation procedures to be consistently applied between Florida and Puerto Rico. Finally, this modification will establish the same classification and operating rules that currently apply in adjacent airspace.

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. This regulation 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.

#### ICAO Considerations

As part of this rule relates to navigable airspace outside the United States, this notice was submitted in accordance with the ICAO International Standards and Recommended Practices.

The application of International Standards and Recommended Practices by the FAA, Office of Air Traffic Airspace Management, in areas outside U.S. domestic airspace is governed by the Convention on International Civil Aviation. Specifically, the FAA is governed by Article 12 and Annex 11, which pertain to the establishment of necessary air navigational facilities and services to promote the safe, orderly, and expeditious flow of civil air traffic. The purpose of the document is to ensure that civil aircraft operations on international air routes are performed under uniform conditions.

The International Standards and Recommended Practices (SARP) in Annex 11 apply to airspace under the jurisdiction of a contracting state, derived from ICAO. Annex 11 provisions apply when air traffic services are provided and a contracting

state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting this responsibility may apply the International SARP that are consistent with standards and practices utilized in its domestic jurisdiction.

In accordance with Article 3 of the Convention, state-owned aircraft are exempt from the Standards and Recommended Practices of Annex 11. The United States is a contracting state to the Convention. Article 3(d) of the Convention provides that participating state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Because this amendment involves, in part, the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

#### 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 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

*Paragraph 2003-Offshore Airspace Areas*

\* \* \* \*

#### San Juan High, PR [New]

Fernando Luis Ribas Dominicci Airport, PR (Lat. 18°27'25" N., long. 66°05'53" W.)

That airspace extending upward from 18,000 feet MSL to and including FL 600 within a 100-mile radius of the Fernando Luis Ribas Dominicci Airport.

\* \* \* \*

Issued in Washington, DC, on June 2, 1999.  
**Reginald C. Matthews,**  
*Acting Program Director for Air Traffic  
 Airspace Management.*  
 [FR Doc. 99-14601 Filed 6-8-99; 8:45 am]  
 BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 95

[Docket No. 29584; Amdt. No. 416]

#### IFR Altitudes; Miscellaneous Amendments

**AGENCY:** Federal Aviation  
 Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

**EFFECTIVE DATE:** 0901 UTC, July 15, 1999.

**FOR FURTHER INFORMATION CONTACT:**  
 Donald P. Pate, Flight Procedure  
 Standards Branch (AMCAFS-420),  
 Flight Technologies and Programs  
 Division, Flight Standards Service,  
 Federal Aviation Administration, Mike  
 Monroney Aeronautical Center, 6500  
 South MacArthur Blvd., Oklahoma City,

OK 73169 (Mail Address: P.O. Box  
 25082 Oklahoma city, OK 73125);  
 telephone: (405) 954-4164.

**SUPPLEMENTARY INFORMATION:** This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95.

#### The Rule

The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System, are related to published aeronautical charts that are essential to the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are impracticable and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

#### Conclusion

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. For the same reason, the FAA certifies that this amendment 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 95

Airspace, Navigation (air).

Issued in Washington, DC, on June 4, 1999.

**L. Nicholas Lacey,**  
*Director, Flight Standards Service.*

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 UTC.

1. The authority citation for part 95 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44719, 44721.

#### PART 95—[AMENDED]

2. Part 95 is amended to read as follows:

#### REVISIONS TO IFR ALTITUDES & CHANGEOVER POINTS

[Amendment 416, effective July 15, 1999]

From	To	MEA
<b>COLOR ROUTES</b>		
<b>§ 95.4 Green Federal Airway 8 Is Amended To Read in Part</b>		
Saldo, AK NDB .....	Nosky, AK FIX .....	*6000
*4500—MOCA		
Nosky, AK FIX .....	Kachemak, AK NDB .....	6100
<b>§ 95.2 Red Federal Airway 99 Is Amended To Read in Part</b>		
Iliamna, AK NDB/DME .....	Nosky, AK FIX .....	*6000
*5400—MOCA		
Nosky, AK FIX .....	Kachemak, AK NDB .....	6100
<b>§ 95.6001 VICTOR ROUTES—U.S.</b>		
<b>§ 95.6013 VOR Federal Airway 13 Is Amended To Read in Part</b>		
Humble, TX VORTAC .....	Cleep, TX FIX .....	3000
Cleep, TX FIX .....	*Legge, TX FIX .....	2300
*3000—MRA		
Legge, TX FIX .....	Lufkin, TX VORTAC .....	2100
Lufkin, TX VORTAC .....	Carth, TX FIX .....	*3800