

(2) The District Organization may at its option contract for services to accomplish the activities listed above.

■ 3. Amend § 304.3 by redesignating paragraph (c) as paragraph (d); and by adding new paragraph (c) to read as follows:

**§ 304.3 District modification and termination.**

\* \* \* \* \*

(c) Prior to terminating a District Organization under paragraph (b)(2) of this section, EDA will consult with the District Organization and consider all facts and circumstances regarding the District Organization's operations. EDA will not terminate a District's designation based on circumstances beyond the control of the District Organization (e.g., natural disaster, plant closure, overall economic downturn, sudden and severe economic dislocation, or other situation).

\* \* \* \* \*

**PART 308—PERFORMANCE MEASURES**

■ 1. The authority citation for part 308 continues to read as follows:

**Authority:** 42 U.S.C. 3151; 42 U.S.C. 3154a; 42 U.S.C. 3154b; Department of Commerce Delegation Order 10-4.

■ 2. Amend § 308.2 by revising it to read as follows:

**§ 308.2 Performance awards.**

(a) A Recipient of Investment Assistance under parts 305 or 307 of this chapter may receive a performance award in connection with an Investment made on or after the date of enactment of Section 215 of PWEDA in an amount not to exceed ten (10) percent of the amount of the Investment award.

(b) To receive a performance award, a Recipient must demonstrate Project performance in one (1) or more of the areas listed in this paragraph, weighted at the discretion of the Assistant Secretary:

(1) Meet or exceed the Recipient's projection of jobs created;

(2) Meet or exceed the Recipient's projection of private sector capital invested;

(3) Meet or exceed target dates for Project start and completion stated at the time of Investment approval;

(4) Fulfill the proposal evaluation criteria set forth in § 301.8 of this chapter; or

(5) Demonstrate other unique Project performance characteristics as determined by the Assistant Secretary.

(c) A Recipient may receive a performance award no later than three

(3) years following the Project's closeout.

(d) A performance award may fund up to one hundred (100) percent of the cost of an eligible Project or any other authorized activity under PWEDA. For the purpose of meeting the non-federal share requirement of PWEDA or any other statute, the amount of a performance award shall be treated as non-federal funds.

(e) The applicable FFO will set forth the requirements, qualifications, guidelines and procedures for performance awards to be made during the applicable fiscal year, with all performance awards being subject to the availability of funds.

Dated: December 7, 2005.

**Benjamin Erulkar,**

*Chief Counsel, Economic Development Administration.*

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**BILLING CODE 3510-24-P**

**DEPARTMENT OF COMMERCE**

**Economic Development Administration**

**13 CFR Parts 301 and 304**

**[Docket No.: 050729210-5331-05]**

**RIN 0610-AA63**

**Economic Development Administration Reauthorization Act of 2004 Implementation; Regulatory Revision**

**AGENCY:** Economic Development Administration, Department of Commerce.

**ACTION:** Final rule; change of effective date.

**SUMMARY:** On November 14, 2005, the Economic Development Administration ("EDA") published a final rule in the **Federal Register** delaying the effective date, from November 14, 2005 until January 31, 2006, of certain provisions of EDA's interim final rule originally published in the **Federal Register** on August 11, 2005. EDA is publishing this final rule to revoke the November 14, 2005 final rule.

The conference report accompanying the FY 2006 Science, State, Justice, Commerce and Related Agencies Appropriations Act expresses Congressional intent as to specific changes to EDA's August 11, 2005 interim final rule. The changes specified in the conference report include changes to those provisions of the August 11, 2005 interim final for which the effective date was delayed by the final rule published on November 14, 2005. Concurrent with the publication

of this final rule, EDA is publishing in the **Federal Register** an interim final rule to effect those changes to the August 11, 2005 interim final rule specified in the conference report. Capitalized terms used but not otherwise defined in this final rule have the meanings ascribed to them in the August 11, 2005 interim final rule.

**DATES:** The delayed effective date of January 31, 2006 for the following provisions of the August 11, 2005 interim final rule is changed to December 15, 2005: (i) Section 304.2(c)(2), pertaining to membership of a District Organization's governing body; and (ii) Section 301.4, as the provisions of this section relate to Investment Rates for EDA Planning Investments.

**FOR FURTHER INFORMATION CONTACT:**

Hina Shaikh, Esq., Attorney Advisor, Office of Chief Counsel, Economic Development Administration, Department of Commerce, Room 7005, 1401 Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-4687.

**SUPPLEMENTARY INFORMATION:** EDA published an interim final rule in the **Federal Register** (70 FR 47002) on August 11, 2005. The interim final rule reflects the amendments made to EDA's authorizing statute, the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 *et seq.*) ("PWEDA"), by the Economic Development Administration Reauthorization Act of 2004 (Pub. L. 108-373). In addition to tracking the statutory amendments to PWEDA, the interim final rule reflects EDA's current practices and policies in administering its economic development programs that have evolved since the promulgation of EDA's former regulations. The interim final rule provided for a public comment period from August 11, 2005 through October 11, 2005. Additionally, on September 1, 2005, EDA held a public hearing on the August 11, 2005 interim final rule.

On September 30, 2005, EDA published a final rule in the **Federal Register** (70 FR 57124) delaying the effective date, from October 1, 2005 until November 14, 2005, of (i) Section 304.2(c)(2) of the interim final rule, pertaining to membership of a District Organization's governing body; and (ii) Section 301.4 of the interim final rule, as the provisions of this section pertain to Investment Rates for EDA Planning Investments. The September 30, 2005 final rule also extended the deadline for submitting public comments on the interim final rule from October 11, 2005 until November 14, 2005. All other

provisions of the interim final rule became effective on October 1, 2005. On November 14, 2005, EDA published another final rule in the **Federal Register** (70 FR 69053) delaying the effective date, from November 14, 2005 until January 31, 2006, of those provisions of the interim final rule for which the effective date was previously delayed by the final rule published on September 30, 2005.

The conference report (H.R. Conf. Rep. No. 109-272; passed by the House of Representatives and the Senate on November 9, 2005 and November 16, 2005, respectively) expresses Congressional intent as to specific changes to the August 11, 2005 interim final rule. The changes specified in the conference report include (but are not limited to) changes to those provisions of the August 11, 2005 interim final rule for which the effective date was most recently delayed by the final rule published on November 14, 2005.

EDA is publishing this final rule to revoke the November 14, 2005 final rule. Concurrent with the publication of this final rule, EDA is publishing in the **Federal Register** an interim final rule to effect those changes to the August 11, 2005 interim final rule specified in the conference report. EDA will consider and respond to all comments received during the public comment period on all aspects of this rulemaking, and will make additional revisions to the August 11, 2005 interim final rule in publishing a final rule during 2006.

#### Classification

Prior notice and opportunity for public comment are not required for rules concerning public property, loans, grants, benefits, and contracts (5 U.S.C. 553(a)(2)). Because prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis has not been prepared.

#### Executive Order No. 12866

It has been determined that this final rule is not significant for purposes of Executive Order 12866.

#### Congressional Review Act

This final rule is not "major" under the Congressional Review Act (5 U.S.C. 801 *et seq.*).

#### Executive Order No. 13132

Executive Order 13132 requires agencies to develop an accountable process to ensure "meaningful and

timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in Executive Order 13132 to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." It has been determined that this final rule does not contain policies that have federalism implications.

Dated: December 12, 2005.

**Benjamin Erulkar,**

*Chief Counsel, Economic Development Administration.*

[FR Doc. 05-24110 Filed 12-14-05; 8:45 am]

**BILLING CODE 3510-24-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2005-21381; Airspace Docket No. 05-ASW-2]

RIN 2120-AA66

#### Establishment of Area Navigation Routes; Southwestern and South Central United States

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

**ACTION:** Final rule.

**SUMMARY:** This action establishes three area navigation (RNAV) routes over Southwestern and South Central United States in support of the High Altitude Redesign (HAR) program. The FAA is taking this action to enhance safety and to improve the efficient use of the navigable airspace.

**DATES:** Effective Date: 0901 UTC, February 16, 2006.

**FOR FURTHER INFORMATION CONTACT:** Steve Rohring, Airspace and Rules, Office of System Operations Airspace and AIM, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

**SUPPLEMENTARY INFORMATION:**

#### Background

On June 22, 2005, the FAA published in the **Federal Register** a notice of proposed rulemaking to establish three RNAV routes (Q-20, Q-22, and Q-24) over Southwestern and South Central United States in support of the HAR program (70 FR 36085). The FAA

believes that establishing Q-20, Q-22, and Q-24 will provide greater freedom to properly equipped users and to achieve the economic benefits of flying user-selected, non-restrictive routings.

Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received in response to the proposal. With the exception of editorial changes, this amendment is the same as that proposed in the notice.

High Altitude RNAV routes are published in paragraph 2006 of FAA Order 7400.9N dated September 1, 2005, and effective September 15, 2005, which is incorporated by reference in 14 CFR 71.1. The high altitude RNAV routes listed in this document will be published subsequently in the order.

#### The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing three RNAV routes (Q-20, Q-22, and Q-24) over the Southwestern and South Central United States within the airspace assigned to the Albuquerque and Fort Worth Air Route Traffic Control Centers (ARTCC). The FAA believes that this action will enhance safety and facilitate the more flexible and efficient use of the navigable airspace for en route instrument flight rules operations within the Albuquerque and the Fort Worth ARTCCs' areas of responsibility.

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 regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (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.

#### Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with Paragraph 311(a) of FAA Order 1050.1E, Policies and Procedures for Considering Environmental Impacts. This airspace